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**LANKA**

# **GUARDIAN**

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**Human Rights**



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## **BRIEFLY...**

### **A mandate to scrap Presidency**

If the SLFP led People's Alliance wins the General Elections on August 16 the Executive Presidency is likely to be scrapped. The PA will ask the people for a mandate to do this with a simple majority in parliament. Some constitutional experts believe that this could be done.

A PA victory at next month's elections and a scrapping of the powerful Executive Presidency would also mean that there would be no presidential election in November as scheduled now. The presidency will be converted to a ceremonial one, with the President nominated by the Prime Minister.

### **They both pledge half-million**

Mr Thondaman, the powerful trade union boss who is also a cabinet minister, has pledged half a million votes for the UNP at the August 16 General Elections.

So has the Muslim Congress leader Mr Ashraff — but his promised half million votes will go to the SLFP led People's Alliance. "We shall topple the UNP", he announced after signing what is now known as the Chandrika (Bandaranaike) - Ashraff pact.

### **Stop it, says TULF**

M. Sivasithamparam, leader of the moderate Tamil United Liberation Front (TULF) has petitioned the Court of Appeal to prohibit the

Commissioner of Elections from receiving nominations for the Jaffna District for next month's General Elections.

The TULF has said in its petition that the Government has control of not more than 20 per cent of the Jaffna electoral district and that no free and fair election could therefore be held.

### **Betrayal, says Dinesh**

Deciding to go it alone at the August General Elections, MEP leader Dinesh Gunawardene has accused PA leader Chandrika Bandaranaike of betrayal of principles. At a press conference following the break down of PA-MEP talks Mr Gunawardena said that even the wishes of Mrs Sirimavo Bandaranaike had been disregarded by daughter Chandrika.

The PA, said the MEP leader, appeared to be avoiding vital issues. Among them: the de-merger of the North and East; abolishing of the Provincial Councils; a mixed economy in place of the open economy.

### **UNP disappoints film actor**

Film actor Sanath Gunatilake has quit the UNP "a very disappointed man". The UNP government had done very little to help the film industry, the actor said. But he will not support any other party.

### **A warning against deals**

Prominent monks and lay Buddhist leaders have warned both government as well as opposition

leaders not to give in to "unfair demands" made by minority groups on the eve of elections. Such opportunistic agreements in the past have ultimately had an adverse effect on the Sinhala interests, they have said.

The joint letter to President Wijetunga and Opposition Leader Sirimavo Bandaranaike has been signed by well known Nayake Theras, including Madihe Pannasiha Maha Nayake Thera, and lay Buddhist leaders including Gamani Jayasuriya, President of the Maha Bodhi Society, and Dudley Gunasekera, President of the All Ceylon Buddhist Congress.

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# THE ETHNIC-ECONOMIC IN COMMAND

Mervyn de Silva

The election campaign, it is widely agreed, is dominated by two large issues: the ETHNIC and the ECONOMIC. The first amendment to that was introduced by Dr. Lal Jayawardene, the former director of the Helsinki-based, wider and "shadow" Finance Minister, of the SLFP-led Peoples' Alliance. Though he ran into some trouble when he spoke of "private" universities in an interview, Dr. Jayawardene's argument may be summed up in two words now quite familiar in the ever-expanding vocabulary of "conflict-resolution" studies — the peace dividend. He had in fact dwelt on this matter at fair length in his BCIS Convocation Address last year.

The defence budget has soared to 20 billion (and rising). A negotiated settlement of the conflict, and an end to the war against the separatist Eelam "Tigers" would allow the government to divert these large resources to economic development which in turn would create jobs, a major cause of youth unrest and rebellion. Twice in the past two decades, armed youth revolts had swept the Sinhala south. The first such revolt was a direct challenge to the SLFP-led United Front administration of 1970. The Tamil 'Tigers' had taken to guerrilla warfare in the next decade. Now it was a full-blown secessionist insurgency which has sent Sri Lanka defence vote soaring. A negotiated peace would see the writ of Colombo run throughout a united Sri Lanka.

The international community would welcome such a step. So would our huge neighbour India which is now nervous about the impact of the armed Tamil revolt on its own large southern state Tamilnadu. The aid agencies as well as private investors would welcome such an initiative; certainly those European countries, Canada and Australia, that are reluctant hosts to thousands of Tamil refugee families. Apart from the burden on the Treasury, these refugees have become a fairly serious social problem wherever they have settled in large numbers. If peace and order prevail in the North, many of these families could be persuaded to return to Jaffna.

## 20-20 VISION

The return and re-settlement of these refugees would of course cost money but the governments of these countries would be only too happy to cover the cost of the exercise, and probably reward Sri Lanka too.

Western goodwill and largesse apart, the

Lal Jayawardene thesis presented in his B.C.I.S. Convocation Address last December was a follow-up to the UNICEF project popularly called the "20-20 VISION". Donors, bilateral or multilateral, should pledge 20% of their aid for priority human development needs as the *quid pro quo* for developing countries allocating 20% of their budget to these same needs — primary health care, basic education, low-cost rural and peri-urban water supply and sanitation; and nutrition support.

The 20-20 Vision would be a global compact.

Right now Sri Lanka commits only 8% to these needs whereas it spends more than 15% on the war. This same school of thought also argues for a dollar-to-dollar arrangement as a reward for linking disarmament and foreign aid i.e. an extra dollar in aid for every dollar saved from arms budget.

## WAR AND PEACE

As the election campaign gets underway, I don't expect the Wijetunge government to adopt a "PEACE NOW" or "PEACE IN OUR TIME" line. On the contrary, it may be tempted to take a tough line on the war in the belief that Sinhala-Buddhist militancy will win more votes than the case for a negotiated settlement. Judging from past experience, the party that adopts the "tougher" Sinhala-Buddhist "no negotiations-with-the-terrorists" line believes it can crowd its rival. That's how the debate has gone in the past. Let us see what happens this time.

And in that connection, I think that Mr. Dinesh Gunawardena's indignant outburst, righteous too, could be a pointer. It would be like father-like son, typically Phillip. At least down the Colombo-Avissawella road, it could present some problems for the Peoples Alliance.

## EDITORIAL OPINION

### Don't dodge vital issues

On the economy there seems to be broad agreement between the two parties. The open market economy will continue. For the People's Alliance this has been a major deviation from its past policies. And no doubt the UNP will crow about their opponents accepting their policy. There will be little dispute that the open market economy did release economic forces which have significantly changed the face of Sri Lanka. But what must not be forgotten is that an unbridled market economy can also throw up problems of social dislocation which call for a safety net of social welfare measures. Sri Lanka cannot afford to abdicate from its social welfare measures in the fields of education and medicine and some of the major utility services which in the past have contributed to a high physical quality of life for her people.

It will be in the political and social arena that the two major formations will have to concretely spell out their policies. For example what of the Executive Presidency? Will the Gaullist Constitution be dismantled and if so will there be a reversion to the Westminster system? Even the UNP has been making some noises on this score while the People's Alliance has expressed its commitment to dismantling the Executive Presidency. As important are measures to consolidate and strengthen civil society which has often suffered at the hands of the Leviathan state. What measures will be taken to give back to the people their rights which have become eroded by the all-powerful Executive Presidency? The PA for example has issued a wide-ranging policy statement on the media but while talking of a balance between private and public ownership as the most suitable condition has failed to specifically spell out how it will handle Lake House and the three radio and television monoliths, the Sri Lanka Broadcasting Corporation, Rupavahini and ITN.

It is also desirable that the two parties spell out in the most concrete terms their solution to the ethnic problem which has been bleeding the country dry. What degree of devolution will be granted to the North and the East and will there be a merger of the two provinces? What is the attitude of the two parties to the Provincial Council in the rest of the country? Ideally there should be a consensus between the two parties on this most crucial of issues on which the country's very fate will hinge.

— Sunday Island



# Order and Disorder

When they get back to Colombo, visitors to the northern peninsula, both Sri Lankan and foreign, report the ceremonial routine at the LTTE-controlled point of entry to the Jaffna peninsula. Foreigners and journalists, in particular, give you the "picture" in more vivid detail. What we gather from such reports is that an administrative system — police, customs, immigration, all the form-filling — is taking shape. At the Kachcheri where a senior Colombo-appointed civil servant presides, many of the routine duties are

performed by Tamils who are either LTTE nominees or answerable to the LTTE.

What we are observing in other words is the scaffolding of an administrative structure. Authority, needless to add, flows from the barrel of a gun..... in the ultimate analysis.

Contrast that to the scene in the capital city of Sri Lanka, when on the last day for Nominations, Mrs. Hema Premadasa, widow of President Premadasa, was about to hand in her nomination paper as

a candidate. She didn't. In an emotional scene, she finally decided not to enter the contest. It was the family that was deeply divided. It was division and discord in another even more important political family that led Mr S.W.R.D. Bandaranaike's only son to quit the party that S.W.R.D. founded when he realised that D.S., the grand old man, was grooming his son Dudley. The discord in the UNITED National party mocks the name its founders selected. Institutions are coming up in Jaffna; in Colombo, basic structures crumble.

## "Lessons from Philippines — Lessons for Sri Lanka"

Prof. ED Garcia

Professor Ed Garcia of the University of Philippines and author of several books and articles on theories and practice of conflict resolution, as well the Philippine experience with internal conflicts, presented a lecture entitled "**Community-based Strategies for Conflict Resolution: Lessons for the Philippines**". The talk was organized by the Centre for Policy Research and Analysis, which is affiliated to the University of Colombo. The talk took place at the Faculty of Law on June 4, 1994.

Professor Garcia, no stranger to Sri Lanka, has interacted with Sri Lankan academics as well as human rights and political activists in various international fora, expressed anguish over the unresolved internal conflict in Sri Lanka. He further observed that being the "Election Year" in Sri Lanka, the conditions were favourable for a "bipartisan peace initiative". He, however, also cautioned against the tendency on the part of politicians to use the "peace process" for narrow political ends.

Proceeding to the Philippine case. Ed Garcia pointed out that more than 80,000 People had been killed in ethnic conflicts, as well as in relation to conflicts over land. The advance made in resolving the internal conflict was primarily due to "**Citizen Participation**" in shaping events and in exerting pressure on the State and Guerrillas alike.

Professor Garcia, whose specialty is methodology of conflict resolution backed

by practical experience, placed before the audience what he termed his "Bakers Dozen" — or Reflections on 12 essential components of conflict resolution:

- \* Commitment to a negotiated political solution.
- \* Citizens participation to ensure continued vigilance that priority issues figure high on the national agenda.
- \* Recognizing the need for 3rd Party mediation.
- \* Confidence-building between parties in conflict and strong leadership to harness support for peace process.
- \* Searching for acceptable processes aimed at overcoming mistrust and phobia vis a vis each other.
- \* Defining the substantive issues.
- \* Identifying areas of convergence, before proceeding to tackle contentious issues.
- \* Time frame for de-militarization of conflict.
- \* Monitoring mechanisms.
- \* Long-term Peace Education Programmes.
- \* Looking for different alternatives.

