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AFTER THE POLLS

PEACE : a new beginning ?

— *Mervyn de Silva*

the Army and the minorities

— *Sudha Ramachandran*

the problem of Sinhala consensus

— *S. Murari*

No India - phobia

— *P. Jeyaram*

CONFLICT RESOLUTION

***Regional Autonomy:* the only answer?**

— *Sunil Bastian*

Mobilising the key groups

— *Kumar Rupasingha*

CONSTITUTIONAL CHANGE

Executive Presidency or Westminster model

— *Radhika Coomaraswamy*

How a governor-general was sacked

— *A. Jeyaratnam Wilson*



Black Knight
It's your move

PEACE MOVES: A NEW START

Mervyn de Silva

The lights have been switched on again in the streets and homes of Jaffna. Power has been restored by the newly elected Chandrika Kumaratunge's Peoples Alliance (PA) government as a confidence-building measure. 28 out of 46 consumer items under the U.N.P.'s "economic embargo" are no longer banned. The LTTE, responding to the signals released 10 Sinhala policemen held captive for 3-4 years. The confidence-building, a necessary prelude to conflict-resolution, was now a shared LTTE-Colombo obligation. With state-TV showing the joyous scenes of re-union in Colombo airport (released policemen and their families) and near-normal activity in the well-lit streets of Jaffna, the northern capital and the only city of the 'traditional homeland', peace was certainly in the air. Chandrika Kumaratunga and the PA leadership had been smart enough to publicly commit themselves to a "negotiated settlement" of the "ethnic conflict" — a conflict that President D.B. Wijetunge had publicly announced, did not exist!

A LTTE-Colombo communication system was soon established with the help of the International Red Cross (ICRC). How had public opinion in Jaffna and Colombo reacted to this signalling, with the national press freely reporting the messages between the two sides, and conducting opinion surveys on their own?

One fact stood out. The armed forces were cautious rather than cautiously optimistic. The DPL community, certainly the US-led western group, and the local NGO's supported by the US and E.U., were upbeat. Not so the hardline Sinhalese although the more conservative or ultra-nationalist had taken a bad beating at the polls. Both the MEP of the extremely popular and warmly regarded Dinesh Gunawardena, and the Tamil Congress of the garrulous G.G. Ponnabalam Jr. shared a dismal fate. The Sinhala electorate was ready to give Peace a chance, ... but primarily because it had decided that the time for change had come. The lack-lustre regime of President D.B. Wijetunge settled the matter as far as the Sinhalese were concerned, and his outrageously patronising metaphor that the minorities were the vine on the majority Sinhala tree, alienated the Tamil voter,

except perhaps the hardcore U.N.P. Tamil families in Colombo.

The Prime Minister's next move was also cleverly calculated. She sent her deputy defence minister Anurudha Ratwatte on a fact-finding mission to the north. Apart from being a member of the family, Mr. Ratwatte was a colonel in the Volunteer force.

Colonel Ratwatte is deputy minister under President Wijetunge, who holds the Defence portfolio, and thus gives orders to the Service Commanders. Until the Presidential election, which Mr. Wijetunge would not contest, this state of affairs will continue. The transition though near-miraculously peaceful and smooth, may continue to create situations that the constitution-makers did not anticipate.

ARMY VIEW

"We are not opposed to discussion and dialogue to end this war. But for such talks to begin the government must not give arms to the LTTE or agree to any preconditions to confine the troops to the barracks, for opening a fresh process of negotiations. The areas captured and cleared by the army must be retained," the soldiers told Deputy Minister Ratwatte, the ISLAND reported.

Yes, Prabhakaran is ready for a ceasefire. For his own reasons, and one can be sure the reasons that support his coldly calculated decision, all advance HIS cause. But his needs at this moment could coincide with the government's interests, and the main concerns of the Sri Lanka state i.e. the unity and territorial integrity of Sri Lanka or "No Eelam".

The question then is whether the LTTE leader has decided (a) to drop the demand for EELAM and settle for less or (b) to have a ceasefire and negotiate, ready to resume fighting once it is clear to him (and his people) that the government is not prepared to offer anything adequate e.g. Federalism.

Another possibility is that the LTTE wants a breather. And what better time than the post-General Election, pre-presidential poll intermission?

Prabhakaran will be smart enough to go through the ceremonies of negotiations to serve the more urgent needs of the LTTE. India has been marginalised, one of Prabhakaran's important interests. The LTTE leader knows that the D.B. Wijetunge regime was the least responsive of all recent Sri Lankan administrations to declared Indian needs; or, in other terms, the most Sinhala-Buddhist. Such official attitudes and stated policies help the LTTE, (despite its worldwide reputation for cold-blooded murder and mayhem) to present itself as the authentic voice of the Tamil minority. And this image does influence relations between the Colombo government and its principal donors. →

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CONTENTS

Challenges ahead for Chandrika	2
Prabhakaran - interview	3
A Vote for Change	5
A Critical Balance of Power	7
New Crisis in US-Cuban Relations	9
The Dismissal of a Governor-General	10
The Anatomy of the Ethnic Conflict	11
Responses to Conflict (2)	15
Parliamentary Democracy Vs the Presidential System	19

Besides, the donors have another shared concern — refugees. If only the conflict was resolved, the Tamil refugees could be sent home. The *TORONTO STAR* made its self-interest quite obvious when it wrote in an editorial "STEPS TOWARDS PEACE":

"Canada-the recipient of thousands of Tamil refugees — should be offering this conciliatory leader a mediating hand...."

CHANGING IMAGE

What the *LANKA GUARDIAN* termed **EELAM WAR 2**, now accepted nomenclature, made our big neighbour and its army, a vital factor. No more. The fate of the IPKF and the post-Rajiv changes in Delhi-Colombo relations have tended to marginalise Delhi with its close contacts with Mr. Thondaman and more so with Mr. Gamini Dissanayake, the staunchest defender of the Indo-Sri Lankan Peace Accord, Delhi was very well placed. It had its UNP option and its P.A. option, an ideal position for the regional superpower.

C.W.C. FACTOR

And now Mr. Thondaman, generationally challenged by the PA's Chandrasekaram, and ideologically challenged by the ex-CP'er Devaraja MP, has to adjust his strategy seeing that he is over 80 and this may be his last Presidential election. What Sellasamy started, Chandrasekaram could finish. If Mr. Thondaman is to protect his real-estate (the CWC) and his grandson's inheritance, he must establish links with the PA. And for that he must dump Mr. Gamini Dissanayake before he contests Prime Minister Chandrika Kumaratunga. And to justify such a de-linking (and prepare the ground for it) he must take up the Sinhala-Buddhist flag, an option by the way not open to his party rival, Mr. Ranil Wickremasinghe who lost the UNP Parliamentary group contest for leadership by 2 or 3 votes.

In doing so, Gamini Dissanayake will be back to the Jayawardenism of the post-Bandaranaike/Chelvanayakam Pact.... but in a radically different situation, a situation in which the least powerful force in a strictly conventional sense the LTTE can draw the maximum benefit. A born militarist, Velupillai Prabhakaran the weakest force in conventional terms, has known intuitively to maximise his advantage by exploiting the contradictions and conflicts of his enemies and of the objective situation.

Challenges ahead for Chandrika

Sudha Ramachandran

In the last few weeks, many in Colombo believed that in the event of a PA victory, the transfer of power would not be smooth, that President Wijetunga would not allow the PA to form the government but would call on his own party, the UNP to do so, that a PA victory would trigger off large-scale violence inspired by UNP sympathisers, and so on. Many of these fears were fortunately proved wrong and Mrs Chandrika Kumaratunga (nee Bandarnaike), who led the PA to victory, has been sworn in as Sri Lanka's eleventh Prime Minister.

For the new Prime Minister, the challenges are formidable and the months ahead will be eventful and maybe crisis-ridden. Perhaps the greatest challenges will be to keep the PA united. Regimes which consist of coalitions are notoriously unstable and Sri Lanka has had earlier experiences of this. The PA began showing cracks even during the poll campaign. Will Chandrika be able to prevent these cracks from causing a collapse? And for how long?

So far the most significant challenge to Chandrika has emerged from within her own party, the Sri Lanka Freedom Party (SLFP), which is the PA's main constituent partner, and ironically, from her own family. Throughout the poll campaign a serious power struggle raged between the PA, personified by Chandrika and her more radical supporters, and the SLFP, whose leadership is personified by Mrs Sirimavo Bandarnaike and her more conservative supporters.

While becoming Prime Minister herself, Chandrika has appointed her mother as Minister without Portfolio and the latter is likely to play an advisory role in the Cabinet. The first round then has been won by Chandrika but how long will it be before the old guard in the PA revolt again?

Differences within the PA extend to other issues as well. Chandrika and her supporters are regarded as more radical, left-leaning, and less chauvinist. On economic issues, there is speculation as to how she will adhere to the liberalisation programme without upsetting her leftist allies. On this she has sought to appease the conservatives by appointing the SLFP Treasurer, Mr Kingsley Wickramaratne, as Minister of Trade, Commerce and Food but has retained control by keeping the important Finance portfolio under her own supervision.

Then, there is the question of conflict with the President. For the first time since

the introduction of the Executive Presidency, Sri Lanka is confronted with a situation where the President and Prime Minister belong to different parties. Under the existing Constitution the President has tremendous powers and should a conflict arise between him and the Prime Minister, it will create problems for the latter. The crucial Defence portfolio is in the hands of the President and differences between him and the Prime Minister are likely to arise, especially in relation to the conduct of the war in the North.

The PA has been in favour of constitutional changes and has promised to restore parliamentary supremacy and end the Executive Presidency. But for this it requires a two-thirds majority in the House to push through an Amendment. It may be difficult for it to win this support.

The most intricate of all the challenges will be the handling of the ethnic crisis. Chandrika's record on the ethnic question has so far been progressive. In 1986, she and her husband, the late Vijaya Kumaratunga, met the Tamil militants in Madras and were sympathetic to the Tamils and their grievances. Vijaya Kumaratunga even went to Jaffna and met the Tiger leaders. In 1987-88, they supported the Accord and were close to Tamil groups like the EPRLF.

