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**LANKA**

# **GUARDIAN**

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## TRENDS

### Red light for the general

Emigration authorities will not permit former Army Commander General Cecil Waidyaratne to leave the country. He is needed for an investigation into the affairs of the army covering a period which includes his tenure of office. "We will be recording General Waidyaratne's statement", a police (CID) spokesman said.

The general is prepared to assist the investigation. "I want to clear my name", he told the media.

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## PA MP's sisters assaulted

An armed gang assaulted the two sisters of Anuradhapura District People's Alliance MP Shantha Premaratne. According to the police the incident was linked to a private quarrel.

## BRIEFLY...

### VOA: Violence continues

Protestors demonstrating against the building of a Voice of America relay station at Iranawila, a fishing village on the North Western coast, have stoned vehicles and "maliciously" engaged in other violent acts, a USIS release said.

The release described the protesters as "anti-VOA thugs". The incidents were being investigated, the police said.

### And now a land sale tax?

There is not enough money in the Treasury and President Chandrika Bandaranaike asked government MPs for suggestions that would bring more revenue. A tax on land sales was the consensus.

There is already a tax on land sales in the form of deed fees when land is transferred from one owner to another. What the MPs suggested was a tax in addition to this.

The MPs threw in another suggestion on top of the land tax — Rs 20 more in excise duty on a bottle of arrack and 25 cents on a cigarette. Liquor and tobacco are the budget makers perennial targets.

## LTTE ready to compromise?

According to the BBC, the LTTE is ready to drop the separate state demand and accept a federal constitution. This, the BBC said, was the impression gathered by the assorted groups that went on a peace mission from the South to the North and met representatives of the Tigers there.

The peace delegation told a press conference that the main purpose of their mission was not to negotiate with the LTTE but to make contact with the ordinary people of the North. In this they had succeeded, the delegates said.

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# GETTING THE LTTE MESSAGE RIGHT

Mervyn de Silva

"Still there are no blood stains on the hands of President Chandrika Bandaranaike Kumaratunga. If by chance she gets her hands spattered with blood she will have to pay for these deeds" Anton Balasingham, principal spokesman of the LTTE at a press conference in Jaffna. (ISLAND, 21/2).

"But there is ground for cautious optimism and two reasons to believe that Mrs. Kumaratunga may succeed where others failed. First she has an electoral mandate to deal with the Tamils..... Secondly, the President announced that the truce is only the first step to negotiations on substantive political issues". (TIMES, London 9/1/95)

The LTTE has never admitted that it killed A, B. or C. In this journal and elsewhere, I have recognised the LTTE response to an official or public allegation as quite unique. First, a flat denial of any LTTE involvement. Secondly several, admirably well argued reasons why the victim deserved to die i.e. execution. It is in this category surely Mr. Balasingham's remarks on Rajiv Gandhi belong? "The LTTE never assassinate political leaders. As an example we will take the case of Rajiv Gandhi. Rajiv Gandhi sent Indian forces to the north and killed more than 10,000 civilians. Many families were left orphaned. The Indian forces were not responsible for those deeds. But those who specific orders to carry out the killings and encouraged them to operate should be held responsible for those murders. We have nothing to do. They destroyed themselves with their actions".

What is important here is the need to read the mind of Mr. Velupillai Prabhakaran clearly — not to delude oneself. Indeed, he himself would obviously prefer to negotiate with a person that understands him than one who does not. The messages must be read clearly by both parties to the dialogue. It is interesting to note that Mr. Balasingham closed the matter with this remark "We should not look at who killed whom. We must know why they killed them".

No person, in other words, is "murdered" by the LTTE. Its "soldiers" kill the "soldiers" of the Sri Lankan (or any other state's) soldiers in the ongoing "war". It

"executes" individuals who deserve to be thus punished.

Mr. Prabhakaran and his top aides probably study events and trends in Colombo more closely than any diplomatic mission. It must now know that "peace" is vitally important to the P.A.'s broad strategy for survival and success; in short, 'the peace dividend'. Dr. Lal Jayawardene, the President's economic adviser has spelt it out publicly in the plainest language. The Director of the HELSINKI-based WIDER, which sponsors research studies at the highest academic level (that certainly is its charter) was persuaded to give the 11th Convocation Address of the Bandaranaike Centre for International Studies in December 1993, a timely intervention considering that parliamentary polls had to be held in 1994.

"An important element in Sri Lanka being able to afford the necessary investment in human development, with social expenditure being consistently in the range of 9% to 12% of GNP from the mid - 1960's to 1979 was her extremely low level of military expenditure throughout that period. This rarely exceeded 1% of GDP, at a time when the rest of the developing world was spending nearly 5% of GDP on arms, Sri Lanka's level today" (1993) ..... High human development and high unemployment is a uniquely Sri Lankan recipe for endemic violence".

When the LTTE leadership plans strategy, it is safe to presume that the political situation in the South (and the mass mood, certainly in Colombo, the centre of all decision-making in this tiny island) would be regarded as a major item. Six months after the parliamentary polls, and three months after the Presidential contest, the 8-party Peoples' Alliance (PA) of President Chandrika Kumaratunga is in serious difficulties, if not besieged. Mr. Prabhakaran knows this. It is the P.A. that is now hooked; not the LTTE. Step by step, issue by issue, the LTTE has got what it demanded or at least 50% of what it asked for. The government and the Army have seen a cessation of hostilities in place ".... with monitors from Canada, Norway and Netherlands supervising this no war-no peace stand-off. No lives lost. A gain too. And now the LTTE has won another

concession. On Feb. 27, the Sangu-piddy-Pooneryn road was opened for civilian traffic. Deputy Defence Minister Anurudda Ratwatte did stress however that the Pooneryn camp would not be moved. "We will move only the bunker line or the Forward Defence Line (FDL) by 500 metres to help the free flow of civilian vehicular and pedestrian traffic...."

"A political solution to the ethnic crisis is in sight... Parliament and the people will be informed of every step in the discussions with the LTTE".

"If Sri Lanka can strike a peace deal with the LTTE by April, the country can expect record aid pledges from all its donors" says Roberto Bendtjevodt, the World Bank representative in Colombo. The donor consortium meets in late April in Paris.

Dr. N. Shanmugaratnam, Senior Scientist, Norwegian Centre for International Agricultural Development, has come in from the cold. He is now a visiting Professor Postgraduate Institute of Agriculture, Peradeniya. Like Canada and Holland, Norway has sent monitors to the north to observe "the cessation of hostilities". Norway has recently cracked the whip of Tamil refugees. 300 may be deported.

In an excellent article published in the *Sunday Observer* editorial page, Dr. Shanmugaratnam wrote:

"Unfortunately, so far all that we know is the government is still thinking within or around the framework of the Bandaranaike-Chelva Pact of 1957. One tends to think that the President and her political advisers have just begun to do their homework on the real challenge of working out the regional, institutional and legal dimensions of devolution. I am not alone in hoping that they would in the shorter possible time move towards facing the stark realities of 1995".

It may be tactically useful, even necessary, for Mr. Prabhakaran to go through the motions of "peace negotiations" — to show the LTTE is reasonable, to ease the pressure on his people, to please the international community but he will NOT betray his cause..... the dream that makes the sacrifices of "his people" meaningful.

# President denies 'Sunday Times' report, editor may face defamation charges

The editor of a Sri Lankan newspaper grilled by detectives over a story on President Chandrika Bandaranaike Kumaratunga may face defamation charges, police said.

They said Kumaratunga had lodged a complaint alleging defamation and denying a report in the independent Sunday Times that she had attended a party at a posh hotel.

The *Sunday Times*, in a special column titled "By Our Gossip Columnist", said Kumaratunga spent 90 minutes at Member of Parliament Asitha Perera's birthday party at the Hotel Lanka Oberoi.

Editor Sinha Ratnatunga was questioned by Criminal Investigations Department (CID) detectives for three and a half hours.

On Tuesday, CID officers questioned reporters at the Sinhalese-language weekly *Lakbima* over the same story.

Ratnatunga told Reuters police wanted to know who wrote the story and who the paper's sources were.

"I said I can't tell them that," Ratnatunga said adding that he took responsibility for the story.

He said he first heard Kumaratunga had denied the story when he was under questioning. Had the president or her office told him the story was wrong, he would have inquired into it and if it was incorrect, published an apology, Ratnatunga said.

He denied any attempt to malign Kumaratunga, saying two stories in the same edition had praised her.

Newspapers have criticised what they call Kumaratunga's lifestyle, including midnight dinners and private cocktails at top hotels, saying she came to power promising to curb lavish spending by former government.

Kumaratunga has dismissed the allegations, accusing newspapers of printing lies. Last month, the cabinet appointed a committee to discuss action against what it called "bad reporting."

The move drew a chorus of protests from the media and led to a heated exchange between reporters and the usually amiable Media Minister Dharmasiri Senanayake at a news conference last week.

Kumaratunga has said some newspapers were abusing their new-found freedom after her People's Alliance loosened media controls on winning national and presidential polls last year.

Earlier this month, Lasantha Wickrematunga, editor of the *Sunday Leader*, and his journalist wife were beaten up by an unidentified gang near their home outside Colombo.

Wickrematunga has been Kumaratunga's fiercest critic with his political commentary often giving intimate details of the president's social life and that of her aides. — (Reuters)

## Political solution to ethnic crisis

by Zacki Jabbar

Deputy Minister of Defence Anuruddha Ratwatte said in Parliament yesterday that a political solution to the ethnic crisis is in sight and that Parliament and the people will be informed of every step in the discussions with the LTTE.

Mr. Ratwatte who is also Minister of Irrigation Power and Highways was speaking on the vote on the Ministry of Defence during the Committee stage of the budget debate.

Minister Ratwatte said that the peace talks with the LTTE has had an eighty per cent success rate. "There are a few matters that have to be sorted out and once that is done we should have total peace" he added.

Minister Ratwatte earlier said that he was happy that the JVP representative spoke about the security situation in the country. They fought against the political structure a few years ago. It is commendable that they have entered the political mainstream".

He said that certain newspapers may attempt to show that the JVP is trying to take up arms again but that is not "correct". If anybody takes up arms once again we will take action against them legally."

The newspapers have been given press freedom but that does not mean that they can act illegally.

A newspaper Editor was questioned because that newspaper had made false allegations. But we did not burn him on tyres like in the past.

Some members spoke of the bugging of telephones but I can assure you that no such thing is happening now. It happened for 17 long years. But today you are free to talk whether it be with your boy friend or girl friend.

**Mr. Susil Moonesinghe:** Can you bring legislation to parliament to prevent telephone tapping in the future.

**Mr. Ratwatte:** I will certainly do that.

Mr. Ratwatte said that it was not easy to correct the misdeeds of 17 long years in a couple of months, but I assure you that the promises we have given will be honoured."