Following the presentation by Garcia, there was a lively discussion amongst the audience which included academics, students, political activists and journalists.

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# Statement by the SLFP

1. It is the SLFP's belief that the proper conduct of foreign relations requires that 3 indispensable conditions be fulfilled:
  - (a) the foremost need is a coherent policy;
  - (b) the formulation and implementation of such a policy entails reliance upon the machinery of a properly organised and run Foreign Ministry, supported by correctly located and adequately staffed diplomatic Missions abroad;
  - (c) running that machinery and keeping it in good order require a systematically recruited, well-trained and appropriately deployed professional Foreign Service.
2. The management of our foreign affairs during the 17-year period, now drawing to a close, by 3 successive UNP Presidents and their respective Foreign Ministers, has been characterised by irrefutable failure to meet any of these conditions. The salient features of their failure are reflected in the following realities:
  - (a) the only discernible coherence in UNP foreign policy has been the self-evident willingness to subserve external forces and interests which were agreeable to sustaining the UNP in power, regardless of the damage inflicted on national resources or social welfare at home;
  - (b) relations with India were so atrociously mismanaged that, in the first place, Sri Lanka was reduced to the position of swearing an affidavit of good behaviour through the Jayawardene-Rajiv Gandhi exchange of letters which accompanied the Accord of July 1987 and, secondly, we were compelled to invite Indian armed forces to defend the territorial integrity of our country;
  - (c) having launched the process of South Asian regional co-operation (SAARC) in Colombo, we insulted our partners by applying unilaterally for ASEAN membership;
  - (d) separation of the positions of Head of Government and Foreign Minister by the UNP in 1977 led to atrophy of the Foreign Ministry's role in making and working foreign policy, without effective substitution of any other professional mechanism.
3. It is useful recall, by way of comparison and contrast, some features of the management of foreign affairs by previous SLFP administrations:
  - (a) relations with India were so well handled that the crucial and seemingly intractable post-colonial problem of stateless persons of recent Indian origin was successfully resolved in 1974;
  - (b) coherence of policy enabled Sri Lanka to be a founder member of the Non-Aligned Movement and to host its 5th Summit in Colombo in 1976;
  - (c) our standing in the international community, first evident in 1960 when we were elected to the UN Security Council, became, almost a byword in 1976, when Sri Lankan personalities simultaneously held the following admittedly prestigious elective international posts:
    - (i) Chairperson of the Non-Aligned Movement: Then Prime Minister — Mrs. Sirimavo Bandaranaike
    - (ii) President of the UN General Assembly and President of the UN Law of the Sea Conference: the late Ambassador Shirley Amerasinghe
    - (iii) Secretary-General of the UN Conference on Trade and Development: Dr. Gamani Corea
4. The SLFP will, when elected to office, repudiate the incompetence and contradictions pervading the UNP's policy and revert without delay to management of our foreign affairs which will be typified consistency of policy relating to national interest, and reliance upon stable institutional arrangements and professional expertise. Some of the considerations which will inform the SLFP's programme of long awaited renewal in the field of foreign affairs are delineated below:-
5. The SLFP remains convinced that 2 clusters of factors must underpin any realistic approach to foreign policy: first an appraisal of geo-political realities arising from our own location and standing; second, a clear world view: that is today, a perception of crucial driving forces in today's world, and a conception of where Sri Lanka could and should stand in relation thereto.
6. We are acutely conscious of the interdependent nature of security in the contemporary world and of the legitimate national security concerns of sovereign states. The SLFP-led government will, therefore, actively support and encourage all efforts to resolve outstanding bilateral conflicts in the South Asian region which are consistent with the principle of national sovereignty and which receive the consent and support of the states involved. Our policies to promote nuclear non-proliferation in South Asia and to co-operate in joint solutions to common environmental problems, will be designed accordingly.
7. A conspicuous characteristic of the current international scene is the emergence of economic and regional communities. In the recent past, we have seen two dramatic manifestations of this in the formation of NAFTA and APEC. Mindful of the constructive potential of these developments, the SLFP declares itself unequivocally committed to SAARC and to augmenting its strength as an effective and dynamic instrument of regional co-operation, in collaboration with our neighbours. We recognise the trend in international economic relations towards regional economic associations as valuable contributions to a prosperous world economy, and will actively promote SAARC and the South Asian Preferential Trading Area (SAPTA) in this context. Complementing our collective endeavours in SAARC, the SLFP believes in exploiting fully our bilateral economic relations with SAARC and Asian neighbours for mutual benefit.



8. Recognising the enlarged role of the UN in containing tension and facilitating conflict resolution in the contemporary world, and acknowledging the importance of the organisation's activities respect being based on solid consensus of its member states, the SLFP-led government will give its wholehearted support to the activities of the UN, compatible with the principles of national sovereignty and sovereign equality of states. Moreover, convinced as we are that the strength and durability of this international consensus and the effectiveness of action based upon it will be enhanced by institutional reform of the UN, the SLFP government will support proposals designed to enrich the organisation's contribution to international peace and security. This commitment extends to support for plans to increase permanent membership of the Security Council to include developing states and to make that body more truly representative of international opinion.
9. Commensurate with our commitment to improving and strengthening the human rights of all Sri Lankans which have been cynically violated by successive UNP regimes, we will support all endeavours to protect and promote human rights globally. An especially important element of our convictions is that human rights should encompass not only civil and political rights but also economic and social rights which have suffered comparative neglect in the international system. The SLFP's position is that international action directed towards the promotion and protection of human rights should not be treated as a weapon or lever by any state or group of states, but must be founded on a genuine global consensus. There must be unrelenting adherence to the principles spelt out in the Charter of the United Nations.
10. In full recognition of the vital role of international trade in our country's development and prosperity, the SLFP pledges that it will pay special attention to Sri Lanka's membership of the new World Trade Organisation and associate itself strenuously with the initiatives of the Group of Fifteen Developing States in the promoting of Third World interests in the global economy. The SLFP is strongly critical of the UNP government's singular lack of concern with the implications of the recently concluded Uruguay Round of GAAT for Sri Lanka, and is committed to the development of a coherent long-term trade strategy as an important and integral part of our foreign policy. We are firmly of opinion that an enhanced trading profile for Sri Lanka into the 21st century, should be accorded explicit priority in our foreign policy objectives.
11. The SLFP reiterates its policy commitment to the eradication of all forms of discrimination and injustice in international affairs, and pledges active support for efforts towards a just and peaceful international order. The Party also reaffirms its commitment to global disarmament and sustainable development.
12. We note with alarm and deep concern the partisan interference in our Foreign Service by UNP governments and their extreme reluctance to reward merit and professionalism in the service. The dismal attitude forced upon the Foreign Ministry by UNP Presidents usurping the foreign policy function of government without recourse to any institutional support, and the devaluation of the professional Foreign Service brought about by the UNP's thinly veiled contempt for professionalism, *per se* in any branch of state service, will be remedied with determination by the SLFP. We will immediately undertake a threefold programme in this regard: re-assigning to the Ministry its appropriate pivotal role in making and applying foreign policy; rationalising the location of our Missions abroad; and restoring order, coherence and method to the recruitment, career advancement and deployment of the professional Service.

## CIVIL RIGHTS: WHERE DO YOU STAND?

# Questions from CRM

Political parties and candidates seeking votes at the presidential and parliamentary elections should spell out clearly and coherently their programmes on human rights. The Civil Rights Movement urges them to do this using the language of specific commitment rather than vague generalisation.

As a preliminary step CRM, following its usual practice at election time, lists below a few questions. In selecting them, CRM has limited itself to some simple issues which it considers relatively uncontroversial. It believes that political parties and candidates can answer these with a minimum of effort. We have not listed all (or indeed even all the most important) undertakings CRM would like to hear from those who seek the people's votes. CRM has exercised self-restraint for practical reasons. The present aim is to obtain some commitments, even if they fall short of the ideal. We hope that other organisa-

tions and individuals will take them up and add to them. CRM plans to follow up with a separate set of questions on emergency rule, and possibly other subjects.

In some cases, implementation may depend on factors outside a party's control, such as a specific parliamentary majority, or action by the Executive. In such cases, our question should be understood to mean whether you would do everything within your power to implement the proposed measure. In event, it is CRM's view that these questions relate to matters of principle that should be upheld by all political parties whether they are in power or not. We would therefore very much appreciate your assurance that you will promote them irrespective of whether your party finds itself in government or opposition.

### Question One

Will you bring Sri Lanka's law into conformity with its international human rights obligations by making the necessary amendments to the Constitution? In particular, will you amend the Constitution to

(a) reformulate the restrictions permitted on fundamental rights, and require that restrictions must be only those which are *necessary in a democratic society*?

- (b) provide for the right to privacy?
- (c) provide for the right to life?
- (d) provide due protection for aliens?
- (e) repeal the provision that keeps existing laws valid even if they are contrary to fundamental rights?

**Explanatory note.** The provisions of our Constitution fall short of our international legal obligations in several important respects including those listed above. These obligations were undertaken by us when we

ratified the International Covenant on Civil and Political Rights in 1980, but we have defaulted despite pointed comments of the Human Rights Committee of the UN which is charged with monitoring compliance by signatories. As regards the rights of aliens, the Covenant recognizes that they have no right of admission to a country, and that they may be admitted subject to restrictions relating to employment, voting, etc. But other freedoms such as expression and association must be granted to them. Sri Lanka's own large workforce abroad lays a particular responsibility on us; see further Question Five below.

#### Question Two

Will you grant individuals the right to petition the Human Rights Committee of the UN?

**Explanatory note.** Sri Lanka became a party to the International Covenant on Civil and Political Rights in 1980. But it did not sign the Optional Protocol to the Covenant. This would enable individuals who claim their rights have been violated to appeal to an independent international tribunal, namely the Human Rights Committee of the United Nations, which is the body created by the Covenant to monitor its implementation. Such appeals are possible only after national remedies have been exhausted, so there is no danger of frivolous petitions. Had Sri Lanka taken this step, Mrs. Bandaranaike could have appealed to the Human Rights Committee on the deprivation of her civic rights.

#### Question Three

Will you grant individuals the right to petition the UN Torture Committee?

