

LANKA

GUARDIAN

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EXCLUSIVE

Prime Minister

NARASIMHA RAO

on

- I. P. K. F.
- TIGER TERRORISM
- TAMIL NADU
- KASHMIR
- N. A. M.

320927

COMMUNAL CONFLICT: RE-DEFINING MINORITY RIGHTS

— *Nihal Jayawickrema*

RICHARD NIXON: A BRIEF ENCOUNTER

— *Chanaka Amaratunga*

MRS. B. AS CANDIDATE

— the Mahanayakes' move

— *Mervyn de Silva*

MANDELA — triumph of the human spirit

— *Neelan Tiruchelvam*

MUSLIMS

AN INVISIBLE MINORITY ?

— *Izeth Hussain*

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TRENDS

Eelam bank

They opened an Eelam Bank in Jaffna, Reuter reported. It is the separatists' first commercial bank — the Tamil Eelam Savings Bank — Reuter said, quoting a rebel radio broadcast. The Jaffna peninsula already had in addition its own military, police and judicial systems, the report said quoting LTTE spokesman Anton Balasingham.

Nominations for good boys only

Only those MPs who have been good will be nominated again, UNP sources said. General elections are due shortly after the Presidential elections at the end of this year. A committee appointed by the President will assess each MP's performance. Those who have been "indisciplined" or those who have been critical of the ruling party's present leadership will not be given nomination, according to Sri Kotha sources.

ICRC visits 'Soththi'

The International Committee of the Red Cross visited the recently much publicised gang boss Soththi Upali and other underworld figures now held in detention by the police in a crackdown on gangland killings. Soththi Upali, claimed by a cabinet minister to be "one of our boys", is an Colombo committee member of the ruling United National Party. The ICRC was checking up on the creature comforts of the gangsters in detention. Soththi Upali, for instance, was earlier permitted to smoke inside a police station, a privilege now denied, it was reported.

The SLFP's mixture

The private sector will be to play "a leading role" in the economy while the poor will be cushioned with welfare legislation. This is the mixture a forthcoming SLFP-led government will offer an ailing nation, according to SLFP General Secretary Dharmasiri Senanayake. He said that the (SLFP led) People's Alliance will form the next government and that benefits derived from its economic policies will filter down to the have-nots.

The General Secretary said that this future government would encourage more foreign investment but such investment would be carefully monitored.

About the North-East issue he said that the SLFP led government would

talk with all Tamil parties interested in restoring civil administration in the two provinces.

BRIEFLY...

Trinco Free Trade Zone

A fourth Free Trade Zone is to be set up. It will be near the Eastern Province sea port of Trincomalee, on a 600-acre site in close proximity to the harbour. The project is expected to generate direct employment for about 50,000 people and indirect employment for another 150,000. The Habarana-Trincomalee road will also be rehabilitated at a cost of 112 million rupees, a government announcement said.

President keeps Finance

The portfolio of Finance will not be given to anybody else by President D. B. Wijetunga whatever cabinet changes he makes, informed sources said. President Wijetunga has been Minister of Finance from the time Mr Premadasa became president and continues to hold the portfolio even after he himself was elevated to the presidency.

"Full press freedom"

Now, under President D. B. Wijetunga, full press freedom had been ensured, Dr Wickrema Weerasuria, Secretary to the Ministry of Policy Planning and Plan Implementation told the media. Anybody could now make use of the media even to criticise the government, he said.

The Secretary also invited the media to reveal the faults and shortcomings of the government so that the government could reform itself.

Tigers torch library

Tamil Tigers burnt a library run by Tamils in Toronto, Canada, on May 24. A Tamil group assisting the government against the LTTE said in Colombo that activists of the World Tamil Forum, a front organisation for the Tigers, was responsible. The Tamils in Toronto who ran the library also published a Tamil journal called The-dam (Search).

Anti-UNP front

The newly formed Lalith Faction of the DUNF and the SLFP will work out modalities for common candidates at the forthcoming general elections, SLFP sources said. The Lalith Faction is led by slain DUNF leader Lalith Athulathmudali's widow Srimani. The

two sides will also discuss matters of policy, the spokesman said.

Raids on porn

The police are cracking down on the sale of pornographic publications. Vendors have been jailed and fined. IGP Frank de Silva has ordered his policemen to go all out to wipe out obscene printed matter. Any officer found negligent in this drive will be dealt with, he warned.

Tax amnesty extended

Government has extended the tax amnesty to cover all land and houses irrespective of land area and floor space. Earlier the amnesty applied only to houses with a floor area of less than 125 square meters and land of less than quarter hectare.

Strike averted

Higher Education Minister Anura Bandaranaike with Education and Cultural Affairs Minister W. J. M. Lokubandara met university employees union representatives and averted a strike scheduled for the following day. After a four hour meeting a settlement was reached on a 10 per cent salary increase.

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Professor Yasmine Gooneratne of Macquarie University in a letter to the publisher on 4 May 1994

"The author has written a densely documented and authoritative political biography... This manuscript is also important in as much as it gives us the first detailed and fully developed narrative of events in this crucial period from the viewpoint of the Tamil minority... The book is clearly written and the narrative is deftly presented. All of the essential elements in the story are present..."

James Manor, Director, Institute of Commonwealth Studies, London (UK)

Mrs. Bandaranaike mobilises the big battalions

Mervyn de Silva

It is opposition leader Mrs. Sirima Bandaranaike not her daughter Chandrika Kumaratunge who will contest the presidential election in November. The all-island national committee of the SLFP was reminded of this party decision by Mrs. Bandaranaike when the committee met this week. The Peoples' Alliance (PA), the SLFP-led United Front, had already endorsed this decision, Mrs. Bandaranaike told the supreme policy-making body of the party. The SLFP left-wing allies who may have preferred the radical Sorbonne-educated Chandrika remained discreetly silent.

It was a different story at the 1970 polls when Mrs. Bandaranaike led the selfsame "united front" to a spectacular victory. The leaders of the Trotskyist-Titoist LSSP and the pro-Moscow Communists were given four portfolios in the Bandaranaike cabinet. With the break-up of Yugoslavia and the Soviet implosion, the Marxist Left is in total disarray. But these quondam Marxists would certainly have preferred Chandrika as the candidate of the combined opposition. Not because Chandrika remains an unrepentant socialist but because she is no convert to IMF-World Bank philosophies.

Up to last week however the choice of an opposition presidential candidate was a toss-up. In fact the betting favoured Chandrika, certainly after she led the "Peoples Alliance" to a spectacular victory at the Southern province polls. The South is the most important province after the Western province, with Colombo as its capital. And Chandrika is Chief Minister of this province. Besides, the UNP's defeat in the preponderantly Sinhalese south proved to be the psychological turning point. The UNP which has won every major contest for 17 years could be beaten. Its defeat shattered UNP morale and gave a sagging Opposition self-confidence, a much-needed boost.

But it is not just the SLFP's leftist allies and left-inclined support-groups and think-tanks that have been dismayed by the party's choice of Mrs. Bandaranaike as the candidate. The non-LTTE Tamil parties can scarcely conceal their deep disappointment. Chandrika Kumaratunge has been bold enough to call for a negotiated settlement of the island's harrowing ethnic conflict. The Tamil community in the (Sinhalese-dominated) seven provinces outside the war-torn north-and-east has yearned for a Sinhala voice that would speak for devolution, decentralisation, provincial autonomy and territorial re-arrangement. Chandrika spoke that language just when President D.B. Wijetunge, publicly deviating from the policies of his predecessor, Mr. Premadasa, denied the very existence of an "ethnic conflict". To him the "conflict" was nothing more than a terrorist problem.

Mrs. Bandaranaike is also an advocate of a "negotiated settlement" but she is a hardliner on the question of territory. She is firmly opposed to any north-east merger even if the Muslim and Sinhalese-populated districts of the ethnically mixed (Tamil, Muslim and Sinhalese) east are excluded from a merged north-east. While the "tigers" (LTTE) reject such re-carving, the anti-LTTE (pro-India) parties are also half-hearted in their public response to such territorial re-arrangements. However these moderate Tamil parties find Chandrika far more acceptable than Mrs. Bandaranaike. Like President Wijetunge, Mrs. Bandaranaike is a "Kandyan" from the central highlands. Mrs. Bandaranaike is an aristocrat whereas Mr. Wijetunge was a middle-class public servant. Both regard the (Indian) tea plantation labour, nearly a million, as an unwelcome Tamil presence in their "traditional homeland".

It is not her position as party leader nor her obvious claims to experience and maturity that won Sirima Bandaranaike

this critical battle against her daughter Chandrika. It is now no secret that the "Mahanayakes" made what they themselves would regard as a benign intervention in national politics. The two Mahanayakes who reside in Kandy, the central province capital exercise enormous influence despite the fact that Buddhism in Sri Lanka is by no means institutionalised like the Christian. While the Mahanayakes are not political activists their counsel is respected on matters of vital interest to majority (70%) Sinhala-Buddhists. The Tamil question is one such issue.

Evidently, the Mahanayakes have told the SLFP that they are deeply perturbed by press reports that the SLFP, or certain influential pressure groups that support Chandrika, have reached an understanding with the Tamil parties on the national question. If that is true, the *maha sangha* (higher clergy) may be duty-bound to publicly campaign throughout the island to denounce this "sell-out" to the "separatist Tamils". Such a step would certainly help President Wijetunge, the nationalist hardliner. Mrs. Bandaranaike's announcement that she will be the party candidate is the direct outcome of the *maha sangha's* intervention.

Sri Lanka is no theocratic state but the *sangha* (the clergy) knows that it was Mrs. Bandaranaike who compelled Dr. Colvin R. de Silva, her marxist constitutional affairs minister, to include a special provision in the 1972 U. F. constitution which states that "the republic of Sri Lanka shall give to Buddhism the foremost place, and accordingly it shall be the duty of the state to protect and foster Buddhism while assuring to all religions the rights granted by section 18". Mrs. Bandaranaike has mobilised the big battalions to retain her position in the party before she fights the big battle in November.

Seven questions to Prime Minister Narasimha Rao

by Mervyn de Silva

Q: 1992-1993 saw a steady improvement in Indo-Sri Lankan relations. Do you agree? If so how do you account for this welcome change?

Our relations with Sri Lanka have traditionally been close and cordial, based among other things on geographical proximity and cultural commonalities. These relations have been further strengthened during the last few years, which have witnessed increasing interaction at high levels between the two governments. We warmly recall the state visit of late President Premadasa in October 1992 and his subsequent visits to India for pilgrimage, before his tragic assassination. In January 1992, we had a fruitful first session of the Joint Commission at the level of Foreign Ministers in Delhi. Prime Minister Ranil Wickremesinghe chose India as the first country for a bilateral visit in June 1993, after assuming office. Our two countries have been actively pursuing proposals for economic, commercial and technical co-operation, under the auspices of the Joint Commission. It is satisfying to note that the second session of the Joint Commission which took place in New Delhi on April 21-22 has further underlined the desire of the two countries to extend co-operation in trade, industry, culture, education and science and technology. Specific proposals have been agreed upon and we look forward to their speedy implementation.

Q: How far is your government's policy on Sri Lanka and the Island's Tamil problem affected by political process and opinion in Tamil Nadu?

For obvious geographical and historical reasons, ethnic similarities and feelings have existed for centuries between

the people of Tamil Nadu and the Tamil community in Sri Lanka. It has always been our desire that these cultural links should positively contribute to our multi-faceted relationship with Sri Lanka. We have consistently wished for peace and prosperity in this beautiful neighbouring country. We hope that a political solution to the ethnic problem is achieved, within the framework of a united Sri Lanka, through negotiations involving all parties eschewing the path of violence.

Q: "Peace-keeping" is now a major item on the international agenda. What lessons have been learnt from the IPKF experience in Sri Lanka?

The Indian Peace keeping Force was sent to Sri Lanka, at the request of the Government of Sri Lanka, under the Indo-Sri Lanka Agreement signed between the two governments on July 29, 1987. The Agreement was a sincere attempt to find an amicable settlement to the ethnic problem and to fulfill the legitimate aspirations of Sri Lanka to sovereignty and territorial integrity. Our armed forces discharged their responsibilities in Sri Lanka with utmost dedication and professionalism, which is their hallmark. The sacrifices made by our defence personnel during the IPKF operation are a historic testimony to our sincerity. An amicable solution to the ethnic problem, as I mentioned above, would be the true reward for these sacrifices.

