

LANKA

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TRENDS

UN Group, BASL discuss disappearances

A visiting UN Working Group on Disappearances discussed with the Bar Association of Sri Lanka (BASL) the need for a commission of inquiry into disappearances since 1983. The UN team expressed concern about the slow progress of the Presidential Commission on Involuntary Removal of Persons.

Also, a Working Group recommendation submitted to the government during a visit last year has not been implemented. The recommend-

ation was to permit recognised bodies such as the BASL to check registers at police stations concerning reported disappearances.

AI team due next week

A two member team from Amnesty International is due to arrive in Colombo on October 21 to observe the human rights situation here. The AI monitors will evaluate progress made on recommendations made last year. They will also observe the work of the on-going commission on Involuntary Removal of Persons.

Return of the JVP?

Newspaper reports quoting unnamed police sources said that the recent break-out of ten detainees described as "hard core JVPers" from a detention camp pointed to a re-grouping of the movement. According to these sources the JVP was still in possession of some jungle hide-outs. They are also believed to have a considerable quantity of weapons.

Open University to take in more

Sri Lanka's Open University can take in another 9,000 students, Vice Chancellor Dayantha Wijesekera announced. The OUSL now has 16,000 on its register. There are 250 teachers. The Vice Chancellor said that recognition for OUSL degrees were the same as for those from any other university in the

country, except for Law and Engineering degrees which needed additional recognition from the respective professional bodies.

North, East conflict: a compromise?

Select Committee Chairman Mangala Moonesinghe has sounded TULF leader M. Sivathamparam on a "compromise" solution to the North East conflict at informal talks. Ranil Wickremasinghe (UNP) and Anura Bandaranaike (SLFP) also attended the off-the-record meeting. All viewed these "alternate arrangements" favourably, reports said.

The new compromise solution provided for two separate provincial councils for the North and East with a another political body providing a link.

Meanwhile, there was no confirmation of rumoured talks between the government and the LTTE.

Less suspicions with closer ties

President Premadasa ending an official tour of SAARC countries said in Male that confidence among SAARC members would grow as regional co-operation increased, and this would dispel suspicion and fear that sometimes haunted South Asian countries.

"There is growing confidence in SAARC, of its own ability and effectiveness. We can now surely benefit from mutually helpful relationships with other regional groupings such as the EEC and Asean", the president said.

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INTERNAL CONFLICT AND GOVERNANCE

Edited by KUMAR RUPESINGHE

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KUMAR RUPESINGHE is a Senior Research Fellow at the International Peace Research Institute in Oslo. He is the chair of the International Peace Research Association's Commission on Internal Conflicts and their Resolution, the coordinator of the United Nations University program on governance and conflict resolution. He has published and edited many articles and books in the fields of conflict resolution which include **Conflict Resolution in Uganda and Ethnic Conflicts and Human Rights**.

Violence, war and internal conflicts have assumed a new intensity with the decline of the Cold War. There are over 32 civil wars going on today. Our world may well witness over 100 million refugees in the year 2000 as a direct result of internal wars. This volume consists of case studies and theory-oriented papers dealing with Asia, Africa and Latin America and the Middle East. Taken together, they spell out implications of wide general interest, providing a comparative basis for a systematic approach to conflict transformation.

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INDIA-SRI LANKA BHAIBHAI!

Mervyn de Silva

NEWS
BACKGROUND

President Ranasinghe Premadasa's brief but surprisingly successful visit to India (Oct. 1-3) may have removed many of the irritants in Indo-Sri Lankan relations of the past decade or more. If that reading is proved correct much of the credit will surely go to Prime Minister Narasimha Rao and his diplomatic skill, and the new spirit of regional cooperation generated by S.A.A.R.C., the seven-member South Asian Association. Deeply committed to S.A.A.R.C., President Premadasa believes that closer economic cooperation could help resolve bilateral disputes and reduce regional tensions.

Both leaders represent continuity and change. There may be psychological affinities too. Mr. Rao is the first "southerner" to become Prime Minister of India. Mr. Premadasa is an outsider to the westernised Colombo upper-class that has produced Sri Lanka's prime ministers and presidents.

And yet, paradoxically, it was mounting India-Pakistan tensions that paved the way for Premadasa's success on his Indian visit. Rarely cordial, relations between South Asia's major powers have suddenly soured over the secessionist insurgency in Kashmir, the region's generic conflict. India continues to accuse Pakistan of actively assisting the rebels, while Pakistan uses every forum to accuse India of ruthlessly suppressing an "independence struggle". In this campaign Pakistan uses Muslim organisations, in particular, to "internationalise" the issue.

When Mr. Premadasa visited Pakistan the previous week, President Ghulam Ishaq Khan dwelt at length on the Kashmir issue. At no point on his Pakistan visit did Mr. Premadasa use what most Indians regard as the

seven-letter word, KASHMIR. But officials in Delhi would have taken note of other, connected matters too.

His visit to Pakistan was Mr. Premadasa's first overseas trip after he succeeded President Jayawardene nearly four years ago. He was visiting Pakistan not as Sri Lankan President but as the outgoing Chairman of S.A.A.R.C. His choice of Pakistan rather than India, the closer and far more important neighbour, would hardly have been unnoticed in Delhi.

His choice endeared him to the Pakistanis so much that Islamabad promptly upgraded the brief ceremonial visit to a "state visit", with all the accompanying honours including a 21-gun salute at the airport where President Ghulam Ishaq Khan greeted him warmly.

The sounds of that 21-gun salute would have been heard loud and clear in the corridors of South Block, the Indian Foreign Office. So few Sri Lankans were surprised when Delhi, barely twenty four hours before his departure, made Mr. Premadasa's visit a "state visit" too.

The day before he left for Pakistan, Mr. Premadasa was chief guest at an international conference in Colombo organised by the World Muslim Congress, a Saudi-supported body. Muslims from 43 countries participated. The conference was chaired by Mr. M. H. Mohammed, the Speaker. The key-note address was given by Mr. A. C. S. Hameed the Minister of Justice and former Foreign Minister.

The vote of the national minorities — Tamils, Muslims and Christians — carries more weight under the Presidential system introduced in 1978 than under the old Westminster-style parliamentary system. While Tamils are

slightly over 20 (twenty) percent of the island's population, the Muslims are about seven (7) percent. An affluent Muslim business community has expanding commercial links with Iran, the Arab world, Pakistan and more recently Malaysia and Indonesia. The current Islamic "awakening" has politicised a traditionally non-political community.

The Tamils on the other hand find comfort in the large South Indian State of Tamilnadu, just across the narrow Palk straits, from the northern province, the Tamil heartland and the main base of the separatist Tamil "Tigers".

Since no administration in Delhi can neglect so large a state as Tamilnadu, the Sri Lankan Tamil, trapped in a fierce ethnic conflict, tends to regard India as a protective patron, with Tamilnadu as a sanctuary. Dwarfed by India, and nervous about the large Tamil presence across the waters, the Sinhallas sometimes behave like a majority with a minority complex. In any event, the ethnic conflict lies at the inter-face of the island's domestic politics and its foreign policy, to remain the core issue in Indo-Sri Lankan relations.

And yet there was a time when eminent Indians regarded Sri Lanka as India's only trustworthy neighbour. From Colombo's point of view, this paid good dividends.

After independence (1948) the "Tamil issue" was the problem of nearly a million Indian Tamils. While today the armed youth movements of the Tamil north demand a separate state, the "Indian Tamils" were 'stateless' plantation workers in the central highlands. A connected problem was the flow of illegal immigrants from South India in search of jobs and a better life in

Ceylon. The 'stateless' was a colonial legacy. When tea became the main export and the island came to be known as Lipton's garden, the British firms brought cheap indentured labour from India to pluck the tea.

This alien presence in the island's heartland, directly involved in producing the main export, frightened the Sinhalese leaders. All that they could do, though, was to deny many of the Indian workers voting rights, and citizenship. Whose citizens were they? Two agreements were signed by Prime Minister Lal Bahadur Shastri and Mrs. Indira Gandhi in 1964 and 1974: On both occasions, the Sri Lankan Prime Minister was Mrs. Bandaranaike. These "accords" had a lesson that not all Sri Lankans learnt. Indian accommodation was readily available to Sri Lankan regimes if only Colombo pursued a foreign policy that did not adversely affect Indian foreign policy and national security interests. Mrs. Bandaranaike followed a "non-alignment" that was a model of what India expected from its small neighbours.

Mrs. Bandaranaike's party was trounced by the conservative UNP in 1977. Its leader was 72 year old Junius Richard Jayawardene, nicknamed "Yankee Dicky" quite early in his career. This strong-willed patriarch with settled views on governance, and a world-view that would have pleased John Foster Dulles, was confronted across the Palk Straits by Indira Gandhi, the uncrowned "Empress of India". Since JR was also chairman of the nonaligned movement, it was a classic confrontation.

Not only did Jayawardena opt for free market policies in the hope of converting Sri Lanka to a "second Singapore" but he all but abandoned the island's traditional nonalignment. Of course, Indira Gandhi had interpreted nonalignment even more freely when she signed a pact with the other superpower in 1971, the Indo-Soviet treaty.

Indian security thinking is the most obvious of British legacies. Not long after British troops took

Trincomalee and then the Dutch-ruled maritime provinces, William Pitt would inform Parliament that Ceylon "the most valuable colonial possession in the world, giving to our Indian Empire a security it had not enjoyed from its first establishment".

From the 1940's Indian strategists have focussed on Sri Lanka's "nodal position" in the Indian ocean, India's "exposed southern flank" and vital importance of Trincomalee.

J.R. had plans of his own. He was thinking of an export promotion zone in the north-east, using Trinco as the base. He was hoping he could attract the US, especially the US navy already worried over the future of Subic bay.

To contain J.R. or perhaps de-stabilise his regime, Mrs. Gandhi took up the Tamil issue. Jayawardene's "war" on the Tamils the refugee flow to Tamilnadu, and impact of both on that large state's society and politics gave Delhi *locus standi*. In a C.I.A.-type covert operation, India's external intelligence service R.A.W., set up training camps in India for the Tamil "Tigers" and other separatist rebel groups. They were sent back to the island's northern province with sophisticated arms, communications equipment and money.