The people will be informed of all steps taken in our peace talks with the LTTE.

The agreement signed with the LTTE regarding the cessation of hostilities has already been tabled in the house.

He alleged that some newspapers were reporting untruths about the violation of the cessation of hostilities. There may be few minor skirmishes but some of the reports that appear are grossly exaggerated.

He reminded the House that the UNP government had given orders for the LTTE but that will not happen again, he assured.

"I can assure you that nothing will be done behind the backs of the people. A political settlement with the LTTE is in sight and we will keep this House and the people informed of all developments, he said.

# Prabhakaran: the mystique of force

R. A. Ariyaratne

This scenario is therefore fraught with the ominous potential to trigger off a still more frightful phase of fighting, perhaps Eelam War III which could not be contained by the peace effort alone. However, this is not to insinuate that the peace lobby is blissfully unaware of this possibility, but rather to emphasize the gravity of the situational imponderables which might not allow the peace process to take care of itself. A counter argument which is increasingly gaining currency is that a bilaterally agreed ceasefire backed by a meaningful devolution of power would lure the LTTE controlled areas into the mainstream politics of the island. This notion, however, does not take into account the fact that the LTTE has already set up an alternatives government in these areas and there by "Usurped" more power and functions than those can be devolved in terms of the Ninth Schedule of the Thirteenth Amendment to the Constitution. The only constraint on the unfettered exercise of the de facto governance of these areas by the LTTE is the presence of the government security in their midst. They too will be confined to bases when the ceasefire is in force. In the circumstances, it will become necessary for the Tigers to barter some of their prize achievements with a government largesse of dubious benefit. Only a cursory glance at the present and past separatist struggles will confirm that no guerilla movement as firmly ensconced in power as the LTTE has willingly submitted itself to such an inglorious end to its cause.

This brings us to the ambit of the leadership in Tamil politics. For, to give peace a chance, it is imperative that the decision making group at the helm of Tamil politics should adopt a conciliatory attitude toward the South's overtures. In this context, what an eminent political scientist has said about the Vietcong appears of equal relevance to illustrate the mindset of the LTTE. Says, Douglas Pike,

"To the battle-hard Vietcong "only one approach was known: Smash the opposition, crush the resistance, apply maximum force at all points at all times.

When this approach failed and problems worsened, the response was more of the same, further application of greater force. This tactic compounded the error, and down the spiral went. A lifetime of combat had conditioned them, and only one policy response was open: vigorous, relentless, sustained application of force".

It needs to be borne in mind in this connection that the Tiger supremo, Prabhakaran, is no marionette and the preponderant majority of his teenage charges have had no association with the Southern tinsel social life. In fact the latter's entire life pattern has been conditioned by a single dominant factor: force, used by them and against them. In the circumstances, either transforming them from a battle-hardened guerilla group to a civilian officialdom or marginalising them in the Jaffna political milieu is bound to prove an exceedingly daunting task. In the recent past several relatively successful peace accords have been concluded between what at one point of time was seen as implacably bitter rival political factions — proof that no hardline guerilla movement or, for that matter, self assured government can long remain impervious to pressure brought to bear on it at the propitious moment from within and without. At the present moment no serious international mediation in Sri Lanka's low-intensity conflict can be realistically anticipated, and even if it does, it would not be likely that the international community will deviate from its well-known policy of propping up the underdog to rap the LTTE on the knuckles on its waywardness. Besides, the LTTE has a consistent record of paying all but total disregard for international opinion when it goes against their avowed interests, whilst collecting funds from the Tamil diaspor scattered all over the world with no compunctions. By far the only extranational entity which has exerted some influence over the Sri Lankan Tamil political groups is, not surprisingly, India, at first as their patron saint and later, the LTTE's bete noire. However, she too now apparently prefers to watch the developments across the Palk from the sidelines, now that she has already burnt her fingers while trying to haul the Tigers over the coals.

The typical Southern approach to Jaffna conundrum had been to compel change when it might have been induced, and the North, more as rule than the exception, counteracted such moves by a show of defiance. To the LTTE, a change of government in the South represents a mere change in the label of the Sinhalese hegemonism. Hence the need to distance itself from the electoral process leading to it. At the General Elections held on 16 August, 1994, the Tiger stronghold of the Jaffna province recorded only a 2.3% of the registered votes, that too in areas controlled by the security forces. What is more to the point as being demonstrative of the LTTE's intentions is the fact that it boycotted the Presidential Elections as well, held on 9th November, 1994 (total number of votes polled: 2.97% of the registered votes) when it had already reciprocated the government's peace move. It is therefore, clear that the government's good intentions alone cannot bring about a change of heart in the powers-that-be in Jaffna. Logically, the South's militant pacifist lobby will be no exception to this yardstick because of their close identity with the P. A. political circles.

This leaves the inhabitants of the Northern, and to a lesser extent, Eastern provinces as the sole social constituency capable of making an impact on the destiny of the proposed political settlement. To develop their full potential as a catalyst, it is of utmost importance to launch a well-planned strategy with a great deal of patience and understanding. Confidence building among the minority communities in general should necessarily be the first step in this direction at the consummation of which they will have no lingering qualms about the political bonafides of the new dispensation. Alongside, a concerted effort needs to be undertaken in earnest to alleviate the hardships experienced by the ordinary people in the North and the East. Undoubtedly, the surest way to win the hearts and minds of the people caught up in the war-enforced austerities is through the stomach. It would, however, be too simplistic to believe that meliorism holds true at all times and places. In the peculiar situation obtaining in Sri Lanka's ethnic strife, successful government sponsored socio-economic programmes

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aimed at attracting the malcontent Tamil community back to the mainstream politics can bring forth quite the opposite of the desired result. An aspect of paramount importance which the melliorist school of thinking often lose sight of is that the LTTE regime has brought home to the Tamil people living in these localities a new awareness of their communal identity coupled with a strong sense of self-confidence. When combined with improved economic conditions, this burgeoning self-awareness can operate as a strong disincentive to coalesce with the predominantly Sinhalese provinces under whatever constitutional arrangement. On the other hand, if the pace and the substance of the socio-economic face-lift overtakes political reforms necessary to accommodate the new leadership needs, the recourse to sheer force will not be sufficient for the LTTE hierarchy prevent the internal contradictions inherent in such a situation from imploding. Either way, this will represent a watershed stage in the inter-communal and intracommunity relations of Sri Lankan polity.

If at this stage the government could capitalise on the growing receptivity of the Tamil community to a political settlement by proffering a substantial devolution package, it would lend itself to unbend the obduracy of the Tamil militants in more than one way. For one thing, the personal idiosyncracies and ideological differences that exist within the Tamil hierarchy which had hitherto lain quiescent in the face of the presence of a "common enemy" would begin to surface. When what the Tamil community perceive to be the "external oppressor" is distanced, a movement born out of the disenchantment with the Sinhalese-dominated government's failure to accommodate their aspirations will not hesitate to challenge the Leviathan in their midst.

No less unenviable would be the predicament of the government at this juncture. Before delivering the promised political package, it needs to determine the exact unit of devolution — a thorny issue, the fumbling search for which has already sapped the energies of several government-sponsored committees and taxed the genius of the Southern intellectuals. At the centre of the dispute is the amalgamation of the Northern and Eastern Provinces to form one administrative unit under the clause 2.2 of the Indo-Lanka Accord signed in July 1987. The Accord envisaged this merger to be an interim arrangement which could be annulled or continued in perpetuity as would be decided by the voters of the Eastern Province at a referendum. But the govern-

ment in power at the time kept on postponing the date of the referendum from December 31, 1988 until such time when the deteriorating security situation made it impossible to conduct a plebiscite in the Eastern Province. Meanwhile the notion of unified North-Eastern Province had become ossified in the psyche of the Tamil community living in all parts of the country, thereby vindicating the feasibility of the concept of establishing a "Tamil homeland" encompassing "the areas of historical habitation of Sri Lankan Tamil speaking people" as laid down in the Indo-Lanka Accord.

Whatever the circumstances that led to it, the merger has made, for all practical purposes, a vast tract of land, together with more than one half of the entire sea coast of Sri Lanka, occupied by less than 15 percent of the island's population coterminous with the rest of the country. This situation has been further confounded by the existence of sizeable Muslim and Sinhalese enclaves who, together, outnumber the Tamils in two of the three administrative districts in the Eastern province (Trincomalee District, Sinhalese 33.6% & Muslims 29.0%, Ampara District: Sinhalese 37.6% and Muslims 41.6%). To bring the latter under a single or two administrative units would be to replicate the majority biased anomalous representation system that exist in the present Sri Lankan Parliament.

No less controversial would be the position of the Trincomalee harbour in the proposed power dispensation. It is pertinent to recall here that in the Letters of Exchange annexed to the Indo-Lanka Agreement both governments have agreed that:-

Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests. The work of restoring and operating the Trincomalee Oil Tank Farm will be undertaken as a joint venture between India and Sri Lanka.

Even if it can be justifiably argued that the Indo-Lanka Accord has already been reduced to a dead letter, in the context of India's ambitious programme of developing a powerful blue water navy which is currently underway, she is not likely to view with equanimity the prospect of Trincomalee harbour falling into the hands of a hostile power. And ranked at the top of India's unfriendly powers and political factions is undoubtedly the LTTE which not only humiliated the mighty IPKF but added gross insult by allegedly assassi-

nating the Prime Minister Rajiv Gandhi.

Assuming that a modus vivendi on most of the contentions issues with Tamil militants is established for which the tacit concurrence, if not blessing, of the Indian authorities is successfully garnered, Colombo will still be left with a problem of gargantuan proportions to grapple with, before a lasting peace becomes anywhere near a reality, i.e., selling the North-East devolution package to the people in the South. Given the multiplicity of factors that can be expected to converge on a momentous national issue of this scale, the South's reaction to this move will crystallize only at the point of time of its actual implementation. But the broad lines along which the Sinhalese and Muslim response is expected to articulate are already discernible.

Undoubtedly the main bone of contention will be the question of the North-East merger, thrust on the people of Sri Lanka as a fait accompli under an emergency regulation proclaimed by the then President, J.R. Jayawardene. On this issue the entire indigenous Tamil community and the non-Tamils have taken up diametrically opposite positions. The impasse can only be resolved if both factions agree on the compromise formula. As of now, the Tamil militants' position that the merger is permanent and non-negotiable leaves little or no room for a negotiated settlement on this vital issue, thereby styming further contemplation on possible modalities of devolution of power.

