

9
LANKA

GUARDIAN

Vol. 16

No. 10

September 15, 1993

Price Rs.10.00

Registered at GPO, Sri Lanka QD/43/NEWS/93

PRESIDENT D.B: *Here I stand*

— *Mervyn de Silva*

The M.P. and his conscience

— *Chanaka Amaratunga*

Politics and the abuse of power

— *Bertram Bastiampillai*

CONFLICT RESOLUTION

A new growth industry

— *Laurel Shaper Walters*

The world's ethnic hot spots

— *David Binder, Barbara Crossette*

RAMANUJAN: A rare thinker

The J. R. years: *Arden*

MEDIA AND ETHNIC CONFLICT

THE YUGOSLAV CASE — *Dragan Klaic*

PRESS AND SECULARISM — *Charu Gupta*



Black Knight
It's your move

TRENDS

Rice too to be imported

Sri Lanka, though a rice eating nation, is not expected to produce enough to fill all stomachs by next year. A substantial quantity of rice, 100,000 metric tons, is to be imported in 1994. Anticipating a shortfall in local production the Food Commissioner has called for tenders from prospective importers.

The relevant government agencies have not given any reasons for the expected shortfall but analysts have observed a steady downgrading of agriculture over the past few years.

Left parties to merge

Two of Sri Lanka's oldest Leftwing parties, the Communist Party of Sri Lanka and the Lanka Sama Samaja Party are due to merge, following discussions towards this over the past few months. "There are no significant differences between us now", LSSP General Secretary Batty Weerakoon said announcing the forthcoming merger. The two parties went their separate ways almost six decades ago following ideological differences.

was probably heading for Sri Lanka, with military hardware for the LTTE.

Lawasia asked to probe killing of lawyers

Twenty-two lawyers have been killed recently in politically motivated acts of violence. At a meeting on August 30 the United Lawyers Association adopted a resolution calling on Lawasia, which was due to meet in Colombo, to appoint a commission to investigate the killing of lawyers in Sri Lanka by state sponsored or other death squads.

SUBSCRIPTION RATES

Air Mail

Canada/U.S.A.

US\$ 65/ for 1 year

US\$ 45/ for 6 months

* * *

U.K., Germany, New Zealand, Australia, Netherlands, France, Japan, Holland, Philippines, Austria, Norway, Sweden, China, Ireland, Switzerland, Nigeria, Belgium, Denmark, Paris, London.

US\$ 55/ for 1 year

US\$ 35/ for 6 months

* * *

Hong Kong, Saudi Arabia, Dubai, Bahrain, Arabian Gulf, Syria, Singapore.

US\$ 45/ for 1 year

US\$ 25/ for 6 months

* * *

India, Pakistan.

US\$ 40/ for 1 year

US\$ 22/ for 6 months

* * *

Local.

Rs. 250/- for 1 year

Rs. 150/- for 6 months

BRIEFLY...

Terrorist, not ethnic

President Wijetunge told an audience in the deep South, at Hambantota, that it was quite wrong and misleading to describe the situation in the North-East as an ethnic problem. What Sri Lanka had was a terrorist problem, the President said.

"There is really no such (ethnic) problem; 40 per cent of the country's Tamil population live among the majority community. Two of my secretaries are Tamil", the President said.

Ship with explosives

A red alert was sounded along the Andhra Pradesh coast following Indian intelligence reports that a Canadian ship carrying weapons and RDX explosives was moving towards the Indian peninsula. A report in the *Hindu* speculated that the ship

LANKA

GUARDIAN

Vol. 16 No. 10 September 15, 1993

Price Rs. 10.00

Published fortnightly by
Lanka Guardian Publishing Co. Ltd.
No. 246, Union Place
Colombo - 2.

Editor: Mervyn de Silva
Telephone: 447584

Printed by Ananda Press
82/5, Sir Ratnajothei Saravanamuttu
Mawatha, Colombo 13.
Telephone: 435975

CONTENTS

News Background	3
Erosion of Ethics	4
The Constitution vs	
Constitutionalism	6
Media and Ethnic Conflict	9
Yugoslavia Breakup	11
Correspondence	13
The J. R. Years (10)	15
Poem	16
Conflict Resolution (2)	17
Hot Spots	18
Ramanujan	20

WITH THE COMPLIMENTS

OF

Ceylon Theatres Ltd.

Distributors for

RANKXEROX

- PHOTOCOPIERS
- TYPEWRITERS
- PLAN PRINTERS
- TELE COPIERS

“IT MUST BE XEROX”

No. 08, Sir Chithampalam A. Gardinar Mawatha
COLOMBO — 02.

T. P. 431666 431243 — 5 448096.

From Jaw-Jaw to War-War?

Mervyn de Silva

President D.B. Wijetunge is a plain-speaking politician. But that reputation has not protected him from a combined assault by the Tamil political Establishment, principally from the two traditional parliamentarian Tamil organisations, the T.U.L.F. and the Tamil Congress. President Wijetunge recently made his position on the issue of "War and Peace" very clear. There is no ethnic problem in Sri Lanka he said, adding in the plainest of language, that there was only a terrorist menace. The reaction of the overwhelming majority of Sinhala voters has ranged from unequivocal relief to total support and admiration. "The ethnic problem remains unresolved and we have to impress upon you that an acceptable resolution of this tragic problem should be the foremost item on the agenda of your government" concluded a TULF statement issued on 11/9. (SEE EXCERPTS). The Tamil Congress leader Mr. G. G. Ponnabalam Jr. was more outspoken. He said the president seems to have "great difficulty in appreciating a simple point... that there is a terrorist problem because there is a Tamil problem".

Like most ranking politicians in societies plagued by violent conflicts presidents and prime ministers in this island have often switched from "soft-line" (negotiated settlement) to "hard-line" (military solution) in necessarily self-protective responses to the fluctuations in mass opinion. But President Wijetunge is no smart-talking politico. Ironically, it is his settled image as a plain-speaking man that seems to have got him in trouble with the Tamil politicians and opinion-makers. They know he really means what he says.

But that's not all. This goes beyond platform pronouncements. Actions, serious meaningful decisions, have accompanied the statements. Most of all, the changes he introduced in the command-structure of the Armed Forces and the

decision-making; in military jargon, command-and-control.

The J.O.C. has been scrapped. The armed forces and the police will be responsible to the Defence Secretary as in any other ministry but the actual prosecution of the war will be the direct responsibility of the three service chiefs. There can be little doubt that it is the shattering psychological blow of the JANAKAPURA massacre on July 24 which has led to these policy-cum-structural changes. With the whole island anticipating LTTE attacks to "celebrate" the 10th anniversary of "Black July", camp commanders on the frontline were caught completely offguard. The Army Chief, Lt. General Cecil Waidyaratne was furious. His remarks before and after the court-martial of two senior officers made it clear that he had decided to draw the line. The latest changes are the fall-out. The Janakapura disaster in late July was followed within weeks by an LTTE victory at sea, the characteristic Prabhakaran one-two punch. Two Israeli DVORA class fast-attack craft were sunk.

In another move which directly concerns morale of the men at the front, it has been decided that promotions will not be decided mechanically on seniority alone. In an interview with Rohan Abeywardene of the *Sunday Times*, Defence Secretary Lt. General Hamilton Wanasinghe said: "Performance will be the criterion". The men at the front rather than the officers and personnel in Colombo will receive more attention. And there will be 10,000 more recruits available.

The questions will need answers soon.

(a) What happens to Tourism Minister Thondaman's announced move to visit Jaffna once again? He didn't meet Prabhakaran on the first trip.

(b) What is the UNP caculation on future voting patterns of the minorities — the

Tamils in the south, the plantation Tamil vote-bank which Mr. Thondaman's CWC always commands e.g. in the Provincial councils polls recently.

(c) Tamil-speaking Muslims of the eastern province, and middle class Tamils in Colombo. Finally, there is the other, non-voting but increasingly important donor constituency... the US-led western group as well as Japan, together with the more influential NGO's.

MEDIATION

Mr. Thondaman had met expatriate groups in Paris and London. The move by the 4 Nobel prize winners was also a western move, with a clear Canadian stamp.

Increasingly, the presence of refugees (particularly from Asia, Africa and the Middle-east) has become a EC preoccupation. Though these look like straws in the wind, there seems to be some serious thinking on a possible initiative on Sri Lanka — mediation that is, not intervention. It is the frightening fall-out from the Yugoslav break-up, of course, which has prompted western policy-makers to turn their minds to mediation and conflict-resolution. Even if "resolution" eludes the "peace makers", ceasefires, buffer zones, etc may satisfy the would-be mediators. "Security" in the north may create conditions that may justify the repatriation of refugees and re-settlement in their former homes. Without the burden of defence spending the government in Colombo could invest much larger part of the budget in development projects. Foreign investment will increase. A stable, prosperous Sri Lanka (a potential NIC) will be better for trade and investment. Self-interest is the motor of benign mediation and intervention, even if only diplomatic at first.

If there are howls of protest against a more serious military effort, we can read the signs better.

Sri Lanka: Erosion of Ethics

Bertram Bastiampillai

Ethics examines the laws of morality and formulates rules of behaviour and conduct. It gives to public life and politics acceptability and legitimacy. Basically, ethics in politics or public affairs denotes the rightness and wrongness of a government's conduct. It would define the ideals towards which the public institutions of government and personalities ought to be working.

Lord Acton said it, succinctly and unambiguously, that the great question for politics is to discover not what governments prescribe but what they should prescribe. The connection between ethics and politics is transparent because on every political or public issue, the question could be posed whether it is right or wrong. If we agree, and we certainly cannot disagree, with the English statesman Fox what is morally wrong can never be right either politically or in public life. Politics and public life, both have to be governed by ethics.

If we examined public affairs and political life in Sri Lanka during the last decade or so, it becomes evident, nay even strikingly obvious, that we have ignored ethics, and even violated it often. By what moral law or righteous rule of conduct, for instance, could we condone a referendum that was held to postpone a general election and then for a political leader to manage the country with a majority that had been gained at an election held according to a different set of rules that had been already replaced by a new order. Such a majority was useful as much as matters of resignation were to one who wanted to have his way, regardless of all morals.

Aristotle, the great Greek political thinker, stated that while the state came into existence for the sake of life, it continues to exist for the sake of good life. In Sri Lanka, we do not have a right to life, and in the last few years, it was made unmistakably clear to us that life itself is never certain for us. Who killed and why, and who authorised those killings to be done, still remain shrouded in mystery and se-

crecy. It suited people in high places that others should disappear — then why bother of the niceties of ethics.