**Explanatory note.** Sri Lanka ratified the UN Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment in January this year. But it failed to make the declarations under Articles 21 and 22 which would enable the international tribunal set up under the Convention to entertain complaints from other states, parties or from individuals. Here again individual complaints would be entertained only after national remedies have been exhausted, so frivolous complaints need not be feared.

#### Question Four

Will you ratify the additional part of the Geneva Convention which deals specifically with protecting victims of internal armed conflict?

**Explanatory note.** We refer to Additional Protocol II. Sri Lanka has been a party to the Geneva Conventions since 1959 but has not ratified the Additional Protocol relating to the protection of victims of non international armed conflict that came into existence subsequently. This is particularly relevant in the light of the conflict in the North and East.

Moreover ratification will automatically make it binding on the LTTE without conferring on the LTTE any legal status. This agreement has particularly important provisions for protection of the civilian population.

#### Question Five

Will you ratify the new UN Convention on migrant workers and their families?

**Explanatory note** We refer to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. This has special relevance for us, in view of the large number of our nationals who work abroad, in particular the semi-skilled and unskilled Sri Lankan employees in the Middle East who are often faced with far more acute problems than any countered by expatriates from the professional classes. This Convention is a very impressive document, well thought-out and comprehensive, dealing with many aspects of the protection needed for both regular and "undocumented" migrant workers and their families. It is essential that our government try to seek the widest possible ratification and implementation of this excellent treaty. A first step is obviously for Sri Lanka itself to ratify it.

#### Question Six

Will you repeal the Interpretation (Amendment) Act?

**Explanatory note.** This Act placed restrictions on seeking certain well established legal remedies against the acts of public officers. It was passed in 1972 in the face of strong protest by human rights organisations. Subsequent governments have made no attempt to repeal it.

#### Question Seven

Will you create independent arbitral machinery for the resolution of grievances of public servants regarding the terms and conditions of their employment?

**Explanatory note.** Such machinery exists for the private sector (arbitration under the Industrial Disputes Act) but not for the public sector. Public servants who went on strike in 1980 were deprived of their jobs by emergency regulations without the opportunity of canvassing their grievances. The situation was better under the colonial administration during World War II. The Essential Services (Avoidance of Strikes and Lockouts) Order of 1942 was made by the British Governor of Ceylon under the Defence (Miscellaneous) Regulations. While prohibiting strikes and lockouts in essential services the order constituted tribunals to arbitrate on trade disputes. Proper provision for resolution of grievances by state employees is long overdue in Sri Lanka.

#### Question Eight

Will you protect the independence of the

judiciary by amending the Constitution so as to prevent Select Committees of Parliament examining the conduct of judges?

**Explanatory note.** There have been three occasions on which the conduct of judges have been the subject of examination by Select Committees of Parliament. The last was in relation to the attempted removal from office of Chief Justice Neville Samarakoon. In CRM's view this is unconstitutional, but it has happened. Therefore the Constitution should be amended to specifically preclude it happening again. The removal procedure should provide for the inquiry to be held by an independent judicial tribunal (as instance under the Judges Inquiry Act 1968 in India).

#### Question Nine

Will you free the Associated Newspapers of Ceylon Limited from government control and implement the originally proclaimed intention of broadbasing its ownership?

#### Question Ten

Will you create independent radio and television authorities and hand over to them the present state controlled services?

#### Question Eleven

In the interests of freedom of expression and information and the right to a fair trial by an independent tribunal, will you repeal the hasty 1978 amendments to the law of parliamentary privilege?

**Explanatory note.** It is manifestly unsatisfactory that Parliament act as complainant, prosecutor and judge. This was recognised when our law of parliamentary privilege was adopted by an ALL PARTY CONSENSUS in 1953. A hasty amendment rushed through in 1978 however turned the clock back. Subsequent amendments have made the situation worse by authorising enhanced punishments, and widening the category of matters that cannot be reported. Journalistic reporting and comment on parliamentary proceeding is seriously inhibited, to the detriment of the crucial right of the people to be informed of the conduct and actions of those they have voted to represent them.

#### Question Twelve

Will you create independent machinery to handle complaints against the police?

**Explanatory note.** Any system set up should command public confidence and be independent of the Police Department. Such a step was recommended by the comprehensive report of the Police Commission (composed of retired Chief Justice Basnayake) appointed during the UNP government in 1969, and published during the United Front government in 1970, but no government has made any attempt to implement it.



# The State of Terror

Jayantha Somasundaram

*Whenever books are burned, Men also  
in the end are burned.*

— Heinrich Heine

Anti Tamil violence began in 1956. On June 5th whilst the Official Language Bill was being debated in Parliament the Federal Party staged a Satyagraha at Galle Face Green. Soon after the Police on duty were withdrawn, the demonstrators were set upon by thugs who were widely believed to be MEP supporters. It is reported that Parliamentarians laughed when they were told about the mob violence outside. The attacks spread to the Eastern Province where colonists recently settled under the Gal Oya Scheme attacked Tamil villages, homes were burned and places of business looted. Around 150 Tamils were killed in the Gal Oya Valley.

In May 1958 in the wake of the collapse of the Bandaranaike-Chelvanayakam Pact widespread anti-Tamil violence occurred. The first attacks took place on trains carrying delegates for the Federal Party Convention in Vavuniya. Howard Wiggins has recorded the events in *'Ceylon: Dilemmas of a New Nation'*.

"The outbreak of violence began when a train, presumed to be carrying Tamil delegates to the meetings was derailed and its passengers beaten up by ruffians. The next day Sinhalese labourers set fire to Tamil shops and homes in nearby villages....

"Arson and beatings spread rapidly to Colombo. Gangs roamed the districts where Tamils lived, ransacking and setting fire to homes and cars and looting shops. Individual Tamils were attacked, humiliated and beaten. Many were subjected to torture and some killed outright".

For days mobs roamed, challenging people and setting on them if they were Tamil. In Kurunagalla, a young man was stopped and asked to recite Buddhist gathas to prove he was a Sinhalese,

Mendis who was a Methodist could not do so. The mob thereupon killed him.

Tarzie Vittachi in his book *Emergency 58* records the details. How in Polonnaruwa Government Agent Derrick Aluwihara had to shelter Tamils fleeing from colonists and was finally compelled to authorise the Army to open fire.

Despite Bandaranaike's reluctance a State of Emergency was declared and the Army called out. In Padaviya Maj. M.O. Gunaratne had to pursue and chase Irrigation Dept. employees while at Ratmalana Maj. F.C. de Saram had to subdue CTB gangs. The GA Colombo reported that "Passing vehicles were stopped and their occupants mercilessly assaulted. Moving trains were halted at several places and the passengers ruthlessly attacked. There were many instances of arson and such brutal scenes as men being burned alive. Looting was rampant".

Wiggins concludes: The toll during the days of disorder included an estimated 300-400 killed, over 2,000 incidents of arson, looting and assault and 12,000 Ceylonese transformed into homeless refugees.

The violence spread to the plantation areas where Tamils of Indian origin were attacked. The Indian High Commissioner had to be taken upcountry to ascertain their welfare.

Prof. S.J. Tambiah of Harvard University recalls that he "was leading a research team of University undergraduates, all of whom were Sinhalese, that were engaged in a sociology study of peasant colonisation in Gal Oya when ethnic riots unexpectedly broke out in our midst. At Amparai Sinhalese Public Works labourers went on the rampage in hijacked trucks attacking Tamil shopkeepers and Tamil peasant Colonists. My students, very solicitous for my safety, insisted I stay behind closed doors while they stood guard. And I was later hidden in a truck and spirited

out of the valley to Batticaloa, a safe Tamil area. That experience was traumatic: it was the first time the ethnic divide was so forcibly thrust into my existence. And intuitively reading the signs, I wished to get away from the island, for I experienced a mounting alienation and a sense of being homeless in one's own home".

## 1961

When Sinhala became the language of administration in January 1961, the FP began a round of protests. Tamil public servants refused to work in the new official language, the FP staged satyagraha outside Government offices in the North and East and in Jaffna a Tamil Postal service was begun. The mounting protests of the Tamils in the North and East was paralleled by resistance in the South on the part of assisted schools, mainly Catholic, to the take over of these institutions. Parents occupied the schools to prevent the Church losing them. The clash between the Roman Catholic Church and the SLFP Government was so volatile that Prime Minister Nehru had to request Cardinal Garcia from Bombay to go to Sri Lanka and break the deadlock.

A State of Emergency was declared and troops called out. In 1958 military officers had already experienced first hand the consequences of disastrous Government policy. One officer who had arrived fifteen minutes too late to prevent the burning alive of two Hindu priests in Panadura, was convinced by that incident that 'sooner or later something would have to be done'. Another recalled that they had been cautioned in 1958 to handle with consideration Buddhist monks who were leading mobs. He concluded that 'we should have separation of Church and State'.

Military and Police officers feared that they too might become victims of the growing theocratic tendencies. S.W.R.D. Bandaranaike himself had once turned to DIG C.C. Dissanayake, the ranking career

officer, and said: Oh Jungle, Jungle, if only you were a Buddhist, then I could make you IGP. The people want a Sinhala Goigama Buddhist for IGP.

An Officer who had been assigned to Jaffna found the satyagraha peaceful and advocated against the use of force. But when he sat in on a Cabinet meeting he found that its members wanted to 'teach the Tamils a lesson...'

The Government therefore ordered the 3rd Field Artillery Regiment to the North. But when it was time to leave, the Regimental Commander Col. W.S. Abrahams and his second-in command, Maj. B.I. Loyala who were Tamils were debarred from travelling. The soldiers protested and refused to entrain until Col. Abrahams insisted that the Regiment proceed without him. Col. Richard Udugama, an Infantry Officer, was sent in his place.

On 28th January 1962 senior officers of the Army and Police attempted to overthrow the Sirimavo Bandaranaike Government. They feared the Sinhala-Buddhist politicisation of the armed forces that Felix Dias, and N.Q. Dias, Parliamentary Secretary and Permanent Secretary to the Ministry of Defence were instituting. The Coup was foiled and in its wake there was the continuation of the Dias Doctrine, so that by 1972 all the cadets admitted to the Diyatalawa Army Training Centre that year were Sinhalese. And in turn officers like Brig. Russel Heyn, Brig. Roy Jayatilleke, Col. Lyn Wickremasuriya and DIG Rudra Rajasingham were passed over for command.

The introduction of 'standardisation' in 1971 and the passage of the Republican Constitution in 1972 led to protests among Tamil youth in Jaffna. Many of them were arrested and kept in detention for long periods. Then in 1974 during the International Tamil Research Conference in Jaffna the Police attempted to mount the stage and provoked a stampede in which nine Tamils died and several were injured.