Whatever the outcome of the merger issue, to confer substantial autonomous powers on the North and the East alone would be seen as invidious treatment by the rest of country. The only way to redress the imbalance would be to grant identical packages of enhanced devolution to all Provincial Councils. Besides remedying what would otherwise have been a constitutional and administrative anomaly, this attangement could also be a palliative to the much-maligned over-concentration of power in the central legislature. But our recent experience has been that the Provincial Councils, unless organically linked with and made accountable to the Parliament, tend to act waywardly and compete with one another to befit the image best described in popular parlance as 'white elephants'. Devising a constitutional structure and an electoral system which will, on the one hand, concede a meaningful devolution package not only to the North and the East but to the rest of the regional units as well and organically link them with the central legislature, on the other hand, is the challenge now facing the nation.

# Federalism and Intergovernmental Relations

Nirgunan Tiruchelvam

## Did President Reagan's attempted reforms of relations between the federal and state fail?

There are three questions which need to be addressed in this paper. What were President Reagan's stated intentions for revamping federalism? We must delineate what we understand by Reagan's attempted reforms. Secondly, we must examine how he sought to implement these reforms. In other words, what aspects of Reagan's agenda were part of his attempt to revamp federalism? Finally, we must determine the obstacles to Reagan's reforms.

President Reagan expressed his desire to revamp American federalism in his inaugural address in 1981. He observed that "all of us need to be reminded that the Federal government did not create the states; the states created the federal government" (Nathan, p.84). Stated succinctly, the Reagan administration, at least ostensibly, stood for a greater devolution of responsibility. National financial support along with federal rules and standards were to be reduced or eliminated wherever possible.

Reagan's ambitions were in line with the notion of dual federalism, which has often been supported by conservative administrations. Reagan was against the growth of federal government and of its responsibilities. A brief examination of what dual federalism entails would illustrate Reagan's objectives.

One of the key proponents of this view of federalism was Arthur W. MacMahon. He described federalism as a system of politics that "distributes power between a common and constituent governments under an arrangement that cannot be changed by the ordinary process of central legislation". It can be changed only by constitutional amendment. For MacMahon, a further defining characteristic of federalism was that matters entrusted to the constituent units (whether their

powers are residual or delegated) must be substantial. Closely associated with the dualistic approach to federalism is the Dillon's rule. This is the idea that the local governments are creatures of the states. Their boundaries, functions and finances are determined by the states. The constitutional validity of this dualistic view of federalism is seen in the tenth amendment. The tenth amendment indicates that there are powers reserved for the states. These powers are the residue of powers not granted to the federal government or withheld from the states.

Reagan echoed these principles in campaign promises about federalism and in subsequent statements. Reagan's urge to reform federalism is closely linked to his ideological commitment for unfunded 'laissez faire'. Reagan wished to hold down domestic spending on programs that the President disliked and to justify reduced federal taxes.

## How did Reagan carry out these objectives?

A primary feature of Reagan's reorganization of the intergovernmental situation was the desire to cut federal expenditures and taxes. Spending and tax restraint was the mainstay of the major reforms in the honeymoon year - 1981. To rescue the country from what the President termed the "worst economic mess since the depression", spending and tax cuts were presented as the key to eliminating unemployment and controlling inflation.

The adoption of the historic Omnibus Budget Reconciliation Act (OBRA) during FY 1981, meant that the administration achieved the first absolute reduction of federal aid in 3 decades. Due to OBRA, federal aid spending fell from \$ 94.8 billion in FY 1981 to \$ 88.2 billion in FY 1982. The \$ 6 billion decrease included a \$ 2.6 billion decline for employment and training assistance and a more than \$ 1 billion fall in highway grants. The subsequent adoption of the economic recovery tax act reduced federal tax avenues in August 1981. Billed as the largest tax cut in history, the act caused a revenue loss of

\$ 1 trillion till 1987. According to Nathan et al, because many state and local income taxes are tied to federal tax schedules and rules, this measure cut their revenues. State and local officials viewed the Reagan inspired changes as dangerous. State governors expressed their displeasure at the change and asked to be consulted before further changes.

In actuality, the historic cut in federal aid for social programs did not affect the states to the extent of the administration's rhetoric. The plan of turning back federal programs to sub-national governments was completely fulfilled as a result of 1981 changes. A comprehensive study conducted by Nathan and others shows that the cuts were not as large as expected and the states were more affected by the 1981-2 recession. A survey conducted by Nathan and others shows that the cuts were not as large as expected and the states were occupied by the 1981-82 recession. A survey conducted in Stamford, Connecticut shows only modest evidence of impact on city agencies by the budget cuts. The effects of federal aid cuts and taxation reductions were neutralized by the recession, which made Congress react with 2 measures. In FY 1982, federal aid outlays began to rise again. The figures achieved nominal figures equal to the Carter years. However, the desired effect of increased aid did not materialize in the same way. Reagan had wanted the states to do more and they did do more. State aid to local government, which had been relatively constant in real terms between 77 and 83, rose at a faster pace between 1983 and 1987 at a real annual rate of 5.2%. After 1982, state aid to local bodies exceeded federal aid to local bodies.

However, this development was somewhat fortuitous for the Reagan administration. It cannot be completely attributed to the 1981 changes. States on the whole benefitted materially from strong recoveries from the 1981-2 recession. Consequently, they had funds to expand their programs in the local affairs in which the administration was cutting federal aid.

Further tax and budgetary reform in the



federal system was seen in the Tax Reform Act of 1985. "The act drew a distinction between public and private use bonds and restricted tax exemption to the former sort". Public use included spending on bridges and roads and excluded housing, development or convention centres. Private contractors had their tax exemption on a public bond reduced to 10%. Due to these changes the number of municipal bonds issued fell from \$ 20 billion in 1985 to \$ 100 billion in 1987. Local governments were able to compete in the marketplace and no longer enjoyed subsidy financing. The local bodies had lost an important source of financing. This was part of the Reagan agenda of introducing laissez faire measures in the administration.

### Reducing categorical Grants

Along with reducing federal aid and assistance to sub-national government, the Reagan's new federalism strategy entailed replacement of categorical grants. This takes us to the next objective of new federalism. First created in 1959, the categorical grants numbered 492 national programs in 1980. This was an increase from 379 in 1967. Grant consolidation had long been advocated as a way of simplifying federal-state-local management. Bureaucratic delay can be reduced by amalgamating closely related programs. In addition, state governments are given the flexibility they require to attack priority problems. For instance, in 1981, there were some 113 federal education aid programs in economic developments. Reagan's strategy of grant consolidation had two additional elements. They were linked to substantial funding reductions and emphasized the role of the states. This additional dimension meant that it was not the administrative merit but the fiscal stringency which was the factor. The concentration of the block grants in the state's hands meant that centralization within the state structure occurred.

Nevertheless, the OBRA of 1981 saw the ending of 60 categorical grants. A further 77 grants were merged into 9 block grants in the states. For instance, all 50 states accepted the Preventive Health and Health Service, 37 states participated in HUDs community development block grants.

However, after the initial triumph of 1981, the centralizing forces of the Congress and bureaucracy reduced the discretion of the block grants. Congress

may demand additional information to assess program performance. This is particularly so in the Social Services block grant. Increased federal supervision usually followed discovery of abuse. Moreover, after the creation of many block grants in 1981-2, Congress proved to be reluctant to support further consolidation. In 1982, the President proposed expanding 3 social service blockgrants and creating new block grant programs. The sole program which was adopted was the Comprehensive Employment Training Act (CETA) program. A similar proposal in 1983 to create 4 mega-blocks was rejected. So, apart from the 1981 measures, the administration's efforts to create block grant programs as an institution which halts centralization, proved unsuccessful. After 1981, most of the categorical grants that were considered were relatively minor educational programs, like metric education. Although the total number of categorical grants fell from 494 in '80 to 400 in '84, this did not represent a successful effort at reducing centralized federalism. The congressional structure which supports it is an important bulwark in the path of dual federalism as shall be seen later.

### Welfare reform

The next area where new federalism was relevant was the issue of welfare reform. The administration was haunted by a growing number of destitute people dependent on the state for support. The Reagan administration's general policy on welfare was to hold down welfare spending, eliminate fraud and reduce dependency. With regard to inter-governmental relations, the administration was concerned with the inequalities of the national welfare policy, under which all states had matching grants. All these goals would be better achieved through state controlled programs. It is with this consideration that Reagan proposed the swapping of welfare responsibilities between state and federal branches. State governments would assume complete responsibility for food stamps and AFDC (Aid for Families with Dependent Children). The federal government would take control of Medicaid.

This proposal for welfare had very limited responses from Congress and the NGA. It was a dismal failure.

### Regulatory reform

A final aspect of the new federalism agenda was the federal regulatory reform.

The wastefulness and inefficiency of the federal regulation could be partly resolved by devolving power. The administration believed that it could save \$ 23.9 billion over the first 5 years of its term by regulatory reform. A Task Force on Regulatory Relief chaired by Vice President George Bush recommended further reform in 1983. The regulatory reform was undertaken through executive orders. An important example of this was executive order 12372 in 1983. This permitted elected state and local officials to decide which federal grant programs to review. The order required federal agencies to accommodate the recommendations of state and local officials. This order along with two others in 1981 and 1987, established that federal agencies should "refrain, to the maximum extent possible, from establishing uniform national standards for programs and, when possible defer to the states to establish standards". Due to judicial and congressional pressure, the only changes have been through executive orders. Limited statutory changes have been enacted in this department. Though the administration began with great enthusiasm, there were many obstacles. A regulatory policy expert Murray L Weidenbaum concluded that "only a fraction of the regulatory reforms envisioned at the start of 1981 have been accomplished. Evidence of this is seen in the case of chemicals in the workplace and the OSHA in November, 1983. When OSHA announced new rules requiring firms to inform their workers of dangerous chemicals, the trade unions claimed that these rules were incompatible with "the right to know" laws of 18 states. Hence, there was congressional pressure to rescind the new measures. Paradoxically, some of the regulatory reforms of the administration strengthened the national branch. For instance, new federal regulation for national product liability insurance were introduced in 1987.

### What were the obstacles to inter-governmental reform?

Hence, one sees that except for the advances in grant consolidation and budgeting in 1981, there has not been significant changes in federal-state relations. The rhetoric of the administration has not been matched by action. One can attribute this to three factors; the electoral compulsions of Congress, the institutionalization of the inter-governmental bureaucracy and the Supreme Court.

Firstly, it must be acknowledged that

Congressmen require the categorical grants for electoral purposes. Categorical grants still constituted 84% of all federal grant outlays in 1986. The growth of categorical grants since 1959, can be attributed to the need for congressment to deliver benefit and services to their electorates. The committee structure minimized conflicts about the grants. The conditions linked to the grants enhance the image of Congressmen. Moreover, legislative credit for allocation is earned by members through grants to institutions like municipalities, schools districts, and other small government institutions. By the 1970s, a quarter of all federal grant funds went directly to local government (not via state government). Chubb claims that the Reagan reforms of 1981-2 were achieved under exceptional circumstances of electoral tax cuts, partly defections and presidential persuasions. Nevertheless, the grant consolidation and reduction was achieved without significantly freeing the states of federal aid, as was demonstrated above.

