

**LANKA**

• ISLAM AND WOMEN

— Benazir Bhutto

# GUARDIAN

Vol. 18

No. 14

December 1, 1995

Price Rs.10.00

Registered at GPO, Sri Lanka

## **WAR**

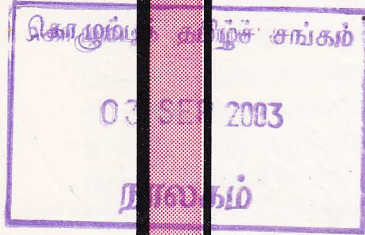
*Mervyn de Silva*

*Manik de Silva*

*A. S. Abraham*

**and**

**peace**



## **INDIA'S ROLE**

— *Humayun Kabir*

## **ELECTORATE AND POWER**

— *W. A. Wiswa Warnapala*

## **AUTONOMY PACKAGE**

— *Kamalika Pieris*

## **WOOLF AND DANIEL**

— *Jeanne Thwaites*

## **T. N. C. CONVICTED**

— *Kalinga Seneviratne*

*"Sri Lankan political discourse, in recent times, has produced an amazing variety of political theorists and analysts whose main vocation seems to be to produce denunciatory criticism of the political military strategy of the LTTE and offer ideas and solutions as to how to end the so called 'terrorist menace.' Among these political theorists Dayan Jayatilleka stands out as a unique character in his irrational and ruthless criticism of the LTTE."*

*LTTE'S INSIDE REPORT 30 JUNE 1995*

*DAYAN JAYATILLEKA'S*

**'SRI LANKA  
THE TRAVAILS OF A DEMOCRACY  
UNFINISHED WAR;  
PROTRACTED CRISIS'**

*A publication of the International Centre of Ethnic Studies, Kandy,  
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# JAFFNA: ARMY IN COMMAND

## P.A. — economically embattled ?

Mervyn de Silva

“I request every citizen to celebrate our victory, calmly and peacefully. We must in no way harass the Tamil community by word or deed” said President Chandrika Kumaratunga in a broadcast to the nation, soon after Sri Lankan troops reached Jaffna. It was thoughtful of President Kumaratunga to impress on the Sinhalese, an overwhelming majority, that this was no occasion for anti-Tamil violence. There was none. Nor of course, was there much celebration when the advancing units of the Sri Lankan army surrounded Jaffna. There was little cause for celebration. Jaffna is a ghost city. What the army feared most was that it could also be a booby trap.

When the army advances, the guerrilla retreats but not as far as Libya, surely? The rumour-mills in Colombo worked overtime. Prabhakaran had fled.... To Tamilnadu? Not really. He had retreated to the Mullaitivu jungles, his rearbase built up when fighting the IPKF (1987-90). So does the war go on? Or will the people return to Jaffna if the government and army are ready to restore normal conditions and guarantee the civilian population that it will be treated well.

Lt. General Krishnaswamy Sundarji was India's army chief when the question of an Indian response was debated at the highest decision-making levels. How does he see the situation?

“The fall of Jaffna city to the Sri Lankan forces now would also have a profound geopolitical and psychological effect on the situation. What are these likely to be? What is the probable

upshot? Much is going to depend on the statesmanship that President Chandrika Kumaratunga displays and the wisdom with which the government acts”.

The army's 30,000 troops under General Rohan Daluwatte seems to be in no particular hurry. For one thing, he realises that Jaffna is not only a ghost town with no people but probably one huge booby trap. The land mine was so much a part of LTTE's war-machine that this writer named EELAM WAR 1 and EELAM 2, “the landmine war”.

EELAM WAR 3 has introduced missiles. It was surface-to-air missiles (SAM's) probably purchased in Afghanistan which destroyed the first two AVROs. And now the SLAF has lost three ANTONOVs bought in Ukraine and two Chinese-built Y-8's, at least one of these, in a manner that has puzzled the pundits. The ‘Tiger’ has been badly mauled and its “mini-state” in the northern peninsula is falling apart while the Sri Lankan state is bleeding economically. The mounting costs of EELAM WAR 3 will make it exceedingly difficult for the Peoples Alliance (P.A.) administration to satisfy the Sinhala electorate in the South. It will also find the trade unions, even those friendly to the P.A., more and more restive, disappointed and disillusioned. Inflation is the enemy within. The campuses provide the shock-troops. The JVP must surely spot this “window of opportunity”. Historically, the campus has always been the early warning signal.

In his budget speech Prof. G.L. Pieris drew our attention to the rising debt service burden. This year's budget defi-

cit will not be 7.5% of GDP but 9.3%. He hopes that privatisation will help him reduce the deficit to 7.8% in 1996. He drew the attention of the House to soaring defence spending — Rs. 32 billion, well over 600 million US dollars when the original estimate was no more than 24 billion. By 1996, it will reach Rs. 38 billion. While he believed that 5.5% growth this year was creditable, he is looking forward to 6% in 1996.

