

LANKA GUARDIAN

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20th ANNIVERSARY

• MESSAGES •

SIRIMAVO BANDARANAIKE

LAKSHMAN KADIRGAMAR



CONFLICT : PUPPETS ALL — *Gunadasa Amarasekera*

WOMEN : THE HUMAN RIGHTS DEBATE

— *Radhika Coomaraswamy*

INDIA – SRI LANKA : THE GUJRAL DOCTRINE

— *Jayanath Rajapakse*

PRESS, RADIO, T.V.

Ajit Samaranayake

A. J. Gunawardana

R. A. Ariyaratna

MUSLIMS

— *Hamza Haniffa*

After the Indian Polls

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— *Mervyn de Silva*

P.M.'s Message

After graduating from Peradeniya University, Mr. Mervyn de Silva joined the Lake House Newspapers where he held the highest posts, including Editor, Daily News and Editor-in-Chief of the Lake House group. He has also served as Colombo correspondent of many internationally reputed papers.

Finally, he founded his own journal LANKA GUARDIAN. On its 20th anniversary, I am glad to congratulate him on his service to the profession and to his country.

Sirimavo R. D. Bandaranaike
Prime Minister

From the Foreign Minister

The longevity of the LANKA GUARDIAN is indeed a cause for celebration. It is not easy to sustain a serious journal on current affairs for a period of two decades. During these years, the L.G. has been incisive in its comments and forthright in its approach to both Sri Lankan and foreign affairs. Your own personal commitment to the highest standards of journalism is amply revealed in the admirable quality maintained by the L.G.

My congratulations are coupled with the hope and the wish that the L.G. will be with us for many more years.

Lakshman Kadirgamar, P.C., M.P.
Minister of Foreign Affairs.

THE TAMILNADU FACTOR

Mervyn de Silva

Prof. G.L. Pieris is an intelligent man, I.Q. plus-plus. What's more, he is an honest man. And yet these past four years may be introduced as "the education" of the former Colombo University Vice-Chancellor, no Quincy Adams. He was a brilliant, internationally known Prof. of Law when the LANKA GUARDIAN introduced the dark days of July 1983 as BLACK JULY two words quickly appropriated by the popular press.

The L.G. started as a fortnightly quite sure it could be a weekly in ten years or so. And now we are a monthly, with its very existence in doubt unless some generous N.G.O. or a "SAVE THE L.G." group, (expatriates?) choose the path of benign intervention. We served all these communities including we should add would-be Phd's and foreign Sri Lanka/South Asia specialists.

But now with the Peoples Alliance in its fourth year, well past the halfway mark, the regime is in deep trouble, though its leader Chandrika Bandaranaike Kumaratunga, remains more popular than any Minister or P.A. leader..... and the P.A. is a coalition of 7-8-9 parties. And the Opposition smells blood. Thus U.N.P. leader Ranil Wickremasinghe's extremely successful visit to the Peoples Republic of China, once regarded as exclusive P.A. turf.

Meanwhile, the P.A. carries on regardless... on President Chandrika's personal popularity. But the urban and semi-urban support-base has crumbled because the traditional Leftist leadership is no more Comrade Bernard Soysa and Pieter Keuneman were the last. Among P.A. supporters, there is

a vague feeling of betrayal (the popular term is 'let-down'). This is all part of a pattern, a familiar mind-set. Defeat the U.N.P., the defenders of the ruling class, and things will be better..... better no? Why? The S.L.F.P. in alliance with the Left will "cushion" the wage-earner and the lower-middle class salaried. The average voter does not know that the real decision-makers are NOT in Colombo. They are in Washington, with the World Bank and IMF. Even Prof. Pieris, despite all his degrees, did not fully grasp these vital facts, or only after a year or so, and a dozen encounters in Colombo and/or Washington.

WRONG JOB

The point is that Prof. Pieris is an honest man. He has come to do a job.... just as he had as Vice-Chancellor of the Colombo University. He is a very intelligent man, and therefore learnt quite quickly he was in the wrong job. To understand his plight, and therefore sympathise with him, the shortest route is a comparison... Consider the professionalism and sang froid of his colleague, Foreign Minister Lakshman Kadirgamar. His trip to Delhi soon after the B.J.P. took office was a perfect example of what the Americans recognise as an "on-the-ball" reaction. The A.I.D.M.K. had swept the polls, crushing its traditional foe, the D.M.K. The post-election situation was plainly an "exposed flank". By now, one can be sure the L.T.T.E. sympathisers of the D.M.K. would have gone underground, or at least adopted a low profile.

Mr. Vajpayee has publicly committed his administration to a "non-

interventionist" policy on Sri Lanka. Fine. But one must watch closely how the new administration can impose its hegemony over the Lok Sabha and his allies on the sensitive area of external relations, most crucially India's neighbours.

The sweeping victory in Tamilnadu by Jayalalitha's AIDMK does not seriously trouble Prime Minister Vajpayee. What if the D.M.K., trounced by Jayalalitha plays the Sri Lankan Tamil card? Will the L.T.T.E slip out of the AIDMK fold? Will its strategists exploit the DMK-AIDMK rivalry?

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The North-South conflict; puppets and puppeteers

Gunadasa Amarasekera

Tamil terrorism has been nurtured and recruited in the North. There has been little or no evidence of a Tamil terrorist movement in the South. Even the bombings in the South have been by terrorists from the North. Despite this, the political leaders of the Tamils, as well as of the SLFP, LSSP, CP and the UNP have avoided looking for indigenous causes in the North. Instead they have all ganged up to implicate, through distortion and fabrication, Sinhalese racism to be the *raison d'être* of LTTE terrorism. Their strategy is prompted by parochial political needs. The leader of the SLFP, Mrs. Sirima Bandaranaike, when in the Opposition, commended the Sinhalese for their nationalism and condemned the Tamils for their chauvinism. She declared that the Tamils are one of the most privileged minorities in the world (*The Island*, 14.8.1987). After she became the Prime Minister in 1994, she commended the Tamils for their nationalism and condemned the Sinhalese for their chauvinism. She declared that the Sinhalese are responsible for the underprivileged position and injustices faced by the Tamils. The leaders of the UNP have also followed this cycle of change in their perceptions of nationalism and chauvinism, depending on whether they are in office or out of it. The explanation for this strange phenomenon is not far to seek: when in opposition the vote of the Sinhalese people is needed to capture power. On the other hand, the vote of the Tamil MP's is vital to continue in office, once in government.

Our NGO intellectuals have offered solutions to problems of the North and East along much the same lines, ignoring an even distorting historical realities. They see the problems and aspirations of all Tamils as a corollary of the problems and aspirations of the affluent Colombo Tamils in their struggle for power and wealth within the ruling Westernized oligarchy. They ignore the historical role of the Colombo Tamils in the economic and social deprivation of the static indigenous populations of the North and the East, and the conse-

quent economic stagnation and destabilization of a society ruled by a brahmin-vellala caste oligarchy. Certain of these NGO intellectuals have tried to use ideological paradigms related to Western multicultural societies and Western civilization, to manipulate our political processes, in order to serve the interests of expatriate lobbies of the Colombo Tamils, which are the financial backers of their NGO paymasters. Multiculturalism, and openness to diverse cultures and to major civilizations of the ancient and the modern world has been the empirical reality in Sri Lanka and India from ancient to modern times; Much more so than in the white Commonwealth that inspires our native sycophants. As far as the Buddhist and Hindu civilizations of Asia were concerned, there is no likelihood of a clash of civilizations, such as that conceived by Samuel Huntington. On the contrary, these two civilizations, as well as the Chinese, diffused into each other and fertilized each other. Although nation states of Asia came into conflict for political or economic hegemony, there is no evidence of the ideological imperialism that took hold of the West. It may well be that the clash of civilizations anticipated by Samuel Huntington, is tied up with ideological imperialism, which developed in the mono-religious core-value system of Judae-Christian and Islamic civilizations. It is unlikely that the sharp mind of American Secretary of State Madeleine Albright was prompted to say that the present war in Sri Lanka is a Buddhist-Hindu conflict by belief in the clash of civilizations. It is more likely that she was misled by some of our NGO intellectuals.

The historical processes involved in the evolution of the social and economic realities in the North have differed from those in the South. It is by a comparison of such historical processes in the North with those of the South that one can see through the inanities of the hired counterfeit intellectuals and sociological 'kattadiyas' (rhymes with that telling Sinhala word 'thakkadiyas'), to the real issues that we have to face, and the real problems that we have to confront

in our modernizing, changing society. Chandrika Kumaranatunga's tunnel vision can only take in the need to placate the Tamils at any cost in order to continue in her presidency. Presidents come and go. The people of our country and generations of their children, born and unborn, have nowhere else to go. It is for them to become aware of the real issues that are being manipulated by venal politicians, Sinhalese, Tamil and Muslim, to increase their wealth and power. That is the essential step for the ordinary people of this country, Sinhalese, Tamil, Muslim, Burgher, Malay, of all religious denominations, in restoring a decent life for themselves, before that is irretrievably maimed and crippled by the institutionalised barbarism that passes for politics in Sri Lanka. It is with this in mind that I would like to draw attention to some historical differences in the evolution of the socio-economic and educational institutions in the North and the South, in the colonial and early post-colonial periods.

There is more to Vellupillai Pirubakaran's political extremism than megalomania driven by racist ideology. The Indian historian D.D. Kosambi's interpretation that caste is class in a feudal mode of production, although an over-simplification, enables us to see more clearly the important economic implications of caste, which would have been an oppressive reality experienced by non-vellala castes and their political leaders in the North and East.

Anthony Bertolacci, a former colonial auditor-general of civil accounts of Ceylon ('A view of the Agricultural, Commercial and Financial Interests of Ceylon', 1817) points out that exploitation of agricultural land in the North differed radically from that in the South from early times. In the North, the cultivator had no claim to the land he cultivated even if he had cleared the land. Consequently, the owner of the land could eject him. Thus, the vellala land-owning class in the North had unrestricted freedom to monopolize and control agricultural production, and exploit agricultural labour

from even pre-colonial times. This provided the economic infra-structure for the consolidation, and continued hegemony of vellala oligarchy and their oppressive and repressive control of the political, social, educational and religious institutions in the traditional caste structured Hindu society of the North.

HLD Mahindapala (The Island, June 8 1997) points out that the most agonizing suffering and terrorising of the Tamil people took place in two phases, the first of which was the institutionalised terrorising of the Tamil people perpetuated for three centuries by the Tamil vellala caste. The second was when Pirubakaran transformed the old upper caste fascism into his own brand of racist ideological fascism. In the light of Bertolacci's data and Kosambi's hypothesis that caste is class in a feudal mode of production, the second phase can be seen as an outcome of the first. I believe that Prabakaran's primary objective was the re-structuring of the Tamil society of the North and East, which he has known in all its hide-bound casteism. Prabakaran's racist ideology, Tamil chauvinism and his links with the fascist movements in Tamil Nadu are the tools he has put into use to achieve his primary objective.

Bertolacci found a very different situation in the rest of the country, amongst the Sinhalese, where the cultivator who cleared and cultivated the land could not be ejected by the owner, as he had a claim to half the cultivated land. Bertolacci also makes the interesting comment that this difference in ownership, permitting better exploitation of the cultivators by the owners in the North compared to the South, would account for the greater industriousness of the Tamil cultivator compared to the Sinhalese, rather than inherent laziness on the part of the latter! The right of the cultivator to own land, together with the absence of a rigid caste structure both attributable to the more liberal Sinhala Buddhist ethos of the South, enabled land ownership by the non-goyigama castes in many regions of the South. A powerful caste oligarchy based on land ownership could not establish itself in the South. Consequently in the South the mode of production, feudal and mercantile, did not permit control of social, economic, religious and educational institutions by

a rigid caste oligarchy. In fact, non-vellala entrepreneurship has played a prominent role in the development of the socio-economic institutions of the South.