A second factor ensuring centralization is the vastness of the inter-governmental bureaucracy, which is federally funded. The inter-governmental arises due to the need for information and expertise by Congress in administering some 400 categorical grant programs. A similar need for information and expertise links the inter-governmental bureaucracy with the sub-national bureaucracy. The inter-governmental bureaucracy has an incentive to press for continuation of the centralization due to its special role. This view has been advanced by Chubb and Bender.

Thirdly, the notion of dual federalism has been challenged by the Supreme Court on several occasions since the New Deal. The Scheter Poultry Corporation v. US judgement has been followed by judgements that take a more flexible view of legislative delegations. Moreover, since Scheter there have been judgements which have diluted the tenth amendment. The Scheter judgement implied that Congress is not allowed to abdicate or delegate its essential legislative functions. In addition, Scheter established that Congress or the President could not determine municipal commercial activity. However, what is crucial to the failure of Reagan's bid was the overturning of NLC v. Usery by Garcia v. SAMTA (1985). The most recent judgement held that the states will have to request Congress for new legislative power if they wanted to avoid having

federal standards applied to them. There is this constitutional dispute which affects Reagan's advocacy of dual federalism and the reservation of state powers.

### Conclusion

One must recognize that eight years is insufficient to achieve the ambitious plans outlined by Reagan at the start of his term. With some exceptions, the administration's actions did not match its rhetoric. The reduction in grants to local and state bodies meant that the states got more authority but less money. In other words, the states had less flexibility to exercise that authority.

The planned devolution of authority and enhancement of the state's power failed

due to the combination of three factors. Congressional, bureaucratic and judicial obstacles thwarted Reagan's reforms in several fields. As explained above, these centralizing factors are inherent in the America polity.

However, Reagan's new Federalism must be viewed in the context of his other plans for creating a minimalist and market-oriented state. Perhaps that, not revamping federalism, was his prime objective. The lack of clarity in objectives worsened the failure of the reforms. The real purpose of the new federalism was to hold down domestic spending on programs the president did not like. In addition, the 'reforms' were designed to put a lid on new federal taxes.

## The Scholars Tale - 22

*Gradually on this Global Network  
With electronics superceding prudent brainwork  
A new breed numbed of thought or feelings  
Took over Statecraft' sdiffident dealings*

*While statesmen blinked facinated at the Graphics  
Platitudes were processed swiftly into magic  
Formualae for all Social ills.  
From crashing Markets to the closure of Mills*

*Dead Victorian draught horses  
Were Flogged on the Banking racecourses  
But eliminating live labour as resources  
Didn't boost the free play of Forces*

*Accumulation became microscopic  
With the sly siphoning of profit  
So that the First World clients of the Banks  
Needed handouts to crank up their Cranks*

*Spin off from Intellectual Property  
Software and Hardware mupperty  
Didn't aid capital accumulation  
As much as Third World exploitation  
So our Heros orders were to tune in Globally  
For investment in Slave labour locally*

*Meanwhile the new Executive Monovirate  
Limping in on a twenty four percent mandate  
Programmed its innings on our Heros software  
Taking Patriotism for its Trumpet fanfare*

*Thus the offspring somewhat as before  
With paternity the IMF chose to demur  
On its Fascistmixture of Free Markets and patriotism  
Became the Nineties mystic contradiction.*

**U. Karunatilake**

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# Press and Privilege

G. L. Pieris

It is considered supremely important for the functioning of representative democracy that members of the elected legislature should feel free to express their views without being intimidated by the prospect of legal liability. The attitude of the law is that the protection available to the maker of the defamatory statement in the public interest is quite independent of the purpose for which the defamatory statement is made.

A similar attitude has been adopted by the modern law in regard to defamatory statements made by judges of the established courts, parties to legal proceedings, counsel representing them and witnesses who are called upon to testify. In these contexts the classical Roman-Dutch law recognised only a qualified privilege<sup>11</sup>. In keeping with this approach legal protection existed only if the making of the defamatory statement was sufficiently connected with the scope and objective of the legal proceedings. However, the modern law of Sri Lanka which has modified the attitude of Roman-Dutch law in order to accommodate rather different assumptions underlying English law, has dramatically expanded the ambit of the protection granted. In our country today, in the setting of judicial proceedings, privilege is not restricted by the nature of the motive which lies behind the defamatory statement, and the protection conferred by the law is consequently not defeasible by the clearest proof of malice. What is involved here, at bottom, is a fundamental policy judgment. The philosophy of the law is that the aim of providing the participants in judicial proceedings with the unfettered opportunity to speak without fear is of such central concern that it prevails against the right of an individual that his reputation should not be violated. In the light of all these instances it is clear that the right of individual to the integrity of his reputation is not looked upon by the law as an absolute or sacrosanct right. On the contrary, the parameters of this right need to be circumscribed in order to cater to other social values which are upheld in competition.

It could happen that a newspaper company received information relating to the

incidence of enforced child labour in a fishing village dominated by an influential personality from the area. In this type of case it is often part of the reality of the situation that only "inside" information is reliable information, and naturally, "inside" information will be provided by persons who will speak at all only on the firm condition that their identity is kept a closely guarded secret. The reason for this is that authentic information is available only within a narrow circle and any person within that circle who chooses to speak, is himself readily identifiable as a tainted source. Quite often the desire to provide information stems from quarrels and rivalries among those involved in criminal or socially harmful activities. A crime that is committed or concealed by an influential police officer may be exposed by a subordinate officer who has had a disagreement with his superior. Especially in a rural setting, information relating to crime, corruption or other dishonourable behaviour may be forthcoming from persons in the village who are motivated by jealousy or ill-will for some petty reason. In these cases no information will be available at all if there is a risk of disclosure of the identity of the source. Among other reasons, a person who may otherwise be prompted to speak in order to assuage wounded feelings or to ventilate a grievance may hesitate to do so for fear of retribution, since there is a probability that the person against whom the information is supplied, particularly if he occupies a prominent station in life, will decide to retaliate. These are very relevant considerations of social psychology in a community such as ours.

All this underlines the need for the law to confer some degree of protection on the provider of information to the extent of furnishing him with a guarantee that his anonymity will be scrupulously preserved. This is an aspect of the legal doctrine known as privilege. The overall function of the doctrine of privilege in the law of evidence is to fortify the confidentiality of relationships which are thought to be of value to the community as a whole. The identification of relationships which attract this degree of protection under the law is influenced by social and cultural factors

which vary from time to time in keeping with prevailing values. The relationship between husband and wife and that between legal adviser and client exemplify situations in which the law, by resorting to the mechanism of privilege, is prepared to uphold total confidentiality. The practical effect of application of the doctrines of marital privilege and legal professional privilege is that a wife cannot be compelled in legal proceedings to disclose any communication made to her in confidence by her husband during the subsistence of their marriage, any more than a legal adviser can be compelled under oath in a court of law to divulge an admission made to him by his client within the framework of the professional relationship. The question for us is whether a similar privilege should be conceded by the law, enabling a journalist to refuse to disclose in civil or criminal proceedings, the identity of the source from which he has obtained his information. If a journalistic privilege, so conceived, were to be withheld and if the journalist were compellable to name the party from whom the information has been elicited, there is a real danger that sources of valuable information will dry up with irretrievable damage to the vigour and effectiveness of investigative journalism.

## Protecting Sources

Does this mean, then, that confidentiality of the sources of information used by journalists should be protected by the law as an absolute value in the interest of free flow of information? Unfortunately, there are dangers inherent in this course of action as well. This will enable persons inspired by petty or malicious motives to supply false or misleading information to journalists and, after the defamatory material is communicated to the public by the journalist, the person from whom the information proceeds will be protected in civil proceedings by the cloak of anonymity in which he remains enshrouded as a result of the privilege which is successfully claimed by the journalist responsible for the publication. This form of blanket immunity available to persons providing information to journalists cannot, in the ultimate analysis, serve the interest of the community,

since it could encourage irresponsible attacks on individuals by persons lacking the courage to come forward and to identify themselves. It follows that the law must be cautious and discriminating in demarcating the circumstances in which to protective mechanism of privilege is recognised in respect of information provided by members of the public for journalists to make use of in their work. The nature and social value of the information that is supplied, the reason why it is disclosed and the purpose sought to be achieved by the person making the communication are all relevant factors which ought to be taken into account by the law in deciding whether invocation of privilege by journalists is warranted in a particular case.

The interplay of these elements as part of the fabric of the law is made clear by the facts of a case which was decided by the Courts of England a few years ago. The case concerned the publication by the Society for the Prevention of Cruelty to Children in England, of some alleged facts relating to abuse and ill-treatment of a child. The substance of the statement published by the defendant was that the child's mother had been guilty of ill-treatment of the child in circumstances which could not but arouse public indignation. The Society for Prevention of Cruelty to Children, in making this statement, made use of material which had been communicated to the Society in confidence by persons who purported to have first-hand knowledge of the facts of the case. The child's mother suffered a nervous breakdown in consequence of the public reaction to the publication of the Society's statement. Claiming that persons who had reason to dislike her and to hold her up to public ridicule and contempt had conveyed substantially false information to the Society, the child's mother sought in civil proceedings to compel the Society for the Prevention of Cruelty to Children to disclose the identity of its sources of information, so that she could institute appropriate proceedings against them.

This litigation, which went up to the House of Lords, indicates in a vivid form the competing considerations which the courts have found it necessary to reflect upon in resolving this difficult problem of public policy. The arguments on the side of the child's mother may seem overwhelming. She contended that she was the helpless victim of a conspiracy which was designed to alienate her from the social

circles in which she moved. She pointed out that those who read and believed the version of the incident published by the Society would naturally be inclined to think badly of her and to shun her company. She argued that the excruciating pain of mind which she suffered could attract no legal remedy if the law refused to permit her access to particulars which she needed regarding the identity of those who made allegations against her. In the absence of this information, she was unable to seek a judicial remedy against those who had caused her irreparable loss in terms of her social standing and reputation.

It is interesting to note that the rival arguments of policy adduced on the opposing side were no less compelling. The Society for the Prevention of Cruelty to Children argued that theirs was an institution discharging crucial social welfare functions under the aegis of powers conferred by statute. It is plain that, if the society is to perform its task adequately, it must of necessity, rely on information reaching it through a variety of channels. Not least among these channels are neighbours, erstwhile friends and associates in places of work who acquire knowledge regarding cases of child abuse and consider it their duty to make this knowledge available to the proper public authority in order to alleviate the condition of the child. There is no doubt that such persons will have second thoughts about communicating with a public authority if they were aware that, in doing so, they incur the risk of having their identity publicly disclosed, with the accompanying peril of litigation being launched against them. The gist of the argument on behalf of the Society was that a guarantee of confidentiality relating to the sources of their information was absolutely essential if the Society were to accomplish the objectives for the fulfilment of which it was brought into being.