J.R. looked to the US and West for help. Unwilling to alienate India no western country was ready to help him fight the Tamil militants. Help came only from Pakistan, China and in the end, Israel. When President Reagan told him bluntly that the US could not antagonise India, "J.R." knew the game was up. But in 1987, he made one final bid to take Jaffna. Indian planes (Soviet-built MIG's) flew over Jaffna dropping food parcels, medicine etc. "J.R." got the message. He signed the "India-Sri Lanka Agreement" popularly called "Peace Accord". Together with the "Accord" was "an exchange of Letters" which addressed all India's security concerns — Trincomalee, the Israeli "interests section" in the US

embassy, a V.O.A. project and so on. India had made its point. Prime Minister Rajiv Gandhi was a proud and happy man.

Mr. Premadasa, the Prime Minister, knew nothing about it. He was in Japan at that time and learnt of the treaty and its terms from a frontpage report in the *Financial Times*. He was more than worried. He was angry. He had reason to be disturbed. An old "Guerrillist" movement, JVP, crushed in the early 70's was now re-emerging in the ultra-nationalist garb. As a critic of the "Accord" on the grounds that Sri Lankan sovereignty and independence had been compromised, Premadasa could meet the JVP propagandist barrage without going under. President "J.R." made him the party candidate at the presidential polls. Premadasa promised to abrogate the pact and call on India to withdraw its troops, some 60,000 or more.

He won the election. He also crushed the JVP revolt. It was

(Continued on page 24)

SLFP Rift Widens

After the recent reverses — the Youth League and the SLFP Bhikku organisations elections — Mrs. Bandaranaike, President of the party hit back hard by declaring the Sangha Front polls illegal and unconstitutional, accused the monk elected president of being "connected with the conspiracy" to remove her from the party leadership when she was stripped of her civic rights by JR regime. She says that the latest move by the Anura group is "part of the conspiracy" to remove her from the leadership. The Youth League polls which were won by the Anura group is not mentioned in her press statement. The Bhikkus who attended the meeting that elected these new office-bearers came from two electorates, she says.

The clash between the Mrs. B. and the Anura group is not only public now but moving towards a head-on collision.

Pak-Lanka ties stronger

The new Pakistan High Commissioner for Sri Lanka Mr. Husain Haqqani has expressed the hope that the goodwill and closeness that characterize friendly relations between Sri Lanka and Pakistan would further strengthen as the bonds of relationship between the two countries are eased on the cherished principles of mutual respect for sovereignty, territorial integrity and non intervention in the affairs of other countries.

He was speaking as Chief Guest at the reception hosted in his honour by the Sri Lanka-Pakistan Friendship Association.

Mr. Husain Haqqani said that global changes have shrunk the distances and the concept of proximity of states on the basis of geographical location. Pakistan considers Sri Lanka as a friendly neighbour in the South Asian region. The two countries share common perceptions if not

borders. The stewardship afforded to the SAARC by Sri Lanka during its term for Chairmanship held by President Ranasinghe Premadasa has effected a further impetus to mutual cooperation among the countries of the region on the basis of equal status of all the states. President Ranasinghe Premadasa has infused the realisation that future of the people of South Asian region was closely linked to mutual cooperation and optimum utilisation of the resources of each country for the development and welfare of the poor masses.

Religious and ethnic challenges

The vicious, continuing ethnic conflict in Sri Lanka may be seen as a microcosm of what happens when issues of ethnicity take over the political process. It is the most intractable and tragic of all conflicts, often with a power to de-stabilise well beyond its national frontiers. It has its own internal dynamics which defeat external attempts at mediation or solution. It proves how cruelly illusive the quest for reconciliation can be; as soon as the chance of a settlement appears, it is wrecked by the actions of one side or the other and the violence then escalates.

Much of the discussion centred on the non-implementation of the India-Sri Lanka Peace Accord of 1987 and whether its failure was inevitable or a tragically missed chance to resolve the conflict. Most take the view that the Accord was compromised from the outset because the main Sri Lankan actors would not tolerate any agreement imposed by outside forces. Even the Tamils who demand more explicit federal arrangements rejected the proposed devolutionary measures in the Accord.

But it is also argued that the rejection of the Accord by Tamils and Sinhalese was largely due to their not being consulted before hand, even if this had been unavoidable. The Accord had been based on the premise that internal forces on their own

This is a note on Sri Lanka in the WILTON PARK PAPER 57, based on the discussion on Religious and ethnic challenges in South Asia, at this year's WILTON PARK CONFERENCE.

would not be able to bring about a solution. The concept of a unitary state is so entrenched in Sri Lanka that even a referendum would not have achieved the necessary majority for a measure of devolution. By presenting its proposals as a *fait accompli*, the Accord was an imaginative attempt to circumvent the obvious impasse at a time of military and political deadlock.

Since the Indian withdrawal, the conflict has dragged on inconclusively. The search for an internal settlement is now hampered by the emergence of hard-line Sinhala opinion which questions the need for a political solution and greater political consensus and refuses to acknowledge that any dialogue with the LTTE (Liberation Tigers of Tamil Eelam) can be substantive. The nature of LTTE admittedly makes dialogue difficult; it combines a passionate commitment to its cause with awesome capacity for destruction and extreme brutality. Its negotiating strategy is daunting; it shows initial willingness for an accommodation which it then wrecks, so raising the stakes and hardening Sinhala militancy.

There is now fear that the government's commitment to a multi-ethnic pluralist state, with greater devolution of powers, is receding fast in the face of hard-line militancy. Pressure is increasing on the government to subjugate the LTTE militarily and, it is believed, a military offensive could be the likely outcome. This is a tragedy which can only cause great human suffering but will not resolve anything since what is required is a political solution.

Discussion about alternatives remained tentative in the light of this sombre assessment and of the limited scope for any external initiative. The conflict in Sri Lanka has now gone on for long enough for many of the standard solutions to have been found unworkable.

Whereas in Pakistan there is hope of allaying ethnic conflict by the introduction of more representative democracy, greater political freedom has only deepened the conflict in Sri Lanka. Federalism too is bitterly contested because to the ardently nationalistic Sinhalese it is mere anti-nationalism. The religious element in the conflict in the shape of the Sinhalese Buddhists is a further complicating factor; combine with ethnic mobilisation, it hinders any settlement getting off the ground. A possible UN role was mooted, but only hesitantly as the current example of Yugoslavia shows the limits of peace-keeping where there is no peace to keep.

Parliamentary Democracy vs the Presidential System — A Realist Approach

Radhika Coomaraswamy

IDEA v PRACTICE

The idea of democracy is today part of a universal discourse on government. But the concrete manifestation of this idea within institutional forms of governance is as diverse as the history of the modern world. Representative democracy is a near universal political goal, but the form of representative democracy and its effects in a particular society are empirical questions of fact. Such an analysis cannot come from priori assumptions about structures of government but from the evaluation of actual historical experience.

This disjuncture between the idea of representative democracy and its concrete manifestation must be the starting point for our analysis¹. Some may argue against the proposition of representative government², but very few have put forward a viable alternative to such a form of government at the national level. Though we may want to foster indigenous traditions we must also recognise that a world heritage of ideas, institutions and practical experience have cracked open the internal processes of developing societies.³ The acceptance of representative democracy as a universal political goal is a manifestation of this dynamic. No serious actor on the Sri Lankan political scene is asking for its removal as the cornerstone ideal for our own democratic system.

The debate about the choice between parliamentary democracy and presidential systems currently taking place must be understood in this context. At one level it is a debate about the perfect ideal institution — a positivist debate about words and forms. At another level it is a debate about structuring government and

a contest about whose voice will be heard, whose voice will be privileged and what rights will be protected. In other words it is also about the actual results of electoral hustings. The Constitution one supports must therefore reflect the values one places as important in a given society.

Since Constitutional advocacy is deeply affected by the values of the author, I will state my predispositions very clearly. An ideal constitution for Sri Lanka in my opinion must be one that

- a maximises checks and balances and therefore reduces arbitrariness in decision-making
- b maximises sharing of power between the centre and the periphery so that as many people as possible participate in public decision-making
- c maximises the efficient delivery of state services within the parameters of a democratic set-up, services which must be the welfare safety net of any given society, especially a developing one.
- d maximises protection of minority rights and allows territorial minorities the right to fully determine decisions which affect their future in their areas so long as they respect the rights and privileges of individuals and minority groups living in these areas and so long as they are committed to a democratic process.
- e maximises fundamental rights protection, the cornerstone of any constitutional order which not only ensures democracy at times of election but in the everyday life of people.

These are the cardinal principles which will guide this paper in evaluating whether we should adopt a Presidential or Parliamentary system. The paper

does not argue that either one of these systems are a panacea for all evils and the choice between them or as part of a combination of both of them must be anchored in the political realities of any given society.

CHECKS AND BALANCES — A WESTMINSTER CONSCIOUSNESS

In actual historical terms checks and balances among the arms of government has come from those who advocate the Presidential system. The alternative tradition of parliamentary democracy, in its Westminster formulation, sees the triumph of Parliaments as the central and superior institution which reflects the will of the people. The restraint of governmental conduct would be maintained by systems of accountability and conventions of parliamentary conduct and not by any clearly articulated doctrine of checks and balances.

In other words, checks and balances was seen to be necessary only when one had a powerful executive presidency and the checks were on the use of arbitrary power by an elected individual. Majoritarian democracy, as a step away from monarchy was to be unbridled especially in a society with the homogenous population of England. However, in Sri Lanka the 1972 Constitution and its operation has proved to us that parliamentary democracy, when the government has 2/3 of the MPs in its party, is as unbridled and as arbitrary as presidential system. The tyranny of the majority results not only in the repression of other political parties but also minority groups. Without effective checks and balances on the legislative process, there is as much arbitrariness as in the presidential system.