## 1977

On July 21st 1977 the UNP was returned to power. For days thereafter opposition supporters were attacked and about 30 SLFP members killed amidst looting and arson. On August 16th, following a clash between the Police and the Public

in Jaffna, anti Tamil violence spread throughout the island.

Even though the KKS night mail of the 16th was attacked and Tamil Station Staff killed along this route, the Railways continued to run trains on the Northern line the next day only to have them attacked.

The Sansoni Commission reported that "A false radio message from the Jaffna police station to the Inspector General stated: Today four CTB buses set on fire, Naga Vihare is being attacked".

At Mannar where the Peiris family was killed the Army retaliated by attacking and torturing the Tamil population. At Migalewa the Army disarmed Navarupan who had fired on a mob attacking Tamil homes. "It is indeed strange that the Army Lieutenant deprived the occupants of their only weapon and thus effectively prevented them from defence against a gang of criminals", commented Justice Sansoni. He went on, "Four armed policemen entered a shop at Kurunegala, a few minutes later when the mob attacked the Policemen walked out through the front gate. That was a common sight during those days in many parts of the island".

Across the island, Tamils had their homes burnt their possessions looted and their family slaughtered. In terror they rushed to camps and when the camps became flooded in the South the Government shipped them back to the North. But there were thousands of Tamils of Indian origin who had also ended in camps. Official figures estimated a death toll of 112. Thirty five thousand Tamils became refugees.

The Jayawardene Regime explained the anti Tamil violence as being the result of culpability on the part of a Police force that was still loyal to the SLFP. The President said that Policemen were indisciplined and even smoked in front of their superiors. But no one could explain how a Police force loyal to the SLFP had in the previous weeks failed to protect SLFP supporters who were being systematically attacked.

The indisciplined - SLFP - Police theory was augmented by an international conspiracy theory; a Soviet spy who is supposed to have been the 'foreign hand'

was expelled after he had been exposed in a book about the KGB. However the Soviet Trade Unionist who was expelled by the Jayawardene Regime in September was Vladimir Nikitovich Ignatov while the KGB agent identified in John Barron's book is Vladimir Vasilavich Ignatov.

The situation eased in the North as negotiations began for a District Council Scheme. Prof. A.J. Wilson came down from the University of New Brunswick, Canada to help formulate a system of devolution. Meanwhile in Jaffna a new police chief SP Douglas Ranmuthugalla took over. And most important, Lionel Fernando who came to be admired and respected by the people of Jaffna was appointed Government Agent.

The respite was shortlived, despite months of hard work Wilson could not get his devolution package past the hard Right. These elements also succeeded in getting Lionel Fernando out of Jaffna. "He was the one civilian authority in Jaffna who stood up against police brutalists and exhibited rare courage in coming to the assistance of innocent citizens,..." wrote the Movement for Inter-Racial Justice and Equality (MIRJE) "He had proved to be the most popular and most successful GA.... the people of Jaffna to a man, say that in the eventful months that followed they were fated to miss the presence of Lionel Fernando".

## 1979

In July 1979 the Jayawardene-Premadasa Regime enacted the Prevention of Terrorism law. "Terrorism cannot be stopped and has never been stopped by means of the law," explained Minister Cyril Matthew in Parliament. "Terrorism has been stopped by terrorism".

On 12th July J.R. Jayawardene issued a directive to his nephew Brig. T.I. Weerasinghe to "eliminate the menace of terrorism in all its forms from the island, and more especially from the Jaffna district".

Maithripala Senanayake, SLFP deputy leader, told Parliament that the directive "is reminiscent of Adolf Hitler's directive fixing a deadline for the final solution to the Jewish problem. The problem of the Tamil speaking people in the North cannot be solved by Military action....."



The Regime was now in the throes of race-war hysteria. Minister Ananda Tissa de Alwis told Parliament, "there was a time when from Sri Jayawardenapura Kotte a Prince called Sapumal, went forth and conquered Jaffna by force of arms and the whole of this island was brought under one banner... This time too, during the Jayawardene Yugaya history will record that he shall unify the country...."

On the night of the 13/14 July in Jaffna six men were taken away by unidentified persons. Some dead bodies were subsequently recovered. This was followed by indiscriminate arrests, detention and torture.

In *Emergency Seventy Nine* MIRJE reported that "the tragic drama usually begins in the early hours of the morning. Some 40 or 50 men armed with revolvers, guns and machine guns surround a house — some wear khaki trousers, at times army uniforms. But there is no way of identifying them. They get out of vans, jeeps or trucks enter the house, order the inmates out and search. At the same time some who look like police personnel interrogate the inmates, accompanied with fistcuffs, blows, threats, insults, rough and indecent language. Thereupon one or two persons are taken into custody".

On August 14th hundreds of police and soldiers surrounded the Kent Farm and Dollar Farm in Nedunckerney and took away men who were doing volunteer work. Tamil refugees who had fled the South in 1977 were settled here. Later these farms were to be settled with convicts as part of National Security Minister Lalith Athulathmudala's programme of establishing armed Sinhala settlements in the North and East.

"In July 1979 six Tamil Youth disappeared: two were later found dead and mutilated; one died in prison hospital; and the remaining three have never been found... grave suspicion continues to rest on the police" said a report of the International Commission of Jurists.

"Terrorism unleashed by the State security forces in the Jaffna District and elsewhere has in no way helped to resolve the problems of the Tamil speaking people," concluded MIRJE.

Disillusioned by the violence directed

against the Tamils and the delaying tactics of the Jayawardene Regime, Prof. A.J. Wilson despaired at the prospects for a peaceful solution to the ethnic problem. However Dr. Neelan Tiruchelvam continued to have faith in negotiations and steered the TULF into participating in the 1981 District Development Council elections.

#### 1981

On the eve of the DDC elections in June, violence broke out in Jaffna. Shops were burned homes attacked. A MIRJE delegation which visited Jaffna reported that "after careful inquiries there is no doubt that the attacks and the arson were the work of some 100-175 police personnel.... a Sinhalese priest on his way from Kandy to Kankasanturai to purchase cement was attacked 2 miles from Jaffna by a group of three persons in banians and trousers behind whom were a policeman in uniform. They smashed the windscreen with a rod hit the driver who fell unconscious and assaulted the cleaner. When the group finally believed their victims' claim that they were Sinhalese they drove off in their jeep... in Jaffna the Police refused to take down his complaint .... in the hospital the doctors and nurses, all Tamil but for the Sinhalese matron were extremely kind. From the hospital the priest saw Jaffna ablaze".

On this first night there was the complete destruction of the house of the Jaffna MP and the office of the TULF. It was fortunate that the MP was able to escape with his life for there is no doubt that the police came to kill him. The attackers were persons dressed in shorts carrying guns and speaking Sinhalese.

"On the second night there was the destruction by arson of the Jaffna Public Library. Some \$5,000 books were reduced to ashes and the *Eelanadu* office and press. The *Eelanadu* is the only regionally published daily newspaper in the island.

"On the 3rd June goon squads numbering several hundreds were loaded into trains and buses at Kurunegala and sent to Jaffna. On the morning of the elections (Thursday 4th) the commissions of several senior presiding officers were revoked. It is therefore no wonder that around 40 ballot boxes were found not to have been in order .... one was found to contain over

600 ballot papers all marked for the UNP ... 3 were found to be missing".

A statement by opposition parties said that "even more reprehensible is the fact that these outrages should have taken place when Cabinet Ministers and several security service leaders were personally present in Jaffna directing affairs and that a section of the Security Services which had been sent to maintain law and order had been directly involved .... Any Commission that probes these events should investigate the activities and conduct of Ministers Cyril Matthew and Gamini Disanayake who were present in Jaffna".

"Five more Tamils were killed when the police went on a rampage in Jaffna on the night of 3/4 June 1981," reported the ICJ.

"The burning of the Public Library by thugs from outside while the security forces did nothing to stop the arson was a profoundly symbolic act: the library contained priceless manuscripts pertaining to the identity of the Tamils of Jaffna," wrote Prof. Gananath Obeyesekere in *Political violence and the Future of Democracy in Sri Lanka*. "The people of Jaffna identified the outsiders as the thugs of a prominent cabinet minister. The rumor in the Sinhala areas was the same. Yet no action was taken by the President. The action was repeated in certain parts of the Sabragamuwa Province where Tamil shops were destroyed and the homes of Tamil plantation workers pillaged. Again no action was taken by the President against the government political leaders involved."

On September 11 the *New York Times* quoted President Jayawardene as saying: I regret that some members of my party have spoken words that encourage violence and the murders, rapes and arson that have been committed.

"The President then said that he would resign as head of his party if some of its leaders continued to encourage ethnic hostilities," comments Prof. Tambiah. "It is more tragic than comic that the President, at critical moments then and later would sometimes express these statesmanlike evaluation and intentions, only to retreat from his nobler impulses under pressure from the self-same right-wing elements within his own party".

# South Asia: Understanding the challenge

The agenda for the discussion was prompted by the recent revolution in broadcasting technology principally, the advent of satellite television transmissions. This new technological era has created an unprecedented opportunity for large numbers of broadcasting organisations, both domestically-based and international, to use the television medium. Millions of people in the sub-continent are, for the first time, becoming television viewers in their own homes. But the very impact of the satellite revolution has also given rise to a range of new, and sometimes urgent, issues. Throughout the sub-continent, lively debates are in progress about how to respond. These revolve around various questions, such as the need to develop a strategy for dealing with the cultural effects of foreign programmes on a mass indigenous audience; how to license and regulate new regional stations, as well as trying to guarantee standards of quality in their programming.

The seminar was inaugurated by the Hon. Minister Barrister Nazmul Huda, in charge of the Ministry of Information, Government of Bangladesh. He emphasised that Bangladesh's television and radio are operating with the objective of developing the country's human resources, and mobilising them for social development. BTV and Radio Bangladesh are playing a supervisory role, in line with national policy, as well as educating the people. In the South Asian region, the element of public service broadcasting is vital. The area contains one-fifth of the total global population: an important section of the world's consumers.

The Minister said that, in Bangladesh, the transfer of ownership of the electronic media from the public to private sector is a challenge. The government firmly intends to carry out this transfer. As its first

step, the government has allowed CNN to broadcast in the country. The Minister expressed hopes that international broadcasting would give rise to a healthy global culture, advancing human welfare and international brotherhood.

The chairman of the seminar, Professor Zillur Rahman Siddiqui, said that with the advent of satellite broadcasting, a change is being felt in the broadcasting media of South Asia. This is reflected on various levels: political, cultural and technical. Politically, Bangladesh's radio and television were for a long time under the direct control of government, whereas the print media were completely out of their control. But, recently, international satellite broadcasting has become popular thus changing the government's monopoly in disseminating information through the electronic media.