This argument was upheld, in substance, by the House of Lords which agreed that, if the Society could be compelled at the instance of an aggrieved individual to disclose the names of its informants, its work would be almost totally stultified. Their Lordships were mindful that this ruling allowed some degree of scope for unscrupulous persons to abuse the privilege conferred by the law to engage with impunity in vendettas of their own. But, notwithstanding this danger, the House of Lords was convinced, on the facts of the

case before them, that the importance of the welfare functions with which the public institution was entrusted and the impossibility of gathering sensitive information without violating the confidence subject to which the information was supplied, justify recognition of the privilege claimed.

The attitude of modern courts is to attempt a case by case evaluation of the equities for and against disclosure, in order to determine on balance whether the social interest is better served by preservation of confidentiality or by revealing the identity of the sources from which the information emanates. The developing law is supportive, on the whole, of a discretionary approach which enables the courts, in the light of the facts and the setting of a particular problem, to decide imaginatively how the overall advantage of the community could best be promoted. The consistent movement in the evolving law is towards expansion of the area of disclosure and restriction of the limits within which privilege can be applied legitimately. Prevailing judicial attitudes recoil from secrecy and highlight the value of uninhibited access to information on the completeness of which the proper outcome of litigation depends. The courts are, therefore, reluctant to exclude vital information from the ambit of disclosure on such grounds as public interest immunity which are directed towards protection of particularly vulnerable state interests.

The widespread conviction today in all judicial tribunals with regard to the reception and assessment of evidence is that the quality of justice is likely to be enriched by as extended an application as possible of the principle of openness. At the same time it is undeniable that there continue to be situations in which accurate information, indispensable as the basis of decisions in important sectors of public administration, can realistically be obtained only upon the assurance of secrecy. For instance, a public authority, in deciding whether to issue a gun licence or to grant a licence for a casino or a liquor shop, may find it necessary to be guided by police reports which are themselves based largely on first hand information volunteered by persons who will not be prepared to come forward with information unless absolute secrecy regarding their identity is promised. In the area of enforcement of tax or other revenue laws, and also in regard to the detection of smuggling at airports and harbours, information which

is vital for the purpose of securing compliance with the law is often available only subject to the rigid condition of confidentiality. The truth, then, is that the expanding frontiers of the principle of openness, which certainly captures the spirit of the modern law in regard to the admission of relevant evidence in judicial proceedings, still needs to be held in check in some limited areas where an element of reserve is necessary for effective law enforcement. Subject to these inevitable constraints, there is every reason, as a matter of policy, to uphold as part of the contemporary law a form of journalistic privilege which entails inviolability of the sources of information to which journalists have recourse in their investigative work.

### Environmental Influence

Since a journalist works in a given social setting, he is necessarily influenced by the attitudes and values which pervade the social and cultural environment at any given time. While this is entirely healthy, in so far as it makes for the relevance and broad acceptability of the stance of a journalist in regard to fundamental social questions, the work of a journalist should by no means represent a mechanical reflection of prevailing values and responses. It is the aim of a journalist not merely to capture the spirit of prevailing public opinion but to fashion and mould that opinion in accordance with sound priorities as he perceives them. There are contexts in which traditional values and patterns of thought need to be departed from in order to give the fullest expression to ideas of equity and fairness which are typical of the mood of a new age. In all epochs of history, when a social transformation was taking place and when new values and standards were emerging in response to current requirements, those in the vanguard of stimulating the development of public opinion have had to use their insight and sensitivity to discharge a didactic function. This is true of all major innovative currents in the history of human ideas and institutions. The campaign for the abolition of slavery in the United States, the demand for social justice in labour relations after the Industrial Revolution in Europe and the growing international support for nuclear disarmament in our own times are examples of this continuing process.

The Social Disabilities Act in our own country was found to be necessary in

order to promote social justice by repudiating in part certain traditional concepts and assumptions which govern attitudes to castes and other social groupings. Problems of this kind are especially acute in developing societies, and sensitive social issues have arisen in litigation with which the courts of India, for instance, have had to grapple. In these areas which involve social attitudes reinforced by convention and usage among generations, it often happens that thought and reaction within the existing mould are buttressed by powerful emotions. A change in legal norms, if it is to secure acceptance with any degree of spontaneity by the community at large, must be preceded by a gradual softening of orthodox values in the wake of fresh thinking and approaches. This calls for basic changes in the ideological and social climate. In bringing about such an environment conducive to changes in the law, journalists with perception of emerging social priorities have an essential part to play. No group in modern society possesses the potential they have to transform social thinking by exposure to the influence of novel standards. In these situations the role of the journalist is to lead rather than to comply.

At this juncture in the development of society, the most important aspect of a journalist's work, probably, is connected with the sharpening of public awareness of individual and collective rights. There has been considerable progress in Sri Lanka in recent years regarding the incorporation of fundamental rights in the constitutional instrument and the improvement of the existing machinery for the enforcement of these rights. The proposed Human Rights Commission is a valuable addition to the mechanisms which the legal order offers the community for this purpose. However, the spirit of freedom cannot be nurtured by legal concepts and by the modalities for judicial enforcement alone. The most effective guarantee of the vitality of human rights in society consists of the existence of a body of well-informed and articulate public opinion conscious of the value of the entrenched rights and showing determination to resist any attempted encroachment. In spreading this awareness so that it becomes part of the experience of as wide a section of the community as possible, there is intrinsic merit in incorporating aspects of human rights in compulsory curricula at secondary school level and perhaps also in universities. Successful attempts have been made in countries like Australia and

Papua-New Guinea to popularize human rights by focussing upon their content and their implications for society. For example, in the Australian state of Victoria, an annual Law Day has been proclaimed to stimulate public discussion of fundamental issues connected with freedom and the law. Mass media have contributed significantly to the usefulness of these measures which depend on extensive participation by all sections of the community. Journalists, no less than lawyers and educationists, must make their contribution to ensure the success of such ventures. It is for them to use their ingenuity and expertise to make an impact on public opinion by presenting themes involving the application of legal principles and remedies to strengthen individual liberty, in terms which are meaningful for the vast mass of the people.

Knowledge is the key to freedom in an age of technology. In general, it is part of the business of the journalist to keep the community fully informed of all that is happening around it. But there are circumstances in which journalists would be required to act with restraint and circumspection in reporting potentially inflammable events or developments. This dimension of journalism assumes special importance in times of turbulence. Selective reporting of news may not be inappropriate in situations where communal passions are likely to be aroused to the detriment of society as a whole. This is primarily a matter of self-regulation which is best achieved by a code of conduct which journalists, as a responsible profession, should evolve for themselves. The inclination of the modern law has been to encourage professional organizations to develop standards and criteria for the members of their respective professions and subject to a measure of overall control which is largely procedural in form, the courts are content to allocate to representative professional bodies a generous measure of autonomy. This stems from the conviction on the part of judges that needs and realities pertinent to the work of a given profession are best assessed and catered for by the profession itself, under the general supervision of law enforcement tribunals whose role is very limited in scope. This highlights the importance of self-direction on the part of journalists which can only be assisted but can never be supplanted, by the courts.

### Note

- (11) Voet. v Commentaries 47.10.20  
Porund v Yutar op.cit

# Preserving Sri Lanka's ancient remedies

Tomas Larsson

*Not all things old are discarded in the rush to modernise in Sri Lanka. Alongside the expansion of a Western-style healthcare system, the country, which has the best overall health record in South Asia — and indeed ranks high in this respect among all Third World countries — is taking care that its traditional medicine is not lost.*

Colombo: One day when he was out walking, MMKB Yalegama, a retired government employee, suddenly and inexplicably fell flat on his face. 'I couldn't get up' he recounts from his hospital bed. 'I was totally paralysed from the neck down'.

After spending a month in Colombo's General Hospital and seeing little change, Mr Yalegama sought treatment at a local establishment that practises traditional medicine. Here, following ayurvedic, Mr Yalegama received herbal massages, oil baths and acupuncture, and he says he is improving. 'Our Oriental system is far better than that of the West when it comes to certain diseases', he says.

Mr. Yalegama was treated at Bandaranaike Memorial Ayurvedic Research Institute (BMARI), located in a lush of medicinal herbs and trees, some 15 kilometres from Colombo's city centre.

To get there one travels on roads clogged with shiny Japanese cars and bullock carts and passes run-down shops dealing US brand-name soft drinks: that in Sri Lanka the new is quickly replacing the old.

But not all things old are discarded in the rush to modernise. Alongside the expansion of a Western-style health-care system, Sri Lanka, which has the best overall health record in South Asia — and indeed ranks high in this respect among all Third World countries — is taking care that its traditional medicine is not lost.

Ayurveda, which derives from the Sanskrit word *Ayus*, 'life' *Veda*, meaning 'knowledge' or 'science', is an ancient medical system that originated in India in the 10th century BC.

It combines a study of the physical, mental and emotional aspects of health. For treatment, Ayurveda relies heavily on

the use of remedies made from herbs and individualised dietary and regime.

In cultural 'rebirth' in 1948, following the end of British rule in Ceylon, as Sri Lanka was then, ayurvedic colleges were placed under government sponsorship and numerous ayurvedic hospitals were established.

In this way, the centuries-old passing down of medical knowledge from master to student—from to son, in most cases—was institutionalised and given a modern cloak. In 1980, a Ministry of Indigenous Medicine was created.

It is estimated that 7,500 ayurvedic practitioners are active in Sri Lanka today, and that 3,000 are formally licensed. In comparison, there are some 23,000 doctors or paramedics in Sri Lanka that have been trained in the Western tradition.

Yet despite the availability of modern medicine, Jaliya Medagama, secretary of the Ministry of Indigenous Medicine, estimates that around 80% of the population consult traditional healers. Often ayurvedic treatment is sought for chronic or geriatric conditions for which no 'quick fix' is available, including rheumatoid arthritis, skin diseases, asthma and diabetes.

'I had arthritis for two years,' explains a 45-year old woman, whose feet, knees, hands and elbows are covered in a clay-like, reddish herbal paste. 'I had gone for treatment everywhere—including Colombo's most famous private nursing home.'

Six weeks ago, in frustration, she sought help at the Central Ayurveda Hospital, a teaching institution in Colombo. 'Now the pain has gone away,' she says, 'and I can move my neck again.'

'The approach is holistic,' says Upali Pilapitiya, director of BMARI, who treats his patients with a combination of therapies involving herbal potions and steam baths, oil massages, acupuncture, music therapy, yoga, meditation and dietary prescriptions.