Checks and balances as defined by traditional constitutional wisdom is grounded in the premise of "balanced government". He says that this notion of balance comes from the anti-despotic idealism of Montesquieu but also from the practical shrewdness of the US drafters of the Constitution.⁴ In Sri Lanka we have not only inherited Westminster forms of government but also Westminster consciousness. In other words, unlike Montesquieu or Jefferson, English leaders from Cromwell onward did not really believe in balanced government; they believed in the supremacy of parliament as the institutional cornerstone from which everything follows. This supremacy of parliament coupled with leftist notions of people's assemblies and centralised party structure led to the 1972 Sri Lankan Constitution where even fundamental rights, though formally adopted as an element of the Constitution, was watered down in the interest of the "National State Assembly".

Sri Lanka has therefore no accepted historical consciousness or practice with balanced government. At the same time this historical consciousness is absolutely necessary if a Presidential system is to avoid its most despotic phase. In fact the institutional system of checks and balances manifests itself by deliberately placing a check on the executive as well as the legislature by the judicial interpretation of Constitutions. For a system of checks and balances to work, one has to have a powerful judiciary and a legislature which is suspicious of presidential action and sees itself as a watchdog of the President. It is this mutual suspicion which gives the system of checks and balances meaning. In Sri Lanka we have neither the powerful judiciary which has the capacity to review legislation — only bills and executive action — and since the inception of the Presidential system, we do not have a practice of eternal legislative vigilance with regard to the practices, the finances, and the spending and appointing power of the President.

The constant vigilance, the mutual suspicion is lacking.

What are the elements which contribute to this lack of suspicion and mutual accountability.

1. The President as head of government is not accountable to parliament — only his ministers. At the same time he can hold portfolios so that in important areas he makes policy, is responsible for policy but remains unaccountable. In the U.S. the President is not accountable to Parliament but the powerful legislative committees keep him under constant scrutiny and his officials may be summoned at any moment for public hearings on any question. So the immunity of President from parliament in Sri Lanka is not compensated for by any effective machinery which allows for the policies and officials of the President to be subject to scrutiny. The machinery exists in the Sri Lankan context but the realities of politics in which both the executive presidents have enjoyed a docile parliamentary majority has prevented the effective use of this mechanism.

The rather bizarre impeachment motion led by some members of parliament was the only exception to this docility of parliament with regard to the executive presidency. But impeachment is extraordinary measure; an act of truly the last resort which has never been very successful even in the United States. Since it is a move against an elected representative, most systems have acted with caution in bringing impeachment to book. In fact, it is more commonly used against the judiciary since judges are not elected and are therefore more accountable to the other institutions of government.

The fact that a docile parliament would suddenly move against a President in

an impeachment movement points to something more fundamental in the body politic. Constitutions and parliaments are still seen in an instrumental sense — i.e., whether they will allow one section to capture state power and "anything goes" in that attempt. This is not the weakness of any one political party but appears to be endemic to the Sri Lankan body politic. However, if there is no possibility of grabbing state power, then the only option is docility. The whole middle ground of using parliament as a watchdog, of keeping a check on the day to day activities of the executive, of increasing the technical competence of parliament to deal with crucial issues of policy especially financial policy, are issues that have not been cultivated or developed.

Checks and balances are important concepts in any form of representative government. Mutual suspicion among powerful bodies of government is one way toward honest and effective government. It is especially important when we have a presidential system since there is no presidential accountability to parliament. If Sri Lanka is to maintain a Presidential system it would have to increase the power of the judiciary including the scope for judicial review of legislation as well as to develop mechanisms whereby Parliament, regardless of party affiliation sees itself as a watchdog on an errant executive, not only on impeachment day but in the every day life of politics.

In addition it may be argued that the 1970-1977 period has also pointed to us the pitfalls of an unbridled legislature in the alternative system of parliamentary democracy. It is therefore imperative that no matter what system is chosen, whether a presidential system

or a parliamentary system, it is necessary to have the safeguards — a judiciary that can review legislation without fear or favour and a parliament which is competent to be a watchdog on the day to day policy-making. Without these effective checks on both the executive and the legislature, the era of arbitrariness, patronage and unbridled power — Sri Lanka's post-colonial political legacy will never really leave us.

2. The other factor which has prevented the healthy mutual suspicion, which is at the heart of checks and balances between the Executive and the legislature, has been the proportional representation system in relation to an executive president. The system of proportional representation has had one salutary feature which is to allow for the representation of political parties in terms of the votes that they have actually polled. This has prevented the pendulum swings reflected by the first past the post system which had characterised our early years with parliamentary democracy often leading to the tyranny of the majority.

But the system, which had as one of its objectives placing the party over the personality has led to political power being concentrated in the hands of the political party. This has led to major problems in the political system, because very few of the political parties in Sri Lanka have the organisational structure of modern political parties. In fact, they have often been characterised as loose associations where the whims and fancies of the party leadership have more clout than the internal processes of selection and election.

This has led to the development of party oligarchies, a condition which has been well analysed in western

political parties. As Michels writes:—

“It is the party organisation which gives birth to the domination of the elected over the electors, of the mandatories over the mandators, of the delegates over the delegators. Who says organisation says oligarchy”⁵

This oligarchy may be an intrinsic part of any bureaucratic apparatus in the modern world, but in Sri Lanka there are no minimum standards with regard to the conduct of the internal affairs of the political party. While we may have company law with regard to private enterprise, there is nothing with regard to the conduct of political party business. In some sense, there should not be a law which makes all political parties into similar organisations — in fact freedom of internal experimentation should be given maximum leeway; the party should not become an entrenched bureaucracy. And yet, there should be minimum standards with regard to the conduct of business to ensure a measure of integral democracy and financial accountability to the membership. Whether we have a presidential system, or a parliamentary system, this factor has to be underlined. In both institutions, the political party is the foundation, the core of the system. Unless we devise strategies and policies to ensure the minimum standards of democratic deliberations within the party structure, the system itself will not be able to function. It is only a democratic and effective party system which will be the final check, either on an errant president, or a runaway parliament with an errant prime minister. It is also only an effective party system which will groom and put forward candidates who will be our future political leaders. If there is some

blockage within the party structures, then quality leaders will never emerge. In any system they are the final protectors of democratic values.

SHARING OF POWER

It is said that a Parliamentary system is better suited for the implementation of a scheme of devolution and sharing of power as described in the thirteenth amendment of the Sri Lankan Constitution.⁶ In fact the scheme replicates the Westminster model at the provincial level, where the head of the executive, the Governor is the appointed head with many ceremonial powers but the effective executive in terms of legislation and cabinet policy is the Chief Minister — the person who commands the confidence of the provincial council.⁷

Many commentators have pointed to the problem of having a parliamentary model at the provincial level and a presidential model at the centre, the areas of contention and discrepancy which may arise in the implementation of the thirteenth amendment. A strong presidential system with power vested in an executive president is inherently a centralising force. The new innovations such as the Presidential mobile secretariat and even such massive programmes such as the Janasaviya and the village awakening programme which originated within the central executive create a direct equation between the President and the people. This so-called Bonapartist style has very little room for intermediaries. In fact it has been argued that even the cabinet of ministers would be bypassed, but in the same way, and perhaps to a larger degree, the provincial councils will also be bypassed in the implementation of these schemes. So a President with a grand vision may actually subvert the autonomy and delegative powers of a provincial council.

And yet, the same could be said of a cabinet of ministers and a primeminister in a first

past the post legislative system if they wish to implement national policies. The experience from 1971-1977 clearly points to a great deal of centralisation both in the state sector and in the industrial sector but this time under the prime minister and important cabinet ministers. In fact the combination of economic centralisation and political centralisation was much more effective during those years when we were a parliamentary democracy.

Centralisation in the past has had much less to do with the forms of government and more to do with the vision of the political leaders. Activist, interventionist political leaders who wanted to impose a vision on the society were more likely to be centralist than those who were pragmatic and oriented toward problem solving. What is important is that neither system is inherently conducive to power sharing without the necessary structures of protection built into the scheme.

The United States is a presidential system but under their federal powers the states have a great deal of authority. The French are also a combination of presidential and parliamentary rule but their system is very centralised and uniform. The Canadians have a Westminster model but theirs is perhaps one of the farreaching constitutional structures with regard to the soaring of power with the provinces while the Indians are also a Westminster model with a great deal of centralisation at least with regard to the state sector. In fact it is often said that India is kept together by the All India bureaucracy and the All India army; two extremely centralising forces in the Indian sub-continent.

If the forms of government do not determine the nature and extent of power sharing, then what does? The extent of power sharing must be reflected in the Constitutional sections relating to the provincial councils. If they are federal in character, i.e., where the provinces

have exclusive spheres of legislation, there will be more power-sharing; if they are unitary in character, that is if all the decisions of the provincial council can be overridden by the Centre, then there is more scope for centralisation and the subversion of the devolution scheme.

In the final event the protection against arbitrariness must be found in relevant and specific constitutional sections, though it could be argued that an executive presidency has a tendency to centralise more in a developing country, where the personal style of the leader of the state is extremely important and where systems of patronage have not been overtaken by Weberian systems of objective rules and procedures. Since a personality style is more important than bureaucratic procedure, it is argued that the style of executive presidency would be more conducive to authoritarianism in a developing country.

PROTECTION OF MINORITIES — FROM ALL SINHALA TO ALL SRI LANKA

While the thirteenth amendment duplicates the Westminster model at the provincial level and a belief that a parliamentary style of government would be more conducive to a system of devolution aimed at meeting the aspirations of the people of the North and the East, especially the Sri Lankan Tamil minority, there is no doubt that a presidential system will be more conducive to meeting some of the aspirations of minorities in a much more significant way than a parliamentary system.

Before the advent of the executive presidency, the parliamentary system which existed in Sri Lanka was completely insensitive to the needs of the minorities. Individuals could be elected in electorates which had no minority representation and become prime ministers. In the context where their electoral base is completely Sinhalese, they did not even have to attempt to deal with minority grievances. The tradition set by the 1956 election is a case in point.

However, with the advent of the executive presidency and a national instead of divisional electorate, the minority voice suddenly became important. At the last Presidential election all sides attempted to address minority grievances. The DPA platform of the Opposition was even more progressive than the election manifesto of the UNP, the party which traditionally attracted the Tamil votes outside the North and the East. The Muslim vote was also catered to.