In such a situation many a Sri Lankan has abandoned the quest for the good life; he considers himself fortunate to be merely alive. Those at the helm of public affairs and life have paid scant respect or regard to the public who had vested them with power so much so that they do not deign to explain to their so called sovereign public how and why so many had to be killed untimely, in an horrible manner. Private armies abounded with no question from those in power and we can only guess who killed.

Our Constitution enshrines the rights of individuals which however could be defined only in a moral context. But when the highest public authority turns out to be indifferent to morality or ethics and shows scant regard even to judges, of what value are rights except as items catalogued in a constitution. Those judged wrong were rewarded and promoted. The standard of behaviour was impropriety and conduct was governed by disregard for law or order.

There is a case instituted by the government against an individual whose erstwhile position in the realm of law and order maintenance, ironically enough, was high; and virtually unfettered. He is wanted, he disappears. Then a fine day dawns, he arrives, legal proprieties are disregarded, and lo and behold! the fugitive has come back, now even as a hero in the eyes of some. After all he had defied the law successfully. The public are informed by the media of deals of a dubious nature that provided for the return of this figure who upto then had been a much dreaded figure who had to be taken in on sight according to the government. Alls well that ends well! appears to be the attitude of the high and mighty, public or political authorities. Who has time for morals or ethics in public life. The end matters and not the means; an embarrassing problem had been solved satisfactorily to those who matter.

We are told that the state exists to

promote social good on the largest possible scale. If this objective is to be realized, the state has progressively to recognize and embody the fundamental rights of man; political, economic and private. The basis of these rights lies embedded in the membership of those in society and the moral order underlying social relations. To what extent are the fundamental rights of man valuable or meaningful when a state of emergency continues, interminably regularly renewed, buttressed by frightful laws enacted in terms of it. It is needless to recount the questionable arrests, lengthy incarcerations or the selective application of laws depending on the caprice of those in high places. Even persons returned on the basis of a popular poll to local legislatures could be kept confined. Trial can wait because no one bothers about the moral order that promises that there shall be a right to speedy judicial trial if one has been taken into custody. Justice can give way to expediency, and where is morality ponder the public.

Elections are held. Personalities and parties are returned. With victory follow bargains and compromises, and yet another deal is through. Who cares for the manifesto, why bother about the mandate? What matters is power. As Machiavelli advised "A prudent ruler ought not to keep faith when by so doing it would be against his interest, and when the reasons which made him bind himself no longer exist". After all, the reasons for the earlier choice was mostly to ensure election and now that reason has ceased to be. If one did not change now it would be against one's interest. Why should one keep faith? Promises are meant to be kept by lesser mortals and not by the superior politicians, as much as the debts to public banks. The people may be sovereign, after all they are told so, even though during the past recent years even if the sovereign people could not, or did not vote, their votes had been often cast, as we have been told. And once voted in, by whatever way, why bother about those sovereign because we have now got the spoon into our hands, think those that were elected. Let us ladle out the gravy and with so much of gravy why worry about thrift. Five years is ade-

quate enough, (of course, the government with a fourfifths majority did not think so!) and when the curtain comes down, the pensions are there. And there is much more of it, if one had been in higher positions or is the widow of some one who had been in such a lofty place. And all throughout the people are told that they are masters and that those who govern are their servants! It looks better to serve in this style rather than reign as the sovereign people.

Governments have set up Committees merely to kindle hopes among the people. There were the All Party and the Political Parties Conferences before 1988; and then the All Party Conference that was set up later. What did these achieve, apart from being only a burden on the public exchequer? Now the Select Committee too seems to be heading towards a fruitless end. Why should there be delivery on promises when one wants merely to buy time and keep the people lulled in a state of expectation? Promises have to be kept not by politicians, but by ordinary members of the governed public. In their book of ethics, promises are mere means to an end.

In the same way why should one bother too much about pre election promises, whether hopes had been aroused in regard to pensions or pay, or decreases in the cost of public utilities. The public can wait, there is time to woo them again. Meanwhile, there is nothing immoral in breaking faith. After all, moral standards can in the long run get modified by "civic habituation". The people get used to duplicity and deceit in politics and public life, and they patiently wait and watch.

This is a time of anonymous, scurrilous and slanderous circular letters and leaflets. But such exposures mean nothing when even media exposures of the conduct of those entrusted with maintaining law and order leave them unhurt. Those in charge of public affairs have got inured to these allegations whether they be from the political or higher public official ranks. And why should those in political authority bother about what the press states? To whom are they accountable or answerable however much public confidence may get undermined or eroded because of a reportage of derelictions and misdemeanours of officials? It may be better to bring an end to such exposures by muzzling the press rather than to investigate and report

on the truth or falsehood of such allegations for the information of the public. The attitude here explicitly is one of who does not care, so long as those in right places can say what is wrong is right as it suits them to do so.

Conventions, norms, precedents and even laws do not seem to matter for much in the public life or politics of Sri Lanka in recent times. If there is a political competitor to reckon with, then you neutralize that rival. Your pliant majority can be used to support your measure however, unseemly it could be; get your opponent's civic rights removed, when you have the power find another guilty of abusing power—that is the moral here! And if there is any hurdle to it, legislate using your majority to overcome the obstacle. In the same way, even if it is never done elsewhere, you have a vote of no confidence moved against the Leader of the Opposition. The practices in Paradise are different!

Governments have adopted increasingly and frequently various methods or ruses by which they avert attention being focused on issues of public concern. Commissions are appointed and nothing transpires thereafter or they halt work after some time or continue unendingly till interest in the matter is lost. Commissions can also be used to punish those who dissent or are awkward rivals or competitors. Worse, cases can be instituted and then all comment can be silenced, and dissentients overawed. Corruption, irregularities and abuse can be shielded from the public eye. There is no need to add that morality or ethics is ignored, neither morality nor ethics exist. One wonders whether the Sri Lankan elite having not the law had become a law unto themselves as St. Paul had aptly described such arrogant conduct.

The occasions where ethics has never influenced conduct are too numerous to detail but they are known to most. Expediency has been the foundation frequently on which public life appears to be managed. Worse, self interest and self gain seemingly explain many political and public actions. If it is public funds, and you think you are above question then why worry about the cost of communication whether it be local or international. Similarly, however extravagantly expensive it be, live in regal splendour. After all, cannot our "rulers" trace their descent to a long line of royal ancestors! Who is sovereign

then? Forget the constitution which embarrassingly states that the people are sovereign, and the deluge will be afterwards.

Such is the attitude of those in power and authority. Then it is no wonder that public life in the island is bereft of morality and ethics. There has been the loss of ethics and morals not simply and only because the economy has been made open or because of even the continuance of emergency and draconian legislation, but largely and even more because of public apathy, indifference and complacency. Ten per cent make the money, to another ten per cent some benefit may trickle down, others languish disadvantaged. Is such economic policy moral? Any way cheer when we get our debts, be it in Paris or elsewhere. Where are values if we can be proud of getting indebted.

It need not be retold that vigilance ensures liberty but it also is vigilance that would ensure good governance. To take the attitude I am not hurt, it is my neighbour who is hurt by this measure or that is to be derelict of one's duty to society. What hurts one today can hurt another tomorrow, and so all have to be watchful lest they eventually get hurt.

The abuse of power, the unscrupulous pursuit of power using often foul means to attain that end, the last to continue with power adopting questionable means to gain that objective are all possible if the public fails to look sharp. If these be the interests and aims of those at the top of public affairs can any one expect anything other than unethical and even blatantly immoral management and conduct of public affairs and life. To check-mate such unscrupulous attitudes or actions public alertness, voters vigilance and public censure and forthright disapproval are indispensably needed.

The public have an obligation, a duty indeed, to see that ethics underpins public life so that the end of government would be the social good of the people and not the good or profit of those chosen to govern. In other words the rules of the game, irrespective of the players, ought to be morally justifiable. The Chief Justice had said recently that to lawyers among the supremely important values are those of moral integrity and fairness. These values are equally essential in public men and public life. To sin by silence when you should protest make cowards of men.

The Incompatibility of Article 99 (13) with the Role of the Member of Parliament

Chanaka Amaratunga

Although the framers of the Constitution of 1978, politicians as well as academics who were sympathetic to the objectives of the J R Jayewardene Government of the time, sought to create the impression that on the hand, the inclusion of a provision in the constitution ensuring the expulsion of a Member of Parliament if he/she ceased to be a Member of the political party on whose ticket he/she was elected is a logical corollary of the adoption of a system of proportional representation for election to Parliament, and on the other hand, that the expulsion of a Member of Parliament from his/her political party if he/she dissents from the line taken by such party in Parliament is the natural consequence of the operation of party systems in the modern liberal democratic world, **both these impressions are utterly erroneous.**

Having examined the relevant constitutional provisions of 33 liberal democratic states that elect their Parliaments by systems of proportional representation (including all the countries of continental Europe where systems of proportional representation have been in use for a considerable time, and also many newly democratic states in Eastern Europe and Latin America) it has been impossible to find a **single** liberal democracy other than Sri Lanka where a Member of Parliament can be expelled from the legislature on his/her resignation or expulsion from the political party on whose ticket he/she was elected.

The idea put forward by President J.R. Jayewardene quoting *Hamlet* that it "follows as the night the day" that in a system of proportional representation expulsion or resignation from a political party on whose ticket a Member of Parliament was elected results in expulsion from Parliament is a gigantic myth.

It is equally a myth that in the modern context, the development of political parties has denied to the individual Member of Parliament the right of political dissent. In the United Kingdom, the United States of America, France, Germany, Belgium, the Netherlands, Spain, Italy, Canada, Australia, the newly democratic nations of Eastern Europe, Latin America and in our own region in India, Member of Parliament **can and do** dissent from their parties both in debate and in voting and yet have not been expelled from their respective parties. Recently in the House of Commons 63 Conservative MPs voted against the adoption of the Treaty of Maastricht and in the House of Lords several Conservative peers including the former Prime Minister Lady Thatcher, opposed the adoption of the Treaty. No disciplinary action was taken against any of them. Voting as instructed by a three line whip **does not** in any of the liberal democracies of Western or Eastern Europe, North America, Australia and in most other liberal democracies constitute a necessary condition of membership of a political party.

The belief that exists here, among politicians, lawyers and even judges, that nowhere in the world does the attitude of respect for the individual conscience of Members of Parliament advocated by Edmund Burke in the 18th Century and by John Stuart Mill in the 19th Century currently exist is based upon a paucity of information and is manifestly erroneous. As Klaus von Beyme asserts in *Political Parties in Western Democracies*, (Gower, UK, 1985)

The image of parties acting as monolithic units is a fiction which cannot be maintained.