During the recent poll campaign, Chandrika declared that she is willing to go to Jaffna and enter into unconditional talks with the LTTE leadership. This stance, however, was when she was in opposition. Today, she is the Prime Minister, at the head of a shaky coalition and dependent for political survival on other parties. How far can she go now?

An attempt at negotiation will bring her under fire from Sinhala diehards. Any understanding reached with the Tamils will be attacked by the UNP as a sell-out of Sinhala interests. If she agrees to negotiate only with the LTTE, she will lose the support of not only the SLMC but of Tamil groups like the TULF and the PLOT, as well. Again, what deal can she strike with the LTTE which will be acceptable to SLMC? Moreover, the Army is unlikely to welcome negotiations with the LTTE if the Government agrees to a ceasefire while the Tigers do not lay down arms.

The outlook on the ethnic question is bleak, not so much because the Prime Minister is unwilling to extend a conciliatory hand but because her hands are tied. Ms. Kumaratunga's problems have only just begun.

Ceasefire essential — Prabakaran

Q 1. The Prime Minister Chandrika has announced that solving the Tamil problem will be one of her important priorities and that she would commence talks with you. Do you think that the necessary atmosphere is being created for such talks.

A 1. We are prepared for unconditional talks. We prefer to have these talks under a friendly and peaceful environment. The new government has relaxed the economic blockade. This is a goodwill gesture and we welcome this move. However the economic blockade has not been lifted fully and there are still sanctions on certain important and essential items. Apart from this the routes for transport of people and goods continue to remain closed. As a result neither the economic conditions of the people will improve nor the suffering of the people will be alleviated.

Above all it is essential to create a peaceful atmosphere in the Tamil homeland. We have announced that we are prepared for a ceasefire. But it appears that the government is reluctant to enforce a ceasefire. The atrocities of the Government forces still continue. This is especially so by the navy. This will not be conducive to bring about a peaceful atmosphere. As a result of this state of affairs the Tamil areas has not yet returned to normal.

Though there is a sign of goodwill from the government a peaceful and satisfactory environment has not yet evolved. Therefore it is left to the government to create such an atmosphere.

Q 2. Previously you have agreed for unconditional talks. But now you are laying conditions such as lifting the economic sanctions and ceasefire.

A 2. We have not laid down any conditions for talks. We are only pointing out that a peaceful atmosphere is essential for peace talks. Without ceasefire there can be skirmishes. Is there any meaning in having peace talks while continuing with the war. Therefore what we say is that a ceasefire is essential for peace talks because it is difficult to hold peace talks with mutual goodwill as long as there is an economic embargo and a threat of war. If the new government will take this into account and agree for a ceasefire, we will take this as a sign of peace and goodwill on their part.

Q 3. You are saying that ceasefires should be a sign of goodwill. But there is a general feeling among the armed forces of the government that if there is a ceasefire the Tigers will seize the opportunity to strengthen themselves. What is your view on this?

A 3. This view among the armed forces of the government is totally incorrect. From our military point of view a ceasefire is not beneficial to us. Our growth and strength depend on capturing and destroying the arms of our enemy and this is possible only if there is a war. Therefore it is not correct to conclude that a ceasefire will strengthen us. Even then the reason why we like a ceasefire is to create a true peaceful environment and nothing else. Secondly without ceasefire there may be unexpected clashes resulting in loss of lives. When such incidents take place will it not seriously affect the peace talks?

Q 4. You are demanding a homeland for Tamils. But Chandrika has firmly refused to accept the concept of Tamil Homeland and the merging of the North and East. But she has put forward a proposal of a North East with altered boundaries. What is your stand on this?

A 4. It is not only I who have insisted on a homeland for the Tamils, but the whole of Tamil Eelam has been insisting on this for generations. It is a historical fact. The area encompassing the Northern and Eastern provinces belong to the Tamil speaking people i.e. it is the homeland of both Tamils and Muslims. This is our stand. What stand Prime Minister Chandrika takes on this issue, we do not know. We also do not know what new plans she has formulated. Therefore it is not advisable to express our views before we examine her proposals. During the talks we will come to know their stand on this issue and then we also could express our opinion.

Q 5. In the event of talks between you and the government will you allow the other Tamil groups to take part in the discussions?

A 5. These Tamil groups are already having talks with the government either jointly or severally. We do not have any objections to that. But I believe that the government would have realized who the real representatives of the Tamil people

are. I am sure the new government would have realized who are really shedding blood for the rights of the Tamil people. Therefore as true representatives of the Tamils we would like the government to have talks with us direct. Only such discussions will be useful and meaningful.

Q 6. You backed out half way through the talks between you and the Premadasa government. Why should the present government trust you and enter into discussions once again?

A 6. It is wrong to say that we disrupted the peace talks with the Premadasa government. We did not breakaway from the peace talks halfway through. The talks have been continuing for nearly two years. But during the two years of talks none of the basic problems of the Tamils were taken up for discussions/debate. The Premadasa government did not put forward definite proposals in respect of the National problems/issues of the Tamils. Therefore the talks became meaningless and dragged on until it became defunct. This is what really happened. It is a vicious propaganda to say that we have betrayed them. In all the talks we have always been putting forward the full rights and welfare of our people. We have reiterated that our people should live peacefully with equal rights, honour and dignity. The talks had never succeeded because the Sinhalese government refused to accept our basic rights and fundamental freedoms and enforce justice. It is the Tamils who have been cheated by the successive Sinhalese governments. It is the Sinhalese governments which has betrayed the Tamils by breaking pacts and agreements. No body can deny this historical truth. If the present government is determined to accept the reasonable demands and dispense justice to the Tamil people, then it need not fear that the Liberation Tigers would cheat them.

Q 7. There are allegations that the Tigers are a hindrance for opening up of the transport routes between Jaffna and the mainland. What is your response to this?

A 7. There is no truth in these allegations. There are two land routes the Pooneryn and the Elephant pass between the Jaffna lagoon and the Northern mainland. The Sinhalese army has kept these two routes sealed with an intention of launching an attack on Jaffna. The army has

prohibited people from using these passages with the intention of an attack on Jaffna. It is because of this, the people travel through Kilali sea route. There has been numerous massacres by the Sinhala armed forces to prevent these sea journeys. Enormous sacrifices and numerous acts of chivalry by our sea Tigers have enabled our people to travel safely through the Kilali sea route. Today Kilali is under our complete control. Our people travel freely along this route under the protection of our forces. But it would be most welcome if the government would open up a land route and facilitate the transport of motor vehicles and people. People should be allowed to travel freely without any army checking and harassment. In this respect it is definite that our people will greatly appreciate if the government could withdraw the army stationed at Pooneryn, and open the Sanguppity route.

Q 8. You could have taken part in the recent parliamentary elections. Why didn't you contest?

A 8. There should be a permanent solution to the Tamil National Problem. It is only then we could consider taking part in the elections. Tamils have been participating in parliamentary politics for a very long time. But this parliamentary politics has not only failed to find a solution to the Tamil problem, but it is through the same parliament that many oppressive laws against the Tamils were passed. For ages, the Sri Lankan parliament has looked after the welfare of the majority Sinhalese people, and have fulfilled their ambitions. It has been destroying the welfare of the Tamils. Under such circumstances, we never felt that there will be any use in Tamils entering the Parliament once again. We did not wish to participate in an election in the North and East that was conducted when people are under siege and were not free to vote.

Q 9. Recently I visited a Muslim refugee camp near Puttalam. All the Muslims (whom I spoke to) who were expelled from Jaffna by you expressed sorrow when they said that they have lived in great harmony and goodwill with the people of Jaffna and wished to return to Jaffna, if their safety is guaranteed.

If there is an amicable settlement will you allow these people to return to their land — that is Jaffna.

A 9. Jaffna is the homeland of these people. Unfortunately due to certain circumstances and irony of fate these people became refugees, and we regret this. If a favourable situation arises we will allow these people to return to Jaffna. Because of the war, in Jaffna alone there are 300,000 refugees (3 lakhs). Since the army is occupying Jaffna, particularly the Island areas, and the Valigamam North, these people have left their own land and became refugees. A considerable proportion of these refugees have found shelter in the areas previously occupied by Muslims. If the Sinhalese army would leave the occupied territories then the Tamil refugees will be able to return to their villages. When such a situation arises we will allow the Muslim refugees to return to Jaffna.

Q 10. Mr Prabakaran whether it is in the North or in the East or in the South, it is in the uppermost thoughts of the people that this war should come to an end. Leaving aside the politicians what message would you, like to carry to the Sinhala people of the South.

A 10. We are aware that the ordinary Sinhala people do not like war but want peace. Even this election results have conclusively shown this. We also want peace.

It is our wish that there should be a permanent solution to this problem so that there is everlasting peace. Therefore this war should be brought to an end. Whoever who brought about this war on the Tamil people must come forward to find a solution to end the war.

The Sinhala nation must realise that there is no military solution to the Tamil problem.

It is only by fulfilling the reasonable aspirations of the Tamil people can there be an end to this Ethnic conflict.

It is the Sinhala people who must make the racist Sinhala politicians and the members of the armed forces to realise this. We are not against the Sinhala people we love them.

This is a translation of the B.B.C. Tamil Service interview with Velupillai Prabhakaran, the L.T.T.E. leader. The Tamil version has been carried in some Tamil newspapers published in Colombo.

TRENDS

Crony diplomats recalled

Friends and relations of former political VIPs appointed to Sri Lanka's diplomatic missions abroad are to be recalled. Among them are several Ambassadors, High Commissioners and first Secretaries. They do not belong to the career Overseas Service. Some of them are former top level public servants who had been paid off for being helpful to the previous regime.

Casinos are here again

Colombo's casinos banned in 1990 because of the politically embarrassing activities of one Joe Sim, a casino king, are creeping back quietly to the night spots and star class hotels.

But a Municipal spokesman said that no licences had been issued, and a police spokesman said that the ban was still on.

More for paddy

In one of its first official acts, the new PA Government has increased the Guaranteed Price for paddy. The Paddy Marketing Board will now pay farmers Rs 7.50 per kilo. In the last days of the UNP Government cultivators had been committing suicide, unable to survive on the fruits of their labour especially after a fertiliser subsidy had been withdrawn.

BRIEFLY

Minister reassures investors

Labour Minister Mahinda Rajapakse reassured Free Trade Zone investors at a meeting that the maintenance of industrial peace would receive the highest priority by the PA government.