The rural as well as the urban Tamil population of the North had been the beneficiaries of a sound educational infra-structure, from the colonial period. From colonial times, the rural as well as the urban Tamil population of the North amounting to less than 7 per cent of the population of the country was served by 80 per cent of the total number of grade A schools in the country. Even the remaining 40 per cent of the Grade A schools serviced some 10 percent of the privileged urban ruling class in the rest of the country, which included the affluent Colombo Tamils. The successful caste hegemonism practiced by the ruling brahmin-vellala caste oligarchy in the North, did not permit the evolution of caste egalitarianism and upward socio-economic mobility through the educational process in the North, both during the colonial and post-colonial period. Consequently, there was a marked increase in professionals, bureaucrats and skilled technical human resources amongst the vellala Tamils. This educated Tamil middle class from the North have, from colonial times, migrated to the South to the urban centres, chiefly Colombo in search of wealth power. As a result, over a period of more than a 100 years, the vellala oligarchy was instrumental in the transfer of the surplus product of the labour of the people of the North, material and intellectual, from the North to the South. Thereby, the North became a stagnant economy, its society held in the thrall of a rigid caste structure, unable to open themselves to the winds of change that were spreading in the South after independence. On the other hand the Tamils who had migrated to the South, prospered there to become a dominant wealthy component in the powerful ruling nexus of English educated Sinhalese, Tamil and Muslim professionals, bureaucrats and politicians. Consequently, the vellala oligarchy was able to extend their regional power to the centre of power in Colombo, and thereby usurp even the central political power that should have accrued to the people of the North and the East after independence. It is the vellala oligarchy, not the Sinhalese, who have robbed the people of the North

not only of their economic future, but also the capacity of their social and political institutions to modernize and acquire a liberal and democratic structure. The counterfoil coin that the TULF leaders have minted in order to buy the loyalty of a suspicious indigenous population of the North and East is Sinhalese chauvinism and racism. But in fact, these Tamil leaders and their expatriate financial backers are using that coin to buy cannon fodder from the North and East, to defend their power and wealth in the South.

The evolution of political power amongst the Sinhalese was very different to that in the North and East. In the South, the national revival movement of Anagarika Dharmapala and CWW Kannangara's educational reforms were two historical events of enormous importance. The activities of these two leaders can in fact be seen as a response to the aspirations of the mass of the rural people enjoying the liberal economic and social structure that prevailed in the South, having few of the constraints that prevailed in the North. The national revival movement and the educational reforms enabled the Sinhalese intelligentsia to identify the extent of their cultural and economic deprivation, by the English educated middle class. This class, aptly called the modern 'Bamunu Kulaya' by Martin Wickramasinghe, consisting of Sinhalese, Tamils, Muslims and Burghers, had taken complete control of the social and educational institutions and the formal economy, both in the colonial and post-colonial period. The hegemony of this class, was founded on the use of English by praxis, as the state language, although 95 per cent of the people had no knowledge of the language. SWRD Bandaranaike, Phillip Gunawardene, and TB Illangaratne, amongst others, were politicians who understood the perception of the Sinhala educated intelligentsia, that cultural and economic exploitation were the two faces of one coin, namely English linguistic hegemony. This was not surprising in a situation where all banking, legal processes, and communication between both government and private institutions, and entry into the professional education process, required the ability to read and write English. The situation was such that even the doctoral theses of Sinhalese scholars had to be submitted in the

English language. On the other hand, the opportunity to acquire a knowledge of English was almost the sole monopoly of this same Anglophile ruling nexus of professionals, bureaucrats and politicians. The leaders of the MEP saw the justifiable grievances arising from the exclusion of the vernacular educated masses from upward social mobility, by the linguistic hegemony resulting from the retention of English as the state language even after independence. SWRD Bandaranaike and Phillip Gunewardene roused the exploited and deprived Sinhala vernacular constituency, with the promise to replace English with Sinhala as the official language, in order to emancipate the vernacular constituency of the South from their economic and cultural deprivation. In the MEP government of 1956, Phillip Gunewardene and TB Illangaratne were two politicians who took the necessary corollary steps to restructure the economy with the aim of increasing rural capital accumulation and investment amongst the vernacular intelligentsia. An objective review of the changes that have occurred in the Sri Lankan economy will reveal that the catalyst for the entrepreneurship that Gunewardene and Illangaratne were instrumental in generating in the South, was the use of Sinhala as an official language. It led to a growth in the informal economy brought about by the entrepreneurship of a national bourgeois class educated in swabasha. This led to the diffusion of the money and the incentives to the Sinhalese rural intelligentsia, and encouraged them to seek to educate their children in the better provincial urban schools, with facilities closer to those of Grade A schools in Colombo and Jaffna. The result was the emergence of a rural population with access to higher education in technological and professional subjects. By the 1960's, this had resulted in an exponential growth in competent professional, technical and skilled human resources within the rural mass of the Sinhalese, who had been deprived of such education processes during the colonial period.

The Tamil swabasha intelligentsia in the North and East never received the kind of leadership that the Sinhala swabasha intelligentsia had received. The vellala dominated political institutions did not allow the kind of liberalising influences that emerged in the South.

Besides, the base of power and wealth of the Brahmin-vellala oligarchy had moved to the South, into commercial, industrial, professional and the political institutions of the Westernized oligarchy who held central power. The Colombo Tamils had come to accept their cultural, economic, social and geographical alienation from the North, which they had exploited and extracted into a stagnant state. With the British patronage extended to minorities as part of their divide and rule strategy, the Tamils of the South had acquired more power and privileges than the majority Sinhalese, within the ruling class. They needed the North and East only as political constituencies to consolidate their political power base within the ruling class in the South, after the British left. They wore the tuxedo in the South, and changed to verti when visiting the North.

The large increase in the professional, technical and skilled human resources amongst the Sinhalese in the 1950s necessarily reversed the tamil domination that had prevailed in the colonial and early post-colonial period. This fundamental change, and the consequent competition for employment opportunities for the Tamils in the South, was not accepted by them, although it was an inevitable consequence of the more equitable education system introduced in post-independent Sri Lanka. On the other hand, the categorical rejection of the UNP by the deprived Sinhala vernacular constituency made the Anglophile Tamil political leaders of the South aware that they might face a similar rejection by the deprived Tamil vernacular intelligentsia in the North. Their primary objective was the retention of English, not to provide for the use of Tamil by the Tamil swabasha constituency. With this in view, they embarked on a strategy of subversion, by identifying the official status given to Sinhalese as racist in intent. Thereby, they precipitated a confrontation between the swabasha Tamil intelligentsia of the North and East, on the one hand, and the swabasha Sinhalese intelligentsia in the South on the other. The objective of the Tamil political leaders of the South was to use the conflict between the North and the South to feather their nest of power and wealth in the South, and to hide their own responsibility for the economic and social deprivation of the indigenous Tamil

population of the North and East. Like their outrageous separatist ideas and demands for fifty-fifty power sharing made many years before 1956, the demand for Tamil as a state language was primarily to increase and consolidate their power in the Anglophile ruling oligarchy in the South, by bringing political pressure on the Sinhalese political leaders. At the same time, the chauvinism resulting from the confrontation helps to consolidate the waning power of the Tamil vellala oligarchy in Colombo over the deprived Tamils of the North and East. Referring to political events after 1956, A. J. Wilson, S. J. V. Chelaniyakam's son-in-law has said: "The history of Sri Lanka might have been different had the FP supported Dudley. It would have been spared the horrors of the coming communal conflict, not to mention the economic mess we plunged into with nationalisation of petroleum as well as the well cared for denominational school, the best of which were situated in the Tamil Jaffna peninsula". To Wilson, what was important was the status quo that preserved the privileges and power of the affluent Tamils in the South within the Anglophile power oligarchy consisting of all ethnic groups. After a decade or so, the opposition of the Tamil leaders to the official status given to Sinhala did in fact lead to that status quo before 1956, with the restoration of English linguistic hegemony, and the side-lining of the Sinhalese and Tamil vernacular constituency.

NEXT ISSUE

**Special to the
LANKA GUARDIAN
a commentary on
CONFLICT RESOLUTION
by
DR. KUMAR RUPASINGHE**

**Secretary-General of
INTERNATIONAL ALERT,
and author of
CONFLICT AND DEVELOPMENT,
SELF-DETERMINATION -
INTERNATION
PERSPECTIVES, ETHNICITY
AND POWER IN
THE CONTEMPORARY WORLD.**

The proposed constitutional package demands a third of the land mass of Sri Lanka and two-thirds of its coast-line for the sole use of the 12 per cent Sri Lankan Tamil population, whilst leaving the remaining two-thirds of the land mass and one-third of the coast-line, to be shared between the 74 per cent Sinhalese population, the same 12 per cent Sri Lankan Tamils, the 7 per cent Muslims, and 7 per cent Malays, Burghers and Indian Tamils. What is more, the Sinhalese are to be divided into seven or eight regions, to facilitate the promotion of regional conflict between them. Shorn of the legal casuistry, this is the outrageous core content of the package that Chandrika Kumaratunga wants the country to accept.

The TULF know that even if he survives, Pirubakaran would not be acceptable to the people of the North and the East through the exercise of the vote, because of his caste, and record of violence and terror. Meanwhile, the LTTE, the Frankenstein monster created by TULF, is also eliminating any alternative to the TULF that might have emerged in the North and East. These Kauliyan strategies, intended to consolidate the TULF as the sole political leadership of the North, East and South, has been at the cost of enormous destruction of the human and material resources of the entire country. The intransigence of the TULF is a deliberate ploy to prompt LTTE intransigence. The shameless abjectness of Sinhalese political leadership driven by greed for power and wealth, rounds off the TULF strategy to consolidate the power base of the vellala oligarchy in the South.

Although the term pol potism has been used to lump the JVP and the LTTE into one category, that is only a label for the violent radicalism and terror tactics adopted by their leadership. The historical causes are very different. I have tried to show that the LTTE constituency needed primarily to confront a powerful caste oligarchy, if they were to bring about significant changes in the economic and social structure of the North. Their real battle is for autonomy within the caste structure of their society, something which they will not achieve even if they get Eelam by battling with the Sinhalese. Pirubakaran's failure to respond to Chandrika Kumaratunga's offer of one-third of her 'kingdom' to be

held in 'suzerainty' by him on her behalf for a period of ten years, was predictable; so is the recent tongue in the cheek statement of the TULF leader Murugesu Sivasittampalam, that the LTTE is the sole representative of the Tamil people. Without his anti-Sinhala racist ideology, the vellala dominated Tamil society of the North would never acknowledge Pirubakaran as democratically acceptable leader of the Tamils. Sivasittampalam knows that if Pirubakaran accepts Chandrika Kumaratunga's offer, the LTTE could survive only by dismantling the vellala domination of the socio-economic structure of the North, a task they could never achieve by terrorism. In fact, the only way to achieve that would be to open the closed, caste-ridden society of the North to the liberal and tolerant society of the South. For that very reason, the political strategy of the TULF is to isolate the North from the South by provoking racist confrontation, and constitutional changes that will ensure separatism, whilst they themselves enjoy the open society of the South.

The history of the JVP constituency is very different from that of the LTTE. The JVP constituency, (not its leadership) began to take shape in the 1960's as a generation who had developed a modern radical outlook from vernacular writings in politics, sociology, literature, history, science etc. in the open and liberal structure of the social, economic and political institutions of the South generated by the Kannangara educational reforms. It must be emphasized that this modern swabasha intelligentsia had acquired a maturity of political consciousness that had outstripped that of its slogan orientated opportunist leadership. They represented a progressive indigenous political consciousness that saw themselves as the victims of the betrayal of the swabasha intelligentsia by the SLFP leadership of the 1960's, who had joined forces with the elitist Westernized oligarchy rejected in 1956. The human resources and the informal economic infra-structures of the JVP constituency were under-utilized because of this betrayal. The growth rates reached by the market economy introduced in the 1980's would not have been possible but for the rural human resources and rural informal economic infra-structures of the JVP constituency, which had accumulated, albeit grossly under-utili-

zed, from the early 1960's. Had those human resources and the informal economy been tapped during the 1960's by the SLFP, the JVP constituency would have matured and produced a political and professional leadership capable of developing and managing a humane, pragmatic Jathika Ardhikaya consonant with our Jathika Chithanaya, in interaction with the modernising formal economy. But what actually happened is now history. The JVP constituency was drawn into a foolish 'galkatta' revolution by an opportunist leadership in 1971. In 1987, the JVP leadership had virtually become a criminal organization. This was not surprising, in an era in which criminalisation had entered even UNP politics. If the JVP constituency believed that the PA would change things, they must be disillusioned by now. Chandrika Kumaratunga and her deputy, GL Pieris, have resorted to offering the agricultural and industrial infra-structure of this country, to bargain hunting neo-colonial buyers. Small wonder that she and her deputy have received the fulsome praise of the World Bank. (The Island, 21.4.88).