The electoral hustings therefore put the minorities in a position that they have never enjoyed in an election in Sri Lanka. They have been happy to sit on opposition benches screaming for federalism and separate states or worked within the major parties but without an effective voice. But the moment there was a national electorate, no political party could afford to be outrageously racist, because the minorities held a important block of votes. The parameters of electoral discourse was also forced to change. This has been one of the wholesome contributions of the Presidential system, even if it is seen as the only one. For the first time the minorities in the country felt that they had a say. In the end this may not translate into actual action but the setting of electoral discourse within the parameters of having to have an All Sri Lanka ideology is extremely important since it is the electoral competition among political parties for the All Sinhala vote which had led to the primacy of the parochial constituency and the days of strident nationalism and ethnic mobilisation in the 1950s, the 1960s and the 1970. By the time the system changed in the 1980, and a new president was elected in 1988, the minorities living in the North and the East were being led by militant groups who had no interest in a national electoral process.

The call for a return to a parliamentary system in contemporary Sri Lanka comes from two quarters. The first is the liberal and socialist constituency

who feel that the operation of a presidential system has led to an increase in authoritarianism. They argue that the imposition of a presidential style on a civil society used to personal patronage only reinforces traditional authoritarianism and develops new avenues for such patronage centered around one individual, his friends and family.⁸ There is a sense that a return to parliamentary democracy with a system of proportional representation will in fact strengthen democratic structures and traditions at least those ones which are supposedly entrenched in the legislature. There is a strong case for this argument.

The second constituency which is demanding a return to the practice of parliamentary democracy in the Sinhala Only constituency which resents the new voice and the new power that minorities have in the election of the President. They especially resent the bloc vote provided by the CWC and the Indian Tamils to the ruling party. They wish to return to the days of the "All Sinhala electorate" and are resentful at the shift of discourse resulting from an "All Sri Lanka electorate".

The final formula is therefore not an essentialist one — i.e., a choice between parliamentary democracy and a presidential system. What is needed is a system of representation which gives the minority a voice in electing the executive and therefore ensures an All Sri Lanka consciousness at election time but which at the same time minimises the authoritarian trends which may be present in a centralised executive presidency.

FUNDAMENTAL RIGHTS

Not every constitutional system formulated a Bill of Rights as integral feature of government. In fact it is often said that the Bill of Rights is "what the British Crown feared — and what the American founders decided to risk."⁹ In Sri Lanka, with our Westminster consciousness, the fear of fundamental rights as a volatile element in the constitutional scheme is subconsciously expressed. For example,

at the moment, legislative action can be challenged for fundamental rights only before the enactment of Bills and not after the law becomes legislation. From the point of view of fundamental rights this is completely unsatisfactory since one has very little notice of the bill, very little public discussion and most important one does not see the law in actual operation. Because of the Westminster consciousness and the emotional attachment to doctrines of parliamentary supremacy, none of the drafters of Sri Lankan constitutions have given the judiciary the right of judicial review of enacted legislation. In that sense, fundamental rights has been far less protected in a system of parliamentary democracy, modelled on the British system, than under a system of the executive presidency modelled on the American or the Indian Constitutions. If judicial review of enacted legislation is permitted this situation would of course change.

Since 1978, and the adoption of the new Constitution, individuals have the right to go to court and challenge executive action under section 126 of the Constitution¹⁰. In fact all the fundamental rights cases flooding the courts are under this section. Ironically it is argued that a Presidential system where the President as Commander in Chief has direct access to the security forces is far less conducive to the protection of fundamental rights. But the nature of the Constitution is such that the actual and only cases which are truly successful with regard to individual rights are those which challenge executive action. It is the violation of fundamental rights by the executive which is the subject of the scrutiny of the Supreme Court.

Again the point has to be made, that whether it be a parliamentary system or a presidential system, the protection of fundamental rights ultimately rests on a powerful and independent judiciary. Both the US and India have been held out as models of fundamental rights protection, one for the west and

one for the developing societies with their new innovations of social action litigation. The US has a presidential system, India has a Westminster system. What makes their judiciaries sensitive is the power they actually wield.

Firstly, they are federal judiciaries and therefore the APEX judicial body, the Supreme Court, is a powerful overlord of a vast network of lower courts. Secondly, both have the right of judicial review of enacted legislation so that the acts of the legislature are constantly under review not only before enactment but also in practice. Thirdly, the judges of the court in recent years have shown a marked independence and initiative in experimenting with new legal ideas and approaches — the confidence to do so comes from their sense of power as a co-equal arm of government as built-in structures.

Notes

- 1 R. Unger, *Politics*, Harvard Law School, 1981 p.83
- 2 S. D. Bandaranayake in his speeches in parliament and in the Presidential election campaign of 1988. See also Jehan Perera in "Constitutional Reform is irrelevant for Sri Lanka" Law and Society Trust Newsletter July 1992
- 3 R. Unger, *Law in Modern Society. Toward a Criticism of Social Theory*, Free Press, New York, 1976 p.64
- 4 J. Uyangoda, "The President and Parliament in Sri Lanka:— Conflicts, Checks and Balances" in *The United States and Sri Lanka Constitutions:—A Comparative Study*, Dehiwala, 1992
- 5 R. Michels, *Political Parties* New York 1962
- 6 Thirteenth Amendment to the Constitution of Democratic Socialist Republic of Sri Lanka, Nov. 1987 and also Provincial Councils Act No 42 of 1987
- 7 See R. Coomaraswamy, *Legal Aspects of devolution*, CRDS, Colombo 1992
- 8 see for example the debates on the impeachment, Sunday Times, September—October 1991
- 9 F. Friendly, and M. J. H. Elliott, *The Constitution That Delicate Balance*, New York. 1984 p.1
- 10 Article 126 of the Constitution

TWO SYSTEMS

Some comments*

H. L. de Silva

The truncated quotation from Pope which Dr Coomaraswamy has chosen as the main title of her paper "Let Fools Contest" makes the obvious point that the consideration of the Presidential system as against the Parliamentary form from a theoretical standpoint is an idle exercise. Let me therefore make some brief comments on the Sri Lankan experience of the Presidential system during the last decade or so in the light of some of the questions raised in her paper.

I am in broad agreement with Dr C's criteria for evaluating the acceptability of a system in terms of generally accepted democratic values. Does it exhibit the negative features, or even a real danger of the emergence of the features of a totalitarian system? Does the experiential evidence suggest a strong tendency towards the concentration of powers, a frequency of unilateral decisions taken at the highest level without regard to dissent or discussion, an ever increasing tendency for the misuse or abuse of powers, opportunities for the unfettered exercise of discretions coupled with the constitutional immunity from legal liability, the absence of continuing accountability of the Chief Executive to any body of elected representatives, the capacity of the Government to function regardless of the need to respect minority rights and interests and is there opportunity for the subversion of vital fundamental rights and freedoms? These are fairly reliable guides to test the level of democratisation.

I am not denying that a Prime Minister under certain circumstances is also capable of exhibiting all these negative attributes but I believe it is to a much lesser degree. Yet the essential difference is that under a Parliamentary system the withdrawal of parliamentary support is a

real deterrent against the continuance of an oppressive regime.

Under the Sri Lankan system not only is the President unaffected by a vote of no-confidence in the Legislature, but the constitutional structures within political parties and their internal management have been so manipulated to prevent any such dangers. The device of expulsion from party membership on any ground which the leadership deems sufficient as an act of indiscipline, and the consequent loss of status as an elected representative in the Legislature has aggravated the problem and devalued the whole institution of Parliament and enhanced the position of the President. Even under a Parliamentary system if dissident M.P.s can be replaced by docile ones and the conventions relating to the resignation of a Prime Minister are abolished, the Prime Minister too can become "a one-man show".

Considering the natural predisposition of most politicians to succumb to the corrupting influence of the famous powers attaching to the office and the emergence of an elected dictatorship, the claimed countervailing advantages of a strong and stable executive carry insufficient weight to compensate against these dangers.

The protection afforded by the traditional checks and balances through the Legislature and the Judiciary have been so weakened that they no longer afford any guarantee against such abuses.

The elected representatives have been emasculated of the capacity for independent action through the manipulation of the party apparatus. Even the ultimate deterrent of impeachment has ceased to be a live threat and the tendency to absolutism appears to be an inexorable process in the Sri Lankan system.

On the other hand there is another development which has

had an equally pernicious effect. There has been a steady and rapid advancement in the financial position of the M.P. Increased emoluments, subsidiary allowances, pensions, supporting staff and services, concessionary benefits of diverse kinds, have mellowed even the most fractious M.P.s into a quiet acceptance of the advantages of an uninterrupted term of office. Nearly two-thirds of the members of the Government Party do in addition enjoy the cornucopia of office under various designation — Cabinet Ministers, State Ministers, Project Ministers, Chief Ministers, Provincial Ministers — their name is legion. In addition to this they may even receive relief from the President's Fund if afflicted by any calamitous event.

The other competing source of power that could provide an effective check or restraint would be the Judiciary. The general view appears to be that this institution too has wilted under the overpowering pressures of Presidential power. With the abolition of office of all the Judges of the Supreme Court appointed under the 1972 Constitution and the selection of some for elevation to the newly established Court the constitutional guarantees of independence seem unreal and insubstantial. Likewise the preliminaries to removal for misbehaviour in the form of hearings before a Select Committee of Parliament were activated twice, even the inadvertent failure to take the oath of judicial office. On the other hand under a later administration they have been showered with generous benefits. The salaries of Judges are charged on the Consolidated Fund and not subject to debate in the interests of judicial independence. But this safeguard too has been eroded by granting them handsome allowances that presumably form part of the Annual Appropriation Bill that has to be debated in Parliament.

I do not think that in order to strengthen judicial indepen-

(Continued on page 18)

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Anti-Federalism: an exercise in political bankruptcy

S. Sathananthan

1. INTRODUCTION

1.1. Nationalities and the State

The British colonial State created its social base in the comprador classes drawn from all nationalities in Sri Lanka. The upper most position in the social hierarchy, engineered by colonialism, was occupied by this multi-nationality social stratum. An implicit parity was maintained between the nationalities whilst the comprador fraction of each nationality separately negotiated the terms of exploitation with the alien colonial State. An early political expression of this clientalist relationship was the 1833 Legislative Council, in which the British apportioned seats between different nationalities to ensure so-called "balanced representation".