Q: In a recent statement your Minister of External Affairs said that "the international community should focus attention on terrorism, which is the greatest threat to human rights, especially when aided and

abetted from across national borders." The SAARC ministerial meeting made the same point recently. What practical measures can be adopted to make the common effort more effective in South Asia, a particularly violent region?

SAARC leaders at the Second SAARC Summit held in Bangalore in November 1986 noted that co-operation among SAARC States was vital if terrorism was to be prevented and eliminated from the region. At the Third SAARC Regional Convention held in Kathmandu in 1987, the SAARC Regional Convention on Suppression of Terrorism was signed and the SAARC leaders considered it a historic step towards the prevention and elimination of terrorism from the region. The Convention came into force in August 1988, after ratification by all SAARC Member Countries. Several SAARC Member countries have enacted the necessary enabling legislation to give effect to the SAARC Convention on Suppression of Terrorism. At the Seventh SAARC Summit held in Dhaka in April 1993, the SAARC Leaders reiterated the need to give high priority to the enactment of enabling legislation at the national level to give effect to the SAARC Regional Convention on Suppression of Terrorism, while urging the Member States which had not yet done so, to make every effort to finalise this matter before the Eighth SAARC Summit.

I have no doubt that the provisions of the SAARC Regional Convention on Suppression of Terrorism and the various recommendations made by experts if pursued sincerely by all Member States, would ensure that SAARC can act as an effective supportive instru-

ment to the steps which are already being taken to combat terrorism in our region.

Q: Do you believe that NAM is still relevant? If so, does it require re-structuring in a new international situation? Does the current world situation require NAM to abandon platforms and programs like the New International Economic Order and New International Information Order? Are the critiques on which these programs were based, still valid? If so will India take the initiative in the radical re-examining and re-structuring of these programmes?

The far reaching changes in the international scenario particularly the end of the Cold War and the blocs, initially triggered a debate on the continuing relevance of NAM and its future agenda. Although the blocs have disappeared today, the problems of disparities between the rich and poor nations, the problems of environment that have arisen and other issues have carved out a new role for the Movement. The essence of non-alignment being the assertion of national sovereignty and independence of judgement and action, NAM does not become irrelevant just because the bipolar situation in the world has changed.

This issue was squarely addressed at the 10th NAM Summit in Jakarta in September 1992. The Jakarta Summit reiterated that the Movement retained a continuing relevance that essentially stems from the desires of members to preserve their freedom of action and independence of judgement in the new international environment. A broad based consensus was reached that the improvements that have occurred in the international political climate are a vindication of the validity and relevance of the Movement and its basic approach to international problems and development. India fully subscribes to this view.

NAM's agenda embraces issues of

global concern such as disarmament, and the creation of a just and equitable economic order. There is urgent need to pursue this agenda on a priority basis which also includes issues of human survival, environment, North-South issues and South-South co-operation.

Q: The India-Pakistan talks on Kashmir have failed. Can you suggest some confidence-building measures that could reduce tensions and pave the way for reopening talks at high level?

The Kashmir issue is a complex one. Naturally, differences related to the issue do not lend themselves to a quick resolution. We, on our part, are committed to resolving differences peacefully and through bilateral negotiations under the Shimla Agreement. However, such complex issues are always better addressed in an atmosphere of mutual trust. Confidence building measures constitute an appropriate mechanism to create a conducive atmosphere for meaningful dialogue. In fact, in October 1993, when Prime Minister Benazir Bhutto assumed office after general elections in Pakistan, I proposed a comprehensive and wide-ranging dialogue to address issues of mutual concern including differences related to J & K. In January 1994, we forwarded to Pakistan six specific and concrete proposals aimed at resolving outstanding bilateral issues and normalising relations. We have conveyed to Pakistan our commitment to bilateral dialogue within the framework of the Shimla Agreement and have proposed a continuation of the Foreign Secretary-level talks between India and Pakistan. We have urged Pakistan to respond positively.

Q: The Gandhi assassination trial has started and the LTTE leader has been charged. Do you regard the present level of co-operation between India and Sri Lanka in the field of counter-terrorism satisfactory? If not, how could co-operation to combat terrorism be strengthened?

The concerned Indian agencies have received full cooperation from their counterparts in Sri Lanka in this field. Both India and Sri Lanka in their determination to fight the scourge of terrorism, have passed enabling legislation on the SAARC Convention against terrorism. The authorities concerned in the two countries have also institutionalised measures, such as exchange of information, periodic meetings, etc., regarding various illegal activities across the border.

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Reflections on an Invisible Minority

Izeth Hussain

How seriously are we to take the "ethnic revival" which has been proceeding apace across the globe? Some like Daniel Moynihan hold that ethnicity is the major factor in the politics of our time, both domestic and international. They would argue that ethnicity was at the root of the two World Wars of this century, and they would give a central importance to the fact that in recent decades a majority of countries have experienced, if not actual ethnic conflict, at least some degree of ethnic dissonance. Ethnicity for them is the wave of the future, and we can ignore or underplay it only at our peril.

The opposite case has been argued in a brilliant book, *Nations and Nationalism*, by the British Marxist historian Eric Hobsbawm. His basic argument focuses on the inadequacy of the nation-state to meet the aspirations of all ethnic groups, more particularly of "nations" which aspire to have their own states, and for that and other reasons he anticipates its disappearance. It will take time, but in a future world order ethnicity is going to have far less salience than at present.

But Hobsbawm would certainly agree that whatever may be the shape of the future world, it would be extremely foolish to ignore ethnic grievances at the present time. A striking example of what can then happen was provided by the rebellion of the Mayan Indians in the Chiapas province of Mexico at the beginning of this year. It was sudden, spectacular and totally unexpected, and it shook the whole of Mexico. The grievances of those Mayans were not heard for five hundred years but suddenly they acquired a critical mass, the guns of the Zapatistas barked, and then they were heard.

The failure to recognize those grievances is perhaps excusable because Mexico and most Latin American countries, with exceptions like Peru, have not been experiencing ethnic upheavals in recent times. But what is one to make of the curious case of a country which has been notorious for over a decade for one of the most intractable and most violent of ethnic conflicts, and yet ignores the grievances of a minority? The curious case I have in

mind is Sri Lanka, and the minority are the Sri Lankan Muslims.

It can be argued that the Muslims here are in fact seen as constituting an ethnic problem of sorts, but that is only in relation to the Tamil problem. More specifically, their problem is seen as one requiring institutional arrangements to safeguard their interests in the situation that will follow on Sinhalese-Tamils accommodations about the North-East. It is not recognized that only a third of the Muslims are in the North-East, and that those outside that area, the majority of the Muslims in fact, have grievances which have been accumulating over the years. That failure of recognition becomes all the more curious because of the evidence pointing to disturbed Sinhalese-Muslim relations.

The evidence is to be found in several incidents over the years, sometimes unimportant and sometimes quite serious, which fail to figure in the media because news is only what you choose to regard as news, and consequently fail to figure in public consciousness, at least Sinhalese public consciousness. It is arguable that it is best to ignore such incidents, at least sometimes, because publicising them might prove to be inflammatory and worsen matters. But it is doubtful that is the explanation for the failure to give their due importance to such incidents. Doubtful because there has been a shocking failure to recognize even a serious ethnic riot for what it really is, an ethnic riot.

I want to argue in this article that the failure to recognize the grievances of the Muslim minority, and the failure to recognize that a serious ethnic riot is a serious ethnic riot, are parts of a strategy of maintaining the power of the dominant majority over a minority. Though it may not be a consciously worked out strategy, it is in fact a strategy of dominance all the same. For that purpose, I will firstly provide some details and make some comments on it.

The riots had their origin in an affair of thugs, involving no ethnic factor at all. A Muslim family which had taken to money-lending had apparently reneged on a commitment to a Sinhalese borrower,

who in a state of fury doused the lady of the house with kerosene preparatory to burning her. That was prevented by her brother, who took the law into his own hands and organized his group of thugs for retaliatory action. It led to the killing of a Sinhalese youth who was believed to have been involved in the affair.

Allegedly the arm of the State thereafter entered into the fray. It is suspected that the police gave the green light to Sinhalese thugs to make merry at the expense of the Muslims, but only for a stipulated brief period. Predictably that period got extended, and the riots spread to a fairly wide area centred around Goonesinghepura. Three Muslims died, many more were given thrashings, and the damage to Muslim property and looting were very extensive.

Around thirty per cent of the Muslims fled their homes and at the time of writing, that is five months later, around ten per cent have still not returned. They are trying to find buyers for their property, obviously at greatly depreciated prices.

Some other details are worth noting. A crowd of Muslims returning from Friday prayers were deflected into an alley, at the end of which armed Sinhalese thugs were awaiting them. They ran back in alarm along a route which took them past the police station. A stone or two were thrown, but apparently the OIC acted very responsibly by asking his men not to retaliate. However tear-gas bombs were brought into play, which led to further stone-throwing. The lesson to be drawn is that cornered animals tend to lose control and start fighting.

Another noteworthy detail is that Tamils of the area showed sympathy towards the Muslims, which led to suspicions that the Muslims were getting weapons from Kochchikade where the LTTE is supposed to be in clandestine operation. If that is true, the lesson to be drawn is that cornered animals can turn to anyone in self-defence. Anyway a fair amount of Tamil property was also looted or destroyed.

It is to the credit of Speaker Mr MH Mohammed and his son that they interve-

ned to establish agreement between the groups of thugs to prevent any further trouble. Apparently no Sinhalese politician bothered to intervene, which in no way signifies that they are anti-Muslim. It may be that the Pajero politics of the UNP leaves time for little else.

In the aftermath of the riots, the police asked the victims to identify the thugs who looted their belongings, but their response was that no purpose would be served by the identification as they did not believe that their belongings would be recovered. Probably they also feared that they would not get adequate protection against retaliatory action after the identification. However, some arrests were made, and the Government is probably satisfied that the police acquitted itself creditably enough.

It might be useful to ponder over the question of what Lee Kuan Yew of Singapore would have done in a comparable situation. He would not have been satisfied over the inability of the police to identify the thugs themselves, because they were not brought into the area from outside, and besides thug action in a riot is not meticulously planned as in the case of a murder to avoid detection. Arrests would have taken place very briskly, perhaps without too scrupulous a regard for legal niceties, and after trials there would have been some hangings and more whippings and stiff jail sentences. Brutal maybe, but thereafter there would have been no question whatever of another ethnic riot taking place in that area. We order such matters differently in Sri Lanka.

The above account of the Hulftsdorp riots should convince anyone whose mind is functioning normally that something very grave occurred there, showing that there is in fact a Muslim ethnic problem in Sri Lanka which is not confined to the problems of the Muslims of the North-East. People like Moynihan, at one end of the spectrum of the ethnic debate, and Hobsbawm at the other, will readily recognize that fact. And they will be stunned by the reactions, or more precisely the lack of reactions, among the Sinhalese to what had happened.

The only reaction, if it can be called that, was in the press which provided sketchy reports and predictably concluded that it was no more than a case of fracas between thugs, definitely not ethnic riots. There was no statement from the Govern-

ment and, again predictably, not the slightest show of concern on its part, beyond of course suppressing the riots. Muslim MP's raised no questions in Parliament, which too was predictable because according to widespread Muslim perceptions the major function of most of them is to serve the interests of their Sinhalese Party masters, not the interests of the Muslims. There was no statement either from the SLMC, although it claims to be the only authentic representative of the Muslims. As for those involved in human rights problems, ethnic studies, and the promotion of ethnic harmony, there is nothing to suggest that the riots made much more of an impression on their minds and sensibilities than water on a duck's back.

It is interesting that the question of compensation for the victims has not arisen. It is an important question because in Muslim perceptions the riots would not have occurred if not for the fact that an arm of the State, the police, gave permission to the Sinhalese thugs to go on the rampage. Any responsible and self-respecting Government should be expected, as a matter of course, to hold enquiries to find out whether or not those perceptions are correct. But we cannot hope for any such thing in Sri Lanka. The truth is that the question of compensation cannot arise because the politics of the Muslims of Sri Lanka are the politics of *purdah*, of a minority that is in important respects invisible. The Muslims of Hulftsdorp can only turn to Allah.