In Sri Lanka much of our misunderstanding of this issue, which has resulted in

the provisions of Article 99 (13) is based on the utterly immature conception of loyalty to a political party, evolved particularly in the parties of the mainstream. As Paul Silk quite correctly points out in *How Parliament Works*, Longman, London, 1989)

Political parties are broadly based. Inside each there are disagreements about most individual aspects of policy, though there may be agreement about the broad direction of economic and social thinking. Analysis of voting records in the House of Commons has shown that MPs have increasingly shown their disagreement with party policy by voting against their party's line.

.....Although more attention is naturally given to dissenting votes in the government party, opposition parties do not always agree internally, as their voting records also demonstrate.

This is an understanding that our own parties had in the past. In the Parliament of 1952-56 after the resignation of Mr. Dudley Senanayake as Prime Minister he and Mr. R.G. Senanayake were very critical of many aspects of the government of Sir John Kotelawala while remaining on the UNP back benches. But Sir John never attempted disciplinary action against them. In 1962 George Rajapakse who was then Parliamentary Secretary to the Minister of Finance (having resigned his office), made a devastating speech in opposition to the budget of Felix Dias Bandaranaike, as did several other SLFP back benchers. No disciplinary action was taken against them, and Felix Dias Bandaranaike resigned his office because of the strong opposition from Members of Parliament of his own party. He did not resign

The writer is leader of the Liberal Party

from his party either, and soon returned to the Cabinet. In the Parliament of 1965-1970 Mr Festus Perera formed a group of backbenchers critical of some aspects of policy of the government of Mr. Dudley Senanayake, which was named the Ginger Group. No disciplinary action was taken against him. The Tamil Congress which was a partner of the coalition Government fiercely opposed the District Councils Bill was equally fiercely supported by the Federal Party, another partner of the coalition. This public dissent from government policy in parliament was considered perfectly acceptable. Even in the Parliament of 1970-1977 when the process towards authoritarianism had begun and party discipline within the ruling coalition was tight, Dr. S.A. Wickramasinghe, Mr. Sarath Muttetuwegama and Mr. Aelian Nanayakkara voted against the Criminal Justice Commission Bill. Their punishment was expulsion from the Government Parliamentary Group for a few months. In the Opposition UNP, Mr. J.R. Jayewardene and Mr. R. Premadasa in the proceedings of the Constituent Assembly which enacted the Constitution of 1972 advocated an executive presidency while the party's leader the former Prime Minister Dudley Senanayake and the current Minister of Justice Mr. A.C.S. Hameed and the rest of the party, strongly opposed any departure from the Parliamentary and Cabinet system. No uniformity of views was imposed by the leadership.

What has been sought to be demonstrated is twofold. Firstly, that parliamentary dissent among members of a single political party is all over the liberal democratic world, an integral and natural feature of the operation of a free Parliament. Secondly, that what is necessary for membership of a political party is not agreement by its members on every policy and every decision but, as put by John Stuart Mill in *Considerations on Representative Government*

On the few articles which are the foundation of their political belief.

In examining the nature of the political party, of the Member of Parliament, his rights, freedoms and duties and their inter-relationship which are vital issues in the determination of whether article 99 (13)

is compatible with the role of a Member of Parliament, the examination of the political and parliamentary tradition of this country is essential. Although the Constitutions of the First and Second Republics in trivial and significant ways departed from the constitutional and political precepts which are fundamental to the British political tradition in which our own tradition of liberal democracy has its origins, it remains true even today that our political tradition remains closely related to that of Britain. This is particularly so in relation to the operation of Parliament where both explicitly and implicitly the British conception of Parliament and of the traditional freedom, independence and dignity of the Member of Parliament is in our precedential and constitutional instruments sought to be preserved. The Standing Orders of Parliament have been drawn up in close conformity to the Standing Orders of the House of Commons and Erskine May's *Parliamentary Practice* which is the principal guide to procedures of the British Parliament, is authoritatively invoked in our Parliament even today. Under the Standing Orders of Parliament, there is scarcely a reference to political parties. The principal role in Parliament in accordance with accepted procedure is therefore assigned to the individual Member of Parliament. The procedures which recognize the individual Member's right to be recognized by the Chair for the purposes of debate, which involve the taking of divisions by name, indicate indisputable, the individual responsibility borne by a Member of Parliament in the conduct of his parliamentary duties.

Under Article 67 of the Constitution of the Democratic Socialist Republic of Sri Lanka it is declared that-

The privileges, immunities, and powers of Parliament and of its Members may be determined and regulated by Parliament by law, and until so determined and regulated, the provisions of the Parliament (Powers and Privileges) Act, Shall, mutatis mutandis, apply.

The Parliament (Powers and Privileges) Act confers upon Members of the Sri Lankan Parliament such rights and powers as are at the time, enjoyed by

Members of the House of Commons in Britain. In Britain, it is absolutely clear as has been established, that the Member of Parliament may speak and vote in accordance with his conscience and may even change political parties without the loss of his seat (The same freedom exists as has already been pointed out, in Parliaments elected by methods of proportional representation.)

This position has consistently been recognized in Sri Lanka since the establishment of a Legislative Council with a significant elected element. It is therefore entirely appropriate that it be taken into account that when the basic features of the Constitution as contained in Article 4 (a) of the Constitution recognize that:

the legislative power of the people shall be exercised by Parliament consisting of elected representatives of the people.

The character of a representative of the people (i.e. a Member of Parliament) must be understood as it has consistently been understood within the Sri Lankan constitutional tradition. In the Sri Lankan constitutional tradition, derivative from the British constitutional tradition (but applicable too to the constitutional traditions of Western Europe, North America, Australasia and India) no theory of the mandate, however, conceived, has been recognized. So repugnant has the theory that, the authority from whom a representative derives his position in the legislature can regulate his subsequent parliamentary conduct, been in the Sri Lankan constitutional tradition that even the six Appointed Members of Parliament and the fifteen Appointed Senators under the Soulbury Constitution (appointed by the Governor General on the advice of the Prime Minister), once nominated could not be expelled or called upon to resign because they opposed the very Prime Minister or Government that appointed them. Accordingly on several occasions Appointed Member of Parliament spoke against and voted against those who had caused their appointment. (eg. Robert Singleton-Salmon voted against the government of Mrs. Sirimavo Bandaranaike on the Throne Speech in 1964 and S. Thondaman declined to vote.)

This tradition of the Member of Parliament being ultimately responsible only to his conscience and to his conception of the national interest has been asserted by authorities, in many parts of the world and over the centuries. The essential freedom of a representative was asserted by John Stuart Mill in his *Considerations on Representative Government*. That this view is still current is clear from the assertion of Klaus von Beyme in *Political Parties in Western Democracies* (Gower, UK, 1985) p.312 that

Most parliamentary democracies lay great stress on individual freedom for Members of Parliament.....All the Western democracies see the Member of Parliament as independent of instruction, and nowhere has he been subjected by law to orders from his voters.

Von Beyme adds:

"the independence of Members of Parliament has had to be defended not only against voters but also against the parliamentary party. But party discipline which emerged in many democracies as the parties gained in strength, has never been institutionalised."

Paul Silk asserts in *How Parliament Works* (Longman, London, 1989 pp 62-64, pp 45, 47) that British Members of Parliament quite often vote against their own party. This is confirmed by Klaus von Beyme, in *Political Parties in Western Democracies* p 319. Several senior figures in the Conservative Party in recent years such as the former Prime Minister Edward Heath, the Former Foreign Secretary Francis Pym, former Cabinet Ministers, Sir Ian Gilmour, Sir Geoffrey Ripon, Sir Geoffrey Howe, Norman Tebbit, Michael Heseltine (now back in Cabinet) have voted against the Conservative Party on the Floor of the House but have not thereby been expelled from the Conservative Party let alone from the House of Commons! The example in *Churchill: His Life and Times* by Malcolm Thomson (Odhams, London 1965) (pp 300-301) describes a famous occasion

during the Second World War when 33 Conservative MPs voted against their own government on a vote of confidence.

It seems irrefutable therefore that it is not the view of Edmund Burke and John Stuart Mill about the reality and desirability of the freedom of conscience of Members of Parliament but the view that a Member must and does at all times toe the party line that is as "remote our times as the days of the flood."

So important to the survival of a real democratic system is the freedom of conscience for Members of Parliament that some constitutions explicitly declare the existence of such a right. This is true, of the constitutions of Germany, the Netherlands, and Denmark. Significantly, they are all states, which have systems of proportional representation.

Article 38 of the Basic Law of the Federal Republic of Germany declares:-

The deputies of the German Bundestag shall be elected in general, direct, free, equal and secret elections. They shall be representatives of the whole people, not bound by orders and instructions and shall be subject only to their conscience.

A final word must be emphasised. Even in India where defection on opportunist grounds had become a problem, the new provisions of the Indian Constitution have the following effect:-

- (1) If a third of the Parliamentary party of a particular party leaves that party or is expelled such Members are recognized as a faction of that party and are permitted to exist as a new Parliamentary party.
- (2) If less than one third of a parliamentary party resign or are expelled the Speaker determines whether such expulsion or resignation was the result of a bona fide exercise of conscience and if he finds that it was the result of the exercise of conscience, the Member or Members may continue

to keep their membership of Parliament.

- (3) If the Speaker decides that a Member of Parliament has resigned or been expelled for reasons other than the exercise of his conscience, his seat is declared vacant and a bye election ensues.

The existence of a liberal democracy, for which a free and strong Parliament is a necessary condition, is impossible then without the freedom of conscience of the Member of Parliament. Such freedom must apply to all Members of Parliament equally. Any cynical and opportunistic expedient such as the provision in the transitional Parliament of 1978-1988, that a Member of Parliament may be expelled by the vote of a simple majority in Parliament is totally unacceptable. This would result in Members of the Opposition having freedom of conscience while Members on the government benches are denied such freedom. Such a provision would gravely compromise the integrity of Parliament and make it once more the shameless tool in the hands of rulers that it was from 1978-1988.

It is the people who elect MPs alone who should have the right to judge them, at the ensuing election. No real liberal democracy in this world contains an obnoxious and blatantly partisan provision such as the 'one way conscience' 2nd Amendment to the Constitution which applied to the last Parliament.

The repeal of Article 99 (13) deserves the fullest support. If it is accepted, the view of Lord Hailsham, the distinguished former Lord Chancellor of Britain, that

A Member of Parliament should follow his conscience and should not be coerced by external pressure, either from pressure groups, or his local constituency association or even his own party whips.

would once again be applicable, after an aberration of 14 years, to our Parliament.

Indian print media and communalism

Charu Gupta and M.K.S.

As a microcosm of a community, the newspaper provides information on a variety of issues, especially communalism. In providing this information, the newspaper facilitates interaction with every major and most minor institutions in society. But the newspaper is more than a support system for the institutional network of society — it is an institution in itself.