Direct foreign investment, 9.2 billion in 1994 had dropped to Rs. 8 billion this year.

LANKA

**GUARDIAN**

Vol. 18 No. 14 December 1, 1995

Price Rs. 10.00

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

Editor: Mervyn de Silva  
Telephone: 447584

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

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# Not the End

Jaffna looks set to fall, but the war isn't over

Manik de Silva

Vellupillai Prabhakaran, the shadowy leader of the Liberation Tigers of Tamil Eelam, probably won't be celebrating his 41st birthday in his stronghold of Jaffna. But his sworn enemies in the Sri Lankan military might.

On November 20, government troops aided by tanks and artillery began pouring into the Tiger bastion in the face of fierce resistance. Though there were conflicting reports from the front, and it appeared that Colombo's forces were still some 2.5 kilometres away from the city centre, few doubted that Jaffna would ultimately fall. "We will be celebrating Prabhakaran's birthday in Jaffna," on November 26, claimed Brig. Sarath Munasinghe, the government's top military spokesman.

Still, it was probably premature to begin party preparations. "We expect more fighting, more mines, more booby-traps. We expect the worst. It could be the bloodiest phase of our offensive," said Munasinghe. Although nearly 400 soldiers have been killed and several hundred wounded since the Jaffna operation was launched, the military claimed to have eliminated more than 1,500 Tigers. Troop morale was said to be excellent.

The big question now is: After Jaffna, what? Taking the city does not mean

taking the whole Jaffna peninsula. Unlike the Indian Peace Keeping Force, which tried to police a peace with the rebels but failed and withdrew in March 1990, Colombo doesn't have the manpower to effectively control both the northern and eastern provinces, the Tigers' traditional hunting grounds. Besides, as the army has concentrated on its northern offensive, it has lost ground in the previously secured east.

"Taking Jaffna obviously means rooting out a part of the cancer that was restricted to a particular area," said an Asian diplomat in Colombo. "But the cancer is going to spread elsewhere, with the Tigers making terrorist strikes outside the theatre of conflict. That will be a reality that Colombo will have to live with, and there is very little that can be done about that given the suicide cadres the Tigers command."

While the loss of Jaffna and a sizable part of the peninsula will mean an erosion of the LTTE's carefully nurtured tax-and-extortion base and quite a bit of its military infrastructure, its terror capability will remain. And past experience abundantly demonstrates that Prabhakaran isn't loath to use such methods to further his aims. Indeed, as the army began entering Jaffna, the clandestine Voice of

Tigers radio ordered all civilians to head south to the mainland, where some 250,000 refugees have already collected. "The refugees will provide the Tigers with a human shield as they revert to a guerrilla war," said an analyst in the capital.

President Chandrika Kumaratunga must be acutely aware of the dangers to the economy of a wave of Tigers terror outside the war zone. But she is also conscious that international opinion has hardened against the Tigers since the rebels' unilateral breaking of a 100-day truce in April and their rejection of a generous peace package.

Kumaratunga might use a military victory in Jaffna to gamble on an election or referendum hinged on her devolution package, which will give more power to the provinces and which she hopes will finally resolve the ethnic problem. The 1996 budget presented on November 8 has been widely interpreted as a pre-election budget. Despite huge defence outlays compelled by the war and a cash-strapped treasury, it treats consumers with kid gloves and offer tax breaks to the middle class. Analysts saw it as a budget with 'Something for everybody.'

[F. E. E. R.]

## Chandrika's Strategy

A. S. Abraham

Is the 12-year old ethnic conflict in Sri Lanka reaching a turning point? This question is prompted by the relentless conflict between the Sri Lankan army and the Liberation Tigers of Tamil Eelam (LTTE) which has been intensifying since last April when the moves for peace, initiated by Sri Lanka's then newly elected President, Ms. Chandrika Kuma-

ratunga, which initially looked hopeful, broke down.

### Army Pressure

The LTTE, pushed to the wall by the tactics of the army, is apparently fighting with desperation. The series of explosions at oil depots in Colombo, causing at least

20 deaths and injuries to many more, while hundreds fled a curfew-bound capital, suggest that the Tigers, some of whom exchanged fire with government troops, mean to carry out this war in the way they know best. While attempting to relieve the army pressure on the Jaffna peninsula and even Jaffna town by bomb blasts in the capital, they are also serving notice

to the government that they can create mayhem at will. The same message is conveyed by the LTTE's attack on three villages in the east in which no less than 48 people have been mercilessly killed.