After those comments on a particular Hulftsdorp riot, I will now pursue my argument that the failure to recognize the grievances of a minority, the failure to recognize even a serious ethnic riot for what it is, are part of a strategy of maintaining the power of the dominant majority over a minority.

I have used above the metaphors of *purdah* and invisibility. The latter is the metaphor used by Ralph Ellison in his novel *The Invisible Man*, the most compelling work in all black American literature, to describe the basic reality of the relationship between the dominant majority and the oppressed minority. The Mayan Indians of southern Mexico were invisible, in the sense that their grievances were not noticed at all, until the Zapatistas fired their guns and fought, at which point the invisible became the visible. There must be a great many invisible minorities in the world

today, some of whom at least will become visible tomorrow. The Sri Lankan Muslims are probably one of them.

The factor of invisibility in the Hulftsdorp riots was very visibly displayed in the newspaper verdict that it was only an affair of thugs, not ethnic riots. Presumably that verdict is based on the fact that the riots resulted from a quarrel between a money-lender and a borrower, a quarrel which had no ethnic dimension to it at all, and the further fact that thereafter all the violence was perpetrated by thugs who constitute no more than a miniscule fraction of the Sinhalese in the area. It was not as if a majority of the Sinhalese came into conflict with a majority of the Muslims. Therefore the conclusion that it was an affair of thugs, not ethnic riots.

That argument is not acceptable because it would mean that there is no such thing as an ethnic riot, or hardly ever. We can take it that in practically all ethnic riots, with rare exceptions, only a miniscule fraction of ethnic groups are actually involved in acts of violence. Sometimes the State, or more precisely the police, is also involved through acts of commission or omission. But that would not warrant the conclusion that there is no such thing as an ethnic riot.

The test of whether or not a conflict has an ethnic character is whether or not people suffer consequences merely because of their ethnicity. In Bosnia the Muslims are savaged by the Serbs merely because they are Muslims, and for no other reason. In Hulftsdorp Muslims were killed, beaten up, and their property looted or destroyed, merely because they were Muslims, and for no other reason. Those riots were therefore ethnic riots. The reluctance, or more often the inability, to recognize so obvious a fact points to the factor of invisibility in Sinhalese-Muslim relations.

I will now make some general observations, about discrimination against Muslims, something of the greatest importance because ethnic problems are almost always caused by perceptions of discrimination. Muslims by and large have very strong perceptions of discrimination, and are sometimes outspoken about it. To no avail whatever because the strategy of invisibility is applied to the problem with devastating effect.

There are three tactics employed in

pursuit of that strategy, the first of which is to ignore charges of discrimination altogether. Speaker Mr. MH Mohammed, although himself one of the most prominent UNP politicians, has more than once in recent months made charges about discrimination against Muslim officials, particularly at senior levels, charges which were given brief publicity in the newspapers. I myself have analysed Ambassador appointments in an article to show that the UNP is an anti-Muslim racist Party. Subsequently a statement was made at the highest level of the UNP to refute the charge that the Government had adopted a chauvinist anti-minority line. Interestingly, in regard to the Muslims it was pointed out that the Muslims here have been allowed to go on Haj pilgrimage, unlike under the last SLFP Government, and Muslim businesses have not been taken over, again unlike under the SLFP. Nothing about discrimination in the statement. The problem was reduced to invisibility by being ignored.

Should the charges of discrimination be actually confronted, two tactics are usually brought into operation. It will be argued that the UNP Chairman is a Muslim, the Speaker is a Muslim, there are two Muslim Cabinet Ministers, there are several Muslims holding high political and other positions, and therefore the Muslims, so far from being subjected to discrimination, are in fact over-privileged. The argument amounts to saying that because some Muslims, an infinitesimal fraction of the total Muslim population, are awarded political favours there cannot possibly be any discrimination against any of the other Muslims, numbering over one and a half million. Practically everywhere else in the world it is quite well understood that a familiar ploy of racist governments is to make show-piece appointments from among a minority, and discriminate against the rest. The idea is a novel one to most Sinhalese, even at the most sophisticated intellectual levels.

The other tactic I call the "Bobby tactic". Some years ago race relations workers in London found that the Bobbies, that is the policemen, explained away charges of discrimination against the coloured by taking up each case separately and showing that in each of them there were always special circumstances to explain what superficially looked like racism. But statistical data pointed strongly to racism, and the Bobby tactic fell into disrepute.

But not so in Sri Lanka, where it is alive, well, and vigorously kicking. Charges of anti-Muslim discrimination are taken up singly and explained away as due to very special circumstances in each case. Unfair treatment may be, just as the Sinhalese themselves are subjected to such treatment, but racist discrimination never. Ninety nine hypotheses may be examined in each case but the hundredth, anti-Muslim racism, is excluded from the outset.

The account of the Hulftsdorp riots given in this article, the analysis of the failure to recognize them as ethnic riots, and the further analysis of the tactics used to make charges of anti-Muslim discrimination practically invisible, should suffice to establish that the factor of invisibility is an important dimension of Sinhalese-Muslim relations.

(To be continued)

The Scholar's Tale

Part 14

*This spate of high Tom-foolery
And much publicised buffoonery
Provided some respite for our Hero
Coding covert software for Stage-Two*

*The overt operations were peripheral
With IMF shooting at knee level
The duck-shot was devalued rupees
Aimed at workers on stripped subsidies.
State welfare shrank down to handouts
For those on their knees and for drop-outs.
On SDR devalued money
The prospect was photogenic but funny
But there was a sinister side
As this charity eroded old pride
Since threat of an empty stomach
Could shatter secrecy of ballot
And cupboard Democracy became
A neo-tribal, neo-feudal game.*

*Secrecy in any case was academic
At the barrel-end of a concealed T-56
Which was where the Poverty-trap led
In the glamour glossed global village
Where a new feudal class of gun-serfs
Awaited hire of their short and long bursts
Available for New Revolution
As well as Old Accumulation*

*In this game of Elimination
No one was sure which Assassination
Was quite whose Calculation
In automatic repeater notation.*

*Thus the Eighties rolled off the lyre
With famed corpses and orated pyre
The Gods were bewildered whom they really loved best
Since some were old men in the prime of their zest.*

U. Karunatilake

The Political Transition in South Africa

Neelan Tiruchelvam

Introduction

The Law and Society Trust is very pleased to commemorate this important moment in the constitutional and political history of South Africa which has fired the imagination of those who cherish human rights and democratic ideals throughout the world. In this presentation, I would like to focus on (a) the process of national reconciliation, (b) the process of constitutional reform, and (c) the role of Nelson Mandela as the historical figure who shaped both these processes and brought them to a successful conclusion.

Hilary Clinton has described the inauguration of President Nelson Mandela as the greatest day of the twentieth century. You are all aware that ANC had to travel on a long and arduous road before they reached the top of the mountain. One of the important objectives was peaceful transition to black majority rule, the institutionalization of a multi-party system, and the enthronement of a constitutional order grounded on the principles of equality and respect for human dignity. In a deeply polarized nation where township violence had consumed the lives of 15,000 people and had left a trail of blood and destruction, the process of national reconciliation was as important as the outcome. It is in this context that the National Peace Accord which was concluded in September 1991 assumes critical importance.

The Peace Process

The National Peace Accord was entered into by all of the participants in the political process in South Africa. It included political parties, organizations and governments who came together for a common purpose to bring an end to political violence and set out the codes of conduct, procedures and mechanisms to achieve this goal. The peace accord embodied three key elements. Firstly, a code of conduct for political parties; secondly, a code of conduct for police officers including an agreement on the security forces; thirdly, guidelines for social reconstruction and the development of the community. In addition the code defines the peace structures which are the mechanism and institution design to implement the accord. The objective is to aid the transition of a deeply divided and segmented society from a state of confrontation to a culture of cooperation.

National Peace Accord is an imaginative
Dr. Tiruchelvam is Director of the I.C.E.S)

ve document without any real precedent in countries which continue to experience high degree of political violence. The Accord took as given the imperfections and inadequacies of political systems and it recognised that it 'could not be a substitute to the process of political reform. It could have best addressed some of the symptoms of political violence but not overcome its structural causes. Its significant success was the progressive development of peace constituencies, and in securing an ideological commitment from the principle political actors to 'political tolerance', and in being able to establish procedures and mechanisms for crisis management. It was primarily a civil society initiative and the peace structures at the national and regional level were dominated by relatively successful businessmen, politicians, and churchmen. They were predominantly white and almost inevitably spoke no African language. They were however persons who were extremely energetic and even at times effective in mediating between the political leadership of the ANC and the Inkatha Freedom Party and in restraining the security apparatus.

The Peace structure includes a National Peace Secretariat, regional and local dispute resolution committees. These committees mediated on dispute at the community level, and appointed peace monitors who observed marches, rallies, funerals and defused tense and explosive situations. The peace monitors may not have completely eliminated political violence in South Africa but without them the violence would have been much greater. Above all they forged linkages at the community level and established processes in which one could have confidence.

The National Peace Committee was an important component of the peace structure. It represented the political leadership at the national level and to whom the peace structure would be ultimately accountable. This form of political accountability was critical in a period of transition when the state itself was being progressively eroded of its credibility and its effectiveness. The international community represented by the United Nations, the European community, the Commonwealth, and the Organisation for African Unity also played a complementary role supporting the peace process, and at times intervening to mediate between the principal political actors when the domestic processes appeared to have exhausted

themselves. There were also numerous non-governmental organisations who supported the process of constitution making, national reconciliation and social reconstruction.

A linchpin of the peace accord has been the Goldstone Commission which is empowered to inquire into incidents of public violence and its causes. The Commission's bold uncovering of the third forces 'consisting of rightist elements in the intelligence and security apparatus' sometimes directing and encouraging township violence contributed to a reorganization of South African security forces. The Commission has been 'a symbol of justice and fairness in a new South Africa'.

The Making of a Constitution

A major turning point in South Africa was the release of Nelson Mandela after 27 years of incarceration which he himself has described as 'the lonely wasted years of his life'. Soon thereafter in December 1991, we saw the commencement of formal negotiation at the Convention For a Democratic South Africa (CODESA). These negotiations were stormy, tense, physically and emotionally demanding on the principal negotiators on both sides. There were moments when the talks broke down and there were other moments when the negotiators almost broke down in exhaustion. The early issues that stalled the negotiating process related to the status and the rights that should be conferred on the Zulu monarch King Goodwill Zwelithine and the issues relating to incorporation of independent homelands. There were however agreement on an interim government, composition of the national assembly and the Senate and on the general constitution principles upon which further negotiation were to take place. Subsequently, it was agreed that the party negotiate an interim constitution which would lead to the election of an interim legislature and constitution making body. This body would thereafter debate on a permanent constitution and resolve several of the outstanding issues. A critical issue in the constitution making process related to the issue of power sharing both at the national and the regional level. This was an issue which was critical to both the National Party representing the substantial interest of the minority whites and the Inkatha Freedom party which represented the interests of the Zulu people.

We can now highlight some of the key

features of the Interim Constitution. The first issue relate to the composition of the bicameral legislature. It was decided that the Lower House of Parliament called the National Assembly consisting of 400 members would directly be elected on the basis of proportional representation, and the second Chamber called the Senate consisting of 90 members would be elected by the provincial legislatures. Second, each province would be conferred significant measure of autonomy and would be entitled to draft its own constitution. Provincial constitutions could prescribe the structure of each provincial legislature and the executive. There would be devolved on each province powers relating to education, health, welfare and policing. The center would however regulate National Economic Policy and matters relating to security. Third, there would be an executive President would be elected by the National Assembly. The first Deputy President would act as a Prime Minister and would act as a representative of the majority party and the second Deputy Prime Minister represent the second largest party. The cabinet of ministers would consist of 27 persons drawn from all parties which would win more than 5% of the national votes. There was a debate as to whether the President could act with only 2/3 majority vote of the cabinet, and it was decided that the President would be required merely to consult the cabinet in a consensus seeking spirit on major issues.