The intent of GL Pieris and Neelan Thiruchelvam is to confuse and obscure the important aspects of political conflict outlined above. Their strategies have transformed the political power struggle within the ruling Sinhala, Tamil and Muslim English speaking oligarchy, into an ethnic, racist confrontation between the North, the East and the South. The objective is to create a role for themselves as the power brokers in the conflict, within Sri Lanka, regionally, and internationally.

Real conflict resolution, shorn of the jargon used by GL Pieris, Thiruchelvam and the NGO lobbies to confuse the issues, will come when the deprived Sinhalese, Tamils and Muslims are made to realize that their grievances have nothing to do with their ethnicity; that ethnic conflict is the divisive strategy of the Westernized English educated Sinhala, Tamil and Muslim native ruling class, who have joined forces with the neo-colonialist forces of the White Commonwealth, to facilitate and perpetuate their linguistic political hegemony and economic exploitation of the vernacular native people.

Women's Rights as Human Rights in the International Community

Radhika Coomaraswamy

Introduction

I am pleased to be at Harvard Law School, where I was once a student, to deliver another in the series of Edward A. Smith Lectures and, by doing so, to join a distinguished group of human rights activists and scholars. My topic, the innovative paths by which women's rights have become human rights, highlights the transformation of some vital aspects of international law.

121 nations have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, or the Women's Convention). Although it enjoys the privilege of having this exceptionally large membership, CEDAW is also the human rights convention with the largest number of state reservations. This says much about the international community and the question of women. In some ways, women's rights are the most popular of international initiatives, but they are the area with the most profound disagreements. Relative to other fields, they are more fragile, have weaker implementation procedures, and suffer from inadequate financial support from the United Nations.

Both in Vienna at the World Conference on Human Rights in 1993 and in Beijing at the 1995 World Conference on Women, women's rights were recognized as human rights. For the first time their articulation was accepted as an aspect of international human rights law. The underpinning of women's rights with human rights would give women's rights discourse a special trajectory, emerging as a major innovation of human rights policy within the framework of international law. But, before we analyse the discussion of women's rights as human rights, we must first meet the argument challenging the very premise of the debate.

Many scholars from the third world

This Edward A. Smith Lecture was delivered at the Harvard Law School.

argue that human rights discourse is not universal but a product of the European enlightenment and its particular cultural development. In the area of women's rights this type of limitation is often introduced and underscored by many third world governments. Women are seen as the symbol of a particular cultural order. As icons of cultural purity, the construction of their rights becomes problematic. To grant universality to their rights is to undermine the cultural framework of a particular society. When it comes to issues such as female genital mutilation, sati, punishment according to Shariah law and other practices which are particular to cultural communities, this argument is made even more forcefully by those who believe that many values are culturally relative. It is therefore initially necessary to underscore the universality of human rights as an essential first step in the recognition of human rights as women's rights.

In many ways the privileged personality of international human rights law is the so called enlightenment personality - a man, endowed with reason, unfettered and equal to other men. This construction of the world underpins most of the instruments on international human rights law. What is essentially called liberal feminism is now keen on extending these postulates to women who should also be recognised as endowed with reason and unfettered in spirit. This project to extend the enlightenment ideal to women received widespread support from all sectors of the women's movement as an important starting point for the discussion of women's rights especially at the international level. However, to accept such postulates in many parts of the world is to acknowledge the cultural victory of Enlightenment Europe, a truth which is often unpalatable in the non-western world. I would like to deal preliminarily with this issue - the question of the universal legitimacy of the women's rights as human rights. If human rights doctrine has its origins in enlightenment

Europe and in North America, should we work toward its universalisation? The dilemma is a real one for all academics who are concerned with the development of political values in the non-western world.

On the one hand there is the intellectual quest to critique the colonial experience and the experience of the structures of the enlightenment as a colonial subject. All my academic career, I have agreed with thinkers like Foucault that there was a need to demystify the Enlightenment project. In addition writers such as Partha Chatterjee and Inden have shown the negative aspect of this project in the colonial world. The colonial venture, imbued by the philosophy of the enlightenment, has led to the morbid structures and developments in these post-colonial societies. Many scholars, including Sri Lanka's Gananath Obeyesekere have described this morbidity and contradiction in very clear and unambiguous terms¹. I, myself, have strong reservations about certain Enlightenment ideas in their defining, classifying and excluding large segments of the world's population. I have objections to the notions of order, and discipline, couched in terms of a paternalistic enterprise which perhaps was the greatest contribution of enlightenment ideas in the field of law. Nonetheless, I stand before you today as an active instrument of the Enlightenment, promoting international human rights standards, urging people to discipline and punish the violators of those standards especially those who are the perpetrators of violence against women.

How does one confront this philosophical dilemma - to remain a critique of the negative aspects of the enlightenment while being a fervent believer in human rights? Even though human rights may be a product of the enlightenment, it has a separate history. Human Rights has become universal in its scope and application. In certain contexts and social experiences, the enlightenment

project of human rights provides us with a framework to not only deal with brutality and violence, but also with arbitrariness and injustice that must necessarily shock the conscience. This has made it a potent discourse especially after the experience of World War II. The need for a common discourse against brutality was a legacy of that period and that legacy has acquired a certain universality of spirit. Secondly, human rights and their postulates such as the equal dignity of human beings resonate in all the cultural traditions of the world. In that sense, there is enough analysis in every cultural tradition which fosters and promotes the value of human rights. Though its exact articulation in terms of rights and duties of the state vis-à-vis individuals is an enlightenment formulation, the spirit of human rights may be said to be present in all cultural systems and to have universal appeal.

Many political thinkers in the third world have shown how indigenous concepts and processes are animated by a commitment to the ideals of human rights. I refer here to the writings of Ashis Nandy, Veena Das, and Chandra Muzaffer among others.² The discourse of human rights allows us to deal with issues of violence and injustice not only within many different indigenous traditions but also with some measure of universality and a common humanity. The discourse has resonance in the everyday experiences of individuals. Otherwise it would not have developed so dynamically and have become used by such different groups throughout the world. In other words - yes, perhaps human rights in its present day incarnation is a product of the enlightenment but its general thrust has resonance in diverse spiritual and cultural experiences. In terms of political values, like the concept of democracy, it is an important civilisational step forward for all human beings and all cultures. If one accepts the proposition that human rights are universal, then the acceptance of women's rights as human rights is a major landmark in the international struggle for women's rights.

There are historical reasons why the claim that women's rights are human rights has gained ascendancy in the world today. "Rights offer a recognised vocabulary to frame political and social wrongs".³ Women are increasingly using this vocabulary to articulate their grievance.

The availability of human rights discourse for the translation of women's rights into internationally acceptable norms allows for a greater visibility for the issues of women's rights. In addition, the diverse machinery set up at the international level for the promotion of human rights now remains available for women's rights activists. This access to international machinery of implementation is also an important development in the search for women's equality.

In earlier times the relationship between international human rights law and women's issues was not a happy one. International human rights law has always been subjected to a feminist critique. Such law was after all, state-centred, and individualistic in content. Its structure and appeal was basically toward male subjects with only passing reference to women's inequality. Most importantly international human rights law reinforced the division between the public world and private life. By insulating the internal practices of states from scrutiny, it ensured that community and private life continued without any reference to international standards. There was considered to be a public sphere where the state and the international system may intervene and a private sphere where state intervention and international scrutiny were prohibited. It is assumed that privacy was a neutral, powerless realm of human experience, and that there was no power hierarchy within the private space of the family. As critics have argued, the absence of legal intervention to protect women in the community and in the home, devalued women's roles and kept the traditional male-dominated hierarchy of the family intact.

The founding theorists of international law were all male and did not recognise the political nature of private life.⁴ In international law, as in political life generally, much depends on who controls the influential discourses.⁵ Men formulated and to date actually control international mechanisms of implementation. The discourse and machinery of HR was therefore insensitive to the demands of women. In addition in international law, the State was the primary, sovereign actor. Intervention in the activities of the nation-state was absolutely unacceptable until a few years ago. This sovereignty ensured that community and private life located

within the jurisdiction of the nation-state were secluded from scrutiny.

The roots of this state-centredness in international law and international human rights law lie in liberal theories of social contract which privilege the negative minimalist state rather than the interventionist one. In addition, the rise of totalitarianism in Europe in the forms of fascism and communism led many to stress the protection of private life by insulating it from the public sphere of activity. By carving out a special area for private expression there were necessary safeguards which were aimed at preventing the totalitarian state from destroying the dignity of human beings. Liberal theory of the minimalist state and fear of state monopoly of private life contributed to the rigid dichotomy between the public and the private, a dichotomy that until recently was the unshakable foundation of international law in general and international human rights in particular.

A revolution has taken place in the last decade. Women's rights have been catapulted onto the human rights agenda with a speed and determination which has rarely been matched in international law. There are two aspects to this process: first, the attempt to make mainstream human rights responsive to women's concerns; and second, the conceptualization of certain gender-specific violations as human rights violations. These developments may have far reaching implications for the theory and practice of human rights in the United Nations system.

Let us begin to consider these implications by taking the issue of violence against women as a case study of women's rights emerging as a major concern at the international level. How and why did this recently emerge as an international issue? What have been the implications of its emergence for international law doctrine and practice?

Violence Against Women – the process of international norms creation

In the 1970s, the most prominent women's issues related to discrimination against women in the public sphere and the need to ensure equitable participation of women in the development process. In CEDAW, which came into force in 1979, explicit prohibition of violence

against women is singularly absent. Except for prohibitions against trafficking and prostitution, there is no mention of the subject. Until the 1980s the issue of violence was invisible from the international perspective.

The UN Third World Conference on Women in Nairobi in July 1985 which was called to mark the end of the UN Decade for Women, concentrated on the themes of equality, development and peace. The Forward-Looking Strategies agreed to by the Member States at that conference do mention violence against women but as a side issue to discrimination and development. As a result of this formulation, there were a number of ad hoc initiatives in the UN system. By 1990, violence against women was on the international agenda but as an issue of women's rights and crime prevention rather than of human rights.

In 1991, both the UN Economic and Social Council and the Commission on the Status of Women decided that the problem of violence against women was important enough to warrant the development of further international measures. Following these decisions, a group of experts recommended that violence against women be included in the reporting under the Women's Convention, that a special rapporteur on violence against women be appointed, and that a Declaration on Violence Against Women be drafted. As a consequence, the CEDAW Committee in 1992 issued General Recommendation No. 19, which states that gender-based violence is an issue of gender discrimination and that states should comment on this matter in their reports to the CEDAW Committee. The Commission on the Status of Women began to formulate a draft Declaration on Violence Against Women which was ready by the summer of 1993.

The major turning point, however, was the Vienna Conference on Human Rights in 1993. The women's lobby at this conference made an important impact. More importantly women's group were determined to make women's rights human rights. Their lobbying effort succeeded. Article 18 of the Vienna Declaration and Programme of Action states:

The human rights of the girl child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in

political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.... The human rights of women should form an integral part of the United Nations activities, including the promotion of all human rights instruments relating to women.