A very important institutionalised aspect of the newspaper after December 6, 1992 concerns how it functions as a standardised means of communication. The newspaper, in employing a particular procedure for locating, organising and interpreting its content, actually kills certain other events. And in this process the content is usually homogenised. Thus, to a large extent the reader is deprived of seeing a coherent picture of the current events.

It is true that after December 6, there are many examples of 'pluralistic', 'objective' and 'truthful' reporting. But these have to be weighed such as to see on which side the balance is tilted. We found that certain news became frontpage news while certain others were relegated to the background. Is this consciously done? Is there a pattern to be observed in them? After looking through a number of news items, one could not help but observe that what conformed to expectations, what supported unspoken assumptions and certain news frameworks tended to become frontpage news. Also certain images are used because they exist and are known to have wide currency and therefore enable easier communication. In virtue of being used regularly, they are kept alive and available for further use. However, 'uncomfortable' news, 'contrary' events, which do not echo or confirm the larger opinion, are relegated to the background and inside pages.

In this hour of crisis, responsible journalism would also mean giving adequate coverage to people's efforts and secular event — rallies, demonstrations, protests, signature campaigns, citizens' committees, historians' evidences disputing the VHP-RSS-BJP claims — to counter this communal onslaught. However, their coverage left a lot to be desired. Why this

ignoring, suppressing, killing of contrary evidence? By virtue of sheer intensity and duration of coverage of a particular kind, the newspapers perpetuated a hoax on themselves. It must be borne in mind that just as 'bad news' is more newsworthy for journalists than is 'good news', so 'bad reporting' is more noteworthy for reporters than is careful reporting. Reports that portray the mental and religious divide in the country rather than communal harmony tended to be highlighted more.

I

There were a large number of programmes launched by the Left, secular and progressive forces in India, especially in Delhi. There are innumerable examples of the poor coverage given to these in the newspapers.

There was a rally of more than 2000 students and teachers in Delhi University on December 10 against the demolition of the Babri Masjid. However, *Jansatta* (December 11, 1992, p.4) tried to portray a totally different picture and attempted to equate this rally with another demonstration held by some ABVP activists in the university itself, in which not more than 50 people participated. There was a false picture conveyed. The heading of the report was:

"'Inka bhi uiroth, unka bhi uiroth'"
(their protest, as well as their protest)

Similarly, *Indian Express* (December 13, 1992, p.2) had a very small item on the Mulayam Kansi alliance and that too with a negative heading: "Mulayam, Kansi team up against communalism". It is significant to note that on the same day the newspaper had a front page lead photograph of two youths and the caption read: "Two BJP supporters carved out 'Jai Sri Ram' on their chests while protesting outside the Pakistan High Commission in New Delhi on Monday". Not satisfied with this alone, there was another big photograph of the same demonstration on p.9 with a big news item. In fact the newspaper had 15 news items regarding BJP-RSS on that day.

This selective perception obviously gives the reader a dominantly onesided

canvas of events. It is clear that the BJP 'events' are news, not so much the other events.

Not only this, even the daylong *dharna* by journalists at Rajghat on December 15, 1992 received barely two paragraphs in *Indian Express* (December 16, 1992, p.5). On the same day the first page had a number of stories with a pro-BJP tilt. In fact the lead story had the following headline: "Adverse reports from Governors 'extracted'" (emphasis mine), as the BJP Governments had been dismissed that day. Some words have a neutral connotation, which are not opinionated and evoke no emotional response. But the use of certain words, in this case 'extracted' has a negative effect, designed to appeal to the readers' emotions, to give a judgemental stimulus.

There was a huge rally of film stars in Bombay on December 16, 1992. The next day *The Times of India* carried a frontpage photograph of it, while *Indian Express* did not carry the news item at all. The next day the newspaper rectified it to some extent by having a small photograph of the rally but here also a visual cleverness was displayed. The photograph had in its centre Shatrughan Sinha, the film actor and a former BJP candidate for the New Delhi Lok Sabha seat. What was the newspaper trying to specifically prove? The secular credentials of the BJP? Similarly, the big secular march in the Capital on December 18 received precisely two paragraphs in *Indian Express* (December 19, 1992, p.5).

Nine youth organisations came together and chalked out a campaign for communal harmony. The news was treated in a very casual way. Some newspapers did not carry it at all. Others, like *Navbharat Times* (December 25, 1992, p.5), devoted two paragraphs to it. Also the report was written in an offhand and casual manner. Worse, on January 1, 1993, 'Sahmat' organised a huge communal harmony concert of artists, singers, etc. called 'Anhad Garje'. More than 10,000 people watched this whole day programme. A number of newspapers blacked out this news totally and some which did report, did it in an insignificant fashion.

Thus in the selection and placing of news, there is a clear bias. There is a constant evidence of preferential treatment to certain news subjects. Almost anyone who opened for example *Indian Express* on December 15 and 16, 1992 could not fail to observe the BJP stance on almost everything, as it looked as if the BJP decided the items to go on the first page. However, only a very careful and thoughtful reader would be able to find contrary news evidences, and that too by minutely studying the paper. What tends to get registered in a reader's mind is that which by its sheer intensity and duration of coverage makes an impact. The marginalisation of certain news items can be thus very damaging, denying the reader a 'pluralistic' perspective.

II

The role of historians in the present scenario is a crucial one. The controversy over the mosque has a historical perspective. Let us examine the role of newspapers during this period regarding historical facts.

The most blatant example of bias and partisan attitude was the report in *Indian Express* (December 20, 1992, p.1) in block, which stated:

Some historians and archaeologists who have all along maintained that a Vaishnava temple existed until the early 16th century at the disputed site in Ayodhya came up on Saturday with 'fresh and conclusive evidence' in support of their claim.

The report is quite long and is displayed very prominently, with two photographs to accompany it.

However, when another group of historians disputed this claim, the news was shifted to p.5 (metro page) of the same newspaper on December 26, 1992, and there too it was given a small space. The other newspapers like *Navbharat Times* and *Jansatta* revealed similar biases. Thus *Navbharat Times* (December 20, 1992, p.1) had a big news item regarding the claims of historians that a temple existed at the site. It also carries a picture of the so-called 'evidence' on p. 3. Again when another group of 70 prominent historians demanded that this 'evidence' be examined by an archaeological expert committee and questioned the authenticity of the 'evidence', it was relegated to the last page.

This kind of 'killing' of certain news, relegating to background 'contrary evidence' enforced the opinion that the newspa-

pers presented a framework which fitted well with their 'beliefs'.

III

To add fuel to fire, some of the newspapers were not content with just 'marginalisation' of secular forces, they had to ridicule them. There was prevalence of certain images which at least implicitly were derogatory towards the secularists.

Jansatta December 13, 1992, p. 7) has a detailed column titled 'gap-shap' (gossip). The title of one of its items was 'Prabhu varg ke liye naya nara' (a new slogan for the intellectual class). Some excerpts of the report are:

somvaar ko dophar sare barhe baje ki baat hai. sansad bhawan mein arjun singh ke kamere mein neta-sampadak samvaad chal raha tha... matlab yeh ki sarkar ko parakram dikhane ke liye sampadak ne khub hawa bhari... apna to sujhav hai ki kyon nahin dilli ka dharmni-rpeksh prabhuvarg ek masjid punarnirman samiti banakar kar sewa ke liye ayodhya kooch karta? Wakt aa gaya hai ki ab yeh varg nukkar natak, byanbazi, boat club ka ghera tor kar dharmni-rpeksh ke khatir ayodhya mein masjid kar sewa ke or barh jaye? bahut ho gaya talliyon aur shor machane ka kaam. apni babri masjid ki khatir kuch kurbaani bhi karen. lagaye yeh naara ki 'ram lala ko hatayenge, masjid wahin banayenge'.

(It is an incident of Monday at 12.30 PM. In Arjun Singh's room at Parliament House, a conversation between the leader and the editor was going on. Meaning that the editor provoked the government to show its courage. It is my suggestion to the secular intellectual class of Delhi that why do they not form a committee for Masjid reconstruction and march towards Ayodhya for kar sewa? It is time that this class breaks the circle of street-plays, statements and Boat Club and for the sake of secularism marches towards Ayodhya for Masjid kar sewa. Enough clapping and noise making has been done. They must make some sacrifice for the sake of their Babri Masjid. They should coin the slogan: 'We will remove Ram Lala, and construct the Masjid there only').

Here the journalist first establishes his credibility by informing the reader of his presence at that particular occasion. Then he goes on to prove that the secular intellectual class is only responsible for various acts of the government. He goes on to make extreme derogatory fun of this class and places the secularists vis-a-vis the whole Hindu community. In this gossip, there is no attempt at information or conversation. Rather, it is a kind of an open attack by the communal organisations. And the target of this attack and

ridicule are obviously the secular forces.

Similar is the case with certain cartoons which appear in the newspapers. In a cartoon comment, the use of a phrase and image that will evoke a similar set of associations and meanings in most members of a society, directly enables a complex point to be crystallised unambiguously and memorably in a few words or a single picture. Some of these cartoons enforce an image of secular forces being away from ground reality. The impression created is damaging, to say the least.

Take the example of two cartoons in *Navbharat Times*. *Navbharat Times* (December 12, 1992, p.1) has a cartoon in which a secular person has a placard in his hand on which is written: 'Mandir Murdabaad, Masjid Zindabaad'. Another figure, who is supposedly the representative of the masses is saying:

"apne tukurjiviji, pehla darje ke 'secular'"
(our respected parasite is a first rate secularist.)

Navbharat Times (December 29, 1992, p.1) has a cartoon in which there is a single figure, who with raised hands is saying:

"lar bhi lein, sulat bhi lein, phaltu kaumi ekta ka aachaar to rakhna nahin..." (we fight also and compromise as well, as this senseless communal harmony is of no use.)

IV

This marginalisation, selective perception and worse still a sense of ridicule against the secular forces obviously leaves behind a particularly false image of the issues at stake.

It would not be entirely irrelevant to make another point here. The influence of the newspapers on the common man has to a large extent shifted from their editorial columns to their news columns. Given the time constraint that one is faced within today's world, the newspapers are largely flicked through. Thus what is retained in the consciousness of the reader are usually the headlines, cartoons, first page news and block items. In such a case the convergence and dominance of a particular image here leaves the dominant impression on the minds of the reader. Obviously it is the speeches, statements and press conferences of the BJP-RSS-VHP which are dominantly retained, at the cost of secular forces and events.

(This is part of a much larger study on Print Media and Communalism after December 6, 1992).