The minister said that there was no change of policy by the government with regard to employer-employee relations in enterprises within the Zones. There has been a lot of misunderstanding among investors about the government's intentions, but the government gave the highest priority to employment generation and to industrial peace, the minister said.

A vote for change

S. Murari

The just concluded parliamentary elections in Sri Lanka have not only brought about a change of government after 17 long years but also raised hopes of a new era of reconciliation. And Prime Minister Chandrika Kumaratunga, who has steered the Sri Lanka Freedom Party-led People's Alliance to a narrow victory, has become the symbol of this new hope.

People have reposed faith in her because she is young, has a liberal image and is untainted by any past, unlike leaders of the previous generation. At her first press conference, she struck a conciliatory note by vowing to eliminate political violence. And she has every reason to do so, having lost her father and SLFP Prime Minister S.W.R.D. Bandaranaike and her husband Vijaya Kumaratunga to such violence.

The PA's victory, though not outright, can be attributed to the fact that for the first time in 17 years, people were able to vote without fear and the elections were free and fair. The UNP's 17-year reign is a record for Sri Lanka. During this period, the country has undergone cataclysmic changes from parliamentary to presidential form of government, from the closed economy of the Srimavo Bandaranaike era of the seventies to an open economy and from the winner takes all to proportional representation system for local, provincial and parliamentary elections.

This period also saw the rise of Tamil militancy in the north after the 1983 island-wide pogrom and the eventual politico-military intervention by India, leading to the revival of JVP rebellion in the south and the emergence of the LTTE as a powerful guerilla group in the north. That the UNP had become effete and corrupt and was fast losing support became evident even in the direct elections to the post of President in 1988, when Mr R. Premadasa could defeat the SLFP's Mrs Bandaranaike by less than a one per cent margin.

The presidential as well as the subsequent parliamentary elections then were

held amid unprecedented turmoil caused by the JVP in the south and the LTTE in the north against the IPKF presence. In the parliamentary polls, the UNP could garner only 125 of the 225 seats and the SLFP secured over 60 seats.

The decline of the UNP started with the Premadasa Presidency, though he was not responsible for it. In fact, he stemmed the rot by getting the IPKF out of the island, crushing the JVP insurgency with an iron hand, resulting in the death of nearly 60,000 youths, and wooing the poor with several populist programmes. His only grave miscalculation was the brief honeymoon with the LTTE for which he paid with his life. His death, though widely mourned, also freed the country from fear.

Mrs Chandrika Kumaratunga came on the scene at a time when the people were seething with anger over escalating terrorism — both by the state and the insurgents — resulting in the death or disappearance of thousands of youths in the south and the assassinations of top leaders like Mr Premadasa, Mr Ranjan Wijeratne and Mr Lalith Athulathmudali.

The discovery of mass graves last year revived memories of the dark days of the JVP rebellion when death squads roamed the streets. People were also fed up with mounting corruption and ever rising prices. Sensing the mood for a change, the ailing Mrs Sirimavo Bandaranaike stepped aside and let her daughter lead the party. The resultant defection of her son Anura only helped bring about a greater cohesion in the party. Mrs Kumaratunga proved her mettle by forming a broad-based left front called the People's Alliance and winning the Southern and Western Provincial Council elections.

When President D.B. Wijetunga ordered snap parliamentary elections six months ahead of schedule, Mrs Kumaratunga was more than ready to meet the challenge. Unlike Mr Wijetunga, who dismissed the ethnic problem as a mere terrorist menace, Mrs Kumaratunga realised the value of minorities' support in a situation where the Sinhala south was

more or less evenly divided. She quickly brought into the alliance the Sri Lanka Muslim Congress of Mr M.H.M. Ashroff, which is the only representative party of the Muslims in the east.

She also retained on her side the Eelam People's Revolutionary Liberation Front (EPRLF) with which she and her husband Vijaya Kumaratunga had a natural empathy because of its leftist orientation. Her strategy paid off with the PA winning 105 seats and the SLMC seven. The EPRLF's failure to secure even a single seat is attributable to the LTTE factor.

Mr Wijetunga is not a charismatic leader like Mrs Kumaratunga nor does he have the pro-poor image of Mr Premadasa. If, despite such drawbacks, Mr Wijetunga has been able to secure 94 seats for the UNP, it is because he is not an autocrat like Mr Premadasa. The UNP's open market policy also helped it more or less retain the support of the middle class and the rich.

By making peace with Ceylon Workers Congress leader Mr S. Thondaman, Mr Wijetunga managed to retain the plantation Tamils' vote. This is seen from the fact, that three of the six districts in which the UNP has led are from the Central Hills. With Mr Wijetunga and Mr Gamini Dissanayake hailing from Kandy and Mr Thondaman from Nuwara Eliya, the upcountry has remained more or less a bastion of the UNP-CWC combine.

The SLFP has been able to check a UNP sweep because the Bandaranaiaks also hail from Kandy. The results show that the UNP, though voted out, cannot be written off.

In the tenth Parliament, the UNP and the PA together account for 199 seats. Of the balance 26 seats, 25 are held by Tamil and Muslim groups, with the Eelam People's Democratic Party having nine, the SLMC seven, the TULF five and the Democratic National Liberation Front, comprising the PLOTE, EROS and TELO, having three. Even the lone independent from Nuwara Eliya is a Tamil, Mr R. Chandrashekhara of the Upcountry Tamils

Front. The remaining seat has gone to Sri Lanka Progressive Front, a fledgling party of former JVP activists.

The PA-SLMC combine has a one-seat majority and has formed the government with the support pledged by Mr Chandrashekharan. The TULF, the DNLF and the EPDP, which together have 17 members, have also extended support. But what is surprising is the support offered by CWC leader Mr S. Thondaman. A man who always knew the pulse of the people, the veteran leader has made a grave mistake for the first time in his political career in staying with the UNP. He has now quickly sought to undo the damage by writing to Mr Wijetunga that the seven CWC members, elected on the UNP symbol, will act independently.

Mrs Kumaratunga has won the support of the Tamil parties because she has adopted in the PA manifesto a proposal mooted by Mr Neelam Thiruchelvam of the TULF for the trifurcation of the eastern province as a via media between the Sinhalese and the Muslims, who are against the east's permanent merger with the north and the Tamils whose main demand is a homeland comprising the north and the east. She has promised to hold talks with all the parties on both sides of the ethnic divide, including the LTTE.

This is precisely what the Premadasa Government tried and failed. But Mrs Kumaratunga feels she has greater credibility among the Tamils than leaders of the UNP, past and present. She also feels the LTTE's claim to be the sole representatives of the Tamils need not hinder negotiations.

Ultimately, the success or failure of her peace initiative will depend on the unit of devolution and what powers she is willing to devolve on such a unit. It must be noted that her mother Sirimavo, whom she has inducted into her Cabinet as a Minister without portfolio with a view to ultimately making her a titular head if and when the executive presidency is abolished, was the root cause of Tamil militancy in that she introduced the Standardisation Act in the seventies to give preferences to Sinhalese over Tamils in admissions to colleges. As recently as two years ago, the elder Ms Bandaranaike scuttled an accord at the Parliamentary Consultative Committee by vetoing a UNP proposal for

a federal solution. Though Mrs Kumaratunga is a liberal, she is open to pressure from her mother.

As history has shown, there can be no solution unless and until the two principal Sinhala parties agree on what they are prepared to offer the Tamils. Consensus is also required for the abolition of the executive presidency. The fact that Mrs Kumaratunga has allowed Mr Wijetunga to retain the defence portfolio shows that she is ready to come to some sort of working arrangement until his term expires in November.

Her plan, as spelt out by her Justice Minister G.L. Pieris, is to introduce a Constitution Amendment Bill in the next couple of months to provide for the abolition of the executive presidency and the setting up of a constituent Assembly to write a new constitution.

The bill will also provide for a permanent commission to go into corruption charges against MPs. If the bill does not get the two-thirds majority, the SLFP will go to the people in the next presidential election and seek a mandate to abolish the executive presidency.

Her decision to appoint independent commissions of investigation to go into political assassinations like those of her husband Vijaya Kumaranatunga, Mr Premadasa and Mr Lalith Athulathmudali will not be appreciated by the UNP. However, the UNP is in no shape to go in for a head-on confrontation with her as Mr Gamage's attempt to capture the party and become the Leader of the Opposition is bound to lead to the revival of the factional feuds. The dissidents, principally Premadasa loyalists, may rally behind Mr Ranil Wickremasinghe.

But it is difficult to split a party in the Sri Lankan system as the short-lived revolt against Mr Premadasa led by Mr Lalith Athulathmudali and Mr Dissanayaka has shown. So Mr Pieris is naive in assuming that sections in the UNP, opposed to an all-powerful executive presidency, may gain an upper hand.

Mrs Kumaratunga has an uneasy period ahead and can get down to business only after the presidential elections, that too if the SLFP wins.

(DH News Service)

Clowns Cantos - 7 Brains Trust

*Cardinal Waleza broke the Bread
But it didn't work out the way The Master said.
The multitude by the dying Sea
At Gadnsk it was, not Galilee
Awaited in vain from the miracle hats
The Free Market loaves (and the FM sprats)
Waleza said that Demand would stir
Champagne would bubble & wheels would whirr
fun toppling old Gods while the summer went by
But only dead leaves stir in the Wintry sky
Tons of Butter gone rancid, New Ships gone to rust
Theres a slump in the shares of the Harvard Trust.*

U. Karunatilake

A critical balance of power

P. Jayaram

The post-poll curfew has lifted. Life has returned to normal. And the crackers that went off to celebrate the People's Alliance (PA) victory over the 17-year-old political stranglehold of the United National Party (UNP) are now part of a distant memory. It is time for governance. Time for newly-elected Prime Minister Chandrika Kumaratunge to guard against a loss of faith in her administration. And more importantly — with 76 per cent of the electorate voting this time compared to 64 per cent in 1989 — time to guard against a loss of hope.

"There is a tremendous amount of goodwill and several Tamil parties have come forward to support the Government," says G.L. Peiris, the new minister for external trade, justice and constitutional affairs. "The Government on its part has to demonstrate its efficiency and carry out its promises on several fronts, the foremost being a solution to the ethnic problem."