Fourth, there would be a comprehensive Bill of Rights including guarantees for the freedom of speech, movement, religion, political activity and guaranteeing fair trials. Constitution further prohibits torture and force labour and discrimination on the grounds of gender and race. Fifth, there would be a constitutional court consisting of 11 jurists who would be appointed by the President for seven years. Constitutional court will interpret the constitution and resolve disputes between the different levels of the government. It would consist of four members appointed by the President and 7 to be chosen from a list of 10 persons submitted by the Judicial Service Commission. Sixth, the Constitution further guarantees the rights of jobs and pensions of white civil servants and white soldiers. It further provided for the integration of the South African army and anti-apartheid guerilla forces into a single army. It was agreed that there would be 11 official languages including English, Afrikaans and Xhosa.

Subsequently, with a view to appeasing the right-wing and the Inkatha Freedom

Party, President Mandela offered further concessions. It included the acknowledgement of the principles of self-determination of ethnic minorities and even left open the possibilities of the Afrikaners negotiating a homeland after the elections. Further powers were devolved on the provinces including the power to raise finances. The ANC also agreed that the final constitution to be adopted would not in any way diminish the powers of the provinces agreed to in the interim constitution accepted last November. As a further concession to the Inkatha Freedom party and the Zulu people, it was agreed that a constitutional status be accorded to the Zulu king Goodwill Zweluthine.

Although there is a great deal of euphoria that the electoral process has been concluded relatively peacefully, it is important to recognise that the long and arduous process of constitutional negotiation preceded it. The ANC negotiating team was strong in its determination to forge consensus and evolve a process which would be inclusive of all the political forces within South African society. It remains steadfast in its commitment to principles while being realistic and pragmatic in accommodating competing groups. When the process was about to break down, Nelson Mandela commanded the moral stature, political vision and intellectual imagination to make critical concessions to make sure the process would move forward.

The role of Nelson Mandela

The political transition in South Africa must ultimately viewed as an event which demonstrated the triumph of the human spirit against the most incredible odds. It was no doubt spearheaded by an extraordinary man who had the courage, the resolve and the compassion to change the course of history. There were many in the history 20th century who changed the course of human destiny. But how many of them who changed the course of human history, have been able to ensure that their moral stature and authority remained undiminished. There is one clear example Mahatma Gandhi, this 'half-naked Fakhir', the apostle of non-violence, who was instrumental in facilitating the liquidation of the British Empire in the Indian sub-continent. One may include in this list Martin Luther King whose moral courage dismantled the inhumane system of segregation in the United States.

Winnie Mandela once mentioned that there could be no struggle without suffering. In the euphoria of the recent political events, it may be tempting to forget the

dark and brutal aspects of apartheid and the cruel oppression which represented that regime. But as Milan Kundera has cautioned us the struggle for rights 'is a struggle of memory against forgetfulness'. While we may legitimate to forgive, it would be morally inappropriate to forget.

We remember the Sharpeville massacre of 69 black demonstrators in 1960 and the Soweto uprising in June 1971. We must remember the murder of Steve Biko who was killed under torture in 1975 when he was 31 years. It was Biko who spearheaded the black consciousness movement and reminded South Africans than an oppressor's most potent weapon is the domination of the mind of the oppressed. In 1982 Ruth First, the wife of the leader of the Communist Party, Joe Slovo became the victim of a letter bomb widely believed to be the work of the South African security forces. Ruth First was in the vanguard of the anti-apartheid movement. And last year Chris Hani, the charismatic and widely loved Secretary of the Communist Party of South Africa was cruelly murdered by the extreme right.

Mandela and Walter Sisulu were tried on 9th October 1963 in Pretoria on charges of being responsible for 222 acts of sabotage. At the end of the trial, Mandela addressed the court for more than four hours. It was an intensely personal and moving statement at the end of which he stated — "During my life time I have dedicated myself to the struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony with equal opportunities. It is an ideal for which I hope to live for and to achieve. But if need be, it is an ideal for which I am prepared to die". Mandela was sentenced to life imprisonment together with his colleague Walter Sisulu. Among those who pleaded for the mitigation of sentence was Allan Paton, the author of the *'Cry, the Beloved Country'*. Mandela and his friends being political prisoners were confined to Robben Island which has been compared to Solznetzyn's Gulag Archipelago. Prisoners were made to build their own prison. Mandela slept on the floor of a cell which was approximately 7 ft square. He was given tasteless food, allowed one letter of 500 words and one half hour of a visit every six months. Winnie often had to travel 1000 miles from Johannesburg to Cape Town for the 1/2 hour meeting. They were initially forbidden exercise, locked for the whole day in solitary confinement. During the summer, chained and

manacled at the ankles, they had to engage in backbreaking hard labour in the lime quarry. The authorities tried every method of breaking their morale and their spirit but Mandela preserved his dignity and integrity, continuously struggled for improvement of the prison conditions. He took advantage of every opportunity to further his legal knowledge and his understanding of contemporary developments. He befriended his jailors at least one of whom Sargeant Gregory shed tears on his release. After 27 years of his ordeal, he bore no bitterness, no hatred, no hostility towards those who tormented him and deprived him of some of the best years of his life.

Another incident which is deeply etched in the collective consciousness of the Xhosa people took place during the middle of the 19th century. It is the story of a young girl Nongqawuse who prophesied the regeneration of the living and the resurrection of the dead. "She was able to lure an entire people to death by starvation pathetic victims of a beautiful but hopeless dream. Tens of thousands of Xhosas died; tens of thousands fled their homes and hundreds of thousands of cattle slaughtered and crops destroyed. While the Xhosa nation was lying prostrate, Sir George Gray trampled on this human wreckage. He exiled the starving, crushed the survivors and seized more than half of Xhosa land for a colony of white settlement". (See J.B. Peires, *The Dead Will Arise* — Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856-7).

The processes of ethnic and national reconciliation in South Africa is relevant to countries which face similar problems. The constitutional reforms provide us with the important models, concepts and ideas for power sharing. They include not only the federal/quasi federal arrangements at the provincial level but also the prospect of proportional representation in the composition of the national cabinet. It also reminds us of the importance of civil society processes and the need to forge linkages between communities at social, political, economic levels. Constitutional structures need to be firmly anchored in the collective wills of communities to co-exist. The South African experiment reminds us how futile it is to give way to despair and to abandon hope. It reminds us that no problem is truly intractable and given the right leadership any society can rise above the trauma of violence, hatred and destruction and collectively frame a vision of the future which is positive and ennobling.

Richard Nixon : Valedictory

Chanaka Amaratunga

Richard Milhous Nixon who died on 22nd April 1994 was the only American President I have ever met. Before our meeting he had been the subject of a fierce school boy admiration that even survived Watergate. At our meeting he autographed a copy of his memoirs for me and this remains one of my valued possessions. Although, recently, he had been far from my mind, his passing from this often cruel, yet often wonderful, world, had for me a special poignance. It felt as if something of my own boyhood and youth had died with Richard Nixon.

I was ten years old when Richard Nixon was elected President of the United States of America. I remember vividly reading the newspapers and *TIME* Magazine about his election. Then as now I was a staunch anti-communist in my outlook on international relations although my partisanship in favour of the West was then rather simplistic and did not take sufficient account of the West's failures to live upto its commitments to liberal democracy and human rights. From such a perspective it is unsurprising that I should have strongly supported Richard Nixon whose image was that of a President who would maintain a strong America. As his presidency progressed, Richard Nixon who, as Congressman and Senator and as two-term Vice President to President Dwight D. Eisenhower had demonstrated himself to be a relentless foe of Communism, became more subtle. He certainly maintained his commitment, to a strong United States of America and to a strong free world but his conduct of foreign policy was predicated on the need to preserve the peace and a recognition that this could happen only if the Soviet bloc and China could be sure that their own political structures would not be undermined. Detente, which began with Nixon, was during his presidency conducted on from a position of strength and was not the "one-way

Soviet street" which some would accuse it of becoming subsequently.

Nixon was not a pin-up of my generation or of the ones immediately before mine in the way that John F. Kennedy was. Perhaps he played less consciously to those who take the superficial, glamour-based attitude to public affairs and set his eyes instead on the mature verdict of mature historians.

He brought domestic calm as well as a more commanding position to the United States after the fierce internal debates over Vietnam and the international ramifications of this conflict which all but overwhelmed the Johnson Administration. While it is as a consummate master of foreign policy that Nixon will long be remembered he did preside over a period of economic stability if not spectacular advance, at home, and won the biggest ever victory at an American Presidential Election on his re-election in 1972.

The totally amoral atmosphere that characterised his White House was his undoing and led to his ignominious resignation from the Presidency two years later. But it is worth remembering that Nixon was accused only of being guilty of the cover up not of the bugging itself. When one thinks of the impunity with which telephones are ordered to be tapped by successive governments in Sri Lanka the conclusion is inescapable that no leader of this country since Dudley Senanayake could have continued in office, if this country expected the same high degree of rectitude of its leaders as the American people expected of theirs.

Nixon had the extraordinary ability to make friends into enemies. While to some degree this was based on personal diplomacy and the relationships he was able to strike with individual personalities, with

Chou En Lai with Mao Tse Tung with Anwar Sadat, Nixon's personal diplomacy was buttressed by a powerful congruence of rational long-term interests. It is these long term interests that made the new American relationship with China and Egypt transcend the departure of the leaders on both sides, who had first established good relations.

The treaty which was meant to end the Vietnam War was one of the more flawed of Nixon's achievements. Within a year of his resignation and two years after the Treaty was signed the whole of the former French Indochina, Vietnam, Cambodia and Laos passed under the political control of ruthless Communist dictatorships. It has, however, been argued that this collapse for which the pig-headed refusal of the U.S. Congress to grant any further military credits to South Vietnam may have been primarily responsible, would not have taken place had Nixon still been in charge of affairs. It was widely known that his successor Gerald Ford wholly lacked the command of foreign affairs and the stature to carry Congress with him.

Such reflections had often passed my mind in the years when Nixon occupied a greater place in my thoughts than he has in recent years. It was from such a perspective and with considerable pleasure that I awaited our meeting.

I was twenty years old, an undergraduate at Oxford and was Secretary of the Oxford Union when Richard Nixon accepted an invitation to address us in what was his first major public engagement since his disgrace. It was 1978. Before his speech the four officers of the Union (the President, Librarian, Treasurer and Secretary) were accorded a privilege which made us the object of envy among our fellow union members, the opportunity of having tea with President Nixon. He arrived promptly, having been flown to Oxford from London in a helicopter and was dressed in a grey suite and wore black shoes that were secured by little silver buckles. He was presented to each of us

by the President, and autographed copies of his memoirs for all four of us. Over tea he conversed with us.

When it was my turn to absorb his attention, I was astounded at his powers of memory. When he discovered that I was a Sri Lankan he plunged enthusiastically into an account of his visit to Ceylon in 1954 when he was Eisenhower's Vice President. He recalled that Sir John Kotelawala was Prime Minister then and vividly described a reception in the garden of the Prime Minister's private house which had a menagerie of animals (he was of course referring to Kandawela). He also referred to the places he had visited, mentioning Kandy, Nuwara Eliya and Anuradhapura. The dates and names, persons and places had come unhesitatingly. It was an understandably impressive performance, for names such as Kotelawala and Anuradhapura could not be expected to be retained or pronounced with reasonable accuracy by an American, leave alone one who must have visited so many countries and met so many people.

Nixon's speech to the Oxford Union drew for him a standing ovation, an accolade very rarely granted by that body so familiar with the art of oratory and the skill of debate. There is only one line from that speech which remains vivid in my mind, and that was one which demonstrated President Nixon's vivid sense of theatre.

Brezhnev doesn't want war

he declared with an air of outraged innocence. Then with the air of a roguish man of the world.

Oh, he wants the world — but he doesn't want war.

In the sixteen years since I met him at the Oxford Union, Richard Nixon very successfully rehabilitated himself and rebuilt a reputation has a serious, indeed a high-minded statesman and writer of no mean repute. His works such as *The Real War* and his study of the great, or at least famous, people of his time entitled *Leaders* as well as his many essays and

lectures principally on the theme of foreign affairs were very well written and greatly enhanced his intellectual reputation. His *Memoirs* were regarded as candid and convincing.