After Independence in 1948, the Sinhala-speaking (Sinhalese) fraction of ruling classes inherited control of the post-colonial State. They set out to establish a social base for the State among the Sinhalese (major) nationality in order to strengthen their own grip on political power as well as to ensure the legitimacy of the new State. Towards these ends, the Sinhalese ruling fraction used their virtual monopoly exercise of State power to effect two important changes.

Firstly, they re-ordered in stages the hierarchical social position (Kapferer, 1988) of the Tamil and Muslim (minor) nationalities (who speak Tamil) to place them more and more subordinate to the Sinhalese. This was symbolically expressed by elevating Sinhala language to the position of sole official language in 1956 (whilst denying the same status for Tamil language); and

by reserving the "foremost place" for Buddhism, the religion of most Sinhalese, in the 1972 Constitution in contrast to Hinduism, practiced by most Tamils, Islam and Christianity. The actual social and economic subordination of minor nationalities occurred simultaneously (Wilson, 1988).

Secondly, the Sinhalese ruling fraction set out to create a "national" society, which in fact was conceived narrowly in the cultural-religious image of Sinhalese society. The Lion Flag of (Upcountry) Sinhalese was adopted as the national flag in 1952, with the addition of two vertical stripes — one Saffron and the other Green to denote Tamils and Muslims — outside the Lion Flag proper and at the less important pole-end of the flag. History was re-written to define Sinhalese as *bhumiputra* ("Sons of the soil"); whilst Tamils and Muslims were portrayed as "recent arrivals" whose claims on the country and government, therefore, are subordinate to the rights of Sinhalese. Together with the superior status accorded to the Sinhala language and Buddhist religion, these changes further re-inforced the "equivalence" (Sheth, 1989:618) between the State and Sinhalese (Buddhist) nationality. They also legitimized the dominant position of Sinhalese in relation to the Tamils and Muslims and justified discrimination against minor nationalities.

A corollary of Sinhalese domination was the re-definition of minor nationalities as "minorities" in the words of a Sinhalese Member of Parliament (MP), Mr. Nimal Karunatilake, "there is one nation in this country, and that is the Sinhalese nation, and all other groups... are national minorities" (Hansard, vol. 24, 1956:1720). Consequently POLITICAL POWER, which is inseparable from

nationalities and the restructuring of which is at the core of the nationality question, was kept out of the political agenda. Instead, political debate was structured around the issue of POLITICAL RIGHTS, which are more relevant to ethnic groups or minorities.

During early negotiations between Sinhalese and Tamil leaders under the 1957 Bandaranaike-Chelvanayagam Pact, attempt was made to partially compensate for the subordinate status imposed on Tamils and Muslims by providing for the administration of the Northern Province as a single Tamil linguistic region and the Eastern Province as two or more regions. But the agreement was aborted in the face of opposition from Sinhalese chauvinism. In 1963, regional administration at provincial level was abolished; and limited administrative authority was decentralized at the level of districts within each province, ostensibly "to bring administration closer to the people". In reality, this change was aimed at further centralizing policy-making powers in Government and eliminating any scope for provincial-level administration of either province as the Tamil linguistic region.

1.2. Traditional homeland and the federal alternative

Attempts at domination were resisted by Tamils and gave rise to the defensive claim that the Northern and Eastern Provinces constituted the "traditional homeland" of Tamil-speaking peoples. In 1976, the goal of establishing a separate Tamil State, Tamil Eelam, in the two provinces was formally adopted by the Tamil United Liberation Front (TULF). In the late 1970s conflicts sharply intensified. Tamil militant groups and particularly the Liberation Tigers of Tamil Eelam (LTTE) launched guerilla

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struggles in the two provinces to create a separate State, Tamil Eelam.

Among the Muslim nationality, resistance to Sinhalese domination crystallized when the Sri Lanka Muslim Congress (SLMC) demanded in 1988 the creation of "Muslim homeland" in the Eastern Province. Very quickly the bi-polar conflicts between Sinhalese-controlled State and the Tamils was transformed into a three-cornered struggle, which included Muslims, for control of territory and access to political power.

The increasingly authoritarian response of the State produced a multi-dimensional political crisis: civil society was militarized, political institutions and traditions were emasculated, and freedom of dissent and protest was diluted in the extreme. This was explained by the then President Mr. J. R. Jayawardene in one sentence: "In times of war, laws are silent". A further consequence was the rapid centralization of political power in the office of an Executive President under the 1978 Constitution. A measure of the intensity of crisis in southern Sri Lanka was the resurgence of guerilla struggles by the Sinhalese *Janatha Vimukthi Peramuna* (JVP) in the mid-1980s and the abortive attempt to impeach the President in September 1991.

The political crisis has reached a point now where it is clear that attempts by the Sinhalese ruling fraction to administer the country through domination of Tamil and Muslim nationalities are tragically dysfunctional. In this context, it has become obvious that the introduction of a federal system of government is the only available political solution within the framework of a united Sri Lanka which could

(a) reverse the centralization of power and democratize political structures and

(b) address the question of power-sharing between the different nationalities.

The importance of a political solution based on a federal structure is underscored by the growing militancy among up-country or Kandyan Tamils, who are culturally distinct from north-east (Low-Country) Tamils and are emerging as the fourth nationality. They are seeking political autonomy for defined territories in Central and Uva Provinces where they constitute the majority,

Leading Tamil politicians have championed the concept of federalism for more than four decades. The more enlightened Sinhalese have also begun to realize the relevance of a federal alternative. The repeated anti-Tamil pogroms of 1977, 1979, 1981 and the Holocaust of July 1983, the reluctance of security forces — which are manned almost exclusively by Sinhalese — to protect Tamils and indeed the blatant participation of security forces in pogroms revealed the increasing congruence between the unitary State and the Sinhalese nationality. Simultaneously, the federal alternative gained greater legitimacy in the eyes of Tamil and Muslim nationalities.

But any reference to the introduction of a federal system of government, which would emasculate domination by the major nationality, provoked hostility from Sinhalese opposition. Before the 1980s, anti-federalist responses were expressed in rudimentary terms: the better known arguments are that Sri Lanka is too small a country to require federalism; that it is too poor a country to afford federalism; and that the alien Dravidian Tamil people, allegedly being descendants exclusively of "invaders" from southern India, have no right to expect or receive equal status with the *bhumiputra* Aryan Sinhalese people.

The decentralization of authority to the two provinces, merged into the North-Eastern Province (NEP) under the 1987 Indo-Lanka Accord, through an elected Provincial Council (PC) was far from successful; which

made the introduction of a federal system all the more compelling. But Sinhalese opposition further refined its anti-federalist positions to defend the retention of the unitary State. Arguments against federalism based on "environmental rationality" were examined earlier (Sathanathan, 1992). The present essay will examine arguments against federalism based on so-called "legal rationality".

2. On the inapplicability of a federal system

The arguments based on "legal rationality" and directed against the introduction of a federal system of government were marshalled in *An Appraisal of the Federal Alternative for Sri Lanka* (de Silva 1991). The author, Mr. H L de Silva, is a Sinhalese and an Attorney-at-Law who was a member of the Government of Sri Lanka (GSL) delegation to the 1985 Thimpu Talks. The publication was a response primarily to views expressed at a seminar of Sri Lankan conflicts conducted in June 1991 by the Centre for South and South-East Asian Studies, Madras University. The *Appraisal* (p. 1-2) referred to statements by Mr K P Menon (Former Foreign Secretary of India), Mr Thomas Abraham (Former High Commissioner for India in Colombo), Mr N Ram (Editor, *The Hindu*) and Mr R Sampanthan MP (TULF), all of whom supported the introduction of a federal system as the solution to "ethnic conflicts" in Sri Lanka. The statement of Mr Subramanian Swamy was especially forceful: "If (the GSL) cannot offer a truly Federal Constitution, then we may have to force them to act" (p. 2). Moreover, the *Preface* noted the emergence of "a body of opinion" in Sri Lanka (that is, among Sinhalese), which considered the introduction of a federal system as a possible solution to the political crisis. In reply, the *Appraisal* put forward a series of arguments against a federal system in Sri Lanka.

2.1. Federalism and the Constitution

It was claimed that a federal structure cannot be introduced because the unitary Constitution does not provide for a federal system (p. 20). The vulgar legalism of this position defies the imagination.

Moreover, since a Constitutional amendment for introducing a federal system should be passed by a 2/3rd majority in Parliament and requires approval at a Referendum, this route was also considered virtually closed. But the Constitution was made twice within six years (in 1972 and 1978) to satisfy the ambitions of the Sinhalese ruling fraction and aspirations of the nationality. It could surely be re-written a third time — for which the government has the necessary parliamentary majority and which does not require approval at a Referendum — to incorporate the demands of Tamil, Muslim and of the emerging Kandyan Tamil nationalities. The *Appraisal* failed to explain why this could not be done.

2.2 Federalism vs secession

Federalism was rejected because, it was alleged, a federal system does not necessarily and always contain separatist tendencies by serving as an alternative to secession. In the *Preface*, readers were "cautioned against the acceptance of such a facile idea". Referring to the "threatened disintegration" of Yugoslavia, it was implied that a federal structure caused and/or intensified secessionist movements because it "encourages regional loyalties and fissiparous tendencies leading to destabilization" (p. 14). The obvious answer is that is no causal relationship between federal systems and secessionist movements. Secessionist movements are found in countries with unitary as well as federal systems. The common cause for such movements is a political condition where rights of peoples as nationalities are abridged or denied by a State (Blaut, 1987), irrespective of whether the State is unitary or federal.