The Vienna Declaration and Programme of Action also called for the appointment of a special rapporteur on violence against women by the UN Human Rights commission as well as the adoption of the Declaration on the Elimination of Violence Against Women. In December 1993, the UN General Assembly adopted the Declaration and in February 1995 appointed a Special Rapporteur on Violence against Women. Within a year the women's lobby had won a major victory. Women's rights were recognised as human rights and two UN mechanisms were in place to deal specifically with violence against women.

The victories achieved in this period were consolidated at the UN Conference on Population and Development in Cairo and at Beijing. In spite of attempts to roll back the clock, The Beijing Declaration contains a special section on violence against women, which draws extensively from the Declaration on the Elimination of Violence Against Women. In fact, as one commentator points out, the provisions were so entrenched that she felt that governments were actually more comfortable with obligations relating to violence than with obligations relating to the human rights of women in general⁶. It was also a major victory in Beijing when rape during time of armed conflict was recognised as a war crime with victims having a right to compensation.

The language at these international conferences point to the near universal acceptance of the Declaration on Elimination of Violence against Women (DEVAW). This declaration provides the normative framework for all international action in the field of violence against women. Article 1 defines violence against women as "any act of gender based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring

in public or private life". Violence includes but is not limited to, physical, sexual and psychological violence in the family such as battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women. The Declaration also prohibits violence against women in the general community by rape, sexual abuse, sexual harassment and intimidation whether at work, in educational institutions or elsewhere; as well as trafficking and forced prostitution. Finally it recognises that violence can be perpetrated as well as condoned by the state. The definition of violence is broad and all-inclusive and acquires a certain transformative character. This broadness of scope and vision is reiterated in the mandate of the Special Rapporteur, where there is a call for the elimination of violence against women in the family, in the community and by the state.

What are the implications for international law in general and human rights in particular of including such subjects within the purview of international human rights? Traditionalists claim that this broadness of scope of the women's rights movement will destroy human rights and its meaning in the world today. As an angry human rights activist told me once, "Now human rights is the kitchen sink". Others such as myself argue that the women's question enriches human rights and is an important part of the flexibility and adaptability of the human rights paradigm to meet new challenges.

(To be Continued)

End Notes

1. See Gananath Obeyesekere. *The Apotheosis of Captain Cook: 'European Mythmaking in the Pacific'* New Jersey, Princeton University Press, 1992.
2. e.g. Veena Das: *Critical Events: An Anthropological Perspective on Contemporary India*, Delhi, Oxford University Press, 1995.
3. Hilary Charlesworth, 'What are Women's International Human Rights' in R.J. Cook ed. *Human Rights of Women, National and International Perspectives*, University of Pennsylvania Press, Philadelphia, 1994 p. 61.
4. C. Romany, "State Responsibility Goes Private: A Feminist Critique of the Public/Private Distinction" in R.J. Cook ed. p. 94.
5. Romany p. 94.
6. Donna Sullivan, "Envisioning Women's Human Rights - the Beijing Platform", *China Rights Forum*, Winter 1995, New York p. 20.

SOUTH ASIAN PROSPECT

Perceiving Reality

Jayanath Rajapakse

Ten years into the post-Cold War uni-polar new world order, when so much store is being laid by effective regionalism, official as well as public attention in South Asia appears to be focused upon the visible trappings of structured cooperation rather than on the fundamentals of meaningful regional cohesion. Forging regional cohesion is an act of political will. That will can only come through mutual confidence and trust amongst regional members. In turn, confidence and trust cannot but be based on an agreed view of realities: the reality of the region, and of their respective places within a cohesive regional order, and the reality of the external world order, with agreement on how best the region should address and interact with it, severally and collectively.

Certainly, the regional acronym - originally SAARC to denote the process of regional cooperation, and then SAARC to denote the Association to manage that process - is now a household word, which has spawned generic variants from SAF Games to SAFTA. A host of eminent persons, scholars, retired Diplomats and others are engaged in learned discourse through symposia, seminars, round-tables etc., around the region and almost around the clock, conceptualizing and debating the theory of regional cooperation. At the same time, technocrats of various disciplines and their respective bureaucratic minders meet all year round through the region, to fashion projects and programmes of cooperation. Foreign Ministers meet bi-annually to review progress and to chart new courses. Leaders meet in summits each year, to re-ignite the spirit of it, and to impart fresh momentum to the process. Yet through it all, one detects a constant albeit genteel wringing of the hands at the seeming lack of tangible progress and achievement. Why so? Are we into a re-play of the flip-side of that hoary adage: where there's a will, there's a way?

Viewed from one perspective, South

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Asia has much going for it in terms of regionalism. The member states share civilizational links going back in the mists of time. These have been renewed and reinforced through centuries of shared ethnic and cultural interaction. Thereafter came the shared colonial heritage of the British Raj, which imparted to the successor modern nation states of the region a largely common framework of reference in governance.

In contemporary times, the imperatives of the Cold War have led them, to greater or lesser extent, to share the world-view of non-alignment, whilst the imperatives of the developmental agenda have led them to join in collective 3rd World action through G 77 and parallel ventures. Notwithstanding the significant asymmetries of size, resource-base and level of development which prevail within the region, all members are poor, face the same challenges, and share the same aspirations. In today's new world order - political and economic - the agenda of human right, environmental protection, liberalised foreign investment flows, structural adjustment etc., which is being sought to be imposed upon the developing world by the developed world, impacts to one degree or another on each and all of the region's members.

Viewed from another standpoint though, there is room for concern. Mention has already been made of the significant asymmetries, in capacity, power and influence. There are undeniable historical legacies of conflict and suspicion. Both geography and history have conspired to leave some members relatively remote, from each other as well as from the regional scene. The imperatives of the Cold War through four decades of the region's modern nationhood have impacted upon the region in a manner conducive to entrenching rather than dissipating those negative features.

Yet, if looked at from the standpoint of conviction in the need for South Asia to forge a truly cohesive regionalism, those very same negative features take on the aspect of advantages. Consider

India's undeniable preponderance, and its indisputable position of pre-eminence in the region. It is a preponderance in all its aspects: human and material resources, levels of economic, technological and scientific development, long and variegated experience in industrial, commercial and financial entrepreneurship and management, the spread and depth of the professional and bureaucratic framework, military power, the global spread of diplomatic representation and influence. That preponderance provides an obvious axis around which to forge regional cohesion.

Consider too, India's unique centrality within the region. In a geographic sense, whilst India shares land or sea borders with each of her regional neighbours, no two others (with the insignificant exception of Maldives and Sri Lanka) can interact directly with each other without touching Indian land, sea or air space. In a socio-economic sense, India shares distinctive ties with each of her neighbours which are qualitatively more compelling in terms of bilateral relations, than are equivalent ties shared by any two others. In a strategic sense, centrality assumes a very special significance. The member states of the region are literally encased within the great natural barriers of the Himalayas and the waters that surround the sub-continent.

The meaning of this becomes sharply defined if one considers the analogy of a wheel. At its hub lies preponderant, and regionally pre-eminent India. Radiating out in all directions from that hub, as do the spokes of a wheel, are the other regional members, with whom India shares not only borders, but very special ties in each case. Binding those spokes to the hub, as it were, is the rim, comprising those great natural barriers, which give the region its distinctive identity. In a phrase: the region's security becomes India's concern, and India's security becomes the concern of her regional partners.

Writing nearly two decades ago (1980) about regional security, K Subramanyam, then Director of the Institute of Defence Studies and Analyses in New

Delhi, advanced the view that one could not even begin to consider regional security in South Asia, until the ruling elites in India's neighbours had shed the threat perceptions of India implanted in their minds by others, who sought to countervail India's proper place, in the region and in the world at large. The fundamental truth in that statement stood vividly illustrated by a happening in Colombo, a decade later. In May 1991, the Bandaranaike Centre for International Studies convened a seminar on "India's Role in South Asia". Revealingly, of the mind-set which concerned Subhramanyam, the list of Speakers comprised one Indian only, former Foreign Secretary Venkateswaran, no, it bears repeating no Pakistani, Bangladeshi, Nepali, Bhutanese or Maldivian, but instead a Russian, Chinese, Japanese, Australian and Indonesian, plus three or four Sri Lankans, all of whom had a self-evident addiction to the pejorative "Indian hegemonism".

Of course, Subhramanyam omitted on that occasion to dwell on the need for a complementary initiative by India, by way of words and gestures which would encourage her neighbours to shed their threat perceptions. That necessary equation was perhaps sought to be achieved, when former Prime Minister Inder Kumar Gujral, in his now famous remarks at Chatham House in London, spoke of India extending assistance to her smaller neighbours without expectation of reciprocity. The qualification 'perhaps' is used advisedly, because there is an ambiguity here. Those who harbour fears of Indian dominance have been quick to attach a very limited definition of reciprocity to the Gujral doctrine. They clearly wish to believe that India will be generous towards her smaller neighbours, without asking for anything in return. This is simplistic: the wish being father to the thought.

India, not just in the context of the Gujral doctrine but in the nature of her regional preponderance and pre-eminence, will always extend a helping hand to her less-advantaged neighbours, without asking for 'payment' as such. However, that helping hand will be extended in the hope and expectation that the recipients will indeed reciprocate, not in kind as it were, but in essence; namely, in terms of friendship. King Jigme Singye Wangchuk of Bhutan put it correctly and stylishly when, speaking

of the way to good relations within the region during his Statement to the Inaugural Summit of SAARC in Dhaka in December 1985, he said that these would come to prevail, when the generosity of the big was matched by the genuine friendship of the small. There is neither natural law, nor fitness of things, which demands that India should be generous towards neighbours who withhold their friendship. Moreover, India is big and strong enough to go her own way in the world. So it behoves India's neighbours to cultivate India's generosity, and the supportive strength of India in confronting the external order. The price to be paid is very small: true friendship: i.e., assuring India that they neither intend harm to India, nor would permit harm to India from their territories.

The inescapable linkage between the acceptance of realities and serving self-interest has relevance both at the regional as well as bilateral levels. At the regional level, there are two sets of realities to be recognised and borne in mind: the reality of the prevailing external order, and the reality of the regional situation, which will dictate how the region could best relate to that external order. At the bilateral level too, there are matching sets of realities to be taken on board. The regional reality, and the realities of one's own situation vis-a-vis that of the neighbour in question. Indo-Sri Lankan relations provide an excellent basis for illustrating this proposition.

In the Indo-Sri Lanka situation, there are several permanent and inescapable realities which have complementary meanings for the two countries. Consider first our respective locations vis-a-vis each other. India, hugely bigger, more powerful and more influential globally than we are, is our only direct neighbour besides being the closest to us. There is no other neighbour of comparable power and proximity to countervail India. We have with India our broadest and deepest interaction at a bilateral level. It thus lies with her to help or hinder us to the greatest extent.

For India, we lie literally on her back door-step. It could also be described as her exposed southern flank. India would thus be acutely conscious of who comes and goes here, and what happens here, for this could in certain circumstances pose a serious security threat to her. Nothing recently better illustrated this

proposition, than India's immediate and total objection, in July 1983, to a prospect of military assistance for the JR Jayawardene Government which the latter had requested from the US, UK, Pakistan, Malaysia and Australia.

Take the Tamil connection between our countries. In certain circumstances, well enough illustrated during the '80s and '90s, the situation of Sri Lankan Tamils could become, or be made into a political issue in India, not just in Tamil Nadu, to a point where the Central Government there is either compelled or sees fit to take a public stand, leading to intercession in one form or another.

In the '80s, when the Jayawardene Government found itself at serious odds with India over the Tamil question, it had two options, given that it had already so mis-managed that question as to allow India cause and opportunity for intercession. It could have cut its losses and done a deal with India, or sought outside support against Indian involvement. President Jayawardene chose the latter, and received a clear rebuff. The publicly stated position of the US and UK Governments was: India is indisputably the pre-eminent regional power, with a special responsibility for regional stability, and Sri Lanka would be well advised to avail herself of that position. The privately stated position of our regional partners was that, though they had total sympathy for our situation, they could not become involved in support of us beyond that point where their own relations with India would stand imperilled.