Nobody in their right minds expects the so-called "problem" which eats up to 20 per cent of the country's budget, to disappear soon. But what they are hoping for is political savvy and propriety from a prime minister whose parents have both been premiers of Sri Lanka. Mother Sirimavo Bandaranaike, in fact, is still a potent — emotional, if not political — draw and continues to be the chief of both the PA and the Sri Lanka Freedom Party (SLFP), the main constituent of the Alliance. However, that Kumaratunge came from practically nowhere to become the prime minister and that she began her political balance act just two months before the August 16 polls, is a pointer to her understanding of politics.

With the country's proportional representation system making a sweeping victory impossible, the PA secured 105 seats, including 14 nominated ones. Its ally, the Sri Lanka Muslim Conference — whose

President M.H.M. Ashroff is now minister of shipping, ports and rehabilitation and reconstruction — secured seven seats. This still left the PA one seat short of an absolute majority in the 225-member Parliament. Kumaratunge then roped in the Up Country People's Front, which had secured a single seat. The required majority attained, she called on President D.B. Wijetunge and staked her claim to form the Government. Realising that it was impossible for his party, the UNP, with just 94 seats, to muster the required support to form a minority government, Wijetunge agreed. Insiders say only after considerable negotiations, mainly over the portfolios the President holds, including the critical defence portfolio, was an agreement reached on the swearing in of the new Cabinet, which Wijetunge will still head as the executive President.

Kumaratunge's other coup was in negotiating with Tamil parties — which have 17 seats in total — including the moderate Tamil United Liberation Front (TULF), the Eelam People's Democratic Party (EPDP) and the Democratic People's Liberation Front, to get their support from the outside in Parliament. They have promised help in initiating a dialogue with the LTTE to resolve the north-east conflict. "Our main intention in contesting was to start the democratic process in the north, at least in a small way," says EPDP leader Douglas Davananda. "Stability is required for that to happen." TULF President M. Sivasithambaram, promising support from the outside, asserts: "We shall not be part of the official opposition. We will sit as an independent group." Even Ceylon Workers Congress leader (CWC S. Thondamman, whose party controls a major chunk of the tea plantation workers of Indian origin and is counted upon by the UNP as a dependable vote bank, has pledged support to the PA. He has informed the President that the seven CWC members would form an independent

group in Parliament, not bound by the UNP whip.

These political factors will dovetail with the economic ones, in Sri Lanka's drive to become the premier economy after India in the region. Expecting political turmoil and suspecting the PA's left-leaning tendencies — owing to the SLFP's socialist past under Bandaranaike's '70s rule — the stockmarkets started sliding almost immediately after elections were announced. Had the Alliance not repeatedly assured that it would continue the liberal economic policies, the market would have crashed, says a major Colombo broker. The positive thing, he says, is that blue chip companies are holding their ground in the market. Ken Balendra, chairman of John Keels, in fact, feels that Sri Lanka's "standing has gone up by a few notches after the elections." He asserts: "It's business as usual and the

THE WAY AHEAD

- Kumaratunge has to deal with high expectations from the electorate and a demand for quick results.
- A thin majority in Parliament and support from Tamil parties could swing, leading to a crisis.
- A weakened UNP could be further weakened with a loss in the November presidential elections, a prime Kumaratunge goal.
- The Alliance's future lies in effective dialogue with the LTTE and continuing with the liberal economic policies. This will ensure Tamil support, and strong business backing.

mood is one of optimism. The world, and Sri Lanka, is very different from what it was 20 years ago."

While all this is good news, what is worrying is the PA's wafer-thin majority in Parliament. Harry Goonetilleke, adviser to Bandaranaike, however, says: "Nobody wants to upset Chandrika at this time, and with the Tamil parties extending their support, the Government can pass any bill with a majority of 20 or more." But he acknowledges that "the UNP cannot be wished away. They need only 19 more seats to topple the Government." If Kumaratunge doesn't satisfy everybody, he says, she will have problems. "There will be two or three months of stability. After that, anything can happen." Support from Tamil parties is the key, and this underscores the point that if Kumaratunge wants to stay on as premier, she will have to score quickly on the issue most Sri Lankans wish would just go away.

The new Government, which has "restoration of democracy" and "resolution of the ethnic conflict" among its priorities, is expected to maintain continuity in foreign policy. Asked before the polls about her government's likely policy towards India if voted to power, Kumaratunge had said she did not suffer from "India phobia" like the UNP. She still says the same, and Indian diplomats believe that unless the north-east developments have a spill-over effect on India, relations would only be "strengthened". Foreign Minister Lashman Kadirgamar, the only Tamil in the new Cabinet, has already said that close relations with India and other South Asian countries would occupy the top spot on the priority list.

At this point the Alliance has many things going against it. For starters, it will have to deal with electoral promises of controlling inflation, increasing employment opportunities, shooting nerves frayed by an increasing rich-poor divide and bringing down the price of essential commodities. A top economic analyst in Colombo warns: The promised measures

could cost the state anything between Lankan Rs 32-35 billion a year."

And though the Alliance now holds a majority, it will have to — at least till presidential elections in November — cope with the piquant situation of an opposition leader being both the President and technically, the head of the Cabinet. This besides requiring skilful tightrope walking, may also delay its key goal of reverting to supreme premiership by countering a constitutional amendment enacted during Junis Jayawardene's tenure in the early '80s which made the prime minister a mere figurehead.

Politically, the good news for the PA is that the UNP is already showing signs of a rift, with former prime minister Ranil Wickremasinghe and former minister Gamage Disanayake both vying for the post of the leader of the Opposition. In a secret ballot held on August 24, Disanayake, an architect of the controversial Indo-Lanka accord of July 1989, won by a narrow margin. UNP leaders feel that any division in the party now, with the presidential election just around the corner, would be suicidal.

Attempts are already on to replace Wijetunge with another, more popular candidate. The fact that Wickremasinghe prevailed on the President to respect the electoral verdict and to allow the PA to form the Government may well go against him when the leadership issue is decided. Many leaders, having enjoyed the fruits of office for the past 17 years, are still too used to it to accept relinquishing it easily. "The current situation is favourable to the Alliance," says political analyst Jayadeva Uyangoda. "The UNP is split and the differences between Wickremasinghe and Disanayake have seriously weakened the party. I don't think the PA will seek the UNP's support to amend the Constitution. Their idea will be to win the presidential elections and have a clear majority in every way over the UNP." If the Alliance

wins, political punters give the Government a fair chance for a full six-year term. And if by a quirk of politics, Kumaratunge can't hold her team together, in Parliament and through the Presidential elections, it will be back to basics for Sri Lanka: trouble.

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NEW CRISIS IN US-CUBAN RELATIONS

Superpower's castrophobia

Punyapriya Dasgupta

During the years Cuba's President Castro was holding back those of his countrymen who were trying to leave for the United States illegally, he was accused by Washington of trampling the human and democratic rights of the Cuban people under communist dictatorial boots.

Last month, when the Cuban leader lifted all bars and let those who saw a golden glow on the American horizon over the Florida Straits, go if they wished, Washington made an about-face and charged him with exporting his problems to the US. President Clinton even alleged that Fidel Castro was trying to dictate US immigration policy.

Caught out

The world's most powerful country was caught on the wrong foot by Cuba, its small impoverished neighbour. For 28 years, angered by Mr Castro's determined attempt at building socialism on the close-by island, often called a US backyard, successive US administrations in Washington offered and loudly advertised various allurements to Cubans who would leave their homeland and denounce it as unlivable.

The Cubans were treated by the US administration as exceptional immigrants. They needed no visas. They were granted permanent residence if they could reach US shores somehow. A radio station in Florida, beaming its broadcasts to Cuba, kept on calling upon Cubans to make for the US, flouting their country's law, if necessary.

President Carter declared in 1980 that his country would provide "an open heart and open arms to refugees seeking freedom from communist domination and from economic deprivation brought about primarily by Fidel Castro and his government." But the same criteria for permission to enter and live in the US were never applied to say, the Chinese and the Vietnamese who tried to come away from

"Communist" rule or the those from the Indian sub-continent, who were anxious to seek better economic opportunities in America.

Now the US administration has closed its heart and arms to the Cubans as well. President Castro has called its bluff by opening his exit gates towards the US. The Cubans do not deny that their economy is in pretty bad shape. The collapse of the Soviet Union and the communist trading block called the Comecon has left Cuba friendless.

The Soviet supplies of oil have dwindled to a very low level and whatever is still coming has to be paid for in convertible currency of which Cuba has virtually nothing. For the last three years Cuba has been depending for foreign exchange, on tourism and remittances by Cuban emigres for their friends and relatives left behind at home.

The US does its best to ensure that the Cubans do little international trade. An embargo has been placed on trading with Cuba, and not only for American companies but even for their subsidiaries outside the US. Ships unloading cargoes in Cuban ports may be denied berthing anywhere in the US.

In such a situation it is no surprise that the conditions of life in Cuba will deteriorate day by day and the number of people trying to leave for the US will rise dramatically. Some people must have come to a really desperate state. Otherwise they would not try to cross the Florida Straits in flimsy boats and rafts fabricated somehow and which hold slender hopes of completing a safe sea voyage. Battered small boats and craft, with their occupants missing and presumed lost at sea, are being washed up on the US coast.

Indefinite exile

President Castro had to revise his policy of open exit gates a bit and order his coast guards to stop children and teenagers

from embarking on perilous sea crossings.

President Castro is, undoubtedly, in a difficult situation. But so is the mighty United States. Its longstanding policy of receiving Cuban refugees with exceptionally wide arms has collapsed.

Those Cubans who were risking their lives to reach the "promised land" are being denied entry into the US, shipped to Guantanamo, a US military base in Cuba itself, and dumped there for a life in indefinite exile, near heavy minefields, away from home, and nowhere within sight of the promised land that had beckoned them. This by itself is now an interesting question of international morality.

Why the change?

The Cubans have always regarded US military occupation of Guantanamo as illegal and are now incensed at the use of this enclave to deposit those who were first promised and then denied residence in the US. Many thousands of Haitian refugees were taken there first and now many thousands of Cubans have joined them there for an uncertain future which may even turn explosive at some stage.