In 1992 I listened to another speech of Richard Nixon which was critical of the Western World's churlishness and reluctance in providing economic assistance to Russia and the nations of Central and Eastern Europe. With great prescience he warned of the dangers of extreme nationalism in those areas newly liberated from Communism, before the world had heard of Vladimir Zhirinovskiy:

Let us remember that in Eastern Europe Communism has lost but liberal democracy has not yet won.

On a personal note I recall now at his own death, his loyalty to those who stood with him, in particular his honourable gesture of visiting the deposed Shah of Iran in Mexico when he had become an international outcast, and later still, his attendance of the Shah's state funeral in Cairo, when that pathetic opportunist, Jimmy Carter, then in office, was even contemplating handing over the Shah to his fanatical enemies so that he may have obtained the release of the American hostages in Iran and hence some desperately needed domestic popularity.

Despite my distaste for what I have already described as the amoral atmosphere of the Nixon White House, and my disapproval of the pragmatic streak in his foreign policy most vividly personified by that appalling arch-pragmatist Henry Kissinger, the embryonic politician and commentator retains much of the schoolboy's admiration for Richard M. Nixon.

It was therefore with genuine regret, mingled with nostalgia and satisfaction at the honours paid to him at the end, that I watched on the blessed channel on television which now makes this possible, the funeral of, a flawed but great statesman — the only American President I ever met.

Separatist Movements in South Asia

Lynn Ockersz

South Asia — A Divided House

Ethnic wars in South Asia have had the effect of destabilising the region, undermining interstate relations and amity and pitting one state against the other.

The majority of regimes that are found in South Asia are 'existential' ones. That is, these regimes have to be constantly on the lookout, lest they fall foul of their electorates on issues that weigh heavily with them. If they are seen as being weak-kneed or inept in connection with such issues, their opponents are bound to exploit such opportunities and damn them in the eyes of the electors. This is particularly true of ethnic issues. And ethnic issues have the potential to pit one country against another because of inter-state racial or religious affinities.

Thus, we have the case of India and Pakistan. They have already fought two wars over Kashmir and are currently on a fresh collision course with regard to it. India accuses Pakistan of fomenting unrest in the Indian part of Kashmir and arming and training the Moslem insurgents.

Pakistan denies these charges but remains a staunch moral backer of the uprising. It is feared in the West that Kashmir could ignite a nuclear war between the two regional giants. It is this fear that has prompted Washington to bring pressure on India to sign the Nuclear Non-Proliferation Treaty. Recently, for the first time, Kashmir figured in a US President's address. In his speech to the UN General Assembly, President Bill Clinton said that:

'Bloody ethnic, religious and civil wars rage from Angola to the Caucasus to Kashmir...'

There is, indeed, cause for alarm. Just before handing over to newly-elected Prime Minister Benazir Bhutto on 19 October 1993, caretaker Premier Moeen Qureshi is reported to have emphasized the 'close link' between the Kashmir issue and Islamabad's desire to keep a nuclear capability. The writing, then, is on the wall: South Asia could experience the horrors of a nuclear war if the Kashmir issue remains unresolved.

Sri Lanka's relations with India during the eighties provide another good exa-

mple of how ethnic wars could strain and sour interstate relations.

Ethnic wars in South Asia, usually, display 'spill-over' effects. That is, ethnic turmoil in one country triggers political and socio-economic tensions in a neighbouring state, particularly if the states in question have ethnic, cultural or linguistic affinities. The Tamils inhabiting North-East Sri Lanka, for instance and the Tamil population in India's Tamil Nadu state, are of the same ethnic origins. They also have strong linguistic and cultural ties. The Moslem rebellion in Jammu and Kashmir similarly has provoked empathy in Pakistan.

The Tamil guerillas operating in North-East Sri Lanka had safe houses or training camps in Tamil Nadu from the very inception — that is, the late seventies. It was almost customary for Tamil militants to escape to South India across the narrow Palk Strait after carrying out operations in Sri Lanka. The succour that the Tamil guerillas were thus receiving from sections of the Tamil Nadu populace and even some of its political leaders, made the task of containing the incipient Tamil rebellion very difficult for the Sri Lankan authorities.

Consequently, in direct proportion to which the Tamil guerillas received a refuge and support in Tamil Nadu, public anger, particularly among the majority community in Sri Lanka, grew against the Tamil Nadu authorities and the people of Tamil Nadu. It was believed that Tamil Nadu contributed substantially to the problems in Sri Lanka. Considerable funds were allocated for the purpose of patrolling the seas between Sri Lanka and India and the task of cutting off the Tamil rebels' links with Tamil Nadu, was given top priority by the Lankan authorities.

However, in the years to come the situation only worsened. President J R Jayewardene's pro-Western foreign policy irked Indian Premier Indira Gandhi, whose administration was following a non-aligned foreign policy, although with a pro-Soviet tilt. In order to keep up the pressure on the Jayewardene Government, the Congress (I) Central Government turned a blind eye to the proliferating training camps of the Tamil guerillas in Tamil Nadu. Meanwhile, the press in southern Sri Lanka carried stories about

these training camps, from Indian sources, thereby fuelling public resentment in the South against even the Indian Central Government authorities. Very soon, anti-Indian sentiments grew in leaps and bounds among sections of the Sinhala public, particularly among the chauvinistic elements.

Besides the pro-Western foreign policy of the Sri Lankan Government, the Indian Central Government's position on the training camps was fashioned considerably by the Congress (I) regime's political interests in Tamil Nadu. The AIDMK, which was governing Tamil Nadu under the leadership of M G Ramachandran at the time, was an ally of the Congress (I). The AIDMK was publicly showing concern for the Lankan Tamils. To retain the support of the AIDMK, the Congress (I) had no choice but to deny the existence of guerilla training camps on Indian soil and publicly proclaim that it was concerned about what was happening in Northern Sri Lanka, although it never supported the separatist cause publicly.

Besides its political interests in Tamil Nadu, the Congress (I) administration was also concerned about the almost continuous influx of refugees from Northern Sri Lanka to Tamil Nadu. Increasing refugees meant more and more welfare expenditure and this factor was beginning to weigh heavily on New Delhi.

Indo-Lanka ties hit rock bottom when, in July 1987, Indian aircraft flagrantly violated Lankan airspace, and airdropped relief supplies to the people of Northern Sri Lanka. At that time, anti-Indianism among certain sections of the Sri Lankan public grew to hysterical proportions. This was a measure of the damage ethnic wars could perpetrate.

Pakistan's alleged support similarly for the Sikh rebellion in India's Punjab state considerably damaged Indo-Pakistani relations. India alleged that it had sound evidence that Pakistan was training Sikh extremists. In the 1980s, for instance, interrogation of several extremists, it was believed, revealed that Sikh extremists were being trained in camps in Pakistan with the help of the Pakistan Military Intelligence Agency.

The former Chief Minister of Punjab, Surjit Singh Barnala, said in December

1985 that his administration had 'concrete proof' that extremists trained in Pakistan had crossed over to India. Former Indian President Zail Singh, once maintained that if Indo-Pakistan ties were to improve, Pakistan must end its 'support to anti-national and secessionist elements in the Punjab'.

Many more examples can be given of the manner in which suspicions regarding external help to Sikh rebels have damaged Indo-Pakistani ties and even brought them to the brink of fresh armed hostilities. The point to remember now is that South Asia, despite SAARC, is 'a divided house' and that the region's ethnic wars have contributed considerably towards this state of affairs.

North-South Confrontation Takes New Form

As in the case of individual societies which display glaring internal divisions based on affluence, power and status, a 'centre-periphery' relationship manifests itself even at the global level, with the industrialized West enjoying increasing wealth, might and influence in the world system and the Third World sinking further into poverty, death and disease.

Free market economies — a new panacea for Third World ills peddled by the IMF — World Bank Combine — while integrating the Third World more closely into the world system, further aggravate the miseries of the 'South', by perpetuating an exploitative relationship between the rich and poor nations. For instance, by opening their economies to foreign investment and profit-seeking multinational organisations, the Third World is only helping the richer countries to spirit away the little resources that it owns, the short-term gains notwithstanding.

Having relegated the Third World to the 'periphery', could the powerful West sit back and enjoy its wealth? Could it afford to be complacent that it wouldn't be troubled any more by 'the wretched of the earth?' If the West answers these questions in the affirmative, it is living in a fool's paradise. For the World's poor are already at their gates.

Today, racism is raising its ugly head in some important Western capitals. Anti-immigrant riots and protests are undermining the democratic and egalitarian cultures that the West has been nurturing over the centuries.

Hundreds and thousands of people are fleeing the 'killing fields' of the Third World and are presenting themselves as refugees, asylum seekers and war victims in western capitals. Ethnic wars in the Third World are indeed taking a very heavy toll.

In the recession-hit West, these refu-

gees and illegal immigrants are considered a parasitic presence. The level of tolerance among certain sections of the Western public is sliding because job opportunities and pay packets are shrinking. Therefore the 'alien' presence 'has to be wiped out'. If not, the jobs that should go to the Whites would be gobbled up by these immigrants who are prepared to work for any wage. Besides, valuable resources are being 'wasted' on these unwelcome visitors, with the result that welfare and support systems for the less wealthy whites are being crippled.

Today, anti-immigrant constituencies are developing in countries like the US and Britain. The connected data could be quite unsettling. A CNN/USA Today poll conducted in the early part of 1993, for instance, revealed that 65 per cent of US citizens think that there should be a decrease in the current immigration levels, 27 per cent said they should remain the same, and only six per cent said they should be increased.

The anti-foreigner sentiment has borne concrete results in states like California in the US. Some 23 Bills have been already introduced, according to reports, in the State legislature to cut down on welfare benefits for immigrants, refuse them driving licences, ban the use of State funds for the education of 'undocumented alien' students and limit many of their rights. Of these Bills, five have already been enacted.

Recent opinion polls conducted in Britain also reveal that racism is growing in that country. *The Independent* in a report recently said that a total of 51 per cent of people interviewed for the Channel 4 programme 'Bloody Foreigners', said racial tension between Whites and Non-Whites is increasing. Another 13 per cent believed the situation was improving, while 31 per cent felt it was unchanged. The report goes on to state that 51 per cent of respondents argued that immigrants 'should not be admitted to council housing lists on the same terms as people born in Britain'.

Growing racism is also dividing Western societies and bringing law and order problems in its wake. For instance, there were reports of attacks on foreigners by White extremist groups in Britain. Recently, members of the Anti-Nazi League and Youth Against Racism in Europe, clashed with police during a demonstration in London. More than 70 people were injured.

There are also other ways in which the unresolved ethnic wars in the Third World are generating law and order problems in the West. *The Independent* once again reported that members of some ethnic communities in the Third World, including

Sikhs, were extorting money from their compatriots in London. Early last year (1992), the press in Canada revealed that certain members of the Sri Lankan Tamil community in Toronto were mass-producing forged travel documents with the aim of operating refugee-smuggling rackets. The newspapers said that White Collar crimes of this nature had become number one money spinners.

A closely related issue is the spread of Narco-terrorism in the world. The Tamil Tigers, for instance, are believed to be purchasing arms for their war by trafficking in hard drugs. They are primarily responsible for the spreading of the drug habit among youngsters in Sri Lanka. Ethnic wars can, therefore, engulf a good part of the world in evil.