— Mainstream

Role of a chauvinist press

Dragan Klaic

Militant nationalist groups, promoted by the media, articulated the new cultural ideology of ethnic purity and tribal solidarity;

Preoccupation with the horrors of mass suffering and destruction in one-time Yugoslavia obscures the role of culture and intellectuals in the development and escalation of a vicious civil war. The old Communist leaders, the federal military, a jingoistic and chauvinist media, nationalist fanatics and a supine international community share responsibility for the explosion in former Yugoslavia. Its intellectuals, too have much to answer for whether living in exile abroad or in silence at home, former Yugoslav artists, writers and others live in the knowledge that they failed to prevent the break-up of their country and the ensuing war. They have proved unable either to counter nationalist hatred and paranoia or to gather themselves across ethnic lines and build a democratic opposition based on the multicultural ethos of the Yugoslavia they once knew. Even those not subscribing to the worst excesses of the warmongers and profiteers will be forced to attempt an explanation to themselves and to others of what they could not prevent.

In pre-war Yugoslavia, cultural policy was the exclusive responsibility of the several republics. Each had a cultural infrastructure complete with publishing houses, film companies, theatres, festivals, artists' associations, teaching institutions, radio and television stations and all the trappings of statehood. Policy was common to all, the only difference being in the degree of zeal with which it was applied by local Party officials.

Dragan Klaic was a professor at the University of the Arts in Belgrade and is now director of the Theater Instituut Nederland in Amsterdam.

Throughout the 1970s and early 1980s, the space for public discourse and dissent was progressively enlarged. Outspoken books, plays and films, as well as public lectures and debates, provided the impetus for eloquent and increasingly provocative criticism of the regime. Literature broke the taboos that surrounded discussion of the less glorious moments in the record of Communism and its supporters: it exposed official whitewash and stimulated critical rejection of the old ideology.

Although there was no formal censorship, the Party apparatus acted as a discreet watchdog, interfering to ban or silence voices that became too critical; members of various official cultural institutions were enlisted to perform their duty by protecting the interests of society at large. In this way, intervention from the top was replaced by a form of self-regulation apparently initiated by the employees themselves.

Most interventions of this kind passed off without exciting much attention; overt intervention by politicians, on the other hand, frequently led to open confrontation with the offending writers and artists and to court prosecutions. But these were quickly seen to be counterproductive, exciting even greater interest in the offending work and leading to accusations of 'Stalinism' against the politicians.

Yet, despite restrictions and the odd ugly incident, ethnic and linguistic equality and the protection of minority cultures were more than mere paper declarations of intent. Albania, which after 1981 was subjected to systematic discrimination, was the exception. But on the whole, Yugoslav cultural life was vibrant and dynamic, characterised by lively exchanges across borders and languages. Artists and intellectuals were able to take advantage of the inter-republican — even

inter-regional and inter-city — rivalry of Party bureaucrats more anxious to consolidate their own local cultural power base rather than join forces in pan-Yugoslav cultural activities. For instance, a book banned in one place would find a publisher in another; a play under official pressure in Vojvodina would transfer to a theatre in Belgrade — both in Serbia — or go on to win the prize at a drama festival in Slovenia; until 1987, Sarajevo was under the control of a rigid, post-Stalinist Party clique, but its artists found refuge in the more liberal climate of Belgrade or Zagreb.

The attempts of each republic to map out its separate, national cultural boundaries were unable to prevent a constant flow of people, ideas and joint projects throughout Yugoslavia. For at least the last 20 years, Yugoslav identity was, above all, a cultural definition, characterised by intellectual openness, diversity and mutual curiosity.

To a large extent, these exchanges were at the unofficial level with no local or state encouragement or finance. The latter was expended by local bureaucrats on grandiose projects that would bolster their own status *vis-a-vis* their counterparts in neighbouring republics. Central funding was used to promote nominally 'Yugoslav' cultural festivals that were in all but name, jealously guarded 'national' events.

The Dubrovnik Summer Festival, for instance, had already become a purely Croatian affair as early as the 1970s, noticeable not only at the functional level, but also in the nature of its programme. The Yugoslav Film Festival in Pula — also in Croatia — managed to preserve its state facade for rather longer. The cost of funding the Yugoslav Drama Festival in Novi Sad (Vojvodina in Serbia) was split be-

tween the six republics and two autonomous provinces. While other regions frequently failed to deliver their quota, Vojvodina continued to pay over the odds to keep this prestigious event in its territory. Bosnia frequently omitted to send its contribution to Novi Sad, diverting the money instead to its own lavishly funded festival in Sarajevo.

But the politicians were not solely responsible for obstructing the pan-Yugoslav cultural flow. There was always a substantial body of intellectuals and creative artists — in particular writers — exclusively preoccupied with their own national culture and language and their status within the multicultural environment of the state. Their intellectual roots were in European modernism and, throughout the 1960s, they opposed the post-Stalinist Party line. As their hostility to Communism grew in the late 1970s and 1980s, a strident and increasingly intolerant nationalism, equally hostile to other ethnic groups, languages and cultures within Yugoslavia, became the identifying factor of their opposition to the Party and its ideology.

Their opposition to Communism did not make them democrats; rather, they developed a querulous, self-pitying chauvinism, in the process rejecting their earlier links with Europe and modernism and retreating into a cultural conservatism that had its roots in traditional rural folk culture.

After Tito's death in 1980, these nationalist groups began first to take over, and then to destroy, key positions in Yugoslav institutes of learning and professional academic bodies, where they fought an intestine war for control. In what can be seen, with hindsight, as a testing ground for the later breakdown of the Yugoslav federation in 1991, their jockeying to protect their own and their republic's position against the rest, engulfed and finally led to the disintegration of the Yugoslav Writers Union. The constitutional autonomy of the republics, together with the requirement that all important decisions — such as changes to a Constitution that had become an impediment to change or compromise — be unanimous, ensured the death of Yugoslavia as surely as that of

the Writers Union. Once the internal cohesion of the Party was gone, unanimity among the rival republics was impossible: Party bosses in the separate republics each pursued their own, national interests to the exclusion of all else.

Neither the relatively small dissident movement nor liberals within the Party were able to stop the rot by building a country-wide opposition movement or constructing a coherent strategy for reform. Both groups became increasingly immersed in national politics and acrimonious polemic against critics of the regime in other republics. Most intellectuals who were critical of the system nevertheless remained within it, yielding ground to the militant nationalist opposition. As Communism became increasingly compromised, liberals as well as Party hardliners resorted to alliances with the nationalists in the hope of preserving position in a post-Communist order.

With the old order finally disposed of in 1990, the formation of new parties and contenders for the multiparty system was dominated by the nationalist factions in each republic — by now complete with coopted members of the former ruling Communist elite. Their programmes were extravagant both in spirit, they fanned the flames of suspicion and hostility to other nationalities. The oppression by the Serbs of the Albanians in Kosovo, and the collapse of the economy as well as the political system, fuelled nationalism in Serbia. This in turn provoked a reactionary nationalism in Slovenia and Croatia which was repeated in Macedonia and Montenegro. In Bosnia, the delicate balance between Serbs, Croats and Muslims neared breaking point.

The liberalisation of the economy in 1989 and 1990 and the potential benefits of the market system came too late to aid the worsening economic situation. The growth of unemployment and the threatened loss of social benefits guaranteed under the old system played into the hands of the nationalists. Fearing that it had more to lose from economic reform than to gain, the poorer sector of society, including the rural or semi-urbanised, lower paid employees in the old state

enterprises, members of the humbler levels of the Party bureaucracy and pensioners, voted overwhelmingly for the nationalists, who triumphed in the first multiparty elections in the republics in 1990. Obsessed by what they imagined was their worsening situation, they had little time for liberal democracy, pluralism or free expression of their opinion.

The new structure that emerged from the elections brought to power representatives of the new political elite in Slovenia and Croatia, the old in Serbia and Montenegro, and unstable alliances in Bosnia-Herzegovina and Macedonia. Their common feature was an inability to negotiate, a fanatical nationalism, and the extravagant promises of salvation they made in their election campaigns. Together these prepared the ground for the future catastrophe.

Not only had the intellectuals failed to prevent the rise of ethnicity as the key value in the republics, but many also actively contributed to it. As ethnicity became the cornerstone of the new order in each republic, it became less likely that tolerant pluralism could replace it in the country as a whole. Culture lost its autonomy and its critical role as it became the tool of the new ideology, under the control of ideological commissars worse than any in the bad old days of the 1950s.

Anti-nationalist intellectuals became the silent minority drowned out by the trumpets of nationalism and the rhetoric of exclusion. Cultural traffic between the republics; joint schemes and projects, touring companies, exchanges and visits grew increasingly rare and dangerous as hostilities between the republics mounted and physical communications were cut off.

Artists, writers and intellectuals were suddenly plunged into isolation in a disintegrating country: airlines, trains, road transport and telephones one by one ceased to operate. A hysterical preoccupation and active involvement with the war and its politics, on which many held forth to receptive audiences, substituted for the development of new works and their public presentation.

All the Yugoslav successor states saw the arts as a propaganda tool in the service of the nationalism on which they were founded. The purges in cultural institutions were ferocious; independent voices and 'ethnically unreliable' personnel were eliminated; others went into silent internal exile; many fled or were driven out of their country. The field was left open to those with the right ethnic background and appropriate nationalist sentiments. Militant nationalist groups, promoted by the media, articulated the new cultural ideology of ethnic purity and tribal solidarity; one-time guardians of the Communist ideology turned virulent nationalists and, allied with anti-Communist traditionalists, attacked ideas, then individuals, then turned to gutting libraries of unsuitable books. The space for experiment or debate disappeared.

Financing cultural activities in wartime presented little problem: the new breed of war profiteers were able to launder dirty money in sponsorship deals which earned them a reputation as patrons of the arts. And even though war has reduced the level of activity, culture has become the popular escape from the daily horror of war and the politics of hatred. With no possibility of holidays abroad and a lack of imported consumer goods, culture has also become the last consumer refuge. Theatre audiences in Belgrade are up; in Sarajevo, even during the deprivations of the year-long siege, exhibitions, concerts and plays continued to be held in cellars with versions of the US musical *Hair*, *Our Town* and *Hotel Europa* among them.

As in the media, independent, unofficial voices are few and their reach limited. Anti-nationalist artists and intellectuals are a silent scared minority labelled 'Yugonostalgics' and 'Yugozombies'; their access to the public is denied, their past work belittled and their employment precarious. The lack of access to foreign publications, including educational material, created by the UN sanctions, isolates them even further. The intellectual exodus has been immense.

future prospects remain bleak until the fighting stops. But once foreign intervention or sheer exhaustion has imposed

some sort of peace, culture will be a critical tool in a post-war process of healing and reconstruction. Whatever the eventual borders, the need to communicate across them as neighbours, if not as fellow countrymen, will be critical. The old multiculturalism cannot be reborn as long as ethnicity remains the sole criterion of state and citizenship. Irreversible demographic changes caused by ethnic cleansing and the flight of refugees will mean that the old cultural diversity of many regions has

probably gone forever.