Given that India can significantly help or harm us, that the Tamil question provides for her a legitimate cause for concern in circumstances where the Tamil community here stands disadvantaged in any way, and that the world outside will not stand by us in any confrontation with India, the link between reality and self-interest dictates clear guidelines for the conduct of our relations with India. In a phrase: no Sri Lankan Government may attempt to govern without due regard to Indian sensitivities, except at peril to the national interest.

Just as it is with us, so it would be, *mutatis mutandis*, with the others too. It would be for them, of course, to work out their respective linkages between reality and self-interest. The point to be made here, is that unless and until that

is done, we as a region will continue to remain at odds with ourselves, lacking mutual confidence and trust, and therefore lacking the political will which alone can lead us to effective regional cohesion, and thus to meaningful regional cooperation.

Having worked out our respective linkages - and it would be obvious that in all cases they represent the bases of bilateral relations of regional states with India - it then behoves us to arrive at an agreed view of where we each stand within the regional framework. There too, certain realities come into play. As mentioned already, India is the predominant and pre-eminent regional power. She enjoys a unique centrality vis-a-vis each and all of the others. She is the axis around which the region has to forge its common identity. Therefore, it follows that India neither can afford to nor will countenance any attempt at collective pressure upon her by any two or more of the others. If one has a serious problem, then all the others have a self-interest in helping India and that other to resolve it, but the bottom line has to be India's willing involvement in such process.

Beyond that, there remains the need to forge an agreed view amongst all regional partners, both about the real essence of the prevailing external order, and about how best the region, collectively, could and should address itself thereto. It is here, of course that India's preponderance becomes a significant prop. If the region is to project itself effectively on the world stage, then its spokesman has necessarily to be the most influential global player from its ranks. Here, South Asia has an advantage over others. In that regional leadership is indisputable and, provided the world outside is not given the impression of a region divided within itself, there is a focal point to which the outside world can relate in respect of South Asia as a whole.

One test of this will come with the filling of nominations for permanent seats in an expanded UN Security Council - whenever that happens. India's would be the only viable regional candidature for such a seat, which at best would find allocation under the rubric of ASIA. Certainly, no other Asian candidate could be expected to reflect South Asia's particular concerns, whilst there is no

other 3rd World Asian candidature which could match India's global position. Hence, the solidarity which South Asia is able, when the time comes, to mobilise and manifest in support of an Indian candidature for a permanent UNSC seat in an expanded Council will be a true test of the prospects for cohesive regionalism in South Asia.

The name of the regional game is cohesion. Cohesion can only come from political will. Political will has to be founded in mutual trust and confidence. Trust will only come from shared conviction about common interests and aspirations. Such conviction can only grow from frequent, full and frank, confidential exchanges at the various levels of regional interaction - Leaders, Ministers, and Senior Officials. The core issue for those eminent persons, scholars et al., who are debating the future for SAARC, is how to achieve such exchanges. For, until that has happened, and its fruits have begun to emerge, all SAARC programmes will be but tilting at windmills, and all SAARC meetings will be shadow-boxing. At present, SAARC/SAARC is not much more than the acronym.

Mass Media

Ajit Samaranayake

One of the most striking phenomena of the last two decades has been the emergence of the mass media, not merely in its traditional role as the purveyors of information and opinion, but in its own right as a player in the political arena. Time was when journalists were satisfied with giving in their daily quota of news stories and retiring to their favourite pub or on a more august level Editors to writing their daily sermons and retiring to more exclusive 'watering holes'. Today media people not only intervene in the political process as reporters and commentators but also as activists on the side of media freedom, as part of the gamut of human rights. Those who once reported on the comings and goings of politicians

from behind the footlights have today come to the centre stage and delight in the narcissistic pleasure of watching their own images in the columns of newspapers and on the tube and hearing their own voices over the air.

This has not been entirely a healthy development. Until recently the journalist (the word media had not come into vogue still) saw himself as a passive instrument of his proprietor. It was for the Wijewardenes and the Gunaseenas to engage in the self-indulgence of thinking themselves as the kingmakers. Today, however, at many levels many journalists themselves share the same fantasy. There are those who believe idealistically that vocal media movements carry enough clout to influence Governments in this age of the civil society (the current verbal fashion in the post-liberal, post-Marxist

age) while others have openly hitched their waggons to this political party or the other while yet other journalists are little more than PR officers for this Minister or that or powerful opposition figures. All this has to do with the mystique of the media in an age where so many old certainties are crumbling.

While many of our friends are up to these self-important little games at the heart of the media things remain unchanged. The structure of ownership of the non-governmental sector of the media remains rigidly controlled by a few families. The incestuous nature of the Sri Lankan elite is such that these families have interlocking political interests sometimes supported by familial ties. What is more the newspapers they control are far more vocal, aggressive and adversarial vis-a-vis the PA Government than at any time in the recent



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history of Sri Lanka. This in turn has made the Government, which in opposition had been talking in terms of liberalising the Government-controlled media to fall back on this same media as the last bulwark of support.

There has also been a progressive dilution of the political and social debate. Rarely do newspapers these days debate political economic, social and cultural issues dispassionately and on their merits as opposed to the bandying of political gossip of the 'who did what to whom and where' type, the trivia of the social pageant.

The phenomenal growth of the privately-owned electronic media has also raised disturbing problems. It is not merely that the limited attention span of the TV-viewer further trivialises the political debate. Even more alarming is that the electronic media is dominated by a new yuppie generation of sleek boys and nubile girls who seem to believe that history began with them. Nobody can complain about more and more young people coming into the media but are they sufficiently equipped with a history of the political, social and cultural developments of

at least the last 50 years?

So it would appear that even as the media has become a player in the political field it has made its own contribution to the trivialisation of the political and intellectual debate in society. While national politics has become more and more paltry the media has done nothing to correct this tendency. Simultaneously there has been no lobby, interest group or public watchdog to compel the media itself to adopt higher standards and return to the intellectual and moral high ground it is steadily vacating.

Broadcasting and Consumer Rights

A J Gunawardana

Taking up 'Consumer Rights' with reference to the electronic mass media might seem like adding another discordant note to an already cacophonous domain. Indeed, some might even argue that the concept of consumer rights applies to broadcasting only insofar as it concerns truth in advertising. However, there's more to consumer rights than accuracy of information regarding commercially promoted consumer goods. Current policy and practice in this area strongly suggest that it might be rather more relevant to press for substantive consumer right than to indulge in ethical abstractions about media freedom.

Few commentators and pundits in the generously accommodating field of mass media appear to notice that consumer rights are regularly violated in this country by, and in respect of, both radio and television. And the most blatant example of such violation in Sri Lanka relates to the legal requirement that compels owners of radio and television receivers to pay an annual licensing fee.

It must be stated right away that only one justification exists for this kind of

levy which, having originated with radio, later spread to television as well. And this, quite simply, is the provision of non-commercial radio and television services to the public. Or, to put it in terms of consumer rights, non-commercial programming is an entitlement, a fundamental right if you like, of every citizen who purchases the annual licence. But the stark reality is that no non-commercial domestic programming is available to Sri Lankan audiences today.

Advertising on the airwaves is not, of course, another post-1977 phenomenon in this country. It goes back to the late 'Forties, to John Lampson, and to the 'Commercial Service' of Radio Ceylon. However, radio did maintain a structural balance between the two categories of programming – the advertiser-supported and the commerce-free. Each had its own frequency or 'beam', and its own philosophy of programming, thus offering a genuine choice to the paying public.

The distinction between categories of programming, once clear and carefully observed, has gradually disappeared over the years, and along with it, the

identity of radio broadcast channels with respect to their tone and tenor. And all formal pretence at such differentiation was abandoned when nation-wide television came to be established in 1982. While stipulating an annual set-owner licence, Rupavahini started off as an advertiser-friendly channel.

Today, all state-run radio and television broadcasting in Sri Lanka is advertiser-supported. Even the regular news programs on state channels have opened their arms to advertisers. Indeed, it would appear that a principal measure of achievement even for SLBC, Rupavahini and ITN is turning out to be the size of their advertising income. It goes without saying that there are other measures too – profit will not safeguard media bureaucrats if programming fails to please political masters.

Even a cursory examination of Sri Lanka's evolving radio and television landscape would reveal two lines of 'growth' – increasing commercialisation and increasing politicisation. These tendencies, daily becoming more pronounced in the state-run channels, denote a betrayal of the covenant that is implied

In the imposition of an annual charge upon the consumer public.

From the commercial viewpoint, the main asset of a broadcasting station is not its frequency, its reach, its equipment, etc., but its audience. In the final analysis, it is the audience, not time that a broadcaster sells to the advertiser. The larger the real or virtual audience, greater the asking price. (In this respect, the situation in the broadcast media is identical to that of the print media where circulation determines the price of advertising space). In Sri Lanka, the consumer is exploited twice – directly as well as indirectly. What SLRC, ITN and SLBC sell to their advertising clients are the license-holding audiences of this country who have already paid their dues.

There is an undeniable contradiction here, and a rude contravention of the legitimate rights and expectations of the general public. A minor transgression, some might say – “what is two-hundred-and-fifty rupees, after all, for the use of a colour tv? Or fifty rupees for a radio?” (That ‘after all’ is very characteristic Sri Lankan attitudes). But this is not a question of money; it is a vital question of principle and fairplay which can be very simply formulated. In the absence of even a single channel (in both radio and tv) unshackled from the imperatives and controls that advertising brings along with it, annual licensing requirement is totally unfair and iniquitous.

The broadcasting situation in Sri Lanka prompts comparison with that of other countries. Broadly speaking, there are three primary broadcasting dispensations in the world; these can be defined as follows: (a) state-licensed free enterprise system; (b) state-owned and operated system; (c) state-chartered monopoly system. These systems rarely exist in their ‘pure’ form nowadays. Most often, they are found in combination. In the U.S., it is (a). In Britain and Japan, (a) and (c). Sri Lanka, it is today a mix of (a) and (b).

Yet, commitment to the free market philosophy, and to the commercial ethic, does not signify a rejection of non-commercial broadcasting. The cultural importance and the countervailing value of non-commercial broadcasting, whether as information, education or entertainment, are universally acknowledged. In this regard, the United States of America furnishes one model; Britain and Japan another.

In the U.S., where the practise of licensing radio and tv receivers would sound ludicrous, broadcasting has been an industry always in league with advertising and publicity. And since the state is debarred from broadcasting to domestic audiences, official media policy in America has been directed towards encouraging and supporting public service radio and television. Funded by the federal government, corporate donors and by individual contributions, public service broadcasting has become a force to be reckoned with, through still minor league, in the U.S. electronic media spectrum. It has come to be regarded as a necessary alternative to the commercial services that have historically dominated the American airwaves.

The British and Japanese systems, closely akin to each other, differ radically from the American. In these countries, the commercial and the non-commercial function equals; indeed, the non-commercial (BBC in Britain, NHK in Japan) has the edge over the commercial in respect of quality as well as audience loyalty. In both countries, a receiver licence fee is levied. NHK collects the fee directly from set owners; BBC gets it via government channels. Both, traditionally independent, also benefit from additional state funding.

What Sri Lanka has witnessed, through successive political administrations, is the strangulation of a vibrant tradition of non-commercial broadcasting. Today all life has been squeezed out of it. Yet the consumer is expected to pay for something that does not exist.

At this juncture, it is necessary to point out that the occasional non-advertiser sponsored item (e.g., religious discourse, education, instruction) slotted into the daily programming of SLRC, SLBC or ITN does not constitute non-commercial broadcasting in any acceptable sense. (And at the rate things are moving, it won't be long before even such program items seek advertiser support).

The measure of authentic non-commercial broadcasting lies in the undiluted integrity of the program flow and the identity of the station. Listeners and viewers who tune into such channels should never be assailed with any advertising message during the broadcasting day. The most they can be burdened with is a soft-spoken footnote at the end of a program, to the effect that some corporation, foundation or fund “is proud to be associated with this program”.