The first keynote address was delivered by Abdullah al-Mamun, Director-General, National Institute of Mass Communication: *The Outlook for International Broadcasting — The Bangladesh View*. He emphasised the need for opening private production houses in parallel with BTV, for presenting quality programmes to viewers in a competitive atmosphere.

The discussion was then opened up for contributions from the floor. The following points were made:

- Aly Zaker, an executive of a leading advertising firm, presented the results of a survey on the impact of CNN broadcasts on the Bangladeshi audience. Only 7 per cent of the total television audience viewed CNN for a short period of time regularly (before 8am everyday). Among the 7 per cent, 90 per cent of the viewers are male. Mr Zaker identified the causes of these

low viewing figures as the timing of the CNN broadcasts and language limitations. He added that the CNN news was acceptable and credible to the viewers.

- Enayetullah Khan, Editor of *Holiday*, said that Bangladesh should welcome the opportunity of international broadcasting. Non-government electronic media should help to create political balance and expand economic activities. As in India, the operators of cable television would help to strengthen the market for hardware and software. Mr Khan also stressed the need for an open and clear communication policy.
- Ataus Samad, the BBC correspondent in Dhaka, said that one shouldn't worry about privately-owned media misdirecting the public. An independently-minded audience is not vulnerable to propaganda. They can select which information is right or wrong because they have the capacity for good judgment. So people would reject propaganda on the media.
- Mujibul Huq, Chairman, Broadcasting Commission and former Cabinet Secretary, said that the privatisation of the broadcasting media is needed for the sake of democratic culture. The state-owned media cannot play a positive role in a democratic system.
- Gazi Shamsur Rahman, Chairman of the Press Institute of Bangladesh, and a retired judge, said that there was no constitutional bar against private broadcasting; thus, anybody could emerge as an entrepreneur.
- Nuruddin M. Kamal, Director-General, External Publicity, GOB, raised the question of whether the privatisation of the media would be profitable.



M.N. Mustafa, Director-General of *Radio Bangladesh*, delivered special paper: *The Challenge and the problems of deregulation and privatisation on radio and television*. He suggested setting up something like a communications council which would exercise extra-judicial, executive and administrative power to allocate frequencies, their appropriate use, and to frame rules and procedures.

In the follow-up discussion, Dr Golam Rahman, the Chairman of the Department of Journalism & Mass Communication, Dhaka University, raised the question of how to ensure the accountability of international media like CNN or the BBC.

KG Mustafa, Editor of the daily newspaper *Sangbad*, said that entrepreneurs could be encouraged by lifting all restrictions for the private broadcasters.

Ataus Samad said deregulation could not be achieved very easily. Since there would be no control on the news broadcasts of the private media, the government wouldn't be likely to allow freedom in reporting. There is firm authority behind news censorship for the sake of national integrity or security. Aly Zaker pointed out that the government would discourage private-sector broadcasts because such companies would draw all advertising away from the public media.

Mujibul Haq said that only a new political move could help to fulfil ideas of deregulation. Mahfuz Anam, Executive Editor of the *Daily Star*, argued that, to achieve deregulation, talks between the government and opposition parties were necessary.

William Crawley, Head of BBC Eastern Service, presented a paper: *BBC World Service Television's first year in Asia*. He described the BBC's success in the region and pointed out the prospects for international broadcasting in countries like India and China. Despite this success, improvements were needed for the BBC's continuous expansion. But the BBC or any other foreign media cannot be a substitute

for a domestic broadcasting agency; domestic broadcasting has a ready-made cultural acceptability which outside broadcasters do not have. Part of the BBC's success in news-gathering came from its employment of journalists based in the regions to which it's broadcasting.

Ernest Warburton, Editor, BBC World Service in English, said that international broadcasting offered a greater freedom of choice for the audience.

In the general discussion that followed, it emerged that while BTV was covering 90% of the area of Bangladesh, a private channel would not be able to cover such an extensive scope. Also, the private channels could turn out to be expensive for advertisers or viewers.

During the second session, a paper was presented by Mark Deutsch, Rebroadcasting Manager, World Service: *New technology and the international perspective*. The use of satellite technology has allowed for many more radio stations. Even in the small towns of the USA or Europe, there are as many as 16 radio stations. So, without restrictions, it would be possible for every town in a country to have its own radio station, funded by local advertising.

In the general discussion, the following points were made:

- Dilip Kumar Saha, NIMC: radio is losing its audience in the cities because it can't feed younger people with modern programmes and pop music.

But Aly Zaker disagreed. According to his survey, radio listeners weren't decreasing in the cities, not even in Dhaka. And radio had a far greater reach than television. There were no less than ten million radio sets in the nation. He also gave some statistics about television. In Bangladesh, there were 1/2 million television sets. In villages, television shows are a kind of festivity; up to 200 people sit in front of a television set in a village. On the other

hand, newspapers cannot reach so many people in villages. This is one of the main reasons why advertisers prefer the electronic media. But the growing number of advertisers on BTV has caused a rise in the cost of sponsorship and commercials for advertisers. The expense hasn't discouraged them, however.

Professor Khan Sarwar Murshid, writer and educationalist, presented a paper: *Cultural implications of initial broadcasting in Bangladesh*. When the international media pay attention in their coverage to Bangladesh, they tended to see it in stereotypical terms. The country only featured when there was a disaster, or through a view of poverty or political upheaval. But the country's vibrant cultural life should also be featured.

In the general discussion, the following points were made:

- Professor Zillur Rahman Siddiqui: there is a contradictory attitude towards alien culture. One section is afraid of it, while the other welcomes it.
- Aly Zaker: international broadcasting made an impact on domestic political affairs because people were informed by listening to VOA or BBC news programmes. But, on the cultural level, if the country had a strong culture, it was bound to reject an alien culture in the long run.
- Ataus Samad: an international broadcasting organisation can always guard against misinterpreting events in a particular country by consulting and interviewing local journalists.

Closing the seminar, Professor Zillur Rahman Siddiqui affirmed that the culture of Bangladesh is able to resist the negative cultural flow from outside. He commended the BBC for its news coverage, and expressed hopes that international broadcasting will help to improve the political and cultural climate of the country.

# Ace space writer's odyssey

Jean - Claude Buhrer

Arthur C. Clarke, author of *A Space Odyssey* (on which Stanley Kubrick's film, 2001, was based), lives and works in a luxurious colonial mansion in Sri Lanka's capital, Colombo. At 76, Clarke is still passionately interested in the future of the world. He has retained a freshness of outlook and a child-like sense of wonderment. As he sits alertly at the keyboard of one of his computers, scrutinising the screen through huge glasses, his lined face lights up with a mischievous smile.

"Ready to go?" he asks. "Let's see... how about a trip to Mars?" Clarke, a former RAF pilot, takes the controls of his imaginary spacecraft and delightedly calls up on to his almost three-dimensional colour screen details of craters, rocks and ravines taken from superb photographs kindly provided by Nasa.

His mongrel Rikki, who is sitting quietly at his feet, does not even cock an ear. Pepsi the chihuahua is more demanding and insists on occupying Clarke's lap, in the dip of the traditional sarong he wears with a belt around his waist.

From his Sri Lankan fastness, where he has lived for almost 40 years, Clarke makes certain he keeps tuned to what is going on in the world. His roof boasts an imposingly large satellite dish.

Although he owes much of his fame to Kubrick's hugely successful 2001, Clarke had already sold millions of books all over the world by the time the film was released in 1968. Translated into some 30 languages, his titles have picked up a sheaf of literary awards.

In all, he has published well over 70 books and seems in no mood to call it a day. When you ask him what his immediate plans are, he smiles and says: "At the moment, I have 47 projects in orbit, what with books, screenplays, movie options and television adaptations. Boredom isn't something I'm ever likely to suffer from. I think I've got enough on my plate to keep me happy till the year 2001! The incredible thing is that that's now less than 10 years away." When you inquire about his health problems, which sometimes make it difficult for him to move about easily, he dismisses them with a sweep of the hand. In any case, he intends to keep to his routine as long as he can.

He spends several hours a day at his PC, more especially in the morning, before the tropical heat gets too oppressive. His good-humoured secretary firmly prevents anyone from disturbing him. After

lunch and a siesta, he regularly goes to his club at 5 p.m., where he plays table tennis and has now started swimming again after being forced to stop because of an operation.

Clarke admits that he is no longer strong enough to give long lectures in public and that he imposes a personal discipline on himself which protects his world from intruders.

Clarke trained as a physicist and mathematician. At the start of his career in 1945 he worked on the fundamental theory of communication satellites. His first books was an introduction to astronautics called *Interplanetary flight*.

Although fascinated by the stars, Clarke also loves the sea and its mysteries. That explains why he put down his roots in Sri Lanka (then Ceylon) as long ago as 1956. "This island is a bit like the end of the world, the last outpost of the northern hemisphere pointing out into the still largely unexplored emptiness of the Indian Ocean. It could well be used as a base for major exploration expeditions in the next century. You can feel the call of the high seas here.

"Inland, there are extraordinary rocks like the Sigiriya and its exquisitely delicate Buddhist frescoes. It's also an ideal place for scuba diving, though I can't do as much of that as I used to.

"These are some of the magic elements that have kept me here. And nowadays, with the progress of technology and communications, there's nothing to stop me keeping in touch with what's going on in the world."

Clarke predicted the advent of communication satellites some 15 years before they became reality. What did he now see on the scientific horizon? "Before the end of my lifetime, I'd very much like some form of intelligent life to be discovered somewhere else in the universe.

"For me, the Gulf War was the first telecommunications war, in which both sides exploited news information, or disinformation if you like — but that's altogether another question.

"It's fair to say that spy satellites helped put an end to the Cold War. When the United States was able not only to discover but to come to terms with the fact that the Soviet threat had been greatly exaggerated, we saw the beginning of changes whose repercussions are still shaping the face of the world today."

"I think it's also fair to say that the startling changes that have taken place on the world political stage in the last few years have been largely due to the development of telecommunications."

"Take the abortive Moscow coup, for example: it was foiled thanks to television. For all its imperfections, television can provide a dimension of truth that hardly existed at all in the past. By the end of the decade, the free circulation of information across all borders will be a fact of life, and no government — not even the most repressive dictatorship — will be able to do anything about it.

"According to the Universal Declaration of Human Rights, everyone everywhere is entitled to be informed and has the right to know what is going on in the world. The more television channels there are, the more effective the broadcast of news information will be."