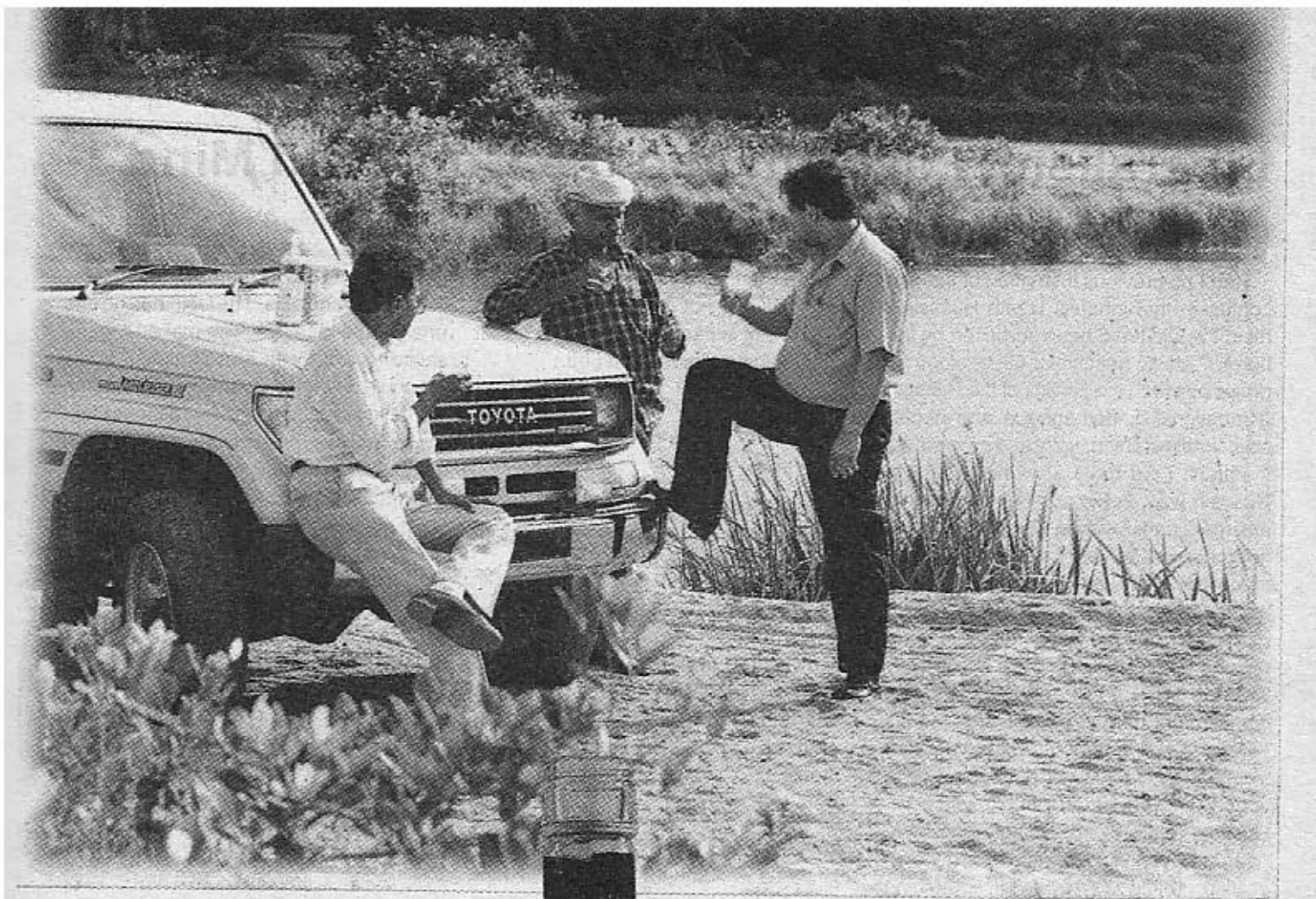
Little realising the part they have played in stoking ethnic tensions is South Asia, the West, of late, has taken it upon itself to promote and safeguard human rights in the Third World. Governments trying desperately to quell ethnic revolts in their countries have, of course, committed human rights violations, and they have to be taken to task for this. But it is the frank opinion of this writer that the West doesn't have the moral authority to do this. Such tasks are best left to international bodies that enjoy some legitimacy in the international community. The West, particularly the US, which has adopted double standards on the human rights issue, may be ill-suited for this purpose.

However, the West believes in questioning the human rights credentials of the Third World states; particularly those countries which receive its aid. Recently, India was pressurised into establishing a Human Rights Commission. Sri Lanka is constantly questioned about the human rights situation in that country by aid-givers. A few years ago Britain suspended economic aid to Lanka over its human rights record.

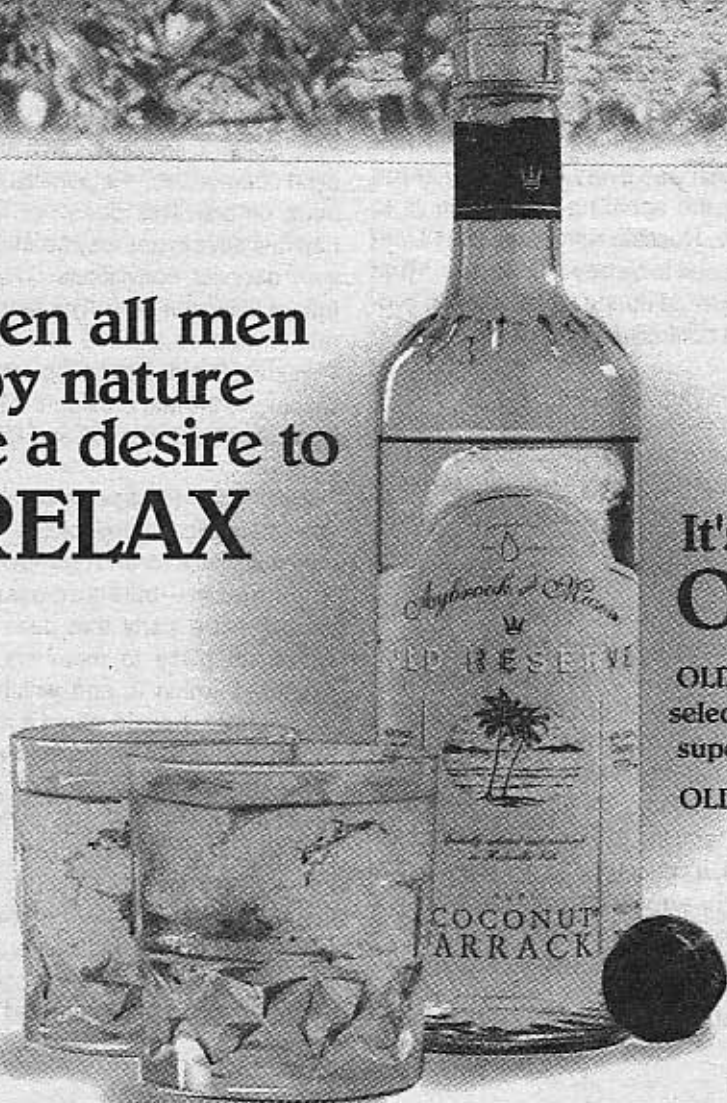
So, the outlook for the entire world is bleak on account of South Asia's ethnic wars. These ethnic wars are not only dividing communities. They are also dividing regions and the world as a whole. The polarization between North and South is widening on account of these warring wars, and peoples are turning against each other.

In the final analysis, each country must heal itself. This study began with the focus on good government and statesmanship. It is to this theme that we must return in conclusion. Until political leaders rise above narrow interests and act with enlightenment and courage, scourges like ethnic wars will continue to divide and devastate countries, regions and the world.

(Concluded)



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Liberalism, Fascism and the Confused Mind

Chanaka Amaratunga replies

Had I no previous intimation of the sad confusion that inhabits Izzeth Hussain's mind I would have been surprised by the bizarre wholly unsustainable analogy he draws between the politics of the Russian ultranationalist, demagogue and neofascist Vladimir Zhirinovskiy and my own. As it stands, I did have a warning that Mr. Hussain was, in his political judgements and more particularly in his political classifications, getting very hazy indeed when, sometime early last year he wrote an article to *The Island* declaring that the two parties which were the greatest champions of Sri Lankan liberal democracy were the DUNF and the Liberal Party. The complement he had paid to the Liberals I realised with a profound shock was an exceedingly dubious one. Imagine what John Stuart Mill or Lord Acton whom Mr. Hussain refers to approvingly and have been always the inspirations for my own politics, being perhaps in something approximating to a secular pantheon, would have felt if someone said that they and Karl Marx were the greatest champions of liberty! How could any but the most confused mind assert that Lalith Athulathmudali and I were both defenders of liberal democracy?

This confusion is compounded when one recalls that Mr. Hussain did write a moving appreciation of the political contribution of my colleagues and I on the occasion of the tenth anniversary of Sri Lankan Liberalism, which was published in *The Island* of 14th April, 1991. In this article Mr. Hussain says that it is the Liberal Party that was instrumental in bringing home to this country the immense dangers of the unlimited exercise of power by the Government which emerged in 1977. That Government was, of course, the UNP Government of President J.R. Jayewardene and the late Mr. Athulathmudali with whom last year, Mr. Hussain would have had me share the plaudits for defending liberal democracy, was a leading figure of that government, a contribu-

tor to all the constitutional and political manipulations, not to mention the brutal violations of human rights in which that infamous government indulged.

To have forgotten that, still more to have glossed over it, was very unsound judgement indeed.

The inconsistency of Mr. Hussain's political peregrinations also becomes evident from his 1991 tribute to the Liberals:

In conventional terms the Liberal Party may be regarded as a failure. But it may come to be seen in the future that it has been making an infinitely more important contribution to our politics than any other party.....

In 1991 Mr. Hussain thought the Liberal Party was God's gift to Sri Lanka. By 1993 this status was shared with the DUNF, a party which was every bit as guilty as the UNP for the appalling developments to which Mr. Hussain refers. By 1994 Liberals are seen to be beyond the pale. What has happened during these years to evoke these confused responses?

The comparison with Zhirinovskiy is wholly specious. What make Zhirinovskiy a fascist are his own declared beliefs and the political practise of his party. My declared beliefs on the other hand remain those which earned the plaudits of Mr. Hussain in 1991, even in 1993, though then I had the dubious pleasure of sharing them with Mr. Athulathmudali who apart from President J.R. Jayewardene was the most appalling enemy of liberal democracy. The programme of the Liberal Party remains what it has always been. The central conviction of the Liberal Party (and myself) remains the one admired by Mr. Hussain, a concern to limit power, to fight against the arrogance of power, to oppose intolerance, meanness and cruelty, wherever they may be in this country.

One of the central errors of Mr. Hussain

is that he confuses men and measures, institutions and acts. The UNP has no one unalterable identity which makes it impossible to work with it at all times. While we could never have worked with it during the Jayewardene years, for reasons clearly set out by my colleagues and I on several occasions (I could refer Mr. Hussain to my article on President Premadasa in *The Island* of 1st May 1994 as the latest source) we did find it possible to work with the UNP of President Premadasa.

The other confusion of which I beg Mr. Hussain and others of his ilk to disabuse themselves, is that in a liberal democracy, it is betrayal of one's own ideals to form political alliances with others who may not share many of those ideals. In the West to which Mr. Hussain makes reference, Liberals are often allied with Conservatives, Social Democrats, Socialists, Christian Democrats, Regionalists and various others. This does not mean that Liberals have in any way abandoned their own deepest convictions. The same is true of alliances here. The fact that Liberals formed an alliance with the UNP of President Premadasa does not mean that we believe the late President to be the soul mate of John Stuart Mill and Lord Acton.

Finally, Mr. Hussain is careless in the use of political terminology. The UNP certainly, has had, and has now, elements who are racist—but it is a gross exaggeration to call a party that does accord a significant place to members of ethnic minorities within it, and which however inadequately has devolved a measure of power and has enfranchised many who were previously disenfranchised, as a racist party. The UNP has certainly indulged in electoral malpractices and violence in the conduct of elections especially in the years prior to 1990 when we opposed it, which I do find deplorable, but a party which does tolerate a considerable degree of political dissent and does mai-

tain a liberal democratic structure, however flawed, cannot be called a fascist party.

Accuracy of terminology and accuracy of judgement are essential ingredients for the pursuit of civilized discourse. Mr. Hussain does no good to our political debate if he acts the role of the confused and the inconsistent, firing badly aimed broadsides with the zest of a loose cannon. □

Language Usage

As one who is living in Japan (and also married to a Japanese), I wish to bring to your attention that the caption "More Jap aid for TV" (*LG, May 1*) is not in good taste. The word, 'Jap' (an American derogatory slur for Japanese) is now detested by Japanese as American arrogance of World War II vintage. Even American businessmen who carry begging bowl to Tokyo these days would not dare to use it in public. The irony is that, your news brief mentions a beneficial act of the Japanese to Sri Lankans and you use a derogatory slur to highlight your patron!

In the same vein, I also have noticed your regular (but irritating) use of the Tamil word — **thottam**, when referring to minister S. Thondaman's activities. I remember one caption which went like, "Trouble in Thonda's Thottam". If you have fancy for that beautiful Tamil word (which literally means, 'garden'), I appreciate your taste for alliteration. But, you should also note that among Tamils, the word 'thottam' had been used in the past (such as **thotta-kaataan**) in a derisive sense to refer to plantation workers. I suggest, why not stick to the standard English word 'plantation', when referring to Thondaman's activities?