Ms Kumaratunga, realising that the LTTE was clearly dragging its feet on her peace initiative, appears to have decided that, in order for the LTTE to realise she meant business, she would first have to subdue it by force. In doing so, however, she is taking the risk of plunging Sri Lanka into a catastrophe of a kind the country has never seen before.

She is pursuing a two-pronged strategy: a necessary war followed, if the war ends successfully, by lasting peace. In the midst of the army operations, she announced on August 3 her devolution proposals, designed to convert Sri Lanka from a unitary republic into a "union of regions" and to give the Tamils of the north and east a far greater degree of autonomy than they have come to expect.

At the moment, however, the war is claiming most of the army's attention as, in a succession of operations codenamed *Leap Forward*, *Thunder Strike* and now *Riviresa* (sunshine), it moves into Tiger territory in the Jaffna peninsula in a sustained drive to corner the beast in its lair. By all accounts, this is the most serious army offensive to date against the Tigers and the latter have suffered much greater losses than anticipated. At the same time, the Tigers are fighting back with all they have got. The Tigers are, internationally and politically, at a disadvantage. They are virtually friendless today, having squandered away most of the goodwill that they claimed as an oppressed minority. Their leadership is nothing if not autocratic. They are unable to win friends and influence people and, more importantly, states who might be helpful to their cause.

They have a dismal and bloody record of assassinations which has created a sense of revulsion world-wide — a recent letter in a Tiger paper threatens Ms Kumaratunga with murder, as happened to Rajiv Gandhi, Ranasinghe Premadasa, Lalith Athulathmudali, Gamini Dissanayake,

Ranjan Wijeratne who were all assassinated. This is characteristic of the LTTE's sinister method of operation and its refusal to come to terms with a vastly changed international situation.

In contrast, Ms Kumaratunge is now in a strong position. When she came to power last November, she had over 60 per cent of the vote in the presidential poll. The people had obviously vested their hopes of a solution to the ethnic dispute in her and she did not disappoint them. When she turned to war, she did not abandon her search for peace, announcing her devolution package, which still awaits a two-thirds parliamentary majority vote of approval.

### Peace-keeping Force

Internationally, too, she has support for what she is trying to do. She has excellent relations with India, the one country whose intervention in the dispute could be crucial, but which will not intervene, due both to Ms Kumaratunge's policy of friendship, so unlike that of President Premadasa when he was in office, and to India having burnt its fingers once through the Indian Peace-Keeping Force operations. She has earned a reputation as the peace-maker who has been forced to resort temporarily if riskily to war in order to make peace desirable to both sides.

The crucial question now is whether the Sri Lankan army, appropriately refurbished for the conflict, will prevail over the Tigers, fighting as they are with their backs to the wall. The Tigers' aim is probably to sow such terror and confusion among the people as to make it imperative for the government to deal with this situation. That may require troops to be kept where they are instead of moving north, as large numbers of them have been doing.

If the Tigers are able to set off panic and cause people to flee as refugees (there are signs that this may be happening), the Sri Lanka government will have its hands full coping with this crisis and the Tigers will not only get a breather, they might also be able to go on the offensive. Ms Kumaratunge has already spoken of

introducing the draft and she may have to do so now.

### Tamil Refugees

The Tigers do not enjoy significant international support any longer, barring among sections of people in Tamil Nadu with whom they share ethnic ties. As long as India refuses to get involved in the Sri Lankan crisis, there is little the Tigers can hope to do. But what if there is a flood of Tamil refugees across the Palk Strait into Tamil Nadu? What will be the feeling of the people of Tamil Nadu at the exodus of fellow-Tamils and at their plight in the ongoing war?

In any event, Ms Kumaratunge should resist the temptation to attack Jaffna town. The loss of and injury to civilian life, and the destruction of property would be too horrendous to contemplate. Whatever the chances of winning the Tamils over to the side of peace and whatever her own reputation as a national, not sectional, leader, these would be demolished were she to take such a step.

There is no doubt that the Tigers are hoping she will make just such a blunder. By giving in to the demands of the Sinhalese right-wing and to the militant sections of the Buddhist clergy, both of which are influential and which believe that the only answer to Tamil demands is muscle-power, she will be hastening the end of Sri Lanka as a plural state. She will be setting the stage for worst anti-Tamil pogrom in Sri Lanka's history confirming what the Tigers have long been misguidedly urging — that the Tamils must have their own independent state.

Ms Kumaratunge must do everything to protect the Tamil minority from the rampaging Sinhalese, while assuring the majority that she means to preserve the integrity of the country. For that, she must first decisively beat the Tigers militarily, give the Tamil moderates a chance to come into their own and then get down to the nuts and bolts of the devolution proposals which she has already put before the country.

[T.O.]