According to ayurvedic theory, explains Dr Pilapitiya, disease is the result of an imbalance in the body's three forces: *vata* (which corresponds to the nervous

system); *pitta* (the metabolic system) and *kapha* (the body's various fluids). 'When the three forces are in the balance,' he says, 'a person is healthy.'

Like most ayurvedic physicians, Dr Pilapitiya is following the vocation of his ancestors. He explains that ayurvedic treatment is of two types. One aims to support the body systems and promote and safeguard the existing state of health. The second is curative, and seeks to eliminate the causes of pain and disease. To purify the body, a series of purgative processes are used — including blood cupping, sweating and emptying the stomach.

Herbs play an important role in the treatment, as evidenced by the spicy odours that permeate ayurvedic establishments. Traditional practitioners still grow or collect the herbs that they use in their remedies. Large-scale commercial production is also under way at more than 80 private enterprises, as well as at the government-owned Sri Lanka Ayurvedic Drugs Corporation.

Here, large quantities of 740 different plants are used to make 655 formulas. One metric tonne of garlic, for example, is used each month. The consumption of medicinal herbs is so great that some plants are now becoming scarce.

The United Nations Development Programme (UNDP) has helped the government to tackle this problem by supporting the establishment of three herbal gardens, and by providing training to farmers and schoolchildren in the cultivation and use of medicinal plants.

Some of the plants being grown are native to Sri Lanka, but are now rare due to over-collection, including *Munrovia pumila*, which is used for high fevers associated with malaria and other afflictions.

Other species, which have been introduced, are not found in the wild in Sri Lanka, but are being imported in large quantities from countries such as India, Pakistan and Nepal. These include the plant *Psoralea coryfolia*, which is a commonly used medication for skin diseases.

While in many respects Ayurveda is firmly rooted in Sri Lankan society, it

suffers from a generational bias that does not bode well for its future.

It is estimated that nearly three-quarters of traditional ayurvedic practitioners are over the age of 50. And many who retire are not replaced. Young people tend to have less faith in the efficacy of 'old medicine' than their elders, and BMARI, for one, is facing serious difficulties in finding new recruits. To change such attitudes requires research, says Commissioner of Ayurveda NW Weralupitiya, 'so we can prove to the younger generation, and to the world, that Ayurveda has a scientific basis'.

Ayurvedic wisdom is at risk of disappearing. Although traditional practitioners tend to keep their knowledge secret, a wealth of information has been compiled over the centuries on thousands of palm-leaf sheaves, describing systems of diagnosis and treatment techniques, along with specific herbal remedies.

This information has been transcribed and published in seven volumes. Eleven more volumes in the series, entitled *Prescriptions in Ola-Leaf*, are being produced, as is a five-volume series on medicinal plants.

In the future, it is hoped that some of this information will be made available in English, providing a sort of road map for scientists seeking new applications of ancient remedies.

Other Third World countries in the Asia and Pacific region, which have their own systems of traditional medicine, are eager to learn more about Sri Lankan medicines and techniques. Some exchanges are already underway: Sri Lanka's ayurvedic practitioners, as a rule, go to India for post-graduate studies in fields not yet available in their homeland.

And Dr Pilapitiya, for one, has travelled to China and South Korea to learn

acupuncture. 'Acupuncture is described in the ola-leaf manuscripts, but has fallen out of use in Sri Lanka,' he explains. At a Buddhist temple in Thailand he also picked up a herbal treatment to help people overcome drug addiction, which he now used in his practice.

Leading ayurvedic practitioners in Sri Lanka, including Dr Pilapitiya, regularly receive foreign patients for treatment. And with the growing interest in alternative health-care systems in many Western nations, some have suggested a potential for 'health tourism', combining the lure of a tropical island resort with ayurvedic therapies.

Ironically, it may be this surge of interest from the West that gives Ayurveda a new lease of life among Sri Lanka's younger generation.

— *Third World Network Features*

## Social summit's outstanding issues

Martin Khor

*The final Social Summit preparatory meeting has ended with agreement on most points. Key outstanding issues that remain to be resolved in Copenhagen include the treatment of Third World debt, conditions for aid, and proposals to bring the Bretton Woods institutions more closely in line with the UN.*

New York: Preparations for the United Nations-organised World Summit for Social Development, which over 100 heads of government are expected to attend in March, are well under way with the recent conclusion of its final preparatory meeting.

Although agreement has been reached by diplomats in many areas, the government leaders meeting at the Copenhagen Summit on 6-12 March will still have to decide on some crucial issues, especially the treatment of Third World debt and the future relations between the UN and the Bretton Woods institutions (the World Bank and International Monetary Fund).

So far, about 100 heads of state or government, mainly from Third World

countries, have confirmed their attendance. Most leaders from developed countries have yet to do so.

The third and final session of the Social Summit's preparatory committee (Prepcom) approved new (but not final) versions of the Summit's two documents: a political declaration and a programme of action.

The meeting's most important development was the finalisation of an agreement on how to deal with structural adjustment, which had emerged as perhaps the key issue of the Summit process. Structural adjustment programmes are policies that severely indebted Third World countries are obliged to follow as a condition for receiving World Bank and IMF help in rescheduling their debts or obtaining new loans.

These policies have led to serious social problems, such as an increase in poverty and unemployment. The preparatory meeting agreed that modifications should be allowed to these policies in order to promote social development.

Much of the substance of both the Declaration and the Programme of Action comprises proposals or commitments to eradicate poverty, reduce unemployment and promote social integration (the Summit's main themes) and these mainly involve national-level measures. Only a few points of disagreement remain on them.

However, a few key international-level or North-South issues that were heavily debated during the Prepcom are outstanding, and will be brought to the Copenhagen Summit for resolution. Chief among them is the treatment of the developing world's external debt, which occupied a large part of the energies of the diplomats during the Prepcom.

Other issues in contention include: the form of the institutional follow-up to the Summit; the nature of future collaboration between the Bretton Woods institutions; the proposed '20:20' concept of mutual aid conditionality; the treatment of workers' rights; and treatment of economies in transition.



One of the original aims of the Summit process was for part of the discussion to be conducted beyond the usual 'North-South' lines, to also involve the social problems (including poverty, joblessness and social disintegration) of the developed countries, which by most accounts are in a critical state.

However, it became clear early on that Northern countries were most reluctant to make the Summit a forum to help settle their internal (and presently intense) debates on social policy. Thus, although some of the wording in the documents could refer to all countries, in effect the spotlight was put on how to tackle problems in the developing world, in line with the usual practice in previous UN conferences.

### **Prioritising the Core International Issues**

In terms of bulk, most of the documents' proposed policies and programmes deal with national-level measures, and in these there were few real controversies. Much of the discussions focused on problems and policies at the international level, and thus the process eventually turned mainly into a forum for continuing the North-South discussion.

The basic core issue was the same: how can international cooperation be improved and global structures made more fair to the South, so as to relax the considerable external constraints that reduce developing countries' options, possibilities and resources for social development.

Within this general framework, there was however a major change in emphasis in the Social Summit process, compared to the United Nations Conference on Environment and Development (UNCED), the Environment Conventions and the Population Conference. In these other Conferences, by far the main theme was the need for a dramatic increase in foreign aid and concessional loans, or 'new and additional resources' in the UN jargon.

By now, it is clear that aid is the wrong tree to be barking at. At the 1992 Earth Summit, where the big battle at the last stage was over aid, the Northern countries agreed (in non-binding language of course) to raise aid levels significantly and to

try to meet the earlier pledge of providing official development assistance (ODA) equivalent to 0.7% of their gross domestic product (GDP).

Far from keeping to that pledge, most Northern countries have since cut their aid volume, some of them quite substantially. Further cuts are on the way. And of what remains, a significant portion will clearly be diverted to the former Soviet Union and East Europe. Flogging the ailing horse of debt would appear a lost cause.

The Group of 77, aided by the Summit Prepcom chairman, Chilean Ambassador Juan Somavia and supported by dozens of vocal non-governmental organisations (NGOs) in the Development Caucus and the Women's Caucus, put the spotlight instead on the need to resolve the debt crisis, to review and reform structural adjustment, and to make the Bretton Woods institutions more accountable and more in line with social development aspirations.

The NGOs argued strongly that these factors had weighed heavily on most Third World countries, resulting in continuous recession and increased poverty and disintegration. It would thus be farcical or even hypocritical to make proposals for social development unless these factors were removed or reduced.

In the official negotiations, the G77 and China also put major emphasis on these issues, which by the second Prepcom meeting in August 1994 and the October intersessional meeting had become the 'cause celebre' of the Summit process.

Midway through the second week of this third Prepcom, a small consultative group chaired by Malaysian Ambassador, Razali Ismail, reached accord on most points relating to the sensitive cluster of issues on structural adjustment, financial resources for international cooperation and institutional follow-up. However, some tricky questions on the last two of these issues are still outstanding.

### **Third World Debt**

Meanwhile, a working group under Ambassador Butler of Australia was trying to get agreement on the debt issue. In a way, the negotiations were a replay of the discussions in late 1994 at the General

Assembly and the Second Committee, where the G77 and the Non-Aligned Movement had put forward a comprehensive joint resolution on debt. The General Assembly passed a much watered-down version in mid-December.

The Mexican financial crisis, which cast a long shadow over Prepcom 3, underscored the NGO and Southern countries' message that the debt crisis is far from over, and that many countries were either still in deep waters or could be about to reenter them. For them, a solution to debt was a prerequisite to long-term social development.

At the Prepcom, the G77 and China were pushing for bilateral debt cancellation (and not merely a vague 'reduction') for the most indebted and poorest countries. They also pressed for a commitment from Northern governments to begin the process of extending the principle of relief to multilateral debt (debts owed to the international financial institutions which, unlike commercial and bilateral debts, had not yet been subjected to relief). They also wanted debt relief not only for least developed countries but also for heavily indebted lower-middle developing countries.

All these points were not acceptable to the leading Northern delegations. The disagreements are reflected in several parts of the documents that will now go on to Copenhagen for resolution.

### **The Aid Issue And 20:20**

On the issue of aid, the Declaration contains the familiar proposal, 'Strive for the fulfilment of the agreed target of 0.7% of GNP for overall ODA as soon as possible' as part of Commitment 8. This is accompanied by: 'Increase the share of funding for social development programmes, commensurate with the scope and scale of activities...of this Declaration and Programme of Action'.

On the closing days of the Prepcom, the G77 proposed the establishment of a special 'International Fund for Social Development' to make available the additional resources to implement the Copenhagen Programme of Action. The fund's governance would be decided through the General Assembly/Economic and Social Council (ECOSOC).

This was the most concrete and newest of the proposals for aid. It was not accepted at the Prepcorn, and will be re-discussed at Copenhagen. The general feeling is that the proposal (reminiscent of the 'Green Fund' proposed by the G77 during the UNCED negotiations) has almost no chance of being accepted by the North.