But Clarke is of course well aware of the negative side of this technological revolution. "All these powerful new instruments can work both ways. First, there's a serious danger that we'll be polluted by information, whether it be good or bad information. Or polluted by a surfeit of information, if you prefer.

"There's a risk that everything will be brought down to the same banal level, and at the same time a risk of manipulation. One is swept along in a maelstrom of images, and one's vision becomes blurred because there's no way of stopping the process.

"We also have to beware of what I'd call electronic imperialism, because it's destroying many ancient art forms and traditions. At best, it preserves them like interesting fossils, rather like flies in amber.

The law of Darwinian survival is as valid for cultures as it is for genes. Unless we're very careful, we shall expose ourselves to the real danger of generalised cultural impoverishment.

"I don't dash around as much as I used to," Clarke admits. Apart from a trip to Minehead, in his native Somerset, in July 1992, where his admirers celebrated his 75th birthday, he has hardly left Sri Lanka recently. The other day he turned down an invitation to participate in a conference at the end of June on the theme of "the inspiration of the astronomical phenomenon." The organiser of the conference? — The Vatican.

— Guardian Weekly



# Reflections on an Invisible Minority (concluded)

Izeth Hussain

But it can be questioned whether the factor of invisibility is necessarily a part of the strategy of maintaining the power of the dominant majority over a minority. Arguably it might be explained in terms of the dull impercipient of people who cannot be bothered by anything outside their private lives, or it may be that Muslim grievances have not been adequately publicized. But Sinhalese who are in fact concerned about public affairs, and who are aware of what happened at Hultsdorp and Muslim charges of discrimination, resort to bizarre arguments to make the awkward facts in Sinhalese-Muslim relations disappear from sight. There are exceptions of course, but that is true by and large. Something odd is afoot, and that something certainly seems to be connected to the dynamics of power relations.

I will now make some observations on the place of invisibility in power relations. It is interesting that George Orwell used the identical metaphor of invisibility, several years before Ralph Ellison, in connection with power relations. In his essay on Marrakesh he wrote that "People with brown skins are next door to invisible", that is to the French colonial masters in Morocco and the other whites there. The natives there were reduced to a kind of undifferentiated brown stuff, the poor particularly were hardly distinguishable as individuals or even as properly human, and Orwell added, "All colonial empires are in reality founded upon that fact." Power he sees as involving some kind of relationship to invisibility.

Orwell makes another striking observation in the same essay, which was that within five minutes of his arrival in Morocco he noticed the overloading of donkeys and was infuriated by it, whereas it took longer for the plight of human beings to register. It was generally by some kind of accident that one even noticed the old woman bent under her load of sticks. As his was not an analytical essay, Orwell did not try to explain the difference. The explanation, I am certain, is that noticing the plight of the Moroccan poor would have called into question the whole order of imperial power, whereas noticing the plight of donkeys did not. Purlblindness or even total blindness to certain realities, reducing

them to invisibility as much as possible, was clearly necessary for the easy and joyful exercise of imperial power.

On a more analytical level, Nietzsche's observations on knowledge and power are very relevant to my purpose. He argued that you do not know the world, you interpret it, and you interpret it in terms of your interests and drives, the most important of which, underlying everything in fact, is a drive for power. It was a profound insight, which was behind all the elaborate theorising of Foucault about discourse and the relationship between knowledge and power. What Nietzsche says means among other things that the world can be interpreted in ways that make inconvenient facts invisible, that is facts that are inconvenient because they bring into question the power and privileges of dominant groups.

The way in which the factor of invisibility actually functions in power relations becomes clear when we consider the ways in which power is exercised. The most familiar way is when the powerful make the powerless do their bidding. But that is not the only way in which power is exercised. It is also exercised by the powerful choosing the agenda of what should be considered and discussed, what merits serious attention and what does not. In Sri Lanka the dominant majority excludes, as far as possible, anti-Muslim ethnic rioting and anti-Muslim discrimination from the agenda. Their inclusion will not be consistent with the serene enjoyment of power and privileges.

A startling illustration of the strategy of invisibility is provided by the Government's position that there is no ethnic problem in Sri Lanka, only a terrorist problem, when in fact there are two ethnic problems and not just one, Tamil and Muslim. Perhaps not much better can be expected from the UNP political elite. But is the Sinhalese intellectual elite really much better?

My question arises from the fact that there is a notable divide in the ethnic discourse of the majority and the minorities in Sri Lanka. The former concentrates on matters such as national identity, multiculturalism, and corevalues as the sove-

reign specific for dealing with ethnic problems, the latter on discrimination. The minority focus on discrimination should be easily understandable because discrimination is what ethnic problems are really all about. But in the great many meeting and seminars held on the Tamil ethnic problem since 1983 the issue of discrimination has been conspicuously absent. The agenda is chosen for the most part by the Sinhalese intellectual elite, and that agenda clearly shows the strategy of invisibility.

What all that shows is that the Sinhalese elites of all types, political and intellectual and others, are kith and kin because they have been the major beneficiaries, not the Sinhalese people as a whole, of the discrimination against the minorities.

In the perspective of the "ethnic revival" of our time, the spectacle provided by Sri Lanka must certainly seem curious to foreign observers. For here we have a majority which confronts one of the most serious of all ethnic problems, that of the Tamils, and yet ignores the potentially explosive grievances of another minority, the Muslims. As I have already remarked, that must astound foreign observers right across the spectrum of the ethnic debate, from the Moynihans to the Hobsbawms.

The case is curious but not a hopeless one, because I do not believe that the majority of the Sinhalese are unwilling to give a decent modicum of fair and equal treatment to the Muslims. The problem is at the higher levels of our society. What then are we, that is we the minorities together with the majority of the Sinhalese people, to do about those Sinhalese at the higher level?

The problem is a complex one requiring complex answers. But at least part of what we can do is to get the message across that the "ethnic revival" of our time means among other things that a minority which is invisible today might suddenly become visible tomorrow, the latest instance of which took place in southern Mexico. I will add with Brecht from the epilogue to his play "The Resistable Rise of Arturo Ui, "Therefore learn how to see and not to gape."

(Concluded)

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# Legal Background

## (i) Constitutional protection of human rights

The Bill of Rights contained in the 1978 Constitution speaks of the State's commitment to the protection of its citizen's dignity and wellbeing. Such commitment is attested to by Article 4(d) which states "the fundamental rights which are by the Constitution declared and recognized shall be respected, secured and advanced by all the organs of government, and shall not be abridged, restricted or denied, save in the manner and to the extent hereinafter provided".

The Bill of Rights in chapter III of the Constitution encompasses Articles 10 through 14. The fundamental rights guaranteed by Articles 10 through 13 apply equally to citizens and non-citizens. Thus every person within the borders of Sri Lanka is assured the following rights: (a) freedom of thought, conscience and religion; (b) freedom from torture or cruel, inhuman or degrading treatment or punishment; (c) equality of person before the law and equal protection of the law (this section prohibits discrimination based on race, religion, language, caste, sex, political opinion, or place of birth); (d) freedom from arbitrary arrest, detention and punishment; (e) prohibition of retroactive penal legislation; (f) fair trial; and not to be deprived of one's life without procedures established by law. The Constitution guarantees the freedom to exercise certain rights only to citizens in Article 14. Thus, the freedom of speech and expression, freedom of assembly and association, the right to join a trade union, freedom to practice one's religion and culture, freedom to work, and freedom of movement, are accorded to every Sri Lankan citizen and denied to non-citizens.

The Sri Lankan Constitution does not specifically protect the right to life in absolute terms, however, Article 13(4) of the

Sri Lankan Constitution states that "No one shall be punished with death or imprisonment except by order of a competent court, made in accordance with procedure established by law," and this affords some protection from arbitrary deprivation of life. The term "procedure established by law" is not the same as the right to "due process of law". Due process of law requires the establishment of adequate procedures and the implementation of such procedures to avoid arbitrary infringement upon a citizen's right. The Indian Supreme Court has developed a "due process of law" standard. In *E.P. Royappa v. State of Tamil Nadu* (1974) S.C. 555 at 583, 584 Justice Bhagwati adopted a due process standard, which principle was followed by *Maneka Gandhi v. Union of India A.I.R.* (1978) S.C. 597 and others. The Sri Lankan Supreme Court, however, refused to adopt the Indian interpretation stating "Natural justice is not a fundamental right in our country where the architects of the Constitution eschewed the 'due process' found in the American Constitution", *Elmore Perera v. Major Montague Jayawickrema* (1985) 1 S.L.R. 287. Article 13(4) does not come within the reach of Article 15 which authorises certain restrictions of fundamental rights under certain conditions. Nevertheless, since life and liberty can be deprived subsequent to any procedure established by law, the wide latitude in action authorized by the emergency regulations whittles away the minimum protection granted by Article 13.

The International Covenant on Civil and Political Rights guarantees not only the freedom of expression but also the right to information. The Sri Lankan Constitution on the other hand does not accord the right to information. In *Visuvalingam v. Liyanage* 2 Sri L.R. 123 (1984) Justice Wimalaratne read in the right to information. In that case, Justice Wimalaratne's statement "I am of the view that the fundamental right to the freedom of speech and expression includes the freedom of the

recipient", as such includes the freedom of the press as well. To quote Justice Wimalaratne again "It is only a free press which can... propagate a diversity of views and ideas and advance the right to a free and general discussion on all matters of public importance....". The All Party Conference recommended that explicit recognition be awarded to the right to information.

The Constitution entitles the guarantees of fundamental rights to every "person" and "citizen". As discussed above, fundamental rights enumerated in Articles 10 through 13 can be enjoyed by all persons, including "legal persons", and Article 14 enumerates rights enjoyed only by citizens. The Supreme Court has interpreted "citizen" to exclude legal persons such as companies and corporations, who are, therefore, not entitled to Article 14 protection (Supreme Court dismissed the application by Janatha Finance and Investment Limited (application No. 116/82 Dec. 14, 1982), on this basis). However, directors and shareholders of a Company may instigate action if they can show that they have suffered distinct and separate injury as individuals (*Dr. Neville Fernando et. al. v. Liyanage et. al.* (1983) 2 Sri L.R. 214).

### (a) restrictions on fundamental rights

Article 15 lists the conditions under which the above rights and freedoms can be restricted. Article 10 and 11 freedoms cannot be restricted under any circumstances. According to the Sri Lankan Constitution freedom of thought conscience and religion and freedom from torture may be considered absolute rights. However, according to Article 16, if any written or unwritten law which restricted these rights predated the Constitution, such laws would continue in force regardless of the inconsistency with constitutional provisions.

Rights guaranteed by Articles 12, 13,

and 14 can be restricted for various reasons. Article 15(7) lists the conditions under which these rights can generally be restricted: on the basis of national security, public order, the protection of public health and morality, etc. Some of the enumerated freedoms can be restricted for reasons other than those listed in Article 15(7).