The younger intellectuals who fled mobilisation, together with the children who remained and were exposed to the war with all its hatred and intolerance, and the distorted propaganda that made up their education, are a lost generation. It will take a long time for the books that can sum up the pain and loss of this period, or the theatre that can reshape the collective consciousness, to appear.

Correspondence

Those Undated Resignations

Mr. J.R. Jayawardena, in a interview with Roshan Peiris (Sunday Times 22 August 1993), when asked why he asked for undated letters of resignation from UNP MPs in 1982, is reported to have replied: "Believe me, to this day I have not seen a single undated letter of resignation. Yes, I know it is hard to believe. What really happened was that **after the referendum to extend parliament for 6 years** Mr. Premadasa told me some MPs felt they had automatically got an extension and were prepared to resign at any time. (They) **on their own** gave undated letters of resignation to the Secretary-General of Parliament. I can assure you I do not know who gave such letters".

It is unthinkable that I should accuse Mr. Jayawardena of telling an untruth but all the same there is no doubt that what he says is not factually correct. It is possible that his memory is not what it used to be. After all, he will be 87 years old in just a few weeks.

Published documents (including press reports) bear out the following:

1. The Weekend of 5 September reported that at an election meeting in Anuradhapura Mr. Jayawardena had said he was going to 'roll up the electoral map of Sri Lanka for 10 years'.
2. On 28 October (**nearly 2 months before the referendum**) Mr. Jayawardena demanded and obtained from members of the government parliamentary party undated letters of resignation, as reported in all the newspapers.

3. On 2 November, using emergency powers, Mr. Jayawardena had the offices of the ATHTHA newspaper and its printing presses sealed by the police and copies of newspapers already printed for distribution confiscated. The presses employed by the SLFP too were sealed and many active SLFP members (including R. Wickremanayake, the Secretary-General of the party) were arrested on a charge of being Naxalites!

4. On 27 November (more than a month **before** the referendum) the Civil Rights Movement wrote to the president saying, *inter alia*:

"Certain influential politicians are allegedly resorting to threats against supporters of a NO vote. Possibly they feel that their political future depends on the voting pattern in their areas, particularly since you have obtained undated letters of resignation from government MPs so that you may replace them with fresh nominees. It is reported that the threats include that opposition supporters should be prevented from leaving their homes on polling day".

One is left to wonder how the CRM was talking of undated letters of resignation one month before the referendum if Mr. Jayawardena's version is to be believed.

It is best that Mr. Jayawardena keeps silent on these matters.

Piyal Gamage

Colombo 4.

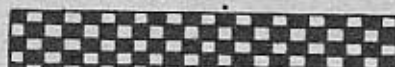
Ace Radio Cab

- Computerised meters • Can be summoned to your doorstep
- No call up charge within city limits • Vehicle access from selected stands
- Receipts issued on request • Company credit available

Call 501502 501503 or 501504



Aset Ltd



Another Aitken Spence Service



The Jayewardene Constitution

Arden

Jayewardene was no economist and once publicly (at the 1986 ceremony for awards for outstanding export performances) stated that he did not understand the terms used by economists. All the same he was a devoted admirer of what Singapore's Lee Kuan Yew had achieved with a free market. He decided he would abolish controls and free the economy. He would invite foreign investors, even the big multinationals, to start industries in Sri Lanka. "Let the robber barons come" was the way he put it. Being a committed believer in *laissez faire*, in an authentically plonking touch, he named his constitution "The Constitution of the Democratic Socialist Republic of Sri Lanka". In his public speeches he never hid his contempt for socialism. e.g. "About 8 to 10 years ago the U.N.P. was faced with the consequences of the nationalisation policies of a set of people who thought that socialism was good". (Daily News 4 March 1987).

On 4 October 1977, speaking in parliament on the second amendment to the 1972 constitution, which gave Jayewardene the powers of both president and prime minister, Mrs. Bandaranaike said that that was a step that would set the country on the road to dictatorship; there would be no going back, she warned. In 35 years of trying to get to the top of the "greasy pole" Jayewardene had apparently kept a careful record of all he would write into a constitution if ever he got the opportunity to do so.

The fall of Mrs. Bandaranaike's coalition in 1964, when some members of her parliamentary party crossed the floor and voted against her government had made a deep impression on him. (Mrs. Bandaranaike always said that Jayewardene had had a hand in persuading those members to desert her). In his constitution Jayewardene would ensure that such a thing would not happen to his government; he

would make it impossible for a member to cross the floor between elections.

He noted that every government in office lost many more by-elections than it won. This embarrassed the ruling party and encouraged the opposition to redouble its efforts. He would have no by-elections if he could help it. He studied past election statistics. The U.N.P. had lost in 1956, 1960 and in 1970. He calculated that under a P.R. system the U.N.P. would have fared much better in all those elections and would actually have won in both 1960 and 1970. The first-past-the-post system did not reflect true voting strengths. In 1970 with 36.9% of the vote the S.L.F.P. won 90 seats while the U.N.P. which polled 37.9% of the vote had to be content with 18 seats; again in 1977 the U.N.P. won 140 seats with 50.9% of the vote, the S.L.F.P. which polled 29.5% of the vote got only 8 seats and the T.U.L.F. with just 6.4% of the vote got 18 seats. Jayewardene decided he would introduce a P.R. system.

Jayewardene wanted to be head of the government but did not relish the thought of there being a higher-ranking (albeit titular) head of state. He would combine the two offices and be both.

Speaking in the House on 3 August 1978 Mrs. Bandaranaike, who realised the implications of the draft Jayewardene constitution, went on record as having said:

"The S.L.F.P. has never looked benignly on whilst conspiracies were being hatched to establish military dictatorships, nor will it ever condone such adventurism in the future. The S.L.F.P. has faith in the people and no constitution can ever inhibit that power.... At the first available opportunity the S.L.F.P., with the power of the people's vote, will adopt a new

constitution which will be in accord with our national sovereignty and the twin principles of social justice and individual freedom".

But that was for future reference. Right now it was Jayewardene who controlled more than 80% of the votes in parliament.

The constitution that the select committee produced had the recognisable Jayewardene stamp.

The disastrous innovation made by Colvin R. de Silva in his 1972 constitution preventing judicial review of legislation passed by parliament was retained. Proportional representation, widely accepted in the world as more democratic than the first-past-the-post system Sri Lanka inherited from Britain, mainly because it enabled representation of smaller groups, was introduced but, in a typical Jayewardene touch, this advantage was removed by providing a 12 1/2% cut-off point which, in effect, disfranchised minority opinion; it also effectively discouraged new political forces emerging.

Under a P.R. system, on the argument that voting was for a party and not an individual, there could be a case for filling vacancies by nomination from the party list in lieu of by-elections. Again, in recognisable style, Jayewardene introduced the principle of nominations by the party to fill vacancies in a parliament elected under the old system. By-elections were eliminated, except in cases where the original election was set aside by the courts on an election petition.

Along with the abolition of by-elections came a deadly new provision; if a Member of Parliament resigned or was expelled from the party to which he belonged, he automatically ceased to be a Member of Parliament and the resultant vacancy was to be filled by a nomination made by the

party concerned. Jayewardene had made sure that his government could never fall by members crossing the floor.

This provision was, by the second amendment to the constitution (26 February 1979), further refined to enable opposition members to cross the floor to join the government, while it remained impossible for government M.P.'s to go over to the opposition. In brief, this amendment made it possible for a Member of Parliament who ceased to be a member of his party to retain his parliamentary seat unless 85 M.P.'s voted to expel him from parliament. Only the ruling U.N.P. had this kind of parliamentary voting strength.

The constitution gave the president immunity in respect of anything done or omitted to be done by him either in his official or private capacity. In a statement in parliament on 3 August 1978 Mrs. Bandaranaike said:

"This is an immunity traditionally enjoyed by constitutional heads of states such as the queen of England and the president under the 1972 constitution. The prime minister, on whose advice the president was always required to act, was subject to the law and the jurisdiction of the courts like any other public officer or citizen. It is a gross deception, reminiscent of the technique of Adolf Hitler, to combine in one person the powers of both president and prime minister and then argue that the head of state is always entitled to immunity".

She had a point. In by-elections the president felt free, as the head of his party, to campaign for his party's candidate. But if while he did so he committed an election offence there was no remedy available to the other side. A rather glaring case actually arose, in the Mahara by-election. The president was accused by one of the candidates of having made a defamatory statement against him and this, if proved, would have vitiated the election of the U.N.P. man who was declared elected. An election petition was filed. The election judge held (1) that to prove the allegation the president had to be made a party and (2) that the president could not be made a party because of his legal immunity. The

supreme court upheld this position and a candidate alleged to have been illegally elected was unassailable because of presidential immunity.

Colvin R. de Silva wrote:

"As the Constitution phrases it; 'The executive power of the people, including the defence of Sri Lanka, shall be exercised by the president'. The elected executive president is 'the head of the state, the head of the executive and of the government and the commander-in-chief of the armed services'. He is also a member and

head of the cabinet of ministers, the ministers being of his own choosing. He may at any time take any ministry into his own hands. He also chooses, appoints and promotes the highest judges of the land, namely the chief justice, the president of the court of appeal, all judges of the supreme court, the court of appeal and the high courts. Finally he is also the repository and vehicle of emergency powers which, when activated by him at his discretion, make him virtually an open dictator". (Parliamentary Democracy in Peril: *Lanka Guardian* 1 February 1981).

The Scholars Tale

Part IV

*The New Executive Monovirate
Claimed affinity with Napoleon Bonaparte
But History has no positive mention
That this upstart specialized in Pogrom.
The Franks left that to the Huns somewhat later
With the Fascizophrénia of an insane Dictator.*

*The Capitalist Fundamentalist Caliphate
Claimed to be Market Orientate
Though the Dharmystically revealed Constitution
Was sheep clothed as Democratic Socialism.
Our Scholar humoured these illusions
While the Monovirate despatched the Legions
To report back on libraries and ballots
And midnight marches with faggots.*

*Tying up loose ends in his Philosophy
Our Hero relegated what was Grand Illusory
To those Leaders puppeted to strut
Strings pulled by their Class from their scruff
Closing ranks were such a strange variety
Of the flotsam of an earlier Society
Tax dodgers, Consultants, Contractors
And local Quislings for the Multi-N-Factors.*

*The Monovirate's first moves all misfired
Jailed Fascists whom he pardoned still conspired
His Judges all swore they foresaw
The total eclipse of the Law.*

*The Election Commissioner sounded an early warning
That the bell for fifty years franchise was now tolling
The Caliphate extended regnum by addendum
Pre-empting History by referendum
Thus our Hero was enlisted to prepare
His Action plans to meet Anger and Despair.*

(Continued)

U. Karunatilake

Conflict Resolution (2)

Laurel Shaper Walters

Conflict resolution has become a "social movement" of sorts in the United States, Kriesberg says.