To put it in a nut-shell, electronic media consumers in Sri Lanka do not get a fair deal today; they are regularly short changed. As paying customers, they have certain legitimate expectations. But the state-owned media which benefit from the public's annual contributions do not fulfill these expectation today. This situation – this fundamental flaw – in Sri Lanka's broadcasting dispensation has, for some unknown reason, failed to engage the attention of media critics and lobbyists. The high-minded discourse on media freedom, social responsibility of the media, and such other seminar topics wholly ignores this aspect of broadcasting.

Now that new media legislation, and a boiler media dispensation, are supposed to be in the pipeline, though still many leagues away, concerned media critics and animators should begin to focus on this primary issue. For ultimately, the presence or absence of non-commercial broadcasting will be one factor that decides who controls broadcasting – politician, proprietor, advertiser or consumer.

V.O.A. and Public Opinion : Antecedents of a Forgotten Issue

R A Ariyaratna

The first agreement governing the VOA¹ broadcasting facilities in Sri Lanka was in 1951 at the onset of the cold war global politics. The facilities embodied in it were extended several times thereafter through low-key official transactions until a new agreement signed in 1983 providing for the substantial revision of the terms of the 1951 agreement brought in a wave of controversy and organized protest.

The 1951 agreement was concluded against the background of gathering war clouds over the Korean peninsula. Sri Lanka had gained independence barely three years earlier. Nevertheless she was identified as an ally of the UK and US by the Eastern Bloc of nations. Though there was no conceivable threat of the war being over-spilled onto the South Asian subcontinent, the national leadership of the newly-independent Sri Lanka showed signs of nervousness at the possibility of being drawn into the whirlpool of the escalating Far Eastern conflict on account of her Pro-Western ties. Understandably, therefore, they began to take a fresh look at some of the glaring inadequacies of the security arrangements entered into with the departing British. Some naval and air bases in the island were still in the British hands, but in the eyes of the Prime Minister D.S. Senanayake, these were not well-equipped to meet the wartimes exigencies, and expressed,

..... alarm at (the) inability of Britain to strengthen their forces at their naval bases (in Sri Lanka)².

Sir Oliver Goonetilleke, the Home Minister, who was a perceptive observer of global trends which pointed in the direction of the US emerging as a Super Power, relegating the UK to the level of a second-rate power, was quick to realize the potential inherent in the

situation to augment the security capacity of the country. He went a step ahead of his Prime Minister and suggested the establishment of a defence arrangement under which Sri Lanka air naval base facilities were to be offered to the US³.

China's formal entry into the Korean conflict in November 1950, portending a protracted war, compelled the US authorities to take, albeit temporarily, a serious view of this offer. Contemporary US defence officials were of the opinion that the North Korean incursion into the South was designed by Stalin to,

.....pin down the Americans in Asia so that he could move against the West Europeans.⁴

Not surprisingly, therefore, the US in 1951 toyed with the idea of establishing a powerful relay broadcasting facility in Sri Lanka under the aegis of the VOA and a transmitting and receiving radio station for the US Air Force.⁵ However, further negotiations of this matter were stalled due to several unexpected developments. First, a transmission project of a scale capable of meeting the war-time contingencies of communication was estimated to cost an initial expenditure of US \$ 3.2 million approximately, and the US Defence Department was understandably chary of investing such a large sum of money (in 1951) without attending to basic preliminaries like conducting a through on-site survey.⁶ Second, US was taken aback by the SL government's attempt to make its approval of the VOA project conditional on a US commitment to bulk purchase the country's rubber output for a fixed term of years at a fixed price. Third, the UK which was treaty-bound to defend SL in the event of foreign aggression, delivered the *coup de grace* by admonishing the US that a request on this count would only meet with rebuff by SL authorities as it was likely to be construed as a gratuitous interference in their internal affairs.⁷

Finally the US decided to settle for a modest agreement which was signed on May 14, 1951, providing for the installation of three 35kw transmitters and associated equipment for broadcasting VOA programs over Radio Ceylon, initially for a period of ten years and renewable thereafter at the end of every ten years. The relaying of the VOA programmes fell within the purview of the SL government as indeed did the right to give approval to the schedule and contents of such broadcasts. The modest stipulations in the agreement ensured muted local response to it and the installation of VOA antennae began shortly afterwards at a site at Ekala, about fifteen miles north of Colombo.

Several minor modifications of the 1951 agreement were negotiated during the tenure of the successive governments, including two spells of the Left-of Centre coalitions which were in power from 1960 to 1965 and again, from 1970 to 1977, before a substantial revision was effected in 1983. The impetus for this change came from the UNP government elected to office in 1977 with a landslide majority. The new government's preference for free economic enterprise in the domestic front was swiftly rewarded in the shape of a sizeable aid package offered by the West. Likewise, its Pro-Western tilt in foreign relations was anticipated to strike a responsive chord in the US and her allies. It was against this background that the 1951 agreement was renegotiated in the 1980's in the direction of expanding the VOA transmission facilities.

In 1983, a substantial revision was wrought into the 1951 agreement enabling the VOA to install six short-wave transmitters (two 250kw and four 500kw) on a site covering approximately 1000 acres. Initially valid for twenty years and renewable at ten year intervals thereafter, the new agreement declared that the US will,

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"use its best endeavours not to broadcast any programs detrimental to the national interests of Sri Lanka".

The glaring absence of quid pro quo reciprocity with regard to concessions accorded to the US by the 1983 agreement could only be explained in the context of the strained Indo-Lanka relations obtaining in the Background of alleged Indian complicity in intensifying Tamil separatist activities.

India's involvement in the worsening ethnic strife in SL became more pronounced in the 1980's, culminating in a brief interlude of military intervention, followed by coercing the SL government to sign the Indo-Lanka Agreement on July 27, 1987. Purportedly designed to proffer a solution to the ethnic problem, the Agreement contained an exchange of letters as an annexure which, *inter alia*, declared,

"Sri Lanka's agreement with foreign broadcasting organizations will be reviewed to ensure that facilities set up by them in Sri Lanka are used solely as public broadcasting facilities and not for any military or intelligence purposes."

At the risk of sounding trite, it may be observed that the inclusion of this clause was meant to allay Indian sensitivities lest the VOA facilities be used for non-broadcasting purposes. In the post-Indo-Lanka Agreement period, with an Indian Peace Keeping Force (IPKF) inducted to the northern and eastern provinces of SL, and the Indian High Commission exerting an overbearing influence over the decision-making processed in Colombo, the VOA expansion project was shelved only to be revived in the 1990's, when Indo-Lanka as well as Indo-US relations had shown a marked improvement.

On December 9, 1991 a new VOA agreement was signed superseding two unpublished previous agreements made in 1985 and 1986, but subject to that signed in 1983. The extent of land earmarked for the project was reduced to 400 from 1000 acres agreed upon in 1983, while identifying a specific parcel of land for the construction of the

proposed VOA transmitter station at Iranawila in the North-Western seaboard.

In return for an annual payment of US \$ 40,000, VOA is to be entrusted with the unrestricted use of the land, including, implicitly, the right to decide on the fate of a small fisher community inhabiting the adjacent coastal belt.

Members of the local public had their first inkling of the project when the on-site surveying was underway at Iranawila. The Sri Lankan government's refusal to lower the agreement documents to the public gaze gave rise to a wave of wild speculations on the nature of the agreed provisions. The agreements were finally tabled in parliament on October 8, 1993, but not before an enterprising journalist had achieved a scoop by publishing them in a Sinhala weekly newspaper. Meanwhile, a protest campaign aimed at holding the contracted VOA deal in public odium was afoot.

Since the agreement smacked of a deal thrust on the people as a *fait accompli*, the principle of the gov't's accountability to the electors was at issue. The possibility of upsetting the ecological balance in the area alarmed the environmental lobbyists. The left-oriented literati raised the spectre of a neo-colonial foray by the US, which could make SL vulnerable to nuclear war. However, the strongest protest to the VOA project was orchestrated by the Catholic church, which has traditionally been regarded as the guardians of the moral and spiritual upliftment of the staunchly Catholic fisher community living along the North-Western coastal belt. Under the aegis of the Church, a solidarity forum was formed to spearhead the protest and a series of meetings and demonstrations were held to garner public support for the campaign.

The Colombo-based US Information Agency issued "Fact Sheets" periodically in an attempt to allay these fears and to convince the public that they are merely interested in replacing the old transmitter with new technology being used in limited international broadcasts. However, these "facts" were hotly dispu-

tated by individual writers and various organised groups like the "Alternative People's Tribunal" and the "Iranawila People's Solidarity Forum".² The latter published a well-researched book under the title "The Irana-Gate Scandal" with detailed references to the VOA relay stations in Belize, Botswana, Greece, the Philippines, Algeria, Australia etc.³

Given the highly politicised nature of the Sri Lankan society, it was predictable that this controversy will enter the political arena as a matter of course. The parliamentary elections scheduled for August 1994 provided a ready-made stage for party propaganda debate. With the ruling UNP making no serious effort to defend its position as a signatory to the 1983 agreement beyond a feeble admission of *mea culpa*, the Opposition made much political mileage out of this issue particularly in the Catholic-dominated constituencies. Demonstrations, public rallies and protest marches against the crisscrossing construction work resurfaced with renewed vigour, emboldened by the opposition politicians' vociferous opposition to the VOA agreement. When the Opposition People's Alliance won the Parliamentary elections in August 1994, albeit with a wafer-thin majority, the anti-VOA sentiments in the Iranawila area erupted bursting at the seams. Several mass demonstrations clashed with the police culminating in the shooting to death of an Iranawila resident by the police quartered at the VOA construction site.

The emotionally charged wave of protest that followed this incident compelled the newly-elected PA Government to appoint a Ministerial committee to recommend further safeguards to be incorporated in a new VOA accord. The committee noted at the outset that,

.....International law provides for the review of international agreements and treaties but not for their unilateral abrogation.

On this basis the committee reached an 'understanding' with the US authorities on a number of points dovetailing with the 'implementation' of the agreement i.e;

- (1) not to prevent traditional fishing activities in the Lunu Oya
- (2) not to interfere with traditional religious processions outside the boundary of the relay station
- (3) to conduct magnetic radio emission monitoring along the perimeter of the Iranawila site
- (4) to allow on-site verification by the authorised representatives of the Sri Lanka Government
- (5) to restrict the site to 409 acres and
- (6) to assist the economic development in the vicinity of the site.¹¹

With the benefit of the hindsight, it can be speculated that the final point of this understanding holds the key to

the extinguishing of the embers of opposition to the operational activities of the VOA at the Iranawila site. For, once the main irritants are smothered by mutual understanding, the perceived fears tend to submerge amidst the flotsam and jetsam of economic benefits.

Notes

- 1 Formerly apart of the United States Information Agency, VOA was transferred to the International Communication Agency in 1978. *Encyclopaedia Americana*, vol. 28 International edition, Grolier, USA, 1991, p. 215.
- 2 Satterthwaite (US Ambassador in SL) to Secretary of State Acheson, 22 June 1951, cited in R. K. Jain (ed) *US - South Asian Relations*, 1947-82, vol. 3, New Delhi, 1989, p. 272.
- 3 Ibid. pp 274-5.
- 4 James Lee Ray, *Global Politics* (Third

edition) Houghton Mifflin Company, Boston, USA, 1987, p. 56.

- 5 Satterthwaite to the Secretary of State. (Telegram). February 19, 1951. *Foreign Relations of the US*, 1951, vol. VI, US Government Printers Office, pp 2019-2020.
- 6 Ibid, p. 2022, cited in F.N. 3.
- 7 Ibid, UK Ambassador to the Secretary of State, March 13, 1951, Ibid. p. 2022.
- 8 Exchange of letters 2. (iv) Indo-Sri Lanka Agreement of July 1987.
- 9 See, Report of the Alternative Peoples Tribunal and article written by H. Arthur Fernando on behalf of Iranawila People's Solidarity committee Forum, in *The Island*, October 19, 1994.
- 10 W.H.A. Fernando (ed). *Irana-Gate Scandal*, Iranawila People's Solidarity Committee Publication, Colombo 1994.
- 11 Report of the Ministerial Committee on the VOA Agreement. Sunday Times, January 29, 1995.