What will be agreed to by all is some version of the famous 20:20 concept, in which there is a 'mutual agreement between developed and developing countries to give higher priority to basic social services by allocating, on average, 20% of ODA and 20% of national budget, respectively, to priority basic social programmes'.

This original wording is still under dispute. Some countries accept the principle of greater allocation to social programmes, but drop the mention of the 20%. Others agree on the 20% but want it referred only to countries 'that so request it'.

In general, some developing countries are resisting the 20:20 commitment out of fear it would be a new conditionality. Some Northern countries are also concerned that it would restrict their aid allocation. It remains to be seen if 20:20 can withstand these reservations in Copenhagen or whether only a vague shadow with a mere general commitment will remain.

### Labour Standards

The current documents also have square brackets in relation to workers' rights in various sections. Whilst some Northern countries would like to see stronger language on international labour standards, many developing countries are concerned that the text will not be used to promote the move in other fora to link labour standards with trade measures through the World Trade Organisation. In Copenhagen, the remaining differences will be sorted out.

### UN-Bretton Woods Relations

On the issue of involving the Bretton Woods institutions and of policy coherence between them and the United Nations, the Programme of Action deals with this in para 81 (on which there is consensus) in relation to social development goals in general and structural adjustment in particular.

Another concrete and important proposal is that ECOSOC and the Development Committee of the World Bank and IMF should hold a joint meeting annually to consider the implementation of the Declaration and Programme of Action. This proposal has not been agreed on, and is likely to face opposition from Northern countries that may see it as an intrusion into the powers of the World Bank and IMF.

Another concrete proposal, also in dispute, is that ECOSOC convene an expert committee on international cooperation to strengthen national tax systems as well as to study the impact of the international monetary and fiscal systems on social development.

### Countries in Transition

Finally, there are also square brackets scattered all over the texts referring to proposals for aid or special treatment (similar in some cases to that given to developing countries) for countries with economies in transition. The Social Summit process has seen increasing requests by the former Soviet Union countries and Eastern Europe for special consideration.

Many developing countries are concerned that their special status would be considerably eroded, should commitments and programmes be explicitly made for the countries in economic transition. They fear that the preferences, concessions and aid for developing countries may then be eroded, or diverted to Eastern Europe and Russia. - Third World Network Features.

*Martin Khor is director of the Third World Network.*

## PART 2

# NAM in the Nineties

Nana S. Sutresna

We do feel that in the Security Council, the majority is disenfranchised and excluded from much of the decision-making that is taking place. Hence all the Members of our Movement have demanded an expansion of the membership of the Council. They have also called for vigilance to ensure that the Security Council does not encroach on the jurisdiction and prerogatives of the General Assembly. While there is a wide spectrum of views on these important issues, the effectiveness of the NAM as an advo-

cate for reform in the United Nations would depend upon its unity, cohesion and commonality of interests. That is the rationale for the establishment of the Movement's High Level Working Group for the Restructuring of the United Nations which is now actively at work in the General Assembly.

What has become apparent in this spate of activities and involvements of the Movement is that the decisions taken at its Jakarta Summit have not remained decisions on paper — they have been

given concrete reality and have assumed a life of their own. Indonesia, as Chairman of the Movement, has made it a point that these decisions should be translated into action. It has also made it a point to remind Members of the Movement to speak and to act in international forums in accordance with the intentions and the spirit of these Summit decisions. At the United Nations in New York, the Coordinating Bureau of the NAM has been meeting regularly to discuss not only the implementation of the decisions of the Tenth

Summit but also to actively coordinate the positions of the Movement on various issues of importance to the Non-Aligned and other developing countries.

It is possible and I do hope that Indonesia has been able to set a trend in the conduct of the Chairmanship of the Movement. Many more initiatives have to be launched in order to help bring about the Movement's envisioned new international order and in each of these, the Chairmanship plays a central role. Realizing this, the membership of the Movement has provided the Chairmanship with a mechanism for seeking assistance at the highest political level from the appropriate members whenever a common concern becomes urgent or critical. This is in the form of a special mandate which enables the Chairman to form and convene a committee at the Summit or Ministerial level to tackle specific urgent problems. Although there are two formulas for the membership of the committee, the Chairman is free to include any member whose resources and experience would be most appropriate to the task at hand.

It has to be acknowledged, however, that in working for its vision of a new international order, the NAM has to contend with the normal constraints in international cooperation and relations — not the least of which is the fact that some countries are more powerful than others and they often have their way without regard to the views of their sovereign equals. This fact of international life is apparent even in such a global organization dedicated to democracy — the United Nations.

The Movement has also to contend with internal constraints, one of which is the fact that there are a few members that are still more comfortable with the old adversarial approach to dealing with the countries of the developed North and with international institutions. It is important to get these members with the old orientation "on board", as a more cohesive Movement would be more beneficial not only to the members but also to the outside world.

A more serious internal constraint is the fact that there are members in a dispute or a state of conflict with one another. It has happened that the Chairmanship had to expend so much time and effort in preventing the meetings of the Movement from becoming a forum for the airing of bilateral grievances and mutual recrimination. This could have a deterrent effect on South-South cooperation and may even undermine the negotiating position of the South vis-a-vis the Countries of the North. Thus, always among the first victims of such conflicts is development.

There is therefore a clear and urgent need for the Members of the Movement to evolve a mechanism for the settlement of disputes and management of potential conflict among NAM members. This is one of the urgent concerns that I hope will be taken up in the Eleventh NAM Summit to be held in Colombia in the later part of this year.

With this, I trust that I have given the distinguished participants of this Seminar a sufficient view for discussion of the significance of the Non-Aligned Movement in the decade of the 1990s as well as of the sources of its strength and its weaknesses. By way of summing up, I should like to say that the Non-Aligned Movement has been able to change with the changing times and thus not only preserved its relevance but has also increased its involvement in worthy international causes that are consistent with its principles and ideals. Where once it was the champion of independence movements, it is now a leading advocate of global interdependence. If I may say so, it has succeeded in placing its own agenda in the mainstream of international thought and concern.

Much can be further achieved simply by building on what it has so far accomplished by way of promoting the North-South and South-South processes. And I do believe that as the NAM continues on its present track, it will become an even more prominent factor in international developments in the years to come not only in

terms of serving the development aspirations of its members but also in terms of evolving conceptual frameworks for cooperation with other groups of countries.

And I believe this is possible because the vast majority of nations today have finally come to realize that human destiny is indivisible, that the fate and fortunes of the North and South are inextricably intertwined. The North cannot sustain its economic development without stability and development in the South. The countries of the South cannot achieve their development goals without the conducive global environment that the policies of the countries of the North should provide. It is to the interest of both sides, therefore, that they should sit down and work out a way of managing the formidable challenges of the decades ahead. It is also to the interest of both sides that the South should become more self-reliant and able to make full use of development resources that are already in the South.

On behalf of the South, the Non-Aligned Movement has extended an *Invitation to Dialogue* to the countries of the North. There has been a heartening, positive response. At the same time, the Non-Aligned Movement has also set the stage for broadened and intensified South-South cooperation. In this, too, there has been enthusiastic response.

Thus, as I look to the future, I do so with well-founded hope. For it is clear that humanity is taking a good number of important steps towards a more just, more peaceful, secure and prosperous international order. This seminar is certainly one of them. And it is appropriate that it should take place in Colombo which was a starting point of a process that eventually led to the founding of the Non-Aligned Movement. Let me therefore convey to the Government of Sri Lanka and those who organized this seminar the deep appreciation of President Soeharto as Chairman of the Non-Aligned Movement for this important endeavour to shed light on the meaning of the momentous events of our time.

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# The 'India Factor' in Sri Lanka's Foreign and Security Policy, 1948-94

Humayun Kabir

## Introduction

A study on Sri Lanka's foreign and security policy is well-merited for several reasons. First, since the coming of J.R. Jayewardene's United National Party (U.N.P.) government into power in 1977, Sri Lanka's foreign policy has been brought to the forefront of public and private discussions, as was the case in 1956 when S.W.R.D. Bandaranaike's left-leaning Sri Lanka Freedom Party (S.L.F.P.) was first swept into power after defeating the hitherto ruling right-wing U.N.P. Second, as Sri Lanka, being a small island state with strategic significance, has always tended to rely on its foreign policy as a survival, a study of the same in itself is worth pursuing. Third, given the existence of other comparable cases, such study may provide a wider relevance. Fourth, it would be interesting to examine the implications of the end of the Cold War for the foreign and security policy of Sri Lanka.

A study on the 'India factor' in Sri Lanka's foreign and security policy is more in order for the following reasons: (1) India has been the most relevant and enduring factor looming large on this island's horizon; (2) It is often said by some academic 'high priests' as well as by some of the 'commoners' that while the UNP governments have traditionally perceived threats from India, the SLFP-led governments have not done so, with consequent reflection in the country's foreign policy orientation and strategy. A probe into it is indeed worthwhile; (3) An intense debate has been generated in Sri Lanka by the 1987 Peace Accord with regard to an unprecedented change in the tenor and texture of relationship between India and Sri Lanka. A close scrutiny of some of the Accord provisions may help one appreciate the 'pangs of proximity' of a domestically insecure 'David' to a 'Goliath' who is 'interested' in the former's domestic and foreign policy realms, and the "pangs of 'desertion' "of David by some of the more powerful but distant and hitherto interested Goliaths; and (4) It is of more than academic inquisitiveness to address ourselves the question whether the Peace Accord is valid now in the post-Cold War era, particularly under the SLFP-led People's Alliance (PA) government that after 17 years of UNP rule staged a spectacular comeback in 1994 under the leadership of President Chandrika Bandaranaike Kumaratunga.

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This, therefore, is a study on Sri Lanka's foreign and security policy with particular reference to India. The focus is on the politico-strategic dimension seen in terms of interaction between and among domestic, regional and extra-regional factors as they impinge on the foreign and security policies of India and Sri Lanka. The focus is also on the difference in strategies that Sri Lanka's UNP and SLFP governments had pursued in relation to India. The problematic is the inherent divergence in the mutual attitudes and images of India and Sri Lanka, in their foreign policy perspectives and security concerns, and in the policies the two countries adopt towards each other with a view to redressing the dissonance and divergence. This is a study of relationship between a great and a small power, a study of uneven relationship between two highly asymmetric neighbours. In other words, this is a study on the attitudes and policies borne out of Indo-centricity and Indo-phobia, but not on how to meet the challenges of reconciling these two opposites. It is an interaction model of Indo-centricity and Indo-phobia, the tension-issues being Sri Lanka's foreign and security policy, and her ethnic conflict.