During the last 15 to 20 years, there's been an explosion of cases filed in the American court system. "The courts get overloaded and they don't work," Zartman says. This has created a need for alternative dispute resolution (ADR). ADR includes a variety of mediation approaches that work outside of the judicial system.

"Many of the misdemeanor criminal cases evolve because of disputes between neighbors or matrimonial disputes," says Francis Terrell, director of the Urban Legal Studies Program at City College in New York. "The courts decided some years ago that we've got to get these lower-level criminal cases out of the system and into another forum where they can be resolved".

As a result, many states have set up community dispute-resolution centers to help ease the burden on the courts. These centers handle low-level disputes between neighbors and families. Sometimes the cases are brought to the centers voluntarily by both parties. Other cases are referred by government agencies or courts.

Mediators at these centers are trained to listen impartially to both sides and work toward a settlement. There's been a great deal of success in this area.

"When people are involved in the decisionmaking process about how their dispute is resolved, they tend to appreciate it more and follow whatever settlement is arrived at because they were involved in the process," explains Terrell.

Federal, state and local governments are all turning toward mediation. The U.S. Department of Justice has established a Community Relations Service to help mediate disputes, and many states have human-rights agencies that will conciliate disputes.

Many people view mediation as a less adversarial procedure than adjudication through the courts. "We're learning that adversarial procedures turn to zero-sum games," Zartman says. Through alternative dispute resolution, "One can find positive-sum games, or win-win solutions, where everybody comes out better off and maybe even more cheaply than the cost of a high-priced lawyer".

"In recent years, ADR has expanded beyond community and family cases. There's been a great growth in the areas of environmental dispute management," Kriesberg says. For example, public policy disputes about sites for hazardous waste disposal projects are often handled through mediation. The Environmental Protection Agency also has started negotiating with interested parties before issuing new regulations.

The introduction of industrial collective bargaining helped forge some of the conflict-resolution principles in the United States. Today, the concepts have spread beyond labor negotiations. Many companies train their managers in mediation and conflict-resolution techniques. The National Coalition Building Institute in Washington offers prejudice-reduction seminars and helps companies work toward institutional change.

After the 1992 riots in Los Angeles, many conflict-resolution experts held workshops in the city. This sort of conflict resolution is more difficult to handle than the day-to-day cases that crop up in alternative dispute resolution. "A dispute is more of a situation that occurs day to day between landlords and tenants or a vendor on the street," Terrell says. "A conflict obviously is much more deep-seated, based on racial, economic or religious underpinnings which make it much more difficult to resolve".

Schools across the United States also are gaining interest in conflict resolution. More than 5,000 conflict-resolution programs are now in American schools, according to the National Association for Me-

diation in Education at the University of Massachusetts in Amherst.

Many schools are training peer mediators to help defuse conflicts between students or between students and teachers. In some cases, mediation is an alternative to traditional discipline procedures.

"Most students have no real models for effective conflict resolution," says Douglas Stone, associate director of the Harvard Negotiation Project. Stone has helped develop a curriculum on negotiation and conflict resolution for secondary-school students.

"There are few skills more important than learning how to listen to others with whom you disagree," Fisher says. "There are specific techniques that work in resolving conflicts.... It's not that you resolve all differences, but you say, taking all differences into account, here are some constructive things to do".

The goal of conflict resolution is not to wipe out all conflicts. "Conflict often is very useful. Sometimes we need conflict to be able to know what is important to us," Zartman says. "We should not get rid of conflict. What we're talking about is resolving it or managing it, if it can't be resolved".

"Peace is dealing with difference peacefully; it's not an end to all differences", Fisher says.

Certainly, the world is nowhere close to being free of conflicts. But conflict resolution is gaining acceptance and helping solve problems without violence.

"Conflict is a growth industry", Fisher says. "With population increasing, with every business decision affecting the environment, with telecommunications and the pace of life increasing, there are going to be more people and conflicting interests bumping into each other more and more frequently. What we have to develop is the skill and ability to deal with them reasonably and efficiently".

HOT SPOTS

David Binder with Barbara Crossette

Dozens of new rivalries have the international community scrambling to find a way to control them. Herewith, a checklist of wars in progress

Europe

BOSNIA AND HERZEGOVINA Serbian forces have captured about 70 per cent of the country and, in an "ethnic cleansing" campaign, expelled or killed Muslims and Croats. Perhaps as many as 150,000 people have been killed or gone missing and another 1.5 million uprooted from their homes.

CROATIA Serbian separatists control a third of Croatia's territory. An estimated 25,000 have died since Croatia declared independence in 1991.

SAPIN Nationalists saying they represent three million Basques seek an independent state on the border of Spain and France. Since 1968, 717 people have been killed in Spain and 49 in France.

BRITAIN The Protestant majority in Northern Ireland wants continued union with Britain; the Catholic minority wants to join with the rest of Ireland. More than 3,000 people have been killed in fighting between British troops, Protestant paramilitary groups and the Irish Republican Army since 1969.

GERMANY An influx of 650,000 foreigners have sought asylum from Bulgaria, Romania, the Balkans and other areas in the last two years. According to German authorities, right-wing and neo-Nazi groups carried out more than 2,000 attacks last year on asylum-seekers, resulting in 17 deaths and nearly 600 injuries.

ROMANIA Romania's ethnic Hungarians, mostly in Transylvania, want greater autonomy and the right to educate their children in their own language. There have been sporadic attacks on Gypsies.

RUSSIA Chechen and Ingushetia have broken apart and seek greater autonomy within Russia. But Ingushetia and Northern Ossetia are fighting over territory in clashes that have already killed more than 300 people.

MOLDOVA Moldova's mainly Romanian population seeks economic, political and cultural ties with Romania. The Dniester region in eastern Moldova, where most of the population is of Russian and

Ukrainian origin, declared independence in 1990, fearing that Moldova will unite with Romania. About 800 people have been killed and 4,000 others displaced by the fighting.

GEORGIA Abkhazia, dominated by Muslims, seeks independence or union with Russia. From 700 to 1,500 people are estimated to have been killed and 80,000 displaced in the fighting. Southern Ossetia, also dominated by Muslims, seeks union with Northern Ossetia, an autonomous republic in Russia. About 1,500 are estimated to have died.

Middle East and North Africa

AZERBAIJAN Troops in Muslim-dominated Azerbaijan, aided by Russian forces, are fighting to end a rebellion by Nagorno-Karabakh, an enclave populated by Christian Armenians who want independence or affiliation with Armenia. An estimated 3,000 people on both sides have been killed since 1989, and 350,000 Armenians and 500,000 Azerbaijanis displaced. Kurds in western Azerbaijan are also fighting for autonomy.

TURKEY Kurdish separatists represented by the Marxist Kurdish Workers Party have sought a separate Kurdish state in fighting that has killed 2,500 since 1984.

IRAQ In the north, two major Kurdish parties rule in an enclave protected militarily by the United States and its allies. Several hundred have died in clashes with Iraqi forces since the Persian Gulf war in 1991. In the south, leaders of a rebellion by Shiite Muslims say that tens of thousands of Shiites have been killed by forces of the Sunni-dominated Baghdad government since the end of the war.

ISRAEL The *intifada*, a popular uprising of Palestinians against Israeli occupation of the West Bank of the Jordan River and the Gaza Strip, erupted in 1987. About 1,000 Palestinians have been killed by Israeli soldiers, 500 have been killed by fellow Palestinians and about 100 Israelis have been killed in Palestinian attacks.

ALGERIA A revolt by Islamic militants has led to about 150 deaths in clashes with government forces since the military cancelled the second round of elections a year ago, when Islamic parties were on the brink of winning.

EGYPT More than 70 people have been killed in clashes between Islamic militants and government forces and in attacks by militants on foreigners and Coptic Christians.

SUDAN The government, dominated by Arab Muslims from the north, is fighting a longstanding insurgency by Black Christians and animists in the south. Thousands have been reported killed and millions displaced.

Africa south of the Sahara

MAURITANIA Government forces under the Arab-dominated regime of Col. Maawiya Ould Sid Ahmed Taya have clashed with groups angry over expulsions and oppression of a black minority.

MALI A demand for sovereignty by ethnic Tuaregs, a light-skinned nomadic people, has led to fighting in both Mali and Niger.

CHAD President Idriss Deby, who ousted President Hissen Habre in 1990, has faced sporadic rebellions in the west and south of Chad.

SOMALIA Clan fighting escalated into full-scale civil war in which 300,000 have died and a million made homeless from war or starvation. An American-led military force has tried to establish stability.

SENEGAL In Casamance, a coastal region mostly populated by the Diola tribe, there is opposition to Muslim domination in the government. Hundreds have been killed and thousands displaced in clashes with government forces.

LIBERIA At least 20,000 have been killed and hundreds of thousands uprooted by civil war. Drawing support from the Gio and Mano ethnic groups, guerrilla leader Charles Taylor controls most of the country. President Samuel K. Doe, from the Krahn ethnic group, was killed in 1990, and Monrovia is held by an interim government installed by West African nations in a regional peace effort.

TOGO Scores were killed last year as government forces loyal to Togo's leader, Gen. Gnassingbe Eyadema, of the Kabiye tribe, battled opposition forces, including those from the rival Ewe tribe.

NIGERIA Nigeria, with about 200 ethnic

groups, has many conflicts, but violence has been sharpest between the Hausas, a predominantly Muslim group in the north, and the mostly Christian Yorubas in the south.

UGANDA The army under President Yoweri K. Museveni, composed principally of members of the Baganda and Banyarwanda tribes, continues to wage sporadic warfare with northern rebels, mainly from the Acholi and Langi tribes.

RWANDA Fighting continues between the government, dominated by Hutu tribes, and invaders led by the minority Tutsi tribe, despite an agreement signed in July, 1992. Tens of thousands have died in 30 years of ethnic fighting.

BURUNDI Ethnic clashes between the majority Hutus and the minority Tutsis have killed thousands.

KENYA Clashes among tribes since 1991 have reportedly killed 1,000 and uprooted 50,000. Some say President Daniel arap Moi fomented the conflict to discredit moves toward democracy.

ZAIRE Thousands have died in the last year in a civil war between forces opposing and loyal to President Mobutu Sese Seko, with various forces from competing ethnic groups.