It is unfortunate that the *Appraisal* did not seek inspiration

in more successful examples of federal system. Even references to India ignored the creation of linguistic states, which protect the territorial expression of identities of different nationalities. Instead, the concern was more to show that imposition of Presidential Rule in some Indian states "is sufficient evidence that constitutional mechanisms and legal devices alone do not necessarily guarantee either peace or stability" (p. 3). This observation is equally true for the unitary State in Sri Lanka, where constitutional and legal provisions have tragically failed to stem the rising Tamil and Muslim nationalisms and spreading civil war. Therefore, the *Appraisal* advocates implicitly a two-pronged REGRESSIVE approach to the nationality question: it suggests that (a) the unitary State should be retained with a minimum of modifications whilst (b) political movements struggling for a federal alternative must be contained militarily by the State.

(To be continued)



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Landlordism and Merchant Capital Prevails over Growth

Kumudu Kusum Kumara

It was observed in the previous section of this paper that while the agricultural production in the peasant sector in Sri Lanka in the post-colonial period has witnessed a significant growth, the benefits of this growth did not accrue equally to all sections of the peasantry, the poorer sections among them, the marginalised peasantry and the agricultural workers, in particular.

As we discuss below in this section, the full benefits of increased earnings from this growth do not accrue to the peasantry due to several factors: Landlordism in the traditional villages prevail continuing to extract rents from share tenants; commercialization and technological modernization strengthened the dominance of merchant and usurer capital over productive capital in rural economy extracting the surplus produced by the peasantry; state-sponsored rural institutions reinforced the existing power structures at village level enhancing the flow of surplus from the peasants to mercantile elements and landlords; the number of persons depending on existing land has continued to increase, leading to fragmentation of land and further lowering the income per person depending on land; state sponsored agricultural re-settlements despite the professed government objective of creating a stratum of 'prosperous farmers', have witnessed at a more acute level, the repetition of the same above problems which characterize traditional villages.

Landlordism Prevails

Landlords whose small agricultural holdings are cultivated by share tenants in the peasant sector in the traditional villages

have in the post-colonial period continued to be a significant strata in the rural society. Monastic landlordism, unaffected by the limits imposed on land ownership by the Land Reform of 1972, continues to occupy paddy land that would come above the 25-acre land ceiling; in addition to share cropping, some of these lands are continued to be cultivated under caste-oriented labour rent, and disguised forms of bonded labour (Gunasinghe, 1982:55-56) and high share-rents (Hameed, 1977:108). Throughout the post-colonial period share tenancy in paddy agriculture has prevailed at a considerable level: At present about 225,000 Paddy parcels accounting for about 200,000 (or 16 per cent) of acreage are operated under share tenancy (Census of Agriculture-1982).

None of the four land reforms undertaken in the post-colonial period, brought about significant changes in traditional agrarian relations. They sought to formalize landlord-tenant relationship without any fundamental change in the system of land tenure thus legitimizing the rights of not only share tenants but also of landlords even specifying the landlord's legal crop share. The first two, the Paddy Lands Acts of 1953 and 1958, while aimed at providing security of land tenure to share cropping tenants, and regulating levels of rent, did not affect ownership pattern of agricultural land. The 1958 Act which in general embodied the same features as its predecessor and was written to be more easily enforced however, contained one escape clause for the landlord: within five years of passing the Act, the landlord could evict his/her tenant provided that he/she would cultivate

the land him/herself. In addition to this serious limitation, the Act did not bring about even the desired results in the proposed reforms due to lack of will on the part of the government in the implementation and enforcement of the Act. There were also social factors which prevented the tenants from availing themselves of the opportunities extended to them under the Act. Neither the Land Reform Act of 1972, which set a land ownership ceiling at 25 acres of paddy land or 50 acres of other land, radically unaffected with only 1.3 percent of total paddy acreage or about 19,000 acres brought under the Act and distributed among the the peasantry, the reason being that the ceiling of 25 acres was too high by Sri Lankan standards (Shanmugaratnam, 1980:69-70). The Land Reform Act of 1975 brought under state control all estates belonging to foreign and local companies, almost totally cultivated to export crops, mainly tea and to a lesser extent rubber and coconut. Of the land brought under the state control under both the reforms, less than 14 percent (or 135,000 out of 981,368 acres) only was redistributed among the landless, thus rendering the two reforms virtually a transfer of ownership from the private sector to the State (Shanmugaratnam, *ibid*). Thus, despite four land reforms, the insecurity of tenure prevails.

Landlords under various mechanisms have continued to charge share rents, higher than the maximum of one fourth stipulated under the Paddy Lands Act of 1958. Payment of 53 percent of produce of paddy as share rent by tenants to landlord was the norm rather than the exception in many parts of the coun-

try in the early 1970's (Hameed 1977:19; Central Bank cited in, Shanmugaratnam, 1980:76; ARTI, 1975:16). Even in late 1970's peasants in some parts of the country continued to pay half the produce as share rent (Morrison et al, 1979:9).

In recent times, the burden on the share tenants as against the landlords has been increased through state-intervention; the Agrarian Services Act No. 58 of 1979, changed the previous law which enjoined the share cropper to pay a rent of one fourth of the yield or 15 bushels of paddy *whichever was lower* in areas with higher yields to one which provides the share tenant the same alternative, but enjoins him to pay *which is greater* (Gunasinghe, 1986. 46-47), thus fixing a minimum rent, instead of a fixed maximum rent which would have benefitted the peasantry even within the framework of share tenancy. The Agrarian Services Committees set up under the Act, have been turned into instruments to eliminate the 'inefficient' farmers who would invariably be the poor ones. The enforcement of productivity norms and cropping calendars among peasant producers has been enhanced by tying the security of tenancy to the productivity of the tenants and penalties for violations including dispossession written into the Law (Shanmugaratnam, 1987: 173; De Vroey and Shanmugaratnam, 1984:35; Gunasinghe, 1986: 47). Thus the persistence of landlordism and high-share rents continue to depress the net incomes of share tenants.

Merchant Capital Dominates

Increasing commercialization and the spread of modern technology in agriculture has added to the money lender and the trader, new agents of merchant capital in the rural areas: transport agents who transport agricultural produce, tractor owners who hire tractors for cultivation purposes, the newly emerging rich peasants and agricultural entrepreneurs who themselves act as money lenders and hire farm machinery. It is not uncommon

to see one individual representing two or more of the above roles in combination thus bringing the entire cultivation operation and sometimes the economy of the peasants under the virtual control of one financial operator increasing the dependency of peasants on them (Gunasinghe, 1986:48).

Increasing commercialization and monetization of the rural economy has enhanced the market oriented consumption among the peasantry since the colonial period. This, together with the spread of modern agricultural practices on which peasants have been compelled to depend increasingly and which necessitate the purchase of inputs in the market have increased the cash needs of the peasantry leading to higher rates of borrowing. In the absence of a developed rural financial market and consequently, generalised market relations in the provision of finance for consumption and production, and the provision of agricultural services, many peasants borrow money or hire services from private lending sources at very high interest rates to be repaid in kind or cash and kind, mostly tied to the harvest. The dependence of the peasantry on mercantile elements has heightened personalised monetary relations between the two parties (Shanmugaratnam, 1987: 200) instead of eliminating such ties with the penetration of capitalist relations. Any disruption of the economic activity of middle peasants which could be caused by either a crop failure, decline in prices for agricultural produce or an increase in prices for agricultural inputs and services, or an unexpected turn of events in family life would drive them to indebtedness initiating a cycle of borrowing which could eventually result in lease, sale or forfeiture through mortgage of the agricultural land. Ultimately the peasant may end up being a share tenant on his/her own land or a landless unemployed.

Various attempts taken by the government with the expressed objective of saving the small

producer and the consumer from the clutches of the 'middle man' have failed: The benefits of the GPS, did not accrue to all the peasants equally due to the administrative weaknesses of the scheme which lent itself to fraud and abuse, the absence of an effective institutional infrastructure, as well as due to the very indebtedness of the peasants which was to the advantage of middlemen (Snodgrass, 1966: 162-163). The provision of subsidised institutional credit under the Agricultural Credit Scheme has, as a result of most of the middle and poor peasants dropping out of the Scheme after defaulting, eventually benefitted only the rich peasantry (Shanmugaratnam, 1980:85). The performance of the Scheme has been extremely erratic with a 49.3 percent average default rate out of a total amount 1299.1 million rupees worth of loans granted between 1967/68 Maha to 1981 Yala. With high default rates and the total amount defaulted growing every year, the Scheme has made no significant impression on the overall structure of rural credit (Thorbecke and Svejnar, 1987: 164). As a means of gaining popularity among the electorate, all governments on several occasions have written off outstanding crop loans and issued fresh loans to the entire community of paddy farmers. This has led peasants to consider government sponsored agricultural credit as a welfare measure thus affecting the economic viability of the Scheme. Crop insurance which began on a pilot basis in 1959 has not been able to attract sufficient numbers of farmers to make the scheme viable. This has been partly the result of crop insurance being tried to borrowing under the Agricultural Credit Scheme. Attempts to develop government-run marketing agencies to facilitate the purchase of agricultural products from farmers and their distribution to the consumer have failed in the long run, with corruption, inefficiencies and poor management affecting the viability and effectiveness of such projects.

Thus despite all the attempts by the government with the professed objective of protecting the peasantry from the exploitation of middlemen, numerous agents of merchant capital, the trader and the moneylender continue to dominate the rural financial market, extracting surplus from the peasantry.