But why did the policymakers in Washington have to encourage Cubans to leave their homes in the first place? Havana alleges that the anti-Castro radio station in Florida was beaming propaganda 1,500 hours a week inciting people to leave their country and discredit it. The days when the US could argue with any degree of plausibility that Cuba was a not an entirely inconsequential part of proselytising and expansionist communism led by the Soviet Union, are now in the irrevocable past.

President Castro has himself been speaking of "rectification" of the system in Cuba and he is indeed making cautious experiments with liberalisation of Cuban socialism. Cuba is in no condition to export revolution even if it wanted to. Its sole concern today is to save its socialist gains

— for instance, its famed system of universal education and the free medical service for all, which even the US, ever boastful of its wealth and democracy, does not provide for its citizens.

Certainly Cuba has a right to do that. In any case, the Cuban struggle to keep up their socialism is no threat to the "American way of life" in the US. But Washington insists that Cuba must change and until that happens the pressure from the Superpower will be relentless. A US law provides for the embargo on trading with Cuba unless democracy and a free market are established on the island — or, in other words, Mr Castro is removed from

power and socialism abolished. This is, indubitably, interference in Cuba's internal affairs.

The Cubans concede that Washington has a right to trade with whoever it chooses and not to trade with Cuba but it has no right to pressurise other nations not to have commerce with Cuba. They complain that the US administration goes all out to try to see that every transaction Cuba enters into with anyone in the world is cancelled. In the latest move Washington has even banned cash remittances to Cuba by Cubans residing in the US. Yet there is no sign that Cuba may capitulate soon.

The Clinton administration has been compelled to signal its willingness to engage in talks with Cuba on the issue of the flood of Cuban refugees heading for US shores. But it still says that it is not prepared to discuss any lifting of the trade embargo.

More tension

This amounts to saying that Washington intends to continue its policy of subversion of Cuban socialism and Havana should reciprocate by ensuring that not too many Cubans leave their homes in the hope of finding better lives in the US. This way Washington hopes, probably, to build up more tension inside Cuba.

The dismissal of a Governor-General

[For reasons of confidentiality, this account was never previously published. It is now written specially for the Lanka Guardian.]

A. Jeyaratnam Wilson

January (1962) was the cruellest month for OEG and the top echelons of the army and the police. The height of political folly was that the organisers of the failed coup, except for one, were Christians in a Buddhist polity. However the saving feature was that the "Government of national safety" that the officers planned to put in place instead of the officiating PM, Mrs. B, was to be headed in the plotters' plan by none other than Dudley Shelton (the password was "Shelly") Senanayake (for the details, await Volume II of De Silva's and Wriggins's *JRJ of Sri Lanka*).

The self-described son of a postmaster (as Sir Oliver sang his swan song) having made his way to the top, claimed incorrectly in private conversations that he had "faithfully served" several PMs as GG (a mistaken perception of the position since one of the GG's functions is to be "guardian of the constitution", not to do the bidding of PMs if it was unconstitutional).

He had gotten himself of his own free will enmeshed in the messed up attempt at a disorganised coup d'etat.

How did this happen? F.C. de Saram, one of the senior military officers, voluntarily took the rap. The rest were caught like rats in a trap. Neither the PM nor the cabinet were prepared to deal with this unexpected turn of events, except for the youngest and most inexperienced of them all. Felix Dias Bandaranaike took charge of the investigations and subsequent dra-

fting of legislation. The 32-33 year old Felix was unflinching in bringing the offenders to book.

Where did Sir Oliver stand in all this? High level politicians reported that the GG was conducting his own inquiries. This was indeed a facade. He was without a doubt in the abortive attempt.

What evidence is there to incriminate Sir Oliver? B.P. Peiris (now deceased) is the unimpeachable source. Peiris was Secretary to the cabinet and a highly competent top-level civil servant. He told this writer, some time in 1963, the facts, with a promise that I should not publish anything till he had passed out of the scene.

Peiris one day received a phone call from OEG: "Look up all the books on constitutional law, Ivor Jennings among them, and let me know the precedents and circumstances under which a GG can dismiss a Prime Minister," or words to that effect. Peiris did his homework well. The message was couched in terms of urgency. He consulted all the possible tomes on the subject and phoned back to Sir Oliver the much-needed information. Unfortunately for Sir Oliver, his phone was being tapped.

When the details of the coup were obtained (the organisers did not involve the GG but there were the taped conversations), the next step was to question Sir Oliver. For this, the permission of the Queen of Ceylon had to be first obtained.

Buckingham Palace responded that as long as Sir Oliver was the Queen's representative, nothing should be done to bring the high office into disrepute. Felix Dias knew what to do next. A messenger was despatched to London with a letter from the PM requesting the Queen to replace the GG. Once replaced, the GG would be an ordinary citizen and could then be investigated. The messenger was required to present the letter only on receipt of instructions.

Surprisingly the PM, Mrs. Bandaranaike was not too willing to have Sir Oliver removed. Perhaps he had been her indispensable handyman. Felix kept pressing her to replace him (at this point my source becomes different from B.P. Peiris but is equally reliable.) Several names were suggested. The PM would not change her mind. Then came a brilliant flash to Felix. How about William Gopallawa (the PM's close connection) he asked her? I am not certain of the exact steps hereafter but a second message was sent recommending that OEG be replaced by Gopallawa. This ended the career of one of Sri Lanka's wildest statesmen.

A postscript to this bizarre episode might be interesting. "Citizen OEG" was questioned about the phone message to B.P. Peiris. Peiris told me that Sir Oliver was equal to the test. He replied: "someone may have imitated my voice and requested Peiris for the information". There may be many gaps to this alibi but thereby hangs a tale.

The anatomy of the ethnic conflict — regional autonomy ?

Sunil Bastian

The conflict situation in the case of Sri Lanka can be conceptualized as one of integrating a multi-ethnic society. The most important aspect in this process of integration is the evolution of a political structure that can form a basis for the creation of a multiethnic society. The Sri Lankan society at present can be characterized as being in the process of this evolution. However, this process is accompanied by violent conflicts, having their own dynamics. Therefore this section of the paper will examine (a) the main issues related to the process of integration and (b) the dynamics of the conflict generated by it.

Regional Autonomy — the Principle Issue of Integration

Sri Lanka emerged into independence in 1948 with a unitary form of government having a status of a dominion within the British Commonwealth. It was based on a Westminster model with two chambers, a Prime Minister with a cabinet of Ministers having executive power and an appointed Governor General remaining as the representative of the British Crown. In 1972 Sri Lanka introduced her first republican constitution. This did away with the links with the British Crown and replaced the appointed Governor General with an appointed President. But the political structure remained a unitary one. In 1978 the constitution was changed to one with an elected President and an elected parliament. However the unitary character of the system remained intact.

In order to safeguard the rights of the minorities the unitary system depended on checks and balances at the centre. Balanced representation in the parliament, a clause in the constitution and a system of appointed members to the senate and the parliament were the most important features of these checks and balances. Although ideas about regional autonomy were there before independence, they could not influence the formation of the political structure of independent Sri Lanka. At this time even the leadership of the minorities thought in terms of checks and balances at the centre.

History of independent Sri Lanka with respect to ethnic relations is a history of breakdown or non working of these checks and balances at the centre. Articulation of the political power of the majority through the political system saw the break-

down of the checks and balances. A first landmark was the disenfranchisement of people of Indian Tamil descent. These people worked mostly in the plantations and were brought to Sri Lanka during the British period. The new citizenship laws of independent Sri Lanka effectively converted them to a stateless position. This was in 1949. It changed the balanced representation in the parliament. A second turning point was the passage of a Bill in 1956 that made Sinhala, the language of the majority community the only official language. It proved that the clause in the constitution was powerless in the face of the numerical strength of the majority. Next came the enactment of the first republican constitution in 1972. This had little regard for minority demands and centralized power in the Sinhala dominated parliament even more. In fact the representatives of the Tamil minority boycotted the entire process of constitutional formation. Finally the Presidential system of 1978 concentrated power even more at the Centre.

With the breakdown of the political contract arrived at, at the time of independence we find the minority demands getting articulated through concepts of regional autonomy. Developments in the mid-1950s associated with the emergence of a government dominated by Sinhala Nationalist ideology saw the formation of the Federal Party by the Sri Lankan Tamils. The demand was for a federal system of government. Then in 1974 after the enactment of the first republican constitution it escalated to a demand of a separate state, covering the Northern and Eastern Provinces of the country.

In the dynamics of the conflict of Sri Lanka this structural contradiction between the unitary form of the existing political structure and the demand for regional autonomy is the major issue. While it was evolving during the post-independent period pushing the Tamil demands to separatism, there were attempts to resolve it through political negotiations. Two Prime Ministers in 1957 and in 1965 entered into agreements with the representatives of the Tamil people to resolve the conflict peacefully, through a regional autonomy arrangement. But both these attempts were thwarted due to political opposition from the Sinhalese. They were shortlived attempts at peaceful resolution of the conflict.

The emergence of the separatist demand in the mid-1970s also saw the first political actions of militant groups that had taken to armed struggle to win the separatist demand. The response of the Sri Lankan government was state repression using highly Sinhalese armed forces. This process of violence and counter-violence was supplemented by ethnic riots and other forms of violence against the civilian population. The anti-Tamil pogrom of July 1983 is very significant in this regard. It affected the Tamil population significantly. Close to 100,000 people fled to Tamil Nadu in neighbouring India as refugees. The Sri Lankan issue became an important political issue in Tamil Nadu. The militant groups expanded and the Tamil issue began to get a wide coverage internationally.

Sri Lanka is however a case where the escalation of the conflict into violent forms gives rise to a parallel negotiation process. Again the July 1983 anti-Tamil pogrom is a turning point. After this event we find a beginning of a process of discussion in order to find a way out of the situation. There were and still remains many problems with this discussion process. There had been several rounds of negotiations since July 1983. Some of them had been inconclusive and some even non-representative of the main actors of the conflict. But it is important to recognize this parallel process generated by the escalation of the conflict. From July 1983 India had participated in this negotiation process. Today the process has resulted in signing of a Peace Accord between India and Sri Lanka. In this agreement Sri Lanka agrees to introduce a system of regional autonomy as a way out of the ethnic conflict. The legislation to set up the Provincial Council system was passed through the Sri Lankan parliament in September 1987 and the first Provincial council elections have been held.