ANGOLA Renewed fighting between the government and guerrilla forces led by Jonas Savimbi of the National Union for the Total Independence of Angola, or Unita, has left thousands dead and large numbers homeless in the last few weeks. Mr. Savimbi's strongest support comes from ethnic groups that have long felt disenfranchised by the leftist Luanda government. There is also a violent secessionist movement in Cabinda, an oil-producing area geographically separated from the rest of Angola.

SOUTH AFRICA Since 1984, about 15,000 have been killed in political violence related to a black insurrection against the white South African government. About 3,000 were killed in 1992, many in clashes between Zulus and rival black groups.

Asia

TAJIKISTAN Tens of thousands of Tajik Muslims have been driven from their land by resurgent Communist armies seeking to suppress Islamic political power. More than 25,000 have been killed and 500,000 displaced since 1991.

AFGHANISTAN After the withdrawal of Soviet troops and the overthrow of the Soviet-installed leader, Najibullah, last year, the country has collapsed into civil war among competing ethnic factions. The Hazars control central and western

areas near Iran, the Pathans are largely in control in the east and the Tajiks largely control the north. Thousands are estimated to have been killed, and millions of Afghans are refugees in Pakistan and Iran.

PAKISTAN Thousands have died in conflicts between government forces and secessionists and dissidents in Sindh and the Northwest Frontier Province. Rioting in Karachi has involved descendants of Muslims who emigrated from India at the time of partition with Pakistan in 1947.

INDIA Tensions between Hindus and Muslims exploded December when Hindus razed a mosque in the northern state of Uttar Pradesh. Rioting followed across India, with 2,000 killings by official count, and many more by unofficial estimates. In Kashmir, 5,000 militants, civilians and Indian troops have died since a rebellion by the largely Muslim population began in 1990. An estimated 120,000 people, mostly Hindus, have fled Kashmir. In Punjab, an estimated 20,000 Hindus and Sikhs have been killed since Sikh militants rebelled in 1982. In Assam, more than 200 have been reported killed since secessionists rebelled in 1990. In Nagaland, insurgent Bodos have been fighting for a separate state; about 300 have been killed.

BHUTAN Government reprisals against a revolt by ethnic Nepalese have led to thousands of Nepalese fleeing since 1991.

SRI LANKA An insurgency by mostly Hindu Tamils in the north and east has been carried out against the government, which is dominated by the mostly Buddhist Sinhalese. Since 1983, an estimated 28,000 people have been killed, plus another 50,000 in the government's crackdown on Sinhalese militants.

BANGLADESH A migration of the country's Muslim majority into the Chittagong Hill Tracts region in the south has led to an insurgency by the area's Chakmas, a mainly Buddhist people, leaving hundreds dead and tens of thousands displaced.

MYANMAR In the last two years, more than 250,000 Muslims have fled to Bangladesh. Hundreds are also believed to have died in clashes between Burmese soldiers and separatist Karen and other rebels along the Thai-Burmese border in the last two years.

CHINA After rebelling against Chinese rule in 1959, an estimated 87,000 Tibetans were killed. When Beijing cracked down again in 1987, several dozen more people were believed to have been killed. In Xinjiang, when China suppressed Muslims of Turkic descent who rebelled in

1990, an estimated 50 people died.

CAMBODIA Rebel factions have signed a peace accord ending a 13-year civil war. A Supreme National Council made up of the rebels and the Cambodian government is to advise the United Nations, which administers the country's affairs, until a new government is elected this year. Various sides are constantly threatening to walk away from the agreement. Khmer Rouge soldiers have attacked many of the 100,000 Vietnamese living in Cambodia.

INDONESIA A civil war broke out in East Timor in 1975 after Portugal withdrew, and Indonesia crushed the pro-independence rebellion. Human-rights groups charge that up to 200,000 of the 600,000 mostly Roman Catholic East Timorese have died of starvation, disease or execution since Indonesia annexed the area. A separatist movement also exists in northern Sumatra, where Indonesia forces are said by Amnesty International to have killed 2,000.

PAPUA NEW GUINEA Rebels on the island of Bougainville declared independence in 1990. The government subdued the rebellion in 1991 after fighting in which 3,000 died.

FIJI Violence erupted after the Indian-dominated government was elected in 1987. The government was overthrown and the current government consolidates ethnic Fijian dominance.

Latin America

GUATEMALA Conflict between the government and leftist guerrillas has had ethnic overtones because of the long history of repression of Indians in Guatemala. At least 43,000 Guatemalan refugees have fled to Mexico.

COLOMBIA A group representing rights of Indians, Quintin Lamee, suspended an armed rebellion in 1991, but other Marxist groups claiming to represent peasants are continuing attacks.

PERU Since 1980, the Maoist guerrilla group Shining Path has won control of a third of Peruvian territory supported by Indian or mixed-race populations opposed to the Hispanic elite in Lima. About 26,000 people have died and an estimated 600,000 have fled to other parts of the country. Thousands more have emigrated.

BRAZIL Indians in the Amazon are pressing the government in Brasilia to recognize their traditional homelands. In the Amazon state of Roraima, the government is campaigning to expel gold miners from the land the Yanomami tribes.

— *The Globe and Mail*

Ramanujan : A Tribute

Radhika Coomaraswary

The twentieth century saw the demise of the literary text. Today, the world of anthropology and oral stories are seen as the core element of ideology and man's construction of reality. As a whole many of the innovations have taken place in the western literary scholarship. Ramunujan was one of those rare thinkers whose style and talents drew international inspiration while being firmly rooted in South Asian experience.

The death of Ramunujan, at a young age and in a sudden manner was a shock to the international literary community. Every great civilisation needs an intermediary. An intermediary who will translate the experiences in a manner that is appealing to the world community. The intermediary must be able to retell the stories of that civilisation in a compelling manner so that it engages the attention of those who are born of a different era and a different age. In that sense Ramunujan was one of the great intermediaries. His translations of Indian poetry and just recently his Folktales of India are precisely that: An intermediary who brings forth the forgotten traditions of India which rest in the regional languages and the oral cultures.

There have been three phases of Indian intermediaries. The first came during the colonial era when European scholars delved into India's past and archeology to construct a notion of ancient India and the revival of the pan-India languages such as Sanskrit. The second phase involved nationalist scholars who constructed India's Golden age and consecrated its written traditions whether in Lawbooks or in the religious writings. They endeavoured to build a pan-India heritage with a singularly homogenous thrust. In recent times there have been other scholars who have challenged the homogeneity of Indian culture and instead wish to celebrate its diversity and richness. As Ramunujan writes in his introduction to *The Folk Tales of India*, as of 1961 census, there are 1,652 mother tongues, ten major script systems and a plethora of diverse religious practices. This diversity he sees as India's strength and he made it his lifelong task to bring these traditions into world consciousness by translating them into

English for mainstream western scholarship. By doing so, he ensured that they will not be forgotten but like the subaltern approach to history, they will be rediscovered by scholars who follow him.

Ramunujan's best known work was published in 1985. Entitled *Poems of love and War* they include the poetry from the early classical Tamil era. His translations have received rave reviews from other classical scholars. Selected from the Eight anthologies and Ten long poems, these poems drawn from the Sankam period were only known to scholars of Tamil. Through Ramunujan they have been made available to the English speaking world across international frontiers:-

Your bards are wearing lotuses
of Gold
and the poets
are getting ready to ride
fancy chariots
drawn by elephants
with florid brow-shield
(from *Nettimayar: on King Peruvaluti*)

This has been a celebrated volume published by Oxford University Press. The regional languages and classics of India have been brought to the mainstream through scholars like Ramunujan. What the Pan-Indian scholars have done for Sansrit, Ramunujan has done for many South Indian languages.

In his latest work, *Folk Tales of India*, Ramunujan moves away from the written text to the oral traditions of all India — Hindi, Tamil Gujarati, Kannada etc.... all the oral traditions unrecorded but kept alive by storytellers — primarily women — for generations of children. He shows how some tales are different in some eras and in different areas but how they often draw on the same mythology. Infact he claims that there are similar tales in the near east and the Bible thus pointing to how stories were borrowed and retold with new signs in different contexts. In *Folk Tales of India* he brings together twenty-two tales from all over India. He divides the tales into tales of heroes and male centred tales along with tales of female heroines saving men in women centred tales. He goes into have tales of

families, of gods and demons, homourous tales — usually the "underbelly" of a larger tale, tales about animals such as the orla version of the Jataka stories as well as stories about stories a la Valmiki and the Mahabharata.

The stories are great fun and full of fantasy and imagination. They serve no grand purpose and as Ramunujan says in his introduction "Birds do not sing songs because they have answers; birds sing because they have songs."

In that Ramunujan is a child of the Deconstruction School which accepted each text, each story for its own worth and the translations too as an end in themselves. This focus on the poetry as an object and not the poet has led to a great deal of creativity. *The Folk Tales of India* in that sense appears to be the appropriate climax to his life's work since it captures the essence of deconstruction in a nutshell. Here are oral traditions reaching their fruition as objects of art Ramunujan's poetic translations.

It is a testament of a man who always wished to bring the subaltern voice, the pluralistic traditions etc... into the mainstream. As a scholar, he has succeeded in doing just that.

A.K. Ramunujan was William Colvin Professor in the Department of South Asian Languages and Civilisations and in the Committee on Social Thought at the University of Chicago. He is the author of over fifteen books and countless articles. He was awarded the Padma Sri by the government of India in 1976. He was a scholar celebrated in all parts of the world and even came to Sri Lanka to deliver the Kailasapathy Memorial Lecture. A humanist at heart, he wrote poetry and translated poetry in an exquisite manner. He loved literature for itself and in itself and the work he left behind is an example of his genius. It is with great sadness that we, who knew him briefly, during his visit here have heard the news of his death. His was a brilliant career which will be a standard for all those who study his work and who are associated with the institutions where he worked.

LION SHIPPING LTD

AGENTS FOR

GOLD STAR (HONGKONG) LTD

REGULAR AND EFFICIENT SERVICES

TO and From:- EAST AND SOUTH AFRICA

P.O. BOX 812
3rd FLOOR, ASSOCIATED MOTORWAYS BLDG,
185 3/1 UNION PLACE
COLOMBO 2

Telephone:- 434066, 431394, 449133
447543

Fax:- 448974

Telex:- 21255 A/B LIONSHIP CE

Cable:- LIONSHIP

INTEREST FREE CREDIT?

CONVENIENT REPAYMENT TERMS

LOWEST JOINING FEE?

**Yes. All and many more
benefits are yours with the
CEYBANK VISA CARD.**

Contact the Centre Manager,

**CEYBANK CARD CENTRE,
Bank of Ceylon**

No. 4, BANK OF CEYLON MAWATHA,
COLOMBO - 1.

BE WISE. CARD - WISE

BANK OF CEYLON

Bankers to the Nation



TELEPHONE: 447823 — Ex. 4180 & 4185