Article 2(1) of the Covenant on Civil and Political Rights obliges a state to respect and to ensure the rights declared to "all individuals within its territory and subject to its jurisdiction". No derogation is permitted from those provisions which guarantee the right to life, or which forbid torture or inhuman treatment, slavery, servitude, conviction or punishment under retroactive laws. The right to recognition as a person before the law and the right to freedom of conscience, thought and religion are also declared in absolute terms. Four non-derogable rights are common to the Covenant on Civil and Political Rights, the American Convention on Human Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms: (a) the right to life, (b) the prohibition of torture, (c) the prohibition of slavery, and (d) the prohibition of retroactive penal measures.

Even those rights and freedoms which are derogable are only so at times of "public emergency which threaten the life of the nation," and only to the "extent strictly required by the exigencies of the situation". However, under the Sri Lankan Constitution restrictions can be imposed at any time, and for reasons such as in the interest of racial and religious harmony or national economy. Moreover, Article 15 does not condition the restriction to be reasonable. Courts have, however, evolved a reasonableness standard through case law (*Wickramabandu v. AG* Appl. 27/88; SCM 6.90; *Joseph Perera v. AG* SC Appl. 107-109/86). Some of the Supreme Court justices have evolved a reasonable and rational nexus standard to measure infringements of fundamental rights by emergency regulations. Whether, this standard would be applied across the board is unclear.

The Public Security Ordinance was

made part of the 1978 Constitution in Article 155(1). Article 155(2) declares that Emergency Regulations cannot override, amend, or suspend the provisions of the Constitution, although they may do so to any other law in the country. However, Articles 12, 13(1), (2) and 14 are subjected to restrictions under Art. 15(7) in the interest of national security or public order. Such restrictions may be in the form of regulations enacted for the purpose of public order. In other words, contrary to Art. 155(2), the constitutional protection afforded by the above articles can be amended by emergency regulations. Earlier Supreme Courts have expressed the view that in periods of national turmoil protection of fundamental freedoms must necessarily be awarded a subordinate status. (See *Visuvalingam v. Liyanage* (1984) 1 Sri L.R. 305, 318; in *Kumaranatunga v. Samarasinghe* F.R.D (2) 347 Justice Soza stated "It is well recognised that individual freedom has in times of public danger to be restricted when the community itself is in jeopardy,.... These [Emergency] Regulations overshadow the fundamental rights guaranteed by Articles 13(1) and (2) of the Constitution".)

Later cases indicated a welcome trend as evidenced in *Wickramabandu v. AG* where the Court stated "The State may not have the burden of establishing the reasonableness of the restrictions placed by law or Emergency Regulations, but if this Court is satisfied that the restrictions are clearly unreasonable, they cannot be regarded as being within the intended scope of the power under Art. 15(7)". In a landmark decision in *Joseph Perera v. AG* SC Appl. 107 - 109/86; SCM 25.5.87: the Supreme Court struck down an emergency regulation dealing with the infringement on the freedom of speech on the basis it lacked clarity and permitted arbitrary and capricious action by the police.

#### (b) judicial protection of human rights

Article 118 expressly confers on the Supreme Court jurisdiction over constitutional matters and the protection of fundamental rights. Article 125 grants the Supreme Court sole jurisdiction over constitutional interpretation and to inquire into complaints of fundamental rights viola-

tions and determine the appropriate remedy and compensation.

The Constitution does not permit judicial review of Bills passed by Parliament. The Supreme Court, however, may review Bills before they become law. The jurisdiction of the Supreme Court to review such a Bill for constitutionality can be invoked by either the President or by a citizen. The Supreme Court cannot act on its own initiative (R.K.W. Goonesekere, "Fundamental Rights and Judicial Approaches, III Fortnightly Review 49 [Law and Society Trust, 1 & 16 Dec. 1992]). When the President invokes the jurisdiction of the Supreme Court, the Attorney General sets the agenda as to which provisions are presented for judicial scrutiny. Once the Court rules on the validity of the Bill and identifies inconsistencies with the Constitution it has no further role in the enactment of the said Bill. It neither has the authority to scrutinise the amendments to the Bill nor any procedure undertaken to pass the Bill. A Bill may still be passed even after judicial invalidation if it receives an endorsement by a 2/3 majority in Parliament.

Urgent Bills go automatically to the Supreme Court for review. The Supreme Court must give its determination in 72 hours. Due to the short time period, concerned citizens and NGOs do not have sufficient time to raise issues and assist the Supreme Court in its scrutiny. Often, government suspends standing orders and pushes legislation through.

Order papers of proposed Bills are published in the Gazette. These Gazettes are not easily accessible. Subordinate legislation, such as Provincial Council statutes and regulations and laws issued by bodies instituted by legislation under Article 76(2) and (3) and emergency legislation under the Public Security Ordinance is subject to judicial review even after the enactment of the law.

Article 17 grants every person the right to apply to the Supreme Court when any right guaranteed by Chapter III is violated by executive or administrative action. According to Article 126(2) only the individual or his/her attorney may petition the



Supreme Court charging infringement of fundamental rights. New Rules of the Supreme Court which came into operation at the end of April 1992, seek to expand the scope of the locus standi to file fundamental rights applications. Rule 44 of the new Rules of Court allow those other than the injured to file applications if a judge sitting in chambers determines that a prima facie case of "an infringement, imminent infringement, of fundamental right or language right", has been established. In this case the judge may exercise his discretion to treat it as a "petition in writing under and in terms of Article 126(2)..." if two conditions exist. Firstly, the person injured must not have the means to pursue complaint according to Article 126, and secondly, the victim of infringement or imminent infringement would be substantially prejudiced.

An individual cause of action under the Constitution would arise when an executive or administrative action infringes on the rights guaranteed by the Constitution. This is much narrower than justiciable infringement by state action provided by the Indian and U.S. Constitutions. In the past infringement of fundamental rights by a state owned insurance company was held to be non justiciable as according to the court it did not fall within "executive and administrative action". However, in *Rajaratne v. Air Lanka Ltd* (1987) 2 Sri L.R. 128. Justice Atukorale held that Air Lanka was an agent of the government and as such its actions would amount to "executive and administrative action", invoking Article 126 jurisdiction.

When a private party violates an individual's rights under the Constitution, no constitutional cause of action arises, unless it falls within Article 12(3) which prohibits preventing individual access to public places such as shops, restaurants, hotels, places of worship, etc. On the basis of race, religion, language, caste, or sex. Hence, a cause of action under the Constitution need not be triggered only by executive or administrative action.

In a landmark decision in 1993 the court held that in certain instances actions by private individuals can be considered state action if there is a sufficient nexus

between the private actor or actors and the Executive. In *Mohamed Faiz v. The AG* Supreme Court Application No 89/91 (decided 19/11/93), the petitioner, while in police custody, was assaulted by two Ministers of Parliament and a Provincial Council member. The police officers stood by and allowed the MPs and Councillor to assault the petitioner. The Court also found that the petitioner had been arrested and detained at the prompting of the MPs and Councillor. Under such circumstances the executive officer and the private individual would be held responsible for the action which infringed upon the fundamental rights of a citizen (see also section on Habeas Corpus and Fundamental Rights Cases in the chapter on Civil and Political Rights).

#### (ii) Sri Lanka's international obligations

Sri Lanka is a party to several of the international human rights covenants including the two major covenants (on Civil and Political Rights and on Economic Social and Cultural Rights) and to the conventions protecting women's rights, children's rights, and workers rights. A list of international instruments to which Sri Lanka is a party is provided in Appendix 1. Despite committing itself to these obligations Sri Lanka has in some instances failed to bring national laws into conformity with its international obligations and in many instances has also failed to implement the requirements of the international legal instruments.

Sri Lanka is yet to ratify several key international instruments. For example, it is not a party to the Optional Protocols to the ICCPR. The Optional Protocol accepts the competence of the Human Rights Committee to consider complaints by individuals. The Second Optional Protocol aims at abolishing the death penalty.

In 1991 The Sri Lankan government announced to the UN Human Rights Commission that a 17th Amendment to the Constitution had been drafted in order to strengthen the protection afforded to fundamental rights. The All Party Conference (APC) in 1990, comprising representatives of all the major political parties in

Sri Lanka, drafted a 17th Amendment to the present Constitution after a six month deliberation, and debate. The Amendment sought to: firstly, strengthen the existing chapter on fundamental rights by bringing the chapter into conformity with Sri Lanka's obligations under the International Civil and Political Covenant and the International Socio-Economic Covenant; secondly, to curtail the wide and general restrictions and powers of derogations currently allowed by Article 15(7) by deleting that provision and introducing a case by case analysis and rationalisation of restrictions; and thirdly, to broaden and democratise rights by providing for public interest litigation.

The proposed 17th amendment although published by the government in December 1990, is yet to be put before Parliament for debate. At the 49th session of the Human Rights Commission in 1991, the Sri Lankan government also undertook to establish a Human Rights Commission. The legal draftsman is said to be engaged in drafting legislation at present to set up a Human Rights Commission. It is hoped that the legislation will be presented to Parliament during the course of the year and a Commission established by the end of 1994.

In 1993 Sri Lanka submitted reports to the UN Sub-commission on Prevention of Discrimination and Protection of Minorities (45th session on 11 Aug. 1993). Sri Lanka informed the Sub-commission that steps were underway to introduce constitutional reforms which would strengthen existing constitutional guarantees of fundamental rights. The statement by the government professed that a Parliamentary select committee comprised of all parties represented in Parliament would be mandated to make recommendation for constitutional reform.

Sri Lanka has been remiss in its reporting obligations under some of the instruments which it has signed and ratified. The International Covenant of Economic Social and Cultural Rights requires biannual reports. Sri Lanka is yet to submit one. Sri Lanka has neither presented reports under the Convention on the Elimination of All Forms of Racial Discrimination.

# Soccer: It's frustration, hatred, nationalism and a great game

Bill Buford

LONDON

What is it about football that makes its followers behave so badly? By "football", I refer to the sport people of all nations except the United States understand by that name: the one you play with your feet. The game has a century-long history of violence.

Other sports, even the most brutal, do not regularly occasion riots. Other sports do not maintain a global death toll of their spectators. As far as I know, no other sport has caused a war — the "Soccer War" between Honduras and El Salvador erupted after a World Cup qualifying match in 1969.

I write as a student of the game's more hysterical manifestations.