Looking at these developments in the Sri Lankan case, it is possible to argue that the contradictions in the political system is resulting in the emergence of the concept of regional autonomy as a way out of the situation. As already mentioned this had been proposed before but rejected. The escalation of the ethnic conflict has firmly put it back in the political process. Although there is political opposition to it no other alternatives have been suggested. Therefore from a conflict reso-

lution point of view it is important to see about the viability of a system of regional autonomy.

The legislation that has been passed proposes to divide the country into nine provinces. Each province will have an elected Provincial Council. Head of the Provincial Council will be a Chief Minister elected from the party enjoying majority political power in the Council. A Governor representing the Centre will be appointed by the President of the country for each Province. A certain degree of legislative power had been transferred to these Councils in specified areas.

At a general level one can argue that the proposed system can best be described as a proposal for 'limited regional autonomy'. Powers devolved are in no way close to any form of Federalism. Power for the Centre to intervene is very high. This has been the reason for opposition from certain Tamil representatives to the proposal. On the other side we find political manifestations among the Sinhalese who do not want to concede even this to the Tamils. In their extreme chauvinistic propaganda they see this as an attempt to divide the country.

On the other hand there is a considerable section of opinion cutting across ethnic and political groups of the left and the right accepting the proposed scheme at least as a starting point for the resolution of the conflict. For the purpose of conflict resolution it is best to build on these opinions. But at the same time this demands an objective look into the viability of the proposed system in the long run.

As it stands today the viability of the proposed system of devolution will depend on the ability of the government to

- a) concretely set up the necessary institutions for the scheme of devolution
- b) ensure the long term viability of the system both in economic and political terms.

The first of these is related to the immediate task of deescalating the violent processes both in the north and the south and getting the political process going. This we shall discuss in the next section under a different heading. The second issue is related to the question of resource availability for the Provincial Councils and ensuring its overall stability politically.

The question of resource availability is going to be extremely important for the viability of the Provincial Council system. If enough resources are available for the

regions a system of regional autonomy could be worked out in concrete practice. If this gives a sense of self-reliance to the regions, contending issues arising from the limitations of the proposed structures could be overcome. But on the other hand if the Provincial System is to break down due to lack of resources, the shortcomings of the political system will be accentuated. Thus, the economics of devolution becomes an important area for conflict resolution.

A cursory glance at the financial arrangements of the Provincial Councils shows that the Provinces will hardly be able to raise resources from taxation in their areas. This is partly because of the weak economic base of the regions due to uneven development and partly because many of the main economic activities will still be managed by the Centre. This makes the budgetary allocations from the Centre the most important source of funds for the Provinces. Thus, working out the formula for the allocation of these funds becomes a crucial issue.

The question of long-term viability of the system for regional autonomy can be posed in general terms. Given the political opposition of the majority community to the entire scheme, and given the fact that there are political parties making political capital out of this, the political viability of the system is a realistic question. It is true that the legislation to set up the Provincial Council had been introduced as an amendment to the constitution. The constitution has certain checks and balances which makes it difficult to change it through constitutional amendments. But with a long history of tampering with the constitutions in Sri Lanka, this cannot be an adequate guarantee. It is at this point India's involvement in the whole process through the Indo-Sri Lanka Peace Accord comes in. This we shall consider in detail in a following section.

Conflict Processes that have to be Resolved

In the previous section we have looked at the emergence of the concept of regional autonomy and establishment of viable Provincial Council system as the major issue for the resolution of the Sri Lankan ethnic conflict. But this development has been accompanied by violent processes that needs to de-escalated. The following sections looks at these aspects of the conflict.

De-escalation of the Violent Processes in the North and the South

As already mentioned the ethnic conflict of Sri Lanka has escalated to the level of an armed conflict. There are five major

armed groups among the Tamil militants. All of them have been involved in armed actions at one level or the other. The biggest of them, Liberation Tigers of Tamil Eelam (LTTE) has developed a reputation of a highly motivated, well-armed and well-trained guerilla group. The other main groups are Eelam People's Revolutionary Liberation Front (EPRLF), People's Liberation Organisation of Tamil Eelam (PLOTE), Tamil Eelam Liberation Organisation (TELO), and Eelam Revolutionary Organisation of Students (EROS). Of these militant groups two have openly supported the attempted peace process through the Indo-Lanka Accord and the proposal to devolve power to the regions (EPRLF and PLOTE). In fact they are now seeking to establish themselves as legal political parties. One of them has already succeeded in this task (EPRLF). They seem to be keen to enter into the peaceful political process to achieve their ends. The position of EROS and TELO is still not clear. The most important issue, however, is the stand taken by LTTE, the largest and the strongest militant group. The initial response of LTTE to the Indo-Lanka and the peace process was positive. But later events cast doubts about whether they agreed to the position willingly or under pressure from India. Although LTTE formed the biggest and the strongest militant group it was not involved in the final negotiation process that led to the Accord. The Accord was signed between the two governments. Later events showed this major flaw in the whole peace process.

According to the Accord disarming the militants had been left to the Indian government. At the beginning it looked as if the Indian government had some sort of an agreement with the LTTE enabling them to participate in the peace process. Whatever agreement there was at the time of the signing of the Accord it broke down by October 1987. On the 10th of October 1987 the Indian forces began large scale military operations against the LTTE. As these operations were conducted in heavily populated areas of the Northern Province, the human costs were tremendous. Civilian casualties and the destruction to the property was high. It had also resulted in a large number of people of the Northern Province becoming refugees.

Bringing LTTE to the political process, restoring normalcy in the Northern Province is essential for any kind of Provincial Council elections to be held in these areas. There seems to be some moves now in order to achieve the first task. But complete disarmament is not going to be an easy task even if the LTTE enters into

peaceful politics. The history of rivalry between armed groups and the murderous conflicts between them makes all the groups feel very vulnerable if all the arms are given up. Resolving this issue is going to be crucial for the future of the peace process. Perhaps it is an area where much of creative thinking is needed.

The de-escalation of the conflict in the Eastern Province is the other area where the questions might be even more difficult. The Eastern Province is multiethnic. The population is divided among the Sinhalese, Tamils and Muslims in almost equal proportions. The status of the Eastern Province has been left uncertain in the Peace Accord. In the proposed system of devolution the area is recognized as a separate Province. However it is to be amalgamated to the Northern Province temporarily for a period of one year. Then, the people of the Eastern Province are to decide at a referendum either to continue as a single Province with the north or to separate. This is the arrangement envisaged by the Accord. This uncertain situation in the east had resulted in various attempts at resettling and removing people from the area. These attempts at changing the ethnic composition of the area have resulted in violence. Attacks on villages, bombing of buses, setting off explosions have become frequent events. The situation in this Province presents a formidable task for conflict resolution.

Restoration of complete normalcy in the Northern and Eastern Provinces where a civil war has been fought for several years is not an easy task. This not only requires work at a political level in which various actors have to be brought in to the political process. It also has to take care of disarming militants, their rehabilitation, rehabilitation of the area, etc. But the important point is that all this need not await the resolution of the political issues in all its details. In fact the steps to normalize the lives of the civilians have begun to some extent. This work can be continued and it will help in the normalization of the other processes as well.

There is a considerable political opposition in the south among the Sinhalese to the proposed scheme of devolution and to the Indo-Lanka Accord. Some of this opposition has taken violent forms. It threatens to escalate into a process of violence and counterviolence by the state as it happened in the north. This is also taking place in an atmosphere when the legitimacy of the government in power is in question. This is due to some of the

undemocratic actions that the ruling group carried out in order to remain in power. Postponement of general elections using a referendum, harassment of political opponents, use of the parliamentary majority to gerrymander with the Constitution for own ends are some of the undemocratic methods that have been used by this government. With these means the present group in power had remained in office for the past ten years. According to the constitution both general elections and Presidential elections are due at the end of this year 1988. Holding of these elections and allowing the frozen democratic process to function again is an essential element for the de-escalation of the conflict situation in the south. If not, the violent processes of the north and east can become supplemented with similar events in the south as well.

Presence of the Indian Troops and the Contradictions Arising from it

The signing of the Peace Accord between India and Sri Lanka was a significant breakthrough in the Sri Lankan conflict. The Accord consists of two parts.

a) The agreement dealing with the internal conflict of Sri Lanka.

b) A letter of exchange regarding Indo-Sri Lanka relations. The first part forming the agreement can be considered as having four constituent elements. These are

- A section laying down the broad principles. Here Sri Lanka is characterized as a multiethnic society, with certain parts of the country being inhabited by certain ethnic groups historically.
- Acceptance of a scheme of devolution for the Northern and Eastern Provinces of Sri Lanka as a solution to the ethnic problem.
- Specification of the tasks for Sri Lanka and India in restoring normalcy to north and east.
- A clear timetable for this process.

The letter of exchange is related to Indo-Sri Lanka relations. In this, both sides agree to not to allow their territories to be used against the interests of the other. India undertakes to not to allow her territory to be used by separatist movements. On her part Sri Lanka gives specific undertakings about not allowing her territory to be used by foreign intelligence services in a way detrimental to India's interests.

Finally there is a special clause regarding the port of Trincomalee in the east coast of Sri Lanka. This port is considered to be strategically important in the area. India had been anxious that it is not used against India's interests. In the letter of exchange Sri Lankan government agrees to develop the Trincomalee port as a joint venture between India and Sri Lanka.

The content of the agreement shows the main factors that led to India's involvement. The first is the cross border complications arising from the internal conflict in Sri Lanka. Here again the July 1983 anti Tamil pogrom was a turning point. This resulted in a large number of Sri Lankan Tamils going as refugees to Tamil Nadu in India. Many of the political representatives of Tamil also went to Tamil Nadu. From this point onwards it was not possible even to begin negotiation without India as a mediator. As the conflict escalated India's role grew from that of a mediator to a direct participant in the whole process.

If one looks closely at the negotiation process it is clear that both parties to the conflict wanted India as some sort of a guarantor to the agreement to settle the issue. This means the Accord can be looked upon as a guarantee for the stability of the Provincial Council. Thus India is now closely involved with the resolution of the internal conflict in Sri Lanka, to the extent it affects the Tamil people of the Northern and Eastern Provinces.