Sachi Sri Kantha

Note:

Mr. S. Thondaman, a long-standing friend of the *L.G.*, loves the phrase "Thonda's Thottam". Other Tamil readers have never raised any objections though we note that some Tamils in Tokyo may find it as jarring as "Jap" to Japanese ears. Yes, "Jap" should not appear in the pages of the *L.G.*

— Ed.

Bosnian Muslims — An Explanation

I appreciate M.A. Nuhman's criticism (*LG, May 15*) on my previous comment, about the plight of Bosnian Muslims, which was published in the *LG* of May 1. Rather than trying to "justify the sufferings of Bosnians or to explain the causes of the sufferings" as Nuhman had wondered, I wrote that brief note as a parody on Izeth Hussain's article.

It is not so meaningful (in my opinion) to interpret events in current Bosnia from a "Muslim perspective". Suffering should be viewed in a broader humanistic angle

first, rather than ogling through the "myopic goggle" as "Muslim perspective". My comment entitled, "a Hindu perspective" was directed to that cacophonous cant of Izeth Hussain and not at all to the sufferings of Muslims in Bosnia. Cannot Nuhman distinguish a parody from profanity?

While I was in Sri Lanka, I had enjoyed Nuhman's poetry in Tamil. But I wish that he better read the source of my criticism first before casting his stone on me.

Sachi Sri Kantha

Osaka BioScience Institute,
Japan.

Women get a forceful new advocate

Canadians can take pride in the appointment last month of Radhika Coomaraswamy as the first-ever United Nations special rapporteur on violence against women. The UN Human Rights Commission created the post in response to a Canadian-led initiative. Ms. Coomaraswamy, who was named by the UNHRC, is a 40-year-old Sri Lankan woman who is known as a brilliant and forceful advocate of human rights.

Ms. Coomaraswamy will need those qualities, and then some. The task she faces is huge and complex. It is to collect information on violence against women and its causes and consequences; to recommend ways to eliminate it; and to try to get other UN bureaucrats to take more notice of human-rights violations against women.

It might be hard to know where to start. In every country, women suffer violence simply because they are women. In North America, women are murdered by their husbands. In India, there are bride burnings related to dowries. There is genital mutilation in some African countries and in Southeast Asia, women are being sold into prostitution. Sometimes the state is the perpetrator of the violence. More often, the state fails to protect women from abusers who exploit their economic and social vulnerabilities, or from men who think they have a right to control their wives, daughters and sisters.

In the past year, great strides have been made toward integrating women's rights issues into the larger human-rights picture. Perhaps the most important one came in December, when the UN General Assembly adopted the Declaration on the Elimination of Violence against Women. It recognized that violence against women is a human-rights abuse worthy of international attention.

For far too long, such violence has been seen as a private matter or something that can be excused for religious or cultural reasons.

Reforming international law and putting the issue of violence against women onto the world's agenda are just a start. It will be much harder to reform national laws and practices in countries where discrimination and violence against women are part of every day life.

Ms. Coomaraswamy cannot hope to tackle every problem. But she can choose her targets and she can try to embarrass governments into taking action. Few governments enjoy being held up as abusive or as countries that tolerate human-rights abuse. Ms. Coomaraswamy should not be shy about naming countries that allow or perpetrate abuse.

No one person can sweep away the laws and social attitudes around the world that have made violence against women endemic. Change may be painfully slow in coming. But the nations of the world at least have acknowledged that there is a problem. In itself, that is a crucial step forward. The naming of a UN special rapporteur on violence against women is another.

— The Gazette

The right of self-determination — a time for reinvention and renewal

Nihal Jayawickrama

The case of Sri Lanka

Sri Lanka (or Ceylon, as it was formerly known) is a multi-racial, multi-religious and multi-linguistic country, in which legend and history are not only quite difficult to disentangle, but also often form the basis for political decision-making. Of its 17 million inhabitants, about 74% are Sinhalese, descendants of the original settlers of the island who are believed to have arrived from North India in about 544 BC. The Sinhalese speak an Indo-European language, Sinhala. They are predominantly Buddhists, but many of the families that lived in the maritime provinces during 450 years of Portuguese, Dutch, and British colonial rule have become converts to Christianity. About 13% of the population are Tamils who speak a Dravidian language and probably migrated from south and south-west India between 400 AD and 1500 AD. Successive waves of invaders from southern India also conquered the northern parts of the island and established independent kingdoms, and it is there that the Tamils have continued to reside, although at least one third now live and work in the predominantly Sinhalese areas further south. The Tamils are mostly Hindus, except those among them who were converted to Christianity by American missionaries in the early 19th century. About 7% are Moors, mainly descendants of Arab merchants and seafarers who first arrived around the seventh century and established themselves in the eastern and southern ports. They are of the Islamic faith, and usually speak the predominant language of the region in which they live. About 5% are Indian Tamils who were brought by the British from South India in the 19th and early 20th centuries as cheap indentured labour for the coffee and tea plantations of the central highlands, and many of whom still continue to live and work on the plantations, away from the mainstream of life. The remaining 1% comprise Burghers (the descendants of the Portuguese and the Dutch), Malays (of Indonesian and Malaysian descent who first arrived as soldiers in the Dutch army), and the rich Indian merchant communities of Sindhis, Parsees and Borahs.

But despite this apparently rich cultural heritage, there is, and has been, a very distinct Sinhalese-Buddhist consciousness in the island. For centuries, the Sinhalese have harboured a historical, yet quite dormant, grievance against the Tamils for having settled in a part of "Dhamma-dweepa": a nation believed to have been brought into being for the specific purpose of keeping alive in its pristine form the teachings of the Buddha. Events from the shared historical tradition, which are often recounted, are episodes of conflict and foremost among them is the tale of the Sinhalese king who, in a celebrated battle, killed the Tamil king in single combat and re-established Sinhalese-Buddhist sovereignty over the whole island. In more recent times, as the British experimented with western constitutional forms and institutions, and altered the indigenous economic structures, Sinhalese-Buddhist consciousness surfaced. The Sinhalese-Buddhist consciousness was heightened by the settling of a million South Indian Tamil workers in the fertile and salubrious heartland of the Sinhalese, in which they had already been marginalized to make way for the plantations; the recruitment by the colonial administration of extraordinarily large numbers of Tamils into the public service; and the steady migration of the assiduous and industrious Tamils from the arid north into pockets in the high density south in search of higher education, elitist employment and trade. The fact that across the northern waters, only 20 miles away, the state of Tamilnadu in India was home to a population of over 50 million Tamils, gave rise among the Sinhalese to a serious minority complex.

Ceylon emerged into independence in 1948 with a constitution that was described by one commentator as having "had entrenched in it all the protective provisions for minorities that the wit of man could devise".¹⁶ In the negotiations that preceded independence, the British government wanted to be satisfied that under the Westminster-Whitehall export model constitution that was being provided, state power would be used by the Sinhalese majority in collaboration with the minori-

ties. A constitutional settlement was reached in 1946 on the basis of which the minorities agreed to subject themselves to majority rule. The settlement, in consideration of which independence was granted, consisted of six primary components:

1. Multi-member constituencies to ensure minority representation in the House of Representatives.
2. Six nominated members of the House to represent unrepresented or inadequately represented interests.
3. A second chamber — the Senate — to afford the minorities an instrument for impeding precipitate legislation, as well as a forum for handling inflammatory issues.
4. An independent Public Service Commission to guarantee strict impartiality in all matters affecting public appointments.
5. A prohibition on Parliament from enacting legislation either to confer a privilege or to impose a disability on persons of any particular community or religion.

The sixth component was not reflected in the independence constitution, but had been previously agreed upon in the legislature, namely, that Sinhala and Tamil should, within a reasonable time, be made the official languages of independent Ceylon.

In independent Ceylon, however, it was soon discovered by Sinhalese politicians that the constituency to be targeted for the purpose of winning general elections was essentially Sinhalese. It was often possible for one of the two principal political parties — the right-wing United National Party or the centrist Sri Lanka Freedom Party — to secure a majority in the legislature by concentrating on the seven provinces which were overwhelmingly Sinhalese and ignoring the other two, even to the extent of not fielding any candidates at all. On those rare occasions when the mood of the electorate was difficult to gauge, or when the electorate showed itself to be indecisive, it was not impossible for one of the parties to reach pre-election or

post-election accords with the Tamil political leadership, which conveniently happened to be not only largely non-Hindu, but also affluent, professional and Colombo-based. Often the political situation stabilized itself quite soon, making it unnecessary for such accords to be honoured. Consequently, during the past 40 years, no elected representative of the Tamil community has, as such, served as a member of the Sri Lankan government.¹⁷ And during this same period it was possible for predominantly Sinhalese governments to bring about, through a series of unrelated events, the unilateral abrogation of the constitutional settlement — the continued existence of which was the condition on which the Tamil community had agreed to subject itself to majority rule.

For example, in 1956, with the culmination of a movement which began as a protest against the continuing privileges of a small and exclusive English-educated elite, legislation was introduced to make Sinhala the only official language of the country. In 1971, a popularly elected government, finding its legislative programme obstructed by a politically hostile upper house, abolished the Senate. In 1972, the same government entrusted the task of drafting a new constitution to its marxist minister of constitutional affairs, a long-standing political supporter of the Tamil-speaking people. Having been offered an opportunity never previously enjoyed of expressing his Bolshevik-Leninist ideology, he set out to erect a National State Assembly which would be the supreme instrument of state power. Consequently, in what can only be described as a tragedy of errors, nominated members disappeared from the legislature, the power of appointment and dismissal of public officers was vested in the Cabinet of Ministers, and all restrictions on the exercise of legislative power, as well as judicial review of laws, were omitted in the 1972 Republican Constitution. With the introduction of proportional representation six years later, the concept of multi-member constituencies ceased to be relevant.

Meanwhile, in 1949, one year after independence, a Federal Party was formed in northern Ceylon with the declared aim of "attaining freedom for the Tamil speaking people of Ceylon by the establishment of an autonomous Tamil state on a linguistic basis within the framework of a federal union of Ceylon".¹⁸ The call for federalism was at first received with some skepticism by its core constituency: the relatively unsophisticated Hindu farming families of north Ceylon. However, government policies such as the replacement

of English with Sinhala as the only official language, which had the effect of drastically reducing the number of Tamils entering the public service brought about a significant change in attitude, as did state-initiated and state-funded schemes to settle Sinhalese people from the high-density south in the sparsely populated north and east, acts perceived as diluting the Tamil presence in traditional Tamil homelands. By 1956, the Federal Party was the dominant Tamil political organization in the northern and eastern provinces, and it maintained its dominance as its strength increased at every successive general election. Contributing to kindle the nascent fires that would help bind the Tamil community together were a series of executive acts taken in response to rising Sinhalese aspirations, such as standardization and district quotas in the matter of university admission, which resulted in large numbers of qualified Tamil students being denied access to tertiary education.

Successive governments responded to this overwhelming expression of support for federalism not by restructuring the political framework in accordance with the freely expressed wishes of an integral component of the country, but by rousing primeval fears among the Sinhalese in order to better cultivate the southern electorate. Not only did this propel extremism in the south, but it also induced the Tamils into extra-parliamentary action. Consequently, civil disobedience and satyagraha campaigns in the north invariably sparked off counter-demonstrations against Tamil residents elsewhere, requiring the government to apply the Public Security Ordinance. Sometimes, even the military was called in.

In 1970, following an unprecedented expression of popular support for a left oriented United Front government, the Federal Party responded to the Prime Minister's invitation to participate in a Constituent Assembly to draft, adopt, and operate a Republican Constitution which would, in her words, "serve to build a nation even more strongly conscious of its oneness amidst the diversity imposed on it by history".¹⁹ If the government was so inclined, an opportunity was about to present itself to respond to Tamil aspirations. But very early in the proceedings, a Federal party proposal to discuss the subject of federalism was summarily rejected without discussion. The Federal Party withdrew, and the Constituent Assembly then proceeded to humiliate the Tamil community even further by asserting in the new constitution the superior position of both Buddhism and the Sinhala language.