Twelve years ago, I, an American resident in England, was about to board a train that was being systematically taken to bits by fans from Liverpool inside it. Tables, seats, a door, an overhead coat rack, a toilet seat — all were being hurled out, item by item, as panicky British Rail officials called for police reinforcements. An elementary instinct of self-preservation prevented me from boarding the train — I took the next one, on which only half the carriages were being torn apart.

The violence, of course, is not the preserve of the English alone. In the last 10 years there have been soccer riots in nearly every country participating in the World Cup.

I offer an example from the 1988 European Championship in Germany. The

second week featured a game in Düsseldorf between England and the Netherlands. Both were, and still are, notorious for their violent followings, and the prediction was that there would be trouble.

The prediction turned out to be largely correct, although the trouble was not between the English and the Dutch — in my experience, amiable giants with blond hair and big bellies who seemed always to be smiling (perhaps because, at the time, their team was always winning) — but between the English and their German hosts.

## Trouble-Maker

I had never met a German hooligan, and I wanted to. During a lull in a small riot, I crossed a police line and sought out a young man who had come from causing trouble and was clearly on his way to engendering more. He was about 20 years old, wry and muscular and very alert. His muscles were taut, like an athlete's. He was agile, primed for fight or flight.

There were some English supporters around the corner from the German and his mates intended to surprise. He was so preoccupied by this prospect that he didn't notice me as I approached. To get his attention, I actually had to tap him on the shoulder.

There was then, across the features of his face, an intriguing metamorphosis. He turned, assuming that I was a friend, saw that I was not, became puzzled, confused, until, slowly, he realised that I was an English speaker. His face, which was initially welcoming, snapped shut, became focused, sharp like a point, with a hatred so intense that it was exhilarating to behold — the kind of pure, uncomplicated hatred that can free a person to do terrible things.

He cursed, spat into my face and dropped to the ground to pick up a stone that he clearly intended to crush into my forehead. I am not a nationalist, nor am I English, and in the circumstances I did what any reasonable person in my position would have done: I ran.

But I remained captivated by that instant, involuntary hatred — the purity of it. How do you learn to hate like that? What images were in his head and where did they come from? What movies or comic books or bits of overheard conversation?

What shaped this view, with the power of an instinct, that to be an Englishman was such a bad thing that it required hurting any person who had the misfortune of being one?

## Terrible Scenes

Two years later I was in Sardinia for the 1990 World Cup. The occasion was another match between England and the Netherlands. Again the prediction was that there would be terrible scenes of trouble. And again there were terrible scenes of trouble but not between the English and Dutch supporters — who were still blond, still fat, still insistently amiable (although their team was then usually losing) — but, again, between the English and their hosts, in this case the Italian police.

The police, in trying to contain the English fans, resorted to tear gas, then dogs and eventually guns. The fans chased by hundreds of men in uniform, rampaged through the streets breaking windows, kicking in car doors, throwing stones, smashing up shops and, in general, exhibiting that special kind of nationalistic pride with which the English male has so consistently distinguished himself in his global travels.

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*The writer, editor of the literary magazine "Granta", is author of "Among the Thugs", about his travels with British hooligans.*



They didn't want Europe; they wanted war. They wanted a nation they could belong to and fight for, even if the fight was this absurd street theater with local Italian police.

What does any of this have to do with the sport? I still haven't found a gratifying one-line explanation. Maybe it doesn't exist. Instead I offer four interrelated observations.

### Satisfies Appetite

Being a supporter of any sport is an act of micro-nationalism. It satisfies an appetite to belong to something — a team, a tribe, a nation — bigger than any of us.

Soccer exaggerates this micronationalism because it is played at an international level more often than other sports.

Because it is organised around the principle of frustration, soccer exaggerates a crowd's behaviour — that quality of frenzy, the essential element in nationalism. American sports — basketball, football and even baseball — are structured around gratifying the spectator; points are scored with some regularity. Soccer is structured around deprivation; a fan's experience is to wait and wait for a goal that in many matches never comes. Frustration, deprivation, denial. They are the essential features of the game whose greatest moment is when, against all odds, the ball, finally hits the back of the net.

Fanciful? Maybe. And, as the World Cup organisers have often said, the present World Cup is unlikely to be as violent as previous ones, if only because the English, those charming ambassadors of civilised Europe, did not qualify for the competition.

But I also recall when, in the 1990 World Cup, England lost to Germany in the semi-finals. I, by then a devoted follower of the game, was devastated, so miserable that I can still recall every detail of that terrible day; the weather, the clothes I wore, the food I ate, the conversations I had, including the one with a neighbour

who couldn't understand why I had taken it all so badly — after all, he pointed out, I'm not even English.

It was the only time I ever contemplated giving up my passport. And it was all I could do not to bop him one in the nose.

## Scholar's Tale

### Part 16

*Our Hero's picture of these sordid times  
Grouped unfolding events into Coarse and Fines  
The Fines being those that chiselled out the Future  
The Coarse, just fall-out, like arrest and torture.  
His Computer betrayed clear, class, feelings  
Callous to fall-out on Society's peelings.*

*Thus peasants figured in his soft-ware Spool  
Coded for children rounded up at School  
Just Cyphers whom their innocence could not save  
Hostages hustled to their playtime grave.*

*Fall-out kept College shut, Serene, and snug  
While the rich dunce slipped abroad with grin and shrug.  
Exams on Sterling fees to strict schedule  
With rupee exams laid up on curfew.  
And like those anonymous assassinations  
No one quile knew which curfew was whose abomination  
While each Campus got jammed with its jetsam  
Employment opened only to homing foreign flotsam  
So the Status Symbol of Marketed Education  
Drew in the half-baked without any hesitation.*

*Fall-out also extended to professional fees  
Which in halcyon times had been just two guineas  
Now even making allowance for devaluation  
Takings boomed beyond their wildest expectation*

*Money flowed in with the flick of a pen  
Or the rubber stamp in the doyen's den  
And the rising pauper to millionaire rate  
Big-banged like remote stars in spate.*

*Fall-out came in a multiplicity of brands  
Catering to multiple manipulated demands  
But for most this could finally be  
Only a window-shopping spree.  
Even rules for Medicines on clean prescription  
Could not batter and blast the chic brand diction  
So the Poor, increasingly Sick and jittery  
After their consultation went straight to the cemetery.*

(Continued)

U. Karunatilake

# Jan Tinbergen, a father of econometrics

Martin Wolf

Jan Tinbergen, the distinguished Dutch mathematician-economist, socialist and pacifist, has died at the age of 91. Tinbergen won the first Nobel memorial prize in economics in 1969, jointly with the Norwegian Ragnar Frisch, principally for his seminal work on the application of statistics to economics. His work in this area, for the League of Nations between 1936 and 1938 and published in 1939, marked the birth of modern econometrics.

Tinbergen brought three fundamental attributes to his work in economics and economic policy: his training as a mathematical physicist at Leiden University, his **social idealism**, and his conviction that a better world could be created by applying reason to the operations of government. Of his intellectual power, personal benevolence and moral rectitude there was never the slightest doubt. But his faith in capacity and benevolence of the state now looks a little naive.

Even econometrics, in whose early development Tinbergen played so great a part, was (and to an extent, still is) controversial. The first of his two volumes for the League of Nations, on fluctuations in investment, was reviewed quite critically by the British economist John Maynard Keynes. But Tinbergen had the last laugh. His second volume presented an economy-wide model of business cycles in the US. Models of this kind were the vehicle through which Keynesian economics was subsequently implemented.

Today's economics forecasting industry owes its existence to Tinbergen's pioneering work. But he also made substantial contributions to the modelling of economic growth and to theories of policy formation, economic development and personal income distribution.

His most important contribution, after that to econometrics, after that to econometrics, was the demonstration that, in general, the achievement of given number of policy objectives requires as many independent policy instruments. This conclusion was reached in parallel by the British

economist (and Nobel-laureate) James Meade.

Tinbergen was born in the Hague on April 12, 1903, into a remarkable family of scholars. One of his brothers, Nikolaas (Niko), won the Noble Prize for biology in 1973; another became a professor of zoology.

Tinbergen refused compulsory military service in 1927 and was sent to work for almost a year as a prison administrator and research assistant at the official statistics bureau, the CBS. After gaining his doctorate in physics from Leiden in 1929, he went back to work at the CBS, where he started research into economic dyna-

mics and statistical modelling of economies. After leaving the League of Nations, he returned to the Netherlands, staying with the CBS until the end of the second world war.

Then, he was appointed head of the newly-established Dutch planning and economic advisory body, the CPB. He resigned from the CPB in 1955, to become a full-time professor at the University of Rotterdam (where he had been part-time between 1933 and 1955). In 1973 he moved to the University of Leiden, before retiring in 1975. He served as an adviser to the World Bank, The Organisation for Economic Co-operation and Development, and UN bodies.

## CORRESPONDENCE

### Parody and Profanity

Thank you for publishing three letters (from Izeth Hussain, V.T. Saravanapavan and M.A. Nuhman) in the *LG* of June 15, which dealt with my previously published short note on Bosnian Muslims. I appreciate the comments made by your correspondents.

First, I thank Nuhman for a courteous reply and Hussain for a rude rebuttal. The style in which I have been critiqued reveals the character of these correspondents. What a contrast! Nuhman is correct in stating that "a parody on a sensitive issue may also mean profanity." If I'm given equal space as Hussain has been given to muse on the Muslim perspective on Bosnia, I can explain my point of view on this sensitive issue.

Secondly, Saravanapavan is also entitled to his opinion that the theory of karma "does not hold good in a modern context". But he should also not forget that millions of Hindus will disagree with him. I also hold the view that many Hindus in Sri Lanka still believe that the fates of S.W.R.D. Bandaranaike, Amirthalingam, Premadasa, Athulathmudali, Sri Sabaratnam, Uma Maheswaran, Padmanabha, Kiddu and

Mahathaya can be explained by the theory of karma. The Tamil proverb, 'One who sows millet reaps millet; one who sows misery reaps misery' reflect the theory of karma lucidly.

Thirdly, I was overwhelmed by Prof. Izeth Hussain's hidden expertise on psychoanalysis. He extrapolates on what I have commented about his cant to conclude I "justify the whacking of the Sri Lankan Muslims by the LTTE." I ask why bring LTTE into this debate. Did I utter anything on Sri Lankan Muslims or the LTTE? Hussain delights in setting up phoney targets and crowing about what an expert psychoanalyst he has become. If Hussain is entitled to claim that he wrote the 'Muslim perspective on commission from the editor of the *LG*, don't I have an equal privilege to comment on what I read in the pages of the *LG*?

Lastly, I will try to improve my skills in writing parody and in the future will heed Nuhman's suggestion that parody on a sensitive issue may also mean profanity.

Sachi Sri Kantha

Japan.



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