And now, Muslims driven to the wall

M. Hamza Haniffa

A spate of incidents involving Sinhalese and Muslims in the past few years in a number of Sri Lankan towns and villages ranging from Galle in the Southern province, Beruwela, Atulugama and Kalutara in the WP and Ugurasspitiya, Madawela and Akurana in the Central Province culminating in the riots last month in Galagedera have caused tension, apprehension and anger among Muslims, who constitute the second largest minority in the Island. Whilst the earlier riots did not cause much damage and were brought under control quickly by the police (supported in some cases by stationing of soldiers), the incidents in Galagedera last month have raised fears amongst members of our community that it will not be the last one but may be a prelude to more serious attacks on Muslim lives and property. In all the incidents so far the

Muslims have been at the receiving end. At Galagedera mobs torched and destroyed not only about 50 shops and homes belonging to Muslims but also a number of mills belonging to members of the community as well estates. The attacks which lasted for a few days subsided for a day or two and continued sporadically for a few more days.

What is causing concern not only among Muslims but even among government authorities and a number of Sinhala politicians is that all these riots broke out over minor quarrels between individuals or small groups belonging to the two communities but ballooned into serious clashes with a communal twist. The Galagedera riots, for example, began with the opposition to a Muslim trying to ply his trishaw for hire from the town centre provoking opposition from a few Sinhalese who had a monopoly earlier. The argument that ensued had within hours flared into a

major anti-Muslim war. The police force in the area is now being accused by leading Muslim politicians like the Sri Lanka Muslim Congress SLMC General Secretary who is Deputy Chairman of Committees in Parliament, Rauf Hakeem and organisations like the All-Ceylon Muslim League of not only inaction but even connivance. In fact, Mr Rauf Hakeem during the debate on the Emergency in Parliament (early April) went further and charged that there seemed to be an ethnic bias in the police force, adding that the usual government response of transferring the police station Officers in Charge (OICs) after the incidents was like the proverbial locking the stables after the horses had bolted.

Muslim political observers and analysts suspect that there are hidden hands or forces behind these attacks on Muslims which they say are now becoming more frequent. The monthly Al Islam trilingual paper that our Founda-

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tion publishes, the longest-published Muslim journal in Sri Lanka, has on many occasions during the past few years drawn the attention of the government and public to this anti-Muslim trend, particularly in the media and even in stage dramas and teledramas where the intention seemed to be to create suspicion and enmity among the majority Sinhalese, particularly Buddhists against Muslims. The question is who is going to gain by Sinhala-Muslim antagonism. In the community, there is a strong feeling that only those plotting to divide our country ala Bosnia and cause chaos and mayhem, like the LTTE and their supporters or subversive organisations in the South would profit from a second ethnic/religious battle amongst Muslims and Sinhalese. Certain political observers also suspect certain NGOs behind the conspiracy because opposition from Buddhist organisations and the Sangha to their attempts to convert Buddhists could be covered and diverted by shifting the focus on imaginary dangers from and so-called exploitation by Muslims. 'Al Islam' has on a number of occasions quoted statements from community and religious leaders on the atmosphere of suspicion and hatred being created by certain individuals, organisations, and sections of the media which only lead a slight match to ignite a conflagration. Fortunately, Sinhala Buddhist-Muslims friendly relations go back many centuries, as historians and scholars like Dr Lorna Devarajah (The History of the Ceylon Muslims. Thousand years of Harmony) have pointed out, and despite a few aberrations like the 1915 riots, the two peoples have lived side by side in harmony to their mutual benefit. From the days of the Sinhala kings, as Dr Devarajah and similar historians have recorded the adherents of Islam have been allies of the Sinhalese not only fighting foreign invaders like the Portuguese shoulder to shoulder but even helping put the country on the world map through trade ties. The Sinhalese kings and even the Sangha reciprocated by rewarding Muslims for these services and loyalty, which certain mischievous forces are now trying to make the Buddhists of our nation forget.

We Muslims, in modern times too stood for a united Ceylon opposing claims by Tamils for fifty-fifty, and our leaders also supported the introduction of the bills to make Swabasha the national languages of the country. Later, when the Tamil political parties and the armed militants demanded Eelam, despite claims by the Tamils that their struggle was for Muslims too (under the label of Tamil-speaking peoples) and offers of plums of office after Eelam is established, Muslims, not merely in the South but even in the North and East, where one-third of the total Muslim population in Sri Lanka lived, said 'NO' loudly and clearly to the Tamil entreaties. For this during this period after 1983, Muslims have suffered tremendously with members of the community being massacred in the hundreds (even whilst praying inside mosques) by Tamil terrorists, turned into refugees by the thousands, with the entire Muslim population in the North told to quit with just 24-hours notice by the Tigers, leaving behind properties, buildings and institutions (schools and mosques) worth billions. In the East, thousands of acres of rich paddy land owned by Muslims cannot be cultivated at present because these are either under LTTE-control or in areas which are unsafe.

Thus, there is a growing anger, almost exasperation, amongst Muslims, when Sinhalese individuals and organisations make statements utterly derogative of them, and act to prevent them from acquiring facilities which are available to others, and object to construction of mosques or calling for prayer (Azan) which does not exceed three minutes. Of course, Muslims understand that the overwhelming majority of Sinhala Buddhists do not support such attacks and opposition to Muslim activities, which many observe is not only illogical given Muslim opposition to demands for separation but also smack of utter foolishness, stupidity, once they think of what would have happened if Muslims particularly in the East had not stood as a barrier, an obstacle, to Tiger penetration and expansion into Sinhala areas, in the NCP

or even UVA. On their own if the Tamil terrorists could hold back and even inflict big blows on the armed forces and important targets, civilian and military, will not those who are spreading poisonous propaganda against Muslims and even instigating riots against them, pause to reflect on the scenario with Muslims on the opposite camp, is a question posed by many intelligent individuals amongst both Sinhalese and Muslims, although it is shocking to find university dons like Professor H.M.D.R. Herath who told the Sinhala Commission in May that Muslims had collected elephant dung from Dalada Maligawa lands and built mosques from movies obtained from such work. Herath received a stinging repost from Muslims who said that the only place where there was dung in elephantine proportions must be in the Peradeniya lecturer's brain.

It is hoped that through utter stupid provocative statements like this and actions to stop Muslims receiving due rights whether in the economic, educational or religious sphere, and frequent pogroms, the majority community will not play into the hands of those who are really national enemies by pushing a community which throughout the centuries has lived and worked in solidarity and harmony, to the wall. What is required is quick action to nip these evil designs in the bud, and 'Al Islam', four months ago banner headlined a call by ex-foreign minister A.C.S. Hamid for Muslims to probe this growing anti-Muslimism amongst Sinhalese. A dialogue between community and religious leaders of both communities, may be a positive step to stop this drift towards a new ethno-religious calamity. A calamity in which there will be no winners but only losers considering not only the international political fallout adverse to the country, which could be a bat the Tigers could hit the Sinhalese with by pointing out Sinhalese cannot live with any others, but also due to the economic and human aspect with more than 200,000 Sri Lankans living and earning billions for Sri Lanka from the Muslim Arab states.

Interrogating Independence

Susil Sirivardana

To our mind, the 50th Anniversary of Sri Lanka's Independence must be constructively mobilised into a **process of critical and self-challenging interrogation**. As co-owners of her Independence every Sri Lankan, without distinction, feels deeply about this historic occasion. So as we jog our memories and reflect on events, we inevitably ask several questions from ourselves. In other words, all of us participate in private bouts of self-study. The object of this essay is to assist this process of collective self-accounting to become **strategic**. This could be done by making our interrogation yield the **elements of a perspective** for the next fifty year cycle of Independence, or for the **making of the vision** of our Second Independence.

EVIDENCE FROM THE GROUND

We proceed by considering some success cases of our First Independence. We have focussed on successes for two reasons. First because they can help us to better appreciate the positive attributes, and by implication, underline what should be avoided. Second we wished to depart from the more conventional route of proceeding via the negative experiences.

We have used the following criteria for defining a success case. Such a case has to be owned and internalised by a majority of the concerned people. That also means scale – often national – and being sustained for two to three decades. Such cases are the outcome of a highly committed process of research and development, action reflection, self-challenge and struggle, by a critical mass of creative, value-led minds, who have interacted and learnt from the copious knowledge – stocks of the people. Each of these have produced a discourse and a school of thought – in other words, a particularised theory and practice. They also constitute critical transitions or landmark experiential processes. They help us to discriminate between the organically evolved endogenous processes which have been densely thought through upto the parameters of a discourse and theory, and the more meretricious products of imitative thinking which have been eclectically put together. Further, all these constitute examples of synthesising from many sources,

whose distinctive stamp is a coherence and clarity at a high intellectual level.

By applying these criteria to the first 50 years of Independence, we have come up with several success cases. This list is by no means exhaustive. They are also circumscribed by the author's field of experience. The periodisation is very preliminary.

1. Settlement and Foodcrop Agriculture (1948 - 1970).
2. Social and Human Development (1948-1982).
3. The Rule of Law (1948-1977).
4. The Development of Modern Sinhala Literature (1948-1984).
5. The Administrative Service (1948-1972).
6. Housing by the Poor and Poverty Eradication (1984-1993).

Of these six cases, we will analyse only one of them, namely Settlement and Foodcrop Agriculture (1948-1978). We will try to make our main points through this single analysis. In the case of the others, through individual facts and their inter-meshing will vary from case to case, the valuational and methodological content will be analogous to one another. For them therefore, we give some cursory jottings.

A SUCCESS CASE ANALYSED

The success of Settlement and Foodcrop Agriculture can be summed up as a triumph of inverting paradigms – from a colonial to an endogenous one – through a long process of internal learning. It was fuelled by a deep ethical and value-led bond with the farmers of this country. There was a solid partnership between the political and technocratic leaderships. And between both of them and the vast array of farmers. The national challenge – of food security – inspiring these groups was massive. In those decades immediately after Independence food security was another name for successful economic decolonization. The political spectrum was occupied by men of the calibre of D. S. Senanayake, Philip Gunawardena, C. P. De Silva, M. D. Banda and Dudley Senanayake. The technocracy by people like A. W. R.

Joachim, Ernest Abeyratne, H. de S. Manamperi, S. Kanagaratnam Mahinda Silva, Earl Jayasekera and Christopher Panabokke. The choirs of highly knowledgeable farmer intellectuals were everywhere, from the Jaffna Peninsula to Matara. In combination they composed extremely competent, and often brilliant, inter-disciplinary critical masses. These successions of critical masses persisted in a policy/strategy search, which compelled them to **discover a whole new agricultural system for the Dry Zone of Sri Lanka**. This was the singular quest and breakthrough secured by the labour of teams led by large-minded men like Ernest Abeyratne and H. De S. Manamperi. The Maha Illuppallama Dry Zone Agricultural Research Station was developed to the level of a centre of excellence. About two generations of agricultural staff workers graduated through Maha Illuppallama and other centres like Pelwehera.

What they succeeded in producing was a **discourse and a school of thought on the theory and practice of Dry Zone agriculture**. Irrigation, water management, soil science, varietal breeding programmes were all part and parcel of this holistic approach to the subject. It was a learning-led process all the time. Most important was the underpinning provided by the distilled wisdom of the Dry Zone *goviralas*. There was the most intense interaction and dialogue between the field, the laboratory and the classroom. The micro-macro link was ever present throughout.