The questions that are raised in the paper are: What is the locus standi of Sri Lanka in India's foreign and security policy? What are the determinants of Sri Lanka's foreign and security policy? What strategy does Sri Lanka follow to redress the power imbalance with India? What role did India play in Sri Lanka's ethnic crisis? What were Sri Lanka's compulsions/imperatives to sign the Peace Accord with India in 1987? Did this signing herald a new era in their relationship in terms of formalisation of India's hegemony over the island nation? Is the Peace Accord valid in the post-Cold War period in terms of its hegemonic content? What are the foreign policy challenges facing the People's Alliance government?

More pertinent questions, however, are: Can a Third World small state afford for long to pursue a non-conformist foreign policy vis-a-vis a regional great power? Can such a small state, which is domestically insecure and unstable, always rely on extra-regional support for building counter-poise to such a big neighbour? Does this small power have any foreign policy options in the event of its internal turmoil and collapse of its counterbalancing strategy other than to succumb to the hegemonic pressure of the regional

power? What impact does the end of the Cold War have on the regional power relationship between a great and small power?

The study has several major concerns. One of them is that India has always been the most fundamental preoccupation in Sri Lanka's foreign and security policy, emerging into a dominating position since the 1970s. The paper argues that India has been the prime concern to the Sri Lanka governments, regardless of their political complexion, in formulating the country's foreign and security policy. Indeed, India has been the point of departure of Sri Lanka's such policy. Another one is that while the UNP governments until 1987 had pursued a non-conformist India policy, the SLFP administrations had followed a 'pilot fish' strategy. The others are that since the signing of the Peace Accord with India, both UNP and SLFP governments have been constrained to follow more or less the same policy towards their northern neighbour, and that the end of the Cold War appears to have impacted disadvantageously on small states like Sri Lanka.

There are certain problems in foreign policy analysis. For example, there is the problem of choosing a conceptual model that is sought to explain a particular foreign policy. Some scholars have identified four such models: (1) the 'geo-political model' in which emphasis is put on the primacy of the geographical location, but factors like ideology or change of government receive little consideration; (2) the 'organization process model' in which foreign policy is seen as organizational output; (3), the 'bargaining model' whereby foreign policy decisions emerge from interplay and bargaining among the political and official 'players'; and (4) the 'rational actor model'. This model assumes that the situation is fully understood, that all possible courses of action are known to or imagined by those who have to take decision, that the consequences of all courses of action can be and are accurately assessed, and that there is a clearly identified objective.<sup>1</sup> But what happens in reality bears only limited relation to the rational actor model. As a matter of fact, following a particular model in explaining a country's foreign policy may lead to partial treatment of the subject and hence may lack a proper understanding of it. One of the ways to overcome this problem is to follow an eclectic approach<sup>2</sup>, which in this study has actually been done.

Another problem is that the contemporary literature on foreign policy analysis tends to be either 'process-oriented' or 'function-oriented'. The former concentrates on the detailed analysis of foreign policy-making processes and associates this with the Western states while the latter refers to the less developed countries where institutions are not developed and foreign policies are seen as a function of functions<sup>3</sup>. But empirically this is not entirely true for there are elements of 'function-orientedness' in foreign policy making in the modernised, industrialised states while there are numerous instances of 'process-orientedness' in that of the developing Third World nations<sup>4</sup>.

The study is both historical and analytical. It is based on both primary and secondary sources. Apart from existing literature on the subject, relevant documents of the Ministries of Foreign Affairs and Defence and the Parliamentary Debates have been used. Interviews with some of the main 'players' in decision-making and opinionmaking have also been used.

The literature on the subject has been fairly extensive<sup>5</sup>. The common lacuna in them appear to be the absence of a probing insight into the threat perceptions of the major political parties in Sri Lanka emanating from India and how the successive Sri Lankan governments went about offsetting their overarching security concern. The present study attempts to fill this gap. It also gives an insight into the problems of a small power in dealing with a much more powerful neighbour, particularly when the former experiences domestic instability and loses effective support from its traditional extraregional great power 'friends' for combating the internal crisis and meeting various interventionist postures from the immediate neighbourhood.

The study is organised into six sections. The first section deals with the determinants of Sri Lanka's foreign policy. The second section focuses on India's security perspective in relation to Sri Lanka. It deals with India's regional policy and its implications for the island. The third section examines Sri Lanka's perceptions of and policy towards India until 1977. It analyses Sri Lanka's survival strategies in relation to India. The Jayewardene government's India policy is discussed in the fourth section. India's role in Sri Lanka's ethnic crisis during 1983-87 is examined in section five. A close scrutiny of some of the provisions of the Indo-Sri Lanka Peace Accord of 1987 is undertaken in this section with a view to analysing India's hegemony in respect of Sri Lanka's ethnic problem and her foreign and security policy. The view that India's hegemony in Sri Lanka still remains valid is looked into in the last section of the paper. The foreign policy challenges before

the Sri Lankan government of President Chandrika Bandaranaike Kumaratunga are also identified in this section. The paper ends with the summary of the study and some concluding remarks.

The distinction between the foreign policy and the security policy of a state often becomes blurred for all practical purposes. So, the two concepts are used in the study in the singular and/or interchangeably.

#### (To be Continued)

#### Notes

1. For details on these models see G.T. Allison, *Essence of Decision*, Little Brown, Boston, 1971; Joel Migdal, "Internal Structures and External Behaviour: Explaining Foreign Policies of Third World States", *International Relations*, Vol. IV, No. 5, May 1974, pp. 510-526; and P.A. Reynolds, *An Introduction to International Relations*, Second Edition, Longman, London, 1980, pp. 156-182.
2. Ittekhar A. Chowdhury calls it 'models mix'. See his "Bangladesh's External Relations: The Strategy of a Small Power in a Subsystem", Doctoral Thesis, Department of International Relations, Australian National University, 1980, Canberra, Australia, p. 15.
3. On process-oriented foreign policy see M. Halperin, *Bureaucratic Politics and Foreign Policy*, Brookings Institute, Washington D.C., 1974; William Wallace, *Foreign Policy and the Political Process*, Macmillan, London, 1971; G.T. Allison, *Essence of Decision*, op. cit. On the function-oriented see B. Korany, "Foreign Policy Models and their Empirical Relevance to the Third World Actors: A Critique and an Alternative", *International Social Science Journal*, Vol. 26, No. 1, 1974, pp. 70-94; F.B. Weinstein, "The Uses of Foreign Policy in Indonesia: An Approach to the Analysis of Foreign Policy in the Less Developed Countries", *World Politics*, Vol. XXIV, No. 3, April 1972, pp. 356-381; Henry A. Kissinger, "Domestic Structure and Foreign Policy" in Wolfram A. Handreider (ed.), *Comparative Foreign Policies: Theoretic Essays*, David McKay Co. Inc., New York, 1971.
4. For fuller arguments see Ittekhar A. Chowdhury, Doctoral Thesis, op. cit., pp. 10-14.
5. Some of them are, S.U. Kodikara, *Foreign Policy of Sri Lanka: A Third World Perspective*, Chanakya Publications, New Delhi, 1982; H.S.S. Nissanka, *Sri Lanka's Foreign Policy: A Study in Non-Alignment*, Vikas, New Delhi, 1984; Vernon L.B. Mendis, *Foreign Relations of Sri Lanka: From Earliest Times to 1965*, Tissera Prakasakayo Ltd, Dehiwela, Sri Lanka, 1983; Shelton U. Kodikara (ed.), *Dilemmas of Indo-Sri Lankan Relations*, BCIS, Colombo, 1991; Shelton U. Kodikara, *Indo-Ceylon Relations Since Independence*, University of Colombo, Colombo, 1965; V. Suryanarayan, *Sri Lankan Crisis and India's Response*, Patriot Publishers, New Delhi, 1991; Ravi Kant Dubey, *Indo-Sri Lanka Relations*, Deep & Deep, New Delhi, 1989; P.V.J. Jayasekera (ed.), *Security Dilemma of a Small State: Sri Lanka in the Asian Context*, Part One, South Asian Publishers Pvt Ltd, New Delhi, 1992; Shelton U. Kodikara (ed.), *Indo-Sri Lanka Agreement of July 1987*, International Relations Programme, University of Colombo, Colombo, 1989; Bertram Bastiampillai (ed.), *India and Her South Asian Neighbours*, BCIS Colombo, 1992; Shelton U. Kodikara (ed.), *South Asian Strategic Issues*, Sage Publications, New Delhi, 1990; S.D. Muni, *Pangs of Proximity: India and Sri Lanka's Ethnic Crisis*, Sage Publications, New Delhi, 1993.

## LETTERS

### More is less

I hope JR will heed Piyal Gamage's advice to him to desist from making public statements about his achievements. When others speak well of a man it is pure gold. When a man speaks well of himself, it is counterfeit. The more one tries to impress, the less one impresses. I commend to JR the following lines by Emily Dickinson:

I'm Nobody! Who are you?  
I hope you are Nobody too?  
Then there's a pair of us,  
Don't tell! They'd advertise, you know.

How dreary to be Somebody!  
How public — like a Frog  
To tell your name the livelong June  
To an admiring Bog.

Vijaya Perera

Colombo

### Schools take over

Even the usually well informed Editor of the *Lanka Guardian* has talked of "the schools take over" (*LG* Jan 1). There was no schools "take over" by that Bandaranaike government in the sixties.

Private schools were run on a grant received from the state. The government of the day, being of a nationalist bent, offered these schools the option of coming into the national stream whereby they would be fully financed and managed by the state, or remaining private and self financed — provided 75 per cent of the parents opted for that course.

Some schools and parents did, as in the case of S Thomas, Trinity, Museus, etc. They were and are still private. So where was the "Take over"?

What could be fairer than the option offered by that government? It is surely the height of unreason to refuse to come into the national scheme of education, opt to do your own thing and still insist on receiving the government grant.

All that the government did was to withdraw the grant those schools which refused to come into the national system, and that too only when 75 per cent of the parents voted remain out and pay the fees to run the school.

This persistent talk of a "schools take over" is nothing but part of the campaign of disinformation by anti-national elements then and now.

S. P. Jayalath

Veyangoda

 ENRICHING RURAL LIFESTYLE

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*Sharing and caring  
for our land and her people.*



# **PEOPLE'S BANK**

## ***Celebrating Three Decades of Dynamic Growth***

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

**Today,** just 33 years later

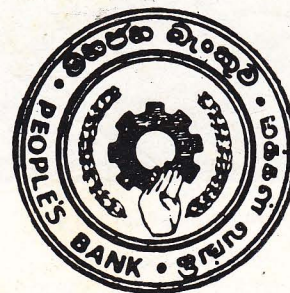
*People Resource exceeds 10,000*

*Customer Listings at a staggering 5.5 Million*

*Branch Network in excess of 328, THE LARGEST  
in Sri Lanka*

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

# **PEOPLE'S BANK**



**Banker to the Millions**