The other concern of India is of course her own security. India has always been nervous about the unstable situation in Sri Lanka. The possibility of its repercussions in the state of Tamil Nadu has been one issue. The other are the interests shown by third parties and the possibility of their involvement once the situation changes. Through the Accord India virtually shuts out such involvements.

When the Accord was signed there was lot of hope for normalizations, although the situation had complicated due to several factors. According to the accord India hoped to disarm the militants within 72 hours. Obviously this was very unrealistic. The later developments and Indian military operations has resulted in a large influx of Indian troops to Sri Lanka. The estimates of the number of troops vary from 70,000 to 130,000. This is threatening to become a major a political issue in Sri Lanka both in the north and the south. Looking for ways and means for withdrawal of these is therefore an essential element in conflict resolution.

DRUGS ?

Amendment to Drug Regulation No. 34 of 1984 in Govt. Gazette Extraordinary No. 722/3 of Monday the 6th July 1992.

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Responses to conflict

Kumar Rupasingha

The end of the Cold War focused attention on a broad range of internal conflicts in which the stakes for governments and non-governmental organizations and the people they protect and succour have grown exponentially during the past four years. While there is broad agreement that the number of internal conflicts is likely to increase in the next decade and that their consequences will become increasingly dire, there is no consensus on how best to tailor preventive responses to emerging conflicts.

Governments have a particular obligation to assume a leadership role in shaping and implementing preventive responses to emerging conflicts. In terms of preventive diplomacy, it is governments which can effect the greatest amount of change most quickly. But a global shift in how effectively the international community addresses violent internal conflict will necessitate innovation, forceful leadership, the revision of priorities and the reallocation of resources at the political level.

Within the NGO sector, development agencies have not yet begun to invest resources in prevention or conflict resolution. These agencies face hard choices — whether to divert resources to respond to man-made disasters or continue with their existing developmental goals. Another hard choice is whether to sink funds into projects at the micro level, when those projects so often fall prey to violent conflict caused by the fragmentation and disintegration of societies.

Humanitarian agencies currently are investing over \$4 billion dollars annually to be able to better respond to emergency situations. Given the nature of the problem, they have increasingly come to recognise the importance of investing resources in preventive diplomacy and conflict resolution. However, this growing awareness has not been translated into operational guidelines and action.

Despite the major advances in human rights standard-setting in recent years and the expansion of capabilities to promote governmental accountability, local and international human rights organisations are often been paralysed and unable to respond effectively to states of emergency

and when violence escalates in internal conflicts. Clearly, in the increasing number of conflicts where gross violations of individual human rights overlap with grave breaches of humanitarian law, there is a need for a greater fusion of efforts to ensure compliance with both human rights standards and humanitarian law. In concrete terms, human rights organisations need to work more closely with humanitarian agencies and other relevant networks.

For the peace movement which blossomed in opposition to the nuclear arms race, the extraordinary creativity and energy once directed at superpower proxy wars and the spectre of nuclear devastation must now be rechannelled to foster war prevention and preventive diplomacy. Conflict resolution networks which made substantial contributions to the development of strategies of non-violence, negotiation, mediation and facilitation, now need to focus on the urgent necessity of transferring their Cold War skills and knowledge in peacemaking to societies gripped by existing or incipient "hot wars".

The environmental damage caused by war, potentially violent or already violent conflicts over water and other scarce resources, the funds lost to environmental protection and rehabilitation through war and a host of other issues all indicate that environmentalists have a high stake in the prevention of violent conflict.

The UN and preventive diplomacy

Interest in the preventive aspects of diplomacy has gained momentum since 1992, when Secretary General Boutros Boutros-Ghali's blueprint for revitalising the UN in the aftermath of the Cold War, *An Agenda for Peace*, was published.

Boutros-Ghali defined preventive diplomacy as "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur". He also stated that the most desirable and efficient employment of diplomacy is to ease tensions before conflict erupts and "to act swiftly to contain it and resolve its underlying causes".

Elaborating on the UN's role in terms of conflict prevention and resolution, Boutros-Ghali stated:

Our aims must be:

- To seek to identify at the earliest possible stage situations that could produce conflict, and to try through diplomacy to remove the sources of danger before violence results;

- Where conflict erupts, to engage in peacemaking aimed at resolving the issues that have led to conflict;

- Through peace-keeping, to work to preserve peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peacemakers;

- To stand ready to assist in peacebuilding in its differing contexts: rebuilding the institutions and infrastructures of nations torn by civil war and strife; and building the bonds of peaceful mutual benefit among nations formerly at war;

- And in the largest sense, to address the deepest causes conflict; economic despair, social injustice and political oppression...

The principal instruments of preventive diplomacy were listed as:

1. Confidence-building measures, i.e. exchanges of military missions, risk reduction centres, information exchanges, monitoring of regional arms control agreements;
2. Fact-finding, i.e. information gathering and a willingness to act on information;
3. Early warning, i.e. a synthesis of UN environmental, nuclear accident risk, famine, disease and population movement warning information with political indicators and possible UN action;
4. Preventive deployments, i.e. the insertion of armed forces before a crisis develops.

As can be seen from the types of measures envisaged, *An Agenda for Peace* placed the greatest emphasis on international military responses to potentially violent conflicts. The existing and potential non-military roles of both governmental and non-governmental organisations in preventing or resolving conflicts was largely ignored.

Since the publication of *An Agenda for Peace*, the optimism for the UN's role in the establishment of a new world order

has largely turned to disillusionment. Failed attempts at diplomacy and peace-making in the former Yugoslavia, Angola, Haiti, Somalia and now Rwanda have demonstrated the UN's current financial, logistical and political inability to effectively intervene in high-risk internal disputes.

As *The Economist* has pointed out:

Mr Boutros Ghali himself has acknowledged that the world body has neither the will or the resources to intervene in a civil war. It can try to promote or keep a peace but is not equipped, physically or mentally, to enforce one. Though that hardly needed driving home, the UN's prevarications in the Bosnia tragedy have amply done so.

Regional inter-governmental bodies such as the Conference on Security and Co-operation in Europe, the Organisation of African Unity and the Organisation of American States, have also had their own share of failures: the CSCE attempts at mediation in the former Yugoslavia; the OAU's failed Arusha process for Rwanda; the OAS' response to the Haitian coup, are some examples.

However, despite the recent record of the UN and other intergovernmental bodies, it should be borne in mind that it is the failures of diplomacy that are prominently reported, not the successes. For instance, while the debacle in Bosnia continues to command headlines, the recent treaty of reconciliation between Poland and Lithuania received little notice, nor does the quiet diplomacy of the CSCE's High Commissioner for National Minorities. In Africa, a regional diplomatic initiative was instrumental in establishing indirect and then direct contacts between the warring parties in Mozambique, which eventually led to the Rome peace accord of 1992.

On the non-governmental level, the sustained dedication and courage of grassroots peacemakers in South Africa still has not received the public attention it merits, nor have the efforts of citizen peacemakers in the Philippines, those who helped facilitate the Israeli-Palestinian breakthrough and many others in all regions of the world.

Because of the complexity and multifaceted nature of many internal conflicts, there is evidently a need to involve a variety of non-governmental and governmental actors. In recent years, non-governmental organisations have played a constantly expanding role in the advancement of human rights, in organising and providing humanitarian assistance, in pro-

moting adherence to humanitarian law, fostering economic and social development and conflict resolution. This "third system" serves as a primary link between "we the peoples" of the UN Charter and states and the inter-governmental system.

The straitjacket of the "Old World Order"

A major paradox of our time is that the international system which evolved to guarantee peace and security among nation-states has not developed effective standards, mechanisms or the political will to address violent internal conflicts and their consequences. In this post-Cold War world of disorder, international organizations, the remaining superpower and national governments have not kept pace with the changing character of war or shed the institutional and intellectual straitjacket of the paramountcy of state sovereignty woven during the Cold War era.

In part because of narrowly defined national self-interest, deference to the increasingly obsolescent concept of "absolute" sovereignty, distorted allocations of resources for the protection and promotion of peace and security, and inertia, the international system and the components of that system, whether governments, intergovernmental organisations or non-governmental organisations, in most cases **have only been able and willing to react** to events. Development of effective capabilities to **prevent** catastrophic internal conflicts and their consequences have been sorely neglected.

At the same time technological, economic and cultural globalization, the inability of weak or virtually non-existent governments to protect the basic human rights of their citizens and/or humanitarian solidarity all dictate that the concept of absolute sovereignty must be re-evaluated.

Common sense dictates that shifting governmental and non-governmental energies and resources to preventive activities would be a more cost-effective means of addressing internal conflict than responding to the consequences of such conflicts after they erupt in violence.

Because of the complexity and multifaceted nature of many internal conflicts, there is evidently a need to involve a variety of non-governmental and governmental actors. In recent years, non-governmental organisations have played a constantly expanding role in the advancement of human rights, in organising and providing humanitarian assistance, in promoting adherence to humanitarian law,

fostering economic and social development and conflict resolution. This "third system" serves as a primary link between "we the peoples" of the UN Charter and states and the inter-governmental system.

Given the destructiveness of existing wars, what appears to be an increasing spiral of violence, and the current difficulties of international organizations or individual governments in effectively addressing these conflicts, it is of critical importance to develop complementary approaches between NGOs, governments and intergovernmental bodies, as well as to enhance co-operation among NGOs concerned with the prevention of internal conflict and conflict transformation.

2. Towards a global conflict prevention capacity

*Just the other day we made a decision to contribute \$ 35 million additional to handle this disaster (Rwanda). One wonders if we had \$ 35 million in the previous two years we could have done something to avoid the killing. (J. Brian Atwood, head of the U.S. Agency for International Development, on the threat of famine in east Africa, *International Herald Tribune*, June 1, 1994)*

Repeated tragedies, lost opportunities, our knowledge of emerging conflicts and common sense all dictate that shifting governmental and non-governmental energies and resources to preventive activities would be a more humane and cost-effective means of addressing internal conflict than responding to the consequences of such conflicts after they erupt in violence. This is of course true as well when we are looking at how to foster and sustain development.