There is ample evidence of such a conscious and consistently pursued policy search, such analysis of ground experience and the formulation of new alternatives in the second **Land Commission Report** of 1955 and the **Agricultural Plan** of 1958 produced by Philip Gunawardena. B. H. Farmer's **Pioneer Peasant Colonisation in Ceylon** (1957) was a major contribution to better understanding the dynamics of Settlement Agriculture. This sub sector was under constant scrutiny and experimentation. For example, Polonnaruwa District is a unique product of that sub sectoral endeavour, in that it is almost wholly a result of planned settlement or colonisation. The last important set of Agricultural Plans in this series, were the seven

or eight slim volumes that were ready when the new government took office in 1970.

The highest point of development of this policy/strategy process was reached during the Food Drive of 1965 - 70. While the food crop sector was elevated to the status of a lead programme and while it was personally led by the Prime Minister himself, demonstrating ample political commitment, what was significant about this process was that it was a phase of **all round reform and improvement based on lessons learnt from the ground**. The finest piece in this national scheme was the planned link between each paddy *yaya* at the grassroots and the Agriculture Ministry in Colombo, with an efficient process of two-way dialogue taking place between the two extremes of the micro-macro chain. The proof of the pudding was in the eating. The Food Drive spirit generated a great movement in farming all over the country and the per land unit and gross yields rose dramatically. Whatever shortcomings and excesses there were in this effort, its solid achievements bear continuing study.

In contrast, we must point out that the parallel story of Plantation Agriculture is quite different in one very important respect. While the plantations were well managed in comparison to what happened after their nationalisation in 1976, both the crop research and the farming systems used, were yet a continuation of the colonial paradigm. In Foodcrop Agriculture there was an authentic transition, which was the compelling demand of Independence: but in the case of the Plantation Agriculture sector there was no comparable internal transition. It may not be out of place to hazard the comment that a part of the reason for post-nationalisation setbacks could very well be the fact that these monocrop structures continued overlong after Independence. In other words, the thinking, research and experimentation on diversification and new farming systems on plantation land were not done when they should have been done.

SOME OTHER CASES

Given the extended treatment of the first success case in our list, we feel it is sufficient to make some jottings to situate the others.

Social and Human Development (1948-1962)

Sri Lanka's high PQLI and HDI positions

are the result of a cluster of social and human development policies/strategies followed from the late 1930's and intensified soon after World War 2. Distinctive among these sectoral policies are Free Education, a national Health Service and a functional Local Government System. The rice ration system contributed to maintaining moderate levels of nutrition. It is with the introduction of the first Structural Adjustment Programmes in the early 1980's, that these sectors came under threat. This is not to say that these programmes themselves were not overdue for reform. Free education being continued mechanistically in the 70's as in the 50's and 60's was bound to produce strong resentments. A modicum of intelligent manpower planning in the 60's could have redirected the future potential for mass joblessness and frustration among rural youth later on.

The Rule of Law (1948-1977)

The Rule of Law was something Sri Lanka had successfully maintained - excepting for the Criminal Justice Commission Acts of the 70's. The benefits of an independent judiciary were enjoyed by all and the system as a whole gained credibility. During this time it was said that there was not a single crime which remained unsolved in the annals of the Police Department.

The Development of Modern Sinhala Literature (1948-1982)

The development of modern Sinhala literature - both creative and critical - has gone on apace from the period of the Colombo Poets in the 1940's to the publication of Ediriweera Sarachchandra's book of socio-cultural criticism, *Dharmasikha Samejaya* in 1982. This is the extended story of a literature's search for a modernising identity, while being faithful to the essence of tradition. Wimalaratna Kumarama, Martin Wickramasinghe, Ediriweera Sarachchandra, Gunadasa Amarasekara, Dayananda Gunawardena, Sugathapala de Silva, Mahagama Sekara, Ajith Tilakaseena, Parakrama Kodilwakku, Monica Ruwanpathirane and Sucharitha Gamlath have been some of the leading contributors to this evolving discourse.

The Administrative Service (1948-1972)

The Administrative Service was capable of doing a good job of housekeeping and sustaining the standards of policy analysis upto the 70's. One only has

to look at the Cabinet Papers drafted by the top echelons of this service to understand how adequate they were as position papers. But this service also manifested certain weaknesses. They were incapable of building up sustainable levels of excellence. Instead they succumbed to the traps of the short term and the short cut. This was before the hand of political manipulation tainted the Service.

Housing by the Poor and Poverty Eradication (1983-1993)

This is a dramatic example of a success case, though its career was cut short prematurely. In spite of the shortness of its tenure it has been included here because it manifests all the criteria in our list. This case also marks the high mark of Sri Lanka's experience in Participatory Development. In this sense, it signifies a daring attempt at confronting the multi-faceted crisis of the 80's by defining and implementing a national Poverty Eradication policy/strategy (*Janasaviya*) with coherence and commitment. The initial thrust was reinforced by a cluster of pro poor national programmes and projects, which were tragically denied the opportunity to mature to the point of becoming irreversible.

LESSONS OF PRAXIS

Our next task is to learn from the ground, draw the lessons of praxis. An in-depth critical probing of the success cases can yield what we believe are **strategic** elements for the emerging perspective of the Second Independence process. We wish to investigate this terrain rigorously, so that at least we can pose to ourselves the right questions. We believe that asking the hard questions and the right questions is half the battle in our quest for clarity and direction.

The first lesson has to do with how **societies create the conditions for visionary, creative leaderships** to mobilise the creativity of the nation for laying its foundations. But how are such leaderships evolved? How do we avoid the pitfalls of the First Independence? They are formed through the accumulated efforts and struggles of sensitive and committed individuals in the interstices of society, who are driven by values, ethics and resilience in struggle. Their actions would evolve into a critical mass, a sensitive elite, which has the perspicacity to realise **who the real makers of**

history are. We believe that amidst all the evidence to the contrary, that such a community of excellence is in the process of being formed. Where? In the sum total of all the self-critical, sensitive, responsible and self-challenging women and men scattered throughout Sri Lankan civil society. This civil society has mountains of homework yet to do. Surely the huge human, societal and ecological tragedies we have brought upon ourselves, and yet are bringing upon ourselves, are sufficient compulsion to make us confront ourselves? Self-challenging is a vital tool. The most propitious manner to articulate and sift these invaluable strivings is through the **method of debate and discourse**. Debates and discourses have to become our "**Constructive Programme**" for the second independence.

The second lesson is related to the pre-eminent role of **learning**. The task of constructing independence requires the whole nation to become a learning society. Learning means self critically and collectively reflecting on one's actions as a matter of conscious habit. Those who learn, will always be changing and improving themselves. Those in positions of high responsibility have a major learning role to perform. They have to articulate policies drawn out of visions for their societies. It is this kind and level of work that we call 'intellectual'. The intellectuals therefore are those who provide a perspective, articulate the values, evaluate performance and suggest the correctives. The tasks of independence are fraught with complexity and imponderables. But intellectuals cannot shy away in search of facile options. The sustained and focussed practice of their intellectual quests, is to create discourses and schools of thought. Such discourses and schools of thought have successfully helped us to guide the critical transitions of a particular problem or field. An essential feature of this work is the amount of synthesising one has to do to evolve a discourse. That is the staple, the essential homework, of serious collective intellectual labour. Once the synthesising has been done and the discourse has become public, it acquires a life of its own. In other words, unknown to its many public users the discourse **undergirds** our thinking and action. It is a support which helps us to raise the quality of our perceptions. Those who breakthrough into this level

of intellectual activity are an invaluable segment of **conscience keepers** in society who succeed in upholding standards of excellence.

The third lesson has to do with eclipsing and repressing **mediocrity**. The presence and power of mediocrity in societies like ours is pervasive. By deliberate eclipsing of ethics, standards of conduct and the trusteeship of representation and governance, we have allowed the power-thirsty, the counterfeit, the third rate and the short term to masquerade as upholders of democracy and legitimacy. Mediocrity and excellence are inveterate competitors. To the extent that societies generate excellence, they can keep mediocrity in check. Where excellence is not a public value, mediocrity assumes ascendancy. In societies facing a multi-faceted crisis, mediocrity has become hegemonic. That is, a culture of mediocrity gradually grows and spreads. Our recent history provides ample testimony. The manipulation of democracy and the rule of law, the over-politicisation of party politics and the stubborn sway of polarised politics, the obsession with short term time frames, the incapacity to see the limits of populism, the sustained practice of reactive policy with hardly any capacity to be proactive, the mistaking of legality for legitimacy, the exaggerated role of without hard analysis and a pervasive sense of insecurity are some common manifestations of this trait.

In an article titled **How serious is our governance?** (The Sunday Observer, 23 February 1997) Neville Jayaweera captures this aspect particularly well.

"Amidst these endless pettinesses and rivalries one overriding commitment seemed to unite our politicians. That was the willingness, whenever they desired to extend or strengthen their hold on power, to reduce to abject compliance our institutions of governance, even into tinkering with the Constitution and using the power of a parliamentary majority to pass ad hominem legislation for achieving their goals. To ensure that end, they were also willing, not only to violate norms of juris-prudence recognised throughout the civilised world, but equally to corrupt and suborn administrators, judges etc. on whose excellence our institutions depended for their reputations....."

"The politicians have no understanding that institutions of governance, like giant oaks, take as long as a century or more to put down roots and develop traditions of excellence and integrity and that once hauled down are generally grown over by weeds and low shrubs"

The fourth and last lesson we wish to draw is about a particularly Sri Lankan brand of **opportunism**. This opportunism pervades our whole society from top to bottom. It is vibrant among the elites as it is among the masses. The best illustration of it is in the hypocrisy we practice in small as well as in big things. What we believe in genuinely and deeply, is often spoken **only in private**. We will never come out with the same criticisms in public or at formal fora where it is more appropriate to bring them up for collective discussion. Why is that? The reason is that we wish to privately reserve the right to seek favours from the object of such criticisms. So, we are not prepared to jeopardise our chances of accessing such benefits. Hence we will not articulate our criticisms in public. We believe that is the main reason why Sri Lankan civil society finds it so difficult to protest or demonstrate against manifest injustice. Is it not this deep seated opportunism which holds us back? In other words, we are often capable of being utterly unprincipled. So we prefer to live with the injustice rather than fight it.

DOING THE HOMEWORK

All the lessons discussed above deal with **patterns of how we have thought and acted** in the process of constructing our First Independence. The purpose of this interrogation has been to clarify certain guidelines for the future out of a critique of our praxis as a society - and a nation-in-the-making. If we are to work seriously towards healing the wounds of deep structural crisis, we need to ask tough questions from ourselves and come out with challenging answers. The more we turn our trials into self challenges and self questionings, we feel that we have hope of coming out of the crisis. We desperately need restructuring, a reformation and a national consensus. Our only chance of coming through is to learn the lessons of praxis and do our homework more honestly and more rigorously through a process of heightened debate.

ON THE DOLE

(Relief Package)

That guy on the side walk
In his soiled cocktail kit
Whines for a few rupees
(He means dollar cents)
For that square meal, mister,
And by Jove, its no con talk!

He's a local, and does not qualify
For that relief package
Doesn't deserve it, has let down
The Free Market
Taking that privatised venture
To early bankruptcy
In spite of all that easy credit
Structurally held back
When it was a State Venture
That collapsed without working capital
For its viable capacity.

But, say, those Bankers
Who laid it on thick for him at rates
Just a fraction above the rates they toppled

Off Citizens savings in this share
owning democracy
Get a double decker package of relief!

The State has IMF orders
To take over their unpaid loans
And provide more easy capital
To service the next Privateer.

This in spite of those withdrawn Subsidies
Increased consumer taxation
Devaluation and Inflation
(All in the restructuring category).

Yes its Free Market and no Intervention
Yet the Democratic Republic could have
subsidized
That capitalist on the sidewalk
If he just wasn't a local.

Relief goes only to foreign species
Facing extinction.

U. Karunatilake

Notice

After twenty years, the L.G. needs urgent re-organisation.
The next issue will probably be delayed. We are a small
outfit. We ask for patience and understanding.

Bata

Greetings

From

BATA SHOE COMPANY OF CEYLON LTD.