The Elite and the Politico-Bureaucracy Dominates Rural Institutions

The government-sponsored supportive institutions at the village level such as the Multi-Purpose Co-operative Societies (MPCSs) or the cultivation Committees to name two key institutions, have contributed to reinforce the existing structures of inequality to the disadvantage of the average peasant. These institutions which were traditionally dominated by the socially and economically powerful groups, since late have been controlled mainly by the politically powerful through the patronage of the regime in power. In many instances the politically powerful also happen to represent sections of the socially and economically powerful. Otherwise, political power have given rise to new elites in village who thrive on political patronage of the ruling regime in collaboration with the bureaucracy. These dominant minority groups usurp the control and benefits of rural institutions, use the positions thus usurped in promoting their entrepreneurial activities and economic status through a symbiotic relationship formed with the politico-bureaucratic organizations (ARTI, cited in Shanmugaratnam, 1980:86). Under the 1970-77 SLFP led left-coalition regime, political patronage became the operative mechanism of rural institutions as a result of government supporters being entrenched at all levels within these institutions (Morrison et al, 1979: vi) The outcome has been mismanagement of these institutions, with widespread corruption, in the name of the politicization

Until 1977, the purchase of paddy and other food crops

under the GPS by the government and the distribution of agricultural inputs and the provisions of support services were mainly through the MPCSs. The Cooperatives not only failed to maintain a regular supply of essential inputs and services for the cultivation of paddy and other food crops, but also they favoured the socially, economically and politically stronger sections of the village in the distribution of services, thus placing the average peasant at a disadvantage (Harriss, 1977: 140; Morrison et al, 1979:31-38; Moore, 1985:89-95). The village Cultivation Committees set up under the 1958 Paddy Lands Act to regulate the cultivation, initially consisted of members elected from among the cultivators thus allowing some representation of the peasantry at decision making levels however, under the dominance of the elite groups whose members yielded more political power. With subsequent legislations, the composition of the Committee has been changed twice: first under the Agricultural Productivity Committee Law of 1972 to appoint the majority of the committee members by the Minister of Agriculture thus increasing political influence on agricultural activities at the village level; next as opposed to the earlier provision of no less than ten members of the committee of 14 to be direct representatives of the cultivators, the Agrarian Services Act No. 58 of 1979 made it mandatory that 8 out of 14 of the committee members should be government officials thus increasing bureaucratic control over agricultural production (Gunasinghe, 1986:46-47). Thus the overall effect of rural institutions has been one of strengthening the existing power structures leaving the average peasant at a subaltern position affecting their ability to benefit from services provided by the government and the decision making process on agriculture at the village level.

(Next: Resettlements)

Some . . .

(Continued from page 11)

dence and effectiveness there is any great need for an enhancement of their jurisdiction or constitutional powers. Their weakness stems from other sources which is directly traceable to the enormous power wielded by the President and not infrequently to the choice of men for appointment who lack strength of character. These debilitating tendencies are not of recent origin, nor are they peculiar to Sri Lanka. But when enhancing the powers of the Executive it is well to bear in mind the relative weakness of the other two branches.

Finally, I am not inclined to agree with Dr. Coomaraswamy that the national minorities have a greater advantage under a system of electing the president on an all-Island basis. The relative influence of minority groups are to a great extent conditioned by the voting patterns of the electors of the majority community which are not always constant. Minority support turned out to be crucial for the U.N:P. in March 1960 but not three months later for the SLFP in July 1960. Again it was crucial for the UNP in the 1965 General Election but not for the UF Government in 1970. Overly strong pressures from a minority may set in motion chauvinistic trends among the majority and give rise to groups such as the Hela Urumaya and the Sinhala Arakshaka Sangvidanaya which will marginalise minority support.

A just and equitable solution to the problem of the minorities which is also a viable one has to be fashioned on the basis of national consensus, above partisan politics, the necessity for which has to be painfully learned by the majority party leader and which I think is now more likely to emerge in the context of the sufferings of every community during the last decade. Perhaps we may also have to experiment with some features of consociational democracy in the quest for a solution of the problem of ethnic minorities.

Supportive problem-solving approaches

John M. Richardson and Jianxin Wang

Advocates of problem-solving approaches maintain that zero-sum strategies are of limited effectiveness except in single, one-shot negotiations over limited resources (Singer, 1990, Ch. 2). In complicated negotiations, and especially in resolving conflicts where protagonists will remain in close proximity to one another, a strategy that transforms zero-sum bargaining to mutually supportive problem-solving is far more likely to produce stable, long-lasting agreements.

The Harvard Negotiation project, headed by Roger Fisher and William Ury has been instrumental in both refining and popularizing problem-solving approaches (Fisher and Ury, 1981; Fisher and Brown, 1989). The Project's strategy of "principled negotiation" advocates looking for mutual gains wherever possible. When interests conflict, outcomes should be based on "fair standards, independent of the will of either side," (1981, p. xii). A principled negotiation, then, becomes a collaborative process of agreeing on fair standards and identifying previously unrecognized areas for mutual gain.

The authors propose four basic principles to guide negotiation processes (1981):

1. *Separate the people from the problem* (Ch. 2). Adversaries must be recognized as people first and negotiators must attempt to place themselves in their opponent's shoes. The problems caused by differing perceptions, strong emotions and the need to "save face" must be taken into account.

2. *Focus on interests, not positions* (Ch. 3). Negotiators must recognize that "behind opposed positions lie shared and compatible interests as well as conflict-

ing ones. . . . A close examination of the underlying interests will reveal the existence of many more interests that are shared and compatible than ones that are opposed" (p. 43).

3. *Invent options for mutual gain* (Ch. 4). Negotiators must separate the creative process of seeking (brainstorming) new options from the more analytical, confronting process of judging and choosing among them.

4. *Insist on objective criteria* (Ch. 5). The authors recognize that creativity in inventing options will not entirely obviate the "harsh reality of interests that conflict" p.84). The challenge is to transform the resolution of such conflicts from a test of will to a negotiation on the basis of criteria that are independent of the will of either side. Legitimate, practical" criteria can be based on such recognized principles as "scientific judgement", "market value", "professional standards", "efficiency", and the like.

Although every negotiation is different, Fisher and Ury maintain that the elements of a principled negotiation do not change. "Principled negotiation is an all purpose strategy" that is as applicable to family disputes as to superpower arms control talks (p. xiii).

Two contending schools of thought are found in works that focus on negotiating national and international level political conflicts specifically. The first criticizes traditional diplomacy, argues that international and other forms of conflicts have much in common and advocates an increased role for technically trained professional mediators. The second school argues that much can be learned from traditional diplomacy, that international conflicts have distinctive

characteristics and that mediators must play a political as well as a professional role.

The first school of thought is exemplified by C. R. Mitchell's work on third party mediation (1981). He believes that traditional approaches to negotiation have high risks and, even if successful, fail to produce viable long-term solutions (Ch. 1). Traditional negotiators assume that they are in a "win-lose situation where compromises, involving concessions by both sides provide the best possible opportunity for a solution (Intro). The shortcomings of traditional approaches could be remedied, the author maintains, by the participation of professionally trained "consultants" who would be similar to Fisher and Ury's principled negotiation. Conflicts would be mediated by altering protagonists' goals, perceptions and range of available alternatives (Introduction and Ch. 4). Mitchell's model for the consultant's role is the "workshop" format first proposed by John Burton (1969) and subsequently used by Kelman and Cohen to intervene in the conflict between Greek and Turkish Cypriots (1972).

The works by Zartman and Berman (1982) and especially by Touval (1982) present almost a mirror image of Mitchell's point of view. They argue that much can be learned from diplomats' experiences. In their view, the distinctiveness of national and international level political conflicts and negotiations demands, at least in some degree, distinctive conflict resolution strategies.

Zartman and Berman's *The Practical Negotiator* (1982) is the most empirically grounded study of political conflict resolution found in the literature. It draws upon more than ten years research under the auspices of the

the Academy for Educational Development's Conflict and Communication program. The resources generated by the project included interviews with numerous practitioners and the results of dialogues between scholars and practitioners in several structured settings. The authors propose a three stage model of the negotiation process. In the *diagnostic phase*, negotiations are initiated and opportunities for a solution to the conflict are identified. In the *formula phase*, specific formulas or rules that could provide a basis for agreement are defined. In the *detail phase* the specific elements of an agreement are negotiated and finalized. For each phase, "specific behaviors and tactics" that can improve the conduct of negotiations and better the chances of success are proposed. These are summarized in practical "checklists" which negotiators are advised to "keep on their desks."

While Zartman and Berman's work is broadly applicable to both direct negotiations between protagonists and to those in which third parties play a role, Saadia Touval's *The Peace Brokers: Mediators in the Arab Israeli Conflict, 1948-79* (1982) addresses the role of third parties exclusively. It also emphasizes the distinctive characteristics of international/communal conflicts most strongly. The author's "Peace Brokers" are the individuals or teams that participated in nine distinct attempts to resolve the ongoing strife between Arabs and Israelis. The qualities Touval attributes to successful mediators are similar to those emphasized elsewhere. They should be experienced in conflict resolution and knowledgeable about the specific conflict, the context in which it is waged and the parties involved. Personal qualities should include tact, intelligence, persuasiveness, humility and patience. But in

contrast to other analysts, Touval does not believe that successful mediators in international and ethnic conflicts need be or probably will be unbiased. Rather he believes that third parties will bring both recognized biases and external resources to the mediation process. In the cases he examined, mediators' effectiveness in winning concessions from protagonists was due more to the resources at their disposal than impartiality or even negotiating skills. Touval believes that third party mediation in the Middle East must realistically be viewed as another form of power politics, albeit one of the less destructive forms.

Examination of *The peace Brokers* concludes our brief literature survey. The stage is now set to answer the two questions that introduced this paper: (1) Why did the ethnic peace accords fail? (2) How can those concerned with resolving ethnic conflicts do better?

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LETTERS

Maravar Militarism

Please permit me to say a few words about Mr. Sivaram's essays on Tamil military castes. In his account he is illegitimately glorifying them. He seems to be implying that they were treated unambiguously with awe and veneration, at the time of their exploits. Tamil literary documents of the period are not reliable on this score. Poets and bards were hired — hands in the service of chiefs and could be paid to praise and exaggerate their struggles and victories. In any case there are other Tamil poems that portray the maravar as bloodthirsty savages, uncouth, undisciplined and lawless who lived by robbing unarmed travellers. The Shilapatikaram for instance mentions them as practising "the glorious art of stripping travellers of their wealth

— for the brave maravar virtue lies in the heartlessness of plunder."