To quote Max van der Stoep, High Commissioner of National Minorities of the Conference on Security and Co-operation in Europe:

Capital invested in conflict prevention is capital well spent. In humanitarian, financial and political terms, conflict prevention is much cheaper than peace-keeping or rebuilding societies after a violent conflict. (Keynote speech to the CSCE Seminar on Early Warning and Preventive Diplomacy, Warsaw, January 19, 1994.

I would argue that to maximize the strengths of both the non-governmental and governmental communities in preventing violent conflict we must concentrate our efforts on the coordination and operationalization of preventive strategies in

strategic alliances of various partners. This will take firm political and financial commitments, as well as commitments of human resources. These are the basic building-blocks for an effective and sustainable preventive system.

Parallels to effective approaches to preventive diplomacy can be found in areas that we sometimes take for granted — fire prevention and preventive medicine, for example. In the case of the former, modern preventive measures began with the invention of stand-by fire brigades and horsedrawn equipment in the 19th century and have since grown into what can only be described as a culture of fire prevention. That culture involves substantial public and private investment and is comprised of rigorous fire safety standards, modern firefighting equipment and techniques, public awareness campaigns, and, in the home, smoke detectors and fire extinguishers. It also involves different actors — governments, public services, business leaders, the media — all working to get the preventive message across to publics and to implement and maintain preventive measures. The lives and property saved through prevention have been inestimable.

The development of preventive diplomacy as an effective instrument for the peaceful and constructive resolution and transformation of complex and protracted internal conflicts will also involve a sustained, multi-dimensional approach at both the national and international levels. Below, I outline some of the possible general approaches which different elements of the international community may find useful in developing preventive strategies and practices.

Early preventive actions

Based on early warnings, non-military and non-coercive “emergency” responses of governmental and non-governmental organisations can include:

- international appeals;
- fact-finding missions aimed at framing the issues and exploring fora for dialogue and negotiation;
- informal consultations with parties to conflict;
- lobbying of national governments and intergovernmental bodies;
- logistical and technical support for mediation or negotiation efforts;
- expert facilitation of negotiations;
- the deployment of non-governmental peacemakers to areas of potential conflict.

Longer-term preventive actions

Longer-term actions should seek to address sources of conflict such as economic and social disparities, weak government and non-governmental structures and the enhancement of elements of civil society. Essentially, what is needed is a global shift in thinking and practical approaches to conflict, by which increasingly effective action pre-empts reaction to catastrophic developments.

Such preventive initiatives could include:

1. The development of integrative economic packages to sustain peace-building efforts;
2. Development aid targeted to conflict-prone areas or regions;
3. Aid targeted on development of conflict management mechanisms;
4. Support in improving structures of governance and support for civil society;
5. Cross-cultural conflict resolution training and training of local trainers;
6. Broader schemes to develop regional conflict prevention institutions.

Other important areas are the promotion of multi-culturalism and, in the political arena, the development of mechanisms for the peaceful and constructive resolution of claims for self-determination. International Alert is currently exploring the viability of a non-governmental “Forum” which would deal with claims related to national, ethnic, religious and linguistic groups, and, in particular claims involving discrimination or group bias; recognition of identity; self-government; autonomy; and self-determination.

Generating political will

As Max Van Der Stoel and others have pointed out: “Early warning activity can only be as effective as the political response... to it”. Here, the essential problem is the generation of political will at both the national and international levels.

Any effective system of preventive diplomacy would be comprised of individuals and organisations which can provide political decisionmakers and decisionshapers with sufficient warning of impending disasters and have the contacts and credibility to effectively encourage them to act to avert such disasters.

Some of the key groups and institutions within an area of conflict in positions to influence that conflict could include:

- top political leaders within a given government and other political groups;

- mid-level political leaders;
- business leaders;
- media;
- the military;
- other institutions of civil society;
- public opinion;
- cultural figures.

Based on timely and accurate analysis of the root causes of a particular conflict, the principal actors, and internal and external options for the peaceful resolution and transformation of the conflict, principled intervention can take a number of forms. Among these are efforts at influencing international measures to address a developing conflict, such as the promotion of dialogue and problem-solving, support in the establishment of channels of communication, work towards the establishment of fora for negotiation.

Other approaches might include:

- the use of special envoys, mediators or arbitrators acceptable to all parties;
- public or private lobbying of specific target groups — the media, union leaders, religious leaders, other influential social and political actors — within a society faced with violent internal conflict or the escalation of conflict;
- working with international financial or developmental organizations or business consortia with interests in peaceful outcomes.

The particular challenge of ethnic conflicts

Because so many of today's violent conflicts can be characterised as ethnic conflicts, special measures to address these types of conflicts are necessary. Such measures could include the clarification of international law and policy regarding the rights of communal groups; consistent enforcement of international law and policy regarding communal minorities; establishment of systems for information gathering and early warning of impending communal conflicts and humanitarian crises; strengthening of regional organizations in the South, as well as non-governmental organizations to meet emerging ethno-political crises; and, an increasingly urgent need — in light of the humanitarian disasters in the former Yugoslavia, and now Rwanda — the establishment of internationally accepted criteria for humanitarian intervention, including the use of force in cases of gross and persistent violations of human rights.

(To be continued)

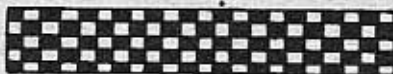
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Parliamentary Democracy v the Presidential System

A Realist Approach

Radhika Coomaraswamy

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

This disjuncture between the idea of representative democracy and its concrete manifestation must be the starting point for our analysis¹. Some may argue against the proposition of representative government², but very few have put forward a viable alternative to such a form of government at the national level. Though we may want to foster indigenous traditions we must also recognise that a world heritage of ideas, institutions and practical experience have cracked open the internal processes of developing societies³. The acceptance of representative democracy as a universal political goal is a manifestation of this dynamic. No serious actor on the Sri Lankan political scene is asking for its removal as the cornerstone ideal for our own democratic system.

The debate about the choice between parliamentary democracy and presidential systems currently taking place must be understood in this context. At one level it is a debate about the perfect ideal institution — a positivist debate about words and forms. At another level it is debate about structuring government and a contest about whose voice will be heard, whose voice will be privileged and what rights will be protected. In other words it is also about the actual results of electoral hustings. The Constitution one supports must therefore reflect the values one places as important in a given society.

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

- maximises checks and balances and therefore reduces arbitrariness in decision-making
- maximises sharing of power between the centre and the periphery so that as

many people as possible participate in public decision-making

- maximises the efficient delivery of state services within the parameters of a democratic set-up, services which must be the welfare safety net of any given society, especially a developing one
- maximises protection of minority rights and allows territorial minorities the right to fully determine decisions which affect their future in their areas so long as they respect the rights and privileges of individuals and minority groups living in these areas and so long as they are committed to a democratic process.
- maximises fundamental rights protection, the cornerstone of any constitutional order which not only ensures democracy at times of election but in the everyday life of people.

These are the cardinal principles which will guide this paper in evaluating whether we should adopt a Presidential or Parliamentary system. The paper does not argue that either one of these systems are a panacea for all evils and the choice between them or as part of a combination of both of them must be anchored in the political realities of any given society.

Checks and Balances - A Westminster Consciousness

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

In other words, checks and balances was seen to be necessary only when one had a powerful executive presidency and the checks were on the use of arbitrary power by an elected individual. Majoritarian democracy, as a step away from monarchy was to be unbridled especially in a society with the homogenous population of England. However, in Sri Lanka the 1972 Constitution and its operation has proved to us that parlia-

mentary democracy, when the government has 2/3 of the MPs in its party, is as unbridled and as arbitrary as a presidential system. The tyranny of the majority results not only in the repression of other political parties but also minority groups. Without effective checks and balances on the legislative process, there is as much arbitrariness as in the presidential system.

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

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

constant vigilance, the mutual suspicion is lacking.

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

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

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

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

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

In addition it may be argued that the 1970-1977 period has also pointed to us the pitfalls of an unbridled legislature in the alternative system of parliamentary democracy. It is therefore imperative that no matter what system is chosen, whether a presidential system or a parliamentary system, it is necessary to have the safeguards — a judiciary that can review legislation without fear or favour and a parliament which is competent to be a watchdog on the day to day policy-making. Without these effective checks on both the executive and the legislature, the era of arbitrariness, patronage and unbridled power — Sri Lanka's post-colonial political legacy will never really leave us.

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

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

This has led to the development of party oligarchies, a condition which has been well analysed in western political parties. As Michels writes:-

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

This oligarchy may be an intrinsic part of any bureaucratic apparatus in the modern world, but in Sri Lanka there are no minimum standards with regard to the conduct of the internal affairs of the political party. While we may have company law with regard to private enterprise, there is nothing with regard to the conduct of political party business. In some sense, there should not be a law which makes all political parties into similar organisations — in fact freedom of internal experimentation should be given maximum leeway; the party should not become an entrenched bureaucracy. And yet, there should be minimum standards with regard to the conduct of business to ensure a measure of integral democracy and financial accountability to the membership.

Whether we have a presidential system or a parliamentary system, this factor has to be underlined. In both institutions, the political party is the foundation, the core of the system. Unless we devise strategies and policies to ensure the minimum standards of democratic deliberations within the party structure, the system itself will not be able to function. It is only a democratic and effective party system which will be the final check, either on an errant president, or a runaway parliament with an errant prime minister. It is also only an effective party system which will groom and put forward candidates who will be our future political leaders. If there is some blockage within the party structures, then quality leaders will never emerge. In any system they are the final protectors of democratic values.

(To be Continued)

Notes

1. R. Unger, *Politics*, Harvard Law School, 1981 p.83
2. S.D. Bandaranayake in his speeches in parliament and in the Presidential election campaign of 1988. See also Jehan Perera in "Constitutional Reform is irrelevant for Sri Lanka", Law and Society Trust Newsletter July 1992
3. R. Unger, *Law in Modern Society. Toward a Criticism of Social Theory*, Free Press, New York, 1976 p.64.
4. J. Uyangoda, "The President and Parliament in Sri Lanka:- Conflicts, Checks and Balances" in *The United States and Sri Lanka Constitutions:- A Comparative Study*, Dehiwala, 1992.
5. R. Michels, *Political Parties* New York 1962.

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