On Republic Day, a Tamil United Front replaced the Federal Party. The separate Tamil nationalism, which had been postulated and assiduously developed by the Federal Party, raised Tamil aspirations to a level that was beyond its reach and was no longer capable of being fulfilled through regional autonomy within a federal union of Sri Lanka. As a result, in 1976, from the first national conference of a new political party known as the Tamil United Liberation Front, the call went forth for a separate state in which the Tamils would rule themselves as a nation distinct and separate from the Sinhalese. At the general election held in the following year, the TULF won all 14 seats in the northern province.

The failure of the traditional Tamil leadership to secure autonomy through constitutional means inevitably led to the emergence of Tamil youth power in the form of the Liberation Tigers of Tamil Eelam: a new generation of marginalized, militant young men and women, born and bred in the north in the frustrating environment of unremitting conflict with the Sinhalese government. Having first sought to proscribe the militant movement, which by then was increasingly resorting to firepower, the government enacted the inevitable Prevention of Terrorism Act. In 1979, the army was directed to proceed to the north with absolute authority to eliminate by any means all forms of terrorism it may encounter. For the past 14 years, idealistic young Sinhalese men in the prime of their lives have left the relative comfort and security of the south and journeyed to the north and the east in the confident hope that before they lay down their own lives they would be able to kill a few equally idealistic young Tamil men and women, and thereby help to preserve what the United Nations describes as "the territorial integrity and political unity"²⁰ of the sovereign state of Sri Lanka. A political issue now awaits a military solution.

The mounting tragedy of the Sri Lankan situation lies in the fact that, while successive governments have been willing to recognize the rights of Tamils *qua* individuals, and have in fact done so in recent years, they have tenaciously resisted the rights of the Tamils as a collectivity at tremendous cost in terms of human life and suffering. And during these four decades of communal conflict on the island, the United Nations has chosen to focus regularly on so-called infractions of international human rights standards relating to the continuing conflict without addressing the fundamental issue that gave rise to the conflict: namely, whether or not the Tamils of Sri Lanka are entitled to exercise

their right of self-determination.

Redefining the right of self-determination

The rationale for restricting the right of self-determination of a minority ethnic group living within a sovereign state appears to be the desire to maintain intact existing national boundaries. But many such boundaries are man-made, having been demarcated at peace conferences during this century by the victors of the great wars. In the case of former colonial territories, most boundaries, particularly in Africa, had been drawn in a very arbitrary manner, slashing across ethnic settlements regardless of the cultural affinities that had existed from time immemorial. Indeed, it is true to say that most ethnic groups precede contemporary national boundaries by hundreds, if not thousands, of years. This desire to sanctify and perpetuate a few artificial lines drawn on a map of the world by a succession of politicians, diplomats, explorers and even adventurers, often without reference to the people living on the land, appears to be misconceived in the context of the international human rights regime which exists today.

Restricting the right of self-determination of a minority ethnic group in this manner also results in condemning that group to a state of permanent subservience to the dominant ethnic group in the country. Where, for example, a constitutional settlement arrived at prior to independence is unilaterally abrogated, as was done in Sri Lanka, the minority group no longer has the right or the opportunity to renegotiate, on the basis of equality with the dominant group, the terms upon which the different peoples may co-exist with honour and dignity. Instead, it has to depend upon the "tolerance" or the "goodwill" of the majority, and hope for "concessions" and "accommodations" from others for its continued existence and livelihood.

Moreover, the qualification that a minority ethnic group may exercise the right of self-determination only when it is discriminated against and excluded from government ignores the supreme truth that all human communities are in a constant state of evolution. No particular political, social, or economic system or ideology can claim legitimacy for itself when it fails to provide the framework for such evolution. In the aftermath of the Second World War, the international community was called upon to respond to the aspirations of colonial peoples, and it did so admirably by denouncing colonialism as illegitimate. Today, as we stand on the threshold of the 21st century, we see the resurgence

of ethnicity. It is manifesting itself on nearly every continent. It is a phenomenon that is not necessarily spawned by discrimination, nor generated by an unfulfilled desire to participate in the government of a pluralistic State. It may often be the result of an ethnic group simply wishing to assert its own identity. The international community must now recognize this actuality and respond realistically to the aspirations of such ethnic groups instead of insisting that they remain hopelessly trapped within the confines of heterogeneous States. The lives of people must surely transcend the integrity of territories. This is, after all, an age when the sovereignty and independence of ministates with minuscule populations have already been recognized.

Imagine for a moment that international law was to respond by subordinating territorial integrity to the right of "all peoples" to self-determination by recognizing a principle that all cohesive ethnic groups, irrespective of their numerical strength, are entitled to freely determine their political status. After all, that is what actually happened not very long ago when the 63% Czech and the 31% Slovak people of Czechoslovakia asserted their separate identities: the international community approved and the United Nations recognized their exercise of the right of self-determination. The application of that same principle to other parts of the world, notably Asia and Africa, will probably produce immediate and dramatic consequences. First, it will introduce a fair and just rule of law which recognizes the dignity of the individual and accords him or her equality of status in all respects with other fellow beings. Secondly, it will make it unnecessary for a minority ethnic group to allege discrimination by the State as the basis of its claim for self-determination and will, therefore, remove one of the primary causes of communal friction that exists today, a corrosive canker on the body politic that breeds suspicion and distrust. Thirdly, acceptance of this principle will mean that it will no longer be necessary to resort to terrorism or other forms of violence simply to assert the right of self-determination.

The recognition of this principle will also shift the focus from the rancorous assertion of rights to the far more productive exercise of formulating the terms and conditions of co-existence. A numerically small ethnic group, conscious that it has the right to secede, will begin to examine the viability of secession in political, social, and most importantly, economic terms. These considerations will probably compel such a group to remain within the existing state, but on terms negotiated by

it with the dominant ethnic group. On the other hand, where a numerically small ethnic group has valuable resources, such as rich homelands, prosperous manufacturing centres or unique expertise, the dominant ethnic group will need to offer very attractive terms to induce the minority to remain within the fold of its territorial unit. In either event, co-existence will be a voluntary act as in the case of Switzerland, and not under compulsion, whether by the imposition of an autocratic ideology as was the case in both Yugoslavia and the Soviet Union, or by the force of arms as is the case in Sri Lanka today.

The recent events in Europe demonstrate how anachronistic the relevant principles of international law are. On the one hand, existing states are being fragmented under the pressure of resurgent ethnicity and, on the other hand, sovereign states, both old and young, are abandoning traditional notions of sovereignty and seeking new unions and relationships with each other, motivated primarily by the need for mutual co-operation. At the same time, the violent manifestations of ethnicity on practically every continent demonstrate how urgent it is that international law should recognize and accommodate this major phenomenon if recurring violence is not to be the predominant feature of life in the next decade as well.

It is now time to use the emerging European tapestry to fashion a new rule of law, rather than attempting, as the United Nations is doing at this very moment, to refine and further define the rights of minorities and of indigenous persons. It is time to redefine the right of self-determination, not only by stipulating that it is indeed a continuing right, but also by extending its application to numerically outnumbered but cohesive groups of minorities as well as indigenous persons. Such redefinition will not only strengthen the international human rights regime, but will also help to create a new legal framework within which countries like Sri Lanka can attempt to bring decades of internecine warfare to an end.

(To be continued)

Notes

16. Sir Charles Jeffries, *Ceylon — The Path to Independence* (London: Pall Mall Press, 1962) at 115.
17. Mr. M. Tiruchelvar, Q.C., who was Minister of Local Government from 1965-68, was a nominated senator.
18. The constitution of the Federal Party of Ceylon, as cited in H.A. Peries, *Political Parties in Sri Lanka Since Independence — A Bibliography* (New Delhi: Navrang, 1988) at 146.
19. Mrs. Sirima R D Bandaranaike, M.P., Prime Minister, as quoted in *The Ceylon Daily News* (16 July 1970).
20. Ga Res.2625 (XXV), supra note 14.

 ENRICHING RURAL LIFESTYLE

Why there's sound of laughter in this rustic tobacco barn....

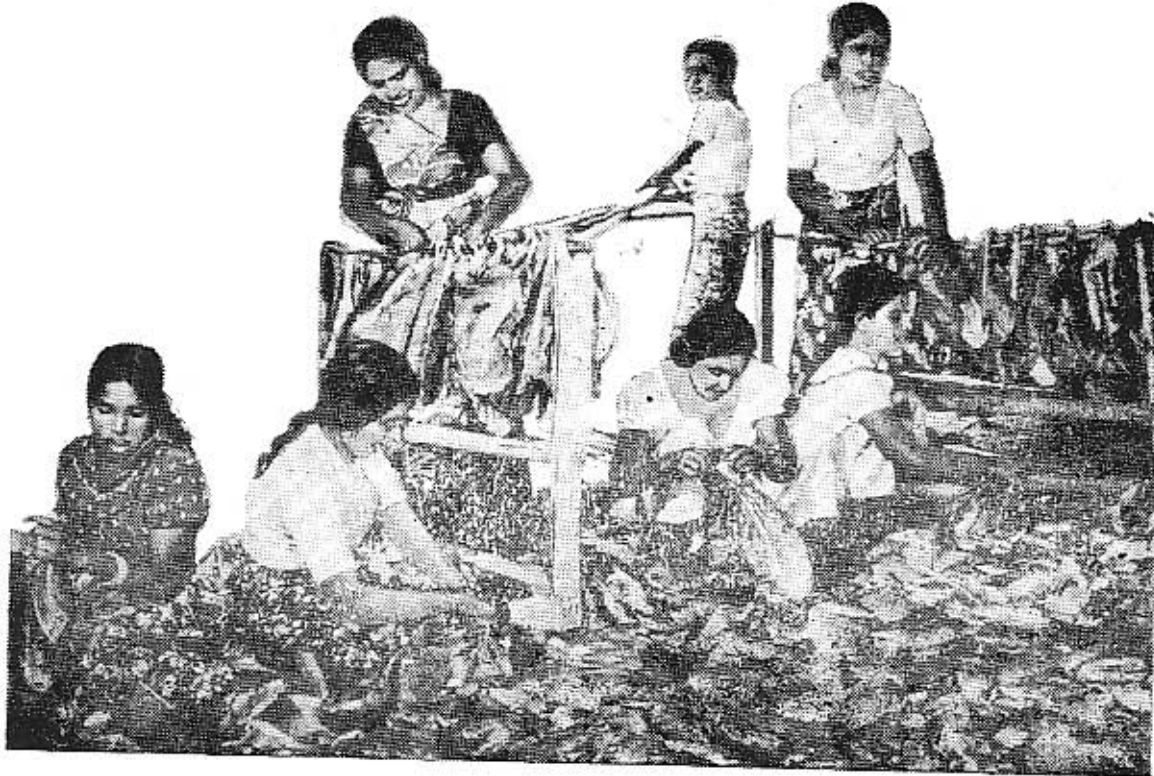
There is laughter and light banter amongst these rural damsels who are busy sorting out tobacco leaf in a barn. It is one of the hundreds of such barns spread out in the mid and upcountry intermediate zone where the arable land remains fallow during the off season.

Here, with careful nurturing, tobacco grows as a lucrative cash crop and the green leaves turn to gold... to the value of over Rs. 250 million or more annually, for perhaps 143,000 rural folk.

Tobacco is the industry that brings employment to the second highest number of people. And these people are the tobacco barn owners, the tobacco growers and those who work for them, on the land and in the barns.

For them, the tobacco leaf means meaningful work, a comfortable life and a secure future. A good enough reason for laughter.

 **Ceylon Tobacco Co. Ltd.**
*Sharing and caring
for our land and her people.*



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Celebrating Three Decades of Dynamic Growth

In 1961 People's Bank ventured out in the challenging world of Banking with a staff of only 46... and a few hundred customers.

Today, just 33 years later

People Resource exceeds 10,000

Customer Listings at a staggering 5.5 Million

*Branch Network in excess of 328, THE LARGEST
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In just three decades People's Bank has grown to become a highly respected leader in the Sri Lankan Banking scene. Their spectacular growth is a reflection of the massive resources at their command dedicated to the service of the common man — a dedication that has earned them the title "Banker to the Millions"

PEOPLE'S BANK



Banker to the Millions