There is no doubt that they established kingdoms of their own — and at other times they were mercenaries in the pay of other kingdoms. In fact there were many ruling castes in ancient Tamil society. The maravar were one such group. These many castes were always in contention for power and the maravar won, at times. They were not overpowering and dominant all the time and over the entire territory. In this respect Mr. Diulweva's claims (L.G. 1/9/92) were quite correct. In fact it is possible to show that they were a "fierce maravar tribe — who prefer to die a glorious death on the battlefield to a village

funeral pyre, as the Shilapatikaram puts it, they lacked a theory of government and civil society. For them a civil society is not something that people live in but something that one robs and devours because the maravar never produce anything. Long before the British came to suppress them, they had shown an inability to govern a civil society of many castes for any extended period of time. Governance needs intelligence, political wisdom, historical knowledge, forbearance and a capacity for trust, all of which, if we are to judge by the descriptions in the ancient Tamil texts, the maravar conspicuously lack.

A readiness to kill and be killed, as we know only too well, is not the way to create a civilized society.

T. Vanniasingham

Canada

Defining Democracy

Sri Kantha writes (L. G. of October 1) that only 16 states, predominantly of white Anglo-Saxon Protestant heritage, subscribe to the "concept" of democracy. He excludes from his list Japan and India which have been stable democracies for decades.

There are scores more of democratic states, the count being around 61 in 1990, which have to be regarded as subscribing to the "concept" of democracy. Otherwise they will not be practising democracy.

It is a mistake to think of democracy as predominantly a white Anglo-Saxon Protestant phenomenon. We can trace the democratic idea in the writings of Hobbes, Locke, and the founding fathers of the American Revolution, all of whom were white Anglo-Saxon Protestants. But there were also the European writers of the Enlightenment whose work led to the French Revolution, which was a giant stride for democracy.

What has been happening in recent decades suggests strongly that the democratic idea has a very widespread, if not a universal, appeal. The "third wave" of democracy after 1970 was essentially a Catholic phenomenon. After the collapse of European communism in 1989, the movement for democracy has covered the Slav world and increasingly the Afro-Asian countries. The latest to hold democratic elections have been Angola and Guyana.

The peoples of Burma, Thailand, the Philippines and South Korea, hundreds of whom died for democracy, will be perplexed by Sri Kantha's argument, according to which their enthusiasm for democracy has to be explained in terms of a slavish mentality. They will probably respond that it is those who try make excuses for nonsense democracy who exhibit the mentality of slavers and slaves.

Iszeth Hussain

Colombo 7.

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(D. P. Sivaram's series on Tamil Militarism will be continued in the next issue)

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BOOKS

Retreat from war — a Sri Lankan's masterpiece

Michael Ondaatje is a Sri Lankan poet, domiciled in Canada, who has now written the extraordinary novel we have been awaiting from him: *The English Patient* is, I suggest, a masterpiece. This week, it was named on the Booker prize shortlist.

Over the past 10 years, without fanfare, Ondaatje has become something of a cult figure. There was a 1979 jazz novel called *Coming Through Slaughter*, and a 1983 memoir of his family, in particular of his drunken father, called *Running in the Family* (re-issued recently in Bloomsbury's elegant mini-hardback format, £9.99).

Then — leaving aside the poetry — there was a remarkable novel in 1987 called *In the Skin of a Lion* (available in Picador, £5.99).

THE ENGLISH PATIENT

by Michael Ondaatje

Bloomsbury £ 14.99, 303 pages

That Book called on John Berger for a prefatory quotation: "Never again will a single story be told as though it were the only one." There is a clue to *The English Patient*.

It is interesting, but not essential, to know that this new work picks up several of the characters from *In the Skin of a Lion*. After the 1930's Canada of the earlier book, we are now in Tuscany in the closing months of the second world war.

The "English patient" is a charred, unidentifiable, dying man who, we gradually discover, parachuted in flames into the North African desert where he

was rescued by the Bedouin. He is now tended by Hana, the shellshocked Canadian nurse who is making her farewell to arms; and attended by the burglarspy Caravaggio (for both, see the earlier novel) and a Sikh sapper, Kip, who spends his time on the very brink of death defusing the booby traps left in and around the villa by the departing Germans.

The four of them are, in their different ways, in retreat; they continue their trades — nursing, bomb defusing — but they have stepped back into a private world in which social constructs have lost meaning. Ondaatje gives us their various and interlocking stories, and tells them with an imaginative power that makes them haunting and unforgettable.

There is a central mystery about the "patient" and, cumulatively and tentatively, we piece together a history of his pre-war Cairo life in the years when

(Continued on page 24)

Religion and Political Conflict in South Asia India, Pakistan, and Sri Lanka

Edited by Douglas Allen

Contributions to the Study of Religion, Number 34

One of the most dramatic and surprising developments of the last twenty years was the proliferation of aggressive political movements linked to religion. This book examines the interplay of religion and politics in predominantly Hindu India, Islamic Pakistan, and Buddhist Sri Lanka. This collection of Studies by internationally known scholars challenges traditional stereotypes and interpretations of South Asian religion and politics and provides a multidisciplinary perspective on contemporary conflicts. While the focus of the work is on Pakistan, India, and Sri Lanka, the arguments advanced by the authors are useful for understanding recent developments in religion and politics around the world.

An informative introduction overviews the link between religion and political conflict in South Asia and offers a frame-

work and synopsis of the chapters that follow. These are grouped into three parts by nationality. The chapters on India examine recent elections and the growth of militant Hinduism, the impact of caste relations on socio-economic conditions, and the problems of Muslims as the largest religious minority in India. The chapters on Pakistan explore how political and economic changes led to the rise of Islamic fundamentalism; the historical relationship among gender, nationalism, and the Islamic state; and the evolution of a capitalist social system in an Islamic nation. The chapters on Sri Lanka explain the role of Buddhist myth in justifying political oppression, the conflict between the ideal of Buddhist pacifism and the reality of political violence, and the impact of race, class, and gender on political conflict. Political scientists, his-

torians, and religion scholars will find this study a timely and valuable addition to their libraries.

DOUGLAS ALLEN is professor of Philosophy, at the University of Maine at Orono. A former Fulbright Instructor at Banaras Hindu University, his interests include Eastern philosophy and the phenomenology of religion. He has authored several books on Mircea Eliade (*Structure and Creativity in Religion*, *Mircea Eliade: An Annotated Bibliography* with Dennis Doering, and *Mircea Eliade et le phenomene religieux*) and has co-edited, with Ngo Vinh Long, *Coming to Terms: Indochina, the United States, and the War*.

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India . . .

(Continued from page 4)

not easy to get the Indian Peace-Keeping Force (IPKF) to withdraw. Yet the new non-Congress government of Prime Minister V. P. Singh was basically responsive, partly because the mighty Indian army had failed to defeat some 2,000 Tamil guerrillas. While Premadasa's aggressively strident patriotism (anti-Indianism in Delhi's eyes) has infuriated large segments of the Indian elite and, more crucially, the all-powerful bureaucracies — foreign office, intelligence and perhaps Defence establishment — Mr. Narasimha Rao, a realist, has adopted a conciliatory line. Two considerations have weighed most in the "new thinking".

No non-Communist country's policy-makers have been so totally disoriented by the Soviet collapse than the Indian. The pains of re-adjustment to a post-Cold War world are all the more acute because of the greater agonies and risks of the IMF's structural adjustment policies now being implemented. Confronted by many armed revolts, separatist movements, caste discontent and religious

extremism, India needs a quieter neighbourhood. Meanwhile it has improved relations with the US so well that the Indian and US navies have conducted joint exercises. It has opened an embassy in Israel.

In a reference to the India-Sri Lanka "Peace Accord" which Mr. Premadasa and most Sri Lankans regarded as "imposed" and "unequal" treaty, Indian President Dayal Sharma spoke of the "accord" in the past tense. But he absolved the Rajiv Gandhi regime of any hegemonistic designs. The treaty he said was "a sincere attempt" to help Sri Lanka resolve the ethnic conflict. He did however urge strongly a negotiated political settlement that would address Tamil aspirations for regional autonomy. In the joint communique issued by the two governments also spoke of "an equitable settlement to fulfil the legitimate aspirations of the Tamil community within the framework of a united Sri Lanka".

Rao's India has renounced coercive diplomacy but reiterated its "legitimate" interest in the resolution of the Tamil problem. Mr. Rao talks softly. If he is carrying a big stick, it can't be seen by the neighbours.

Retreat . . .

(Continued from page 23)

the Libyan desert was being explored for the first time and recorded in the dry prose of the Royal Geographic Society. The patient is not what he seems, and there is irony in it; he is not even English, but that is shown not to matter.

We are taken beneath the charred surface to see that he is in no way an enemy — we are beneath that level — but a human being who enjoys pain, love, affection, memory, morphine, while his burnt body is symbolic of the old universe which has ended in flames.

Caravaggio, too, has a dramatic biography of horror and has retreated to watch over Hana, just as she has dedicated herself to the patient. And Kip, engrossed in his terrifying trade, hovering on the outside, clearing the ground around the villa, is drawn slowly into the inner circle — until he hears of Hiroshima: "They would never have dropped such a bomb on a white nation."

The young man who has risked his life to defuse a thousand European bombs is undone. He, now, must quit the war.

Not for the first time, Ondaatje's imagination is seized by the plunge into the void (see the nun blown over the bridge in *In the Skin of a Lion*). Here, the image of the aviator descending in flames is repeated in Kip's final motorcycle crash into the river.

The patient "slips into the harness of the oil-wet parachute and pivots upside down, breaking free of glass, wind flinging his body back. Then his legs are free of everything, and he is in the air, bright, not knowing why he is bright until he realises he is on fire . . ."


None of this can convey the power of Ondaatje's writing, the beauty and excitement of his image, the elegances of his prose. These are early days, and Booker-guessing is a silly game, but I find it hard to see how they will be able to deny him this year's prize.

J. D. F. Jones

A RECORD OF THE 'EIGHTIES

*Assault and assassination were part
Of the politician's art
In the desperation
Of our nation.
We feared the mid-night knock
To turn in terror the homely lock.
In the morn, the smell of frying eggs
By the lake, was headless cadaver or legs
Done on burning tyres
By night's surreptitious fires.
Secret moves by dark, of hosts,
And ghosts interacted with ghosts.
Sure, this was no carnival
But this our fearful nocturnal.
Should we not then be glad
When politics wears the whole bright plaid?*

Patrick Jayasuriya

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