# The India Doctrine

Humayun Kabir

The Government of India immediately got in touch with the governments named in the report and expressed its concern at the developments in the neighbouring Sri Lanka, urging them to adopt a 'hands-off' policy towards the island. In Parliament, Narasimha Rao cautioned all powers to keep out of the turmoil in Sri Lanka and also made it clear to the Sri Lankan leaders that no such distorted view that India interfered in Sri Lanka's internal affairs could be taken of the inevitable consequences of being India's neighbours with possible consequences for India's national life and security.<sup>128</sup> Mrs Gandhi's reaction was much clearer and far more firm. She stated in the Lok Sabha, "...Developments in Sri Lanka affect us also. In this matter India cannot be regarded as just any [other] country. Sri Lanka and India are the two countries who are directly concerned. Any extraneous involvement will complicate matters for both our countries... Forces of destabilisation are at work. Hence, we must make every effort to minimise any opportunity for foreign elements to weaken us...".<sup>129</sup> Later on she also said that the other countries had appreciated India's position in respect of the situation in Sri Lanka and acknowledged India's special interest in the whole matter. Narasimha Rao also made the same point when he said that India's position was appreciated by all countries with which he and some other Indian leaders had the occasion to discuss the matter.<sup>130</sup>

Two major points in relation to Sri Lanka transpired from these Lok Sabha debates. First, the parliamentarians pointed out that

*The author, Dr. Humayun Kabir was scholar-in-residence at the Bandaranaike Centre for International Studies (BCIS) this year. He is a Research Fellow of the Bangladesh Centre for Strategic Studies. The first article in the series was P.A. PACKAGE: BEYOND INDIA, (L.G. Sept. 15). By mistake, that article was presented as a contribution by Prof. K.M. de Silva. We apologise to Dr. Humayun Kabir. We trust that this correction will also satisfy Prof. K.M. de Silva.*

*Regular readers should kindly note that this series by Dr. Humayun Kabir include CONFLICT AND FOREIGN POLICY, DELHI'S SECURITY CONCERNS, TRINCO, US AND INDIA, and BLACK JULY.*

Sri Lanka's call for help reiterated the pro-American proclivity in its foreign policy outlook, which was considered inimical to India's security interests. Therefore, U.S., or for that matter any other extraneous involvement in the island, was to be discouraged and prevented. And second, India not only felt slighted and ignored by not having been asked to help Sri Lanka, but she also seemed to have construed that the tiny island had the temerity to question India's integrity. It also confirmed, as it were, their long-held view about Jayewardene's 'anti-India credo' and his drifting his country away from India's designated sphere of influence. Therefore, the position was that only India, and no other power, was to be involved in the Sri Lankan affairs.

Clearly, a security doctrine was enunciated by the Indian leadership. Although the Indian government did not give it a textual form, a leading Indian scholar, Bhabani Sen Gupta, succinctly specified the parameters of the doctrine which came to be variously referred to as the "India Doctrine", "South Asia Doctrine", "Indira Doctrine", and later on as the "Rajiv Doctrine". He wrote: "The carnage in Sri Lanka has spawned an Indian doctrine of regional security. The doctrine has received prompt implicit or explicit approval of the regional as well as the international communities. It can be explained in the following terms: India has no intention of intervening in the internal conflicts of a South Asian country and it strongly opposes the intervention by any country in the internal affairs of any other. India will not tolerate external intervention in a conflict situation in any South Asian country if the intervention has any implicit or explicit anti-Indian implication. No South Asian government must, therefore, ask for military assistance with an anti-Indian bias from any country..."

"If a South Asian country genuinely needs external help to deal with a serious internal conflict situation or an intolerable threat to a government legitimately established, it should ask help from a number of neighbouring countries including India. The exclusion of India from such a contingency will be considered to be an anti-Indian move on the part of the government concerned. An important aspect of the Indian regional security doctrine is that it has emerged from a series of conversa-

tions between Prime Minister, Indira Gandhi, and leaders of the Opposition. It is, therefore, cushioned on a national consensus".<sup>131</sup>

Remarkably, the Indian leadership did not deny or comment on the espousal of the doctrine nor did it contest its framework or any of its constituent elements. What the India Doctrine had meant for Sri Lanka was that the Tamil issue was of as much concern to India as it was to Sri Lanka itself and that India would not tolerate any Sri Lankan foreign policy postures that New Delhi would regard as prejudicial to India's security. Such an Indian attitude angered Colombo and the Sinhala people and it was widely seen as an imperious reaction to Sri Lanka's invitation for help from countries other than India. But, Sri Lanka seemed to have acquiesced to the Indian position. This was evident on at least two occasions: when Colombo agreed to receive Indian envoy and send its own to New Delhi, and when President Jayewardene had to deny over the phone to Mrs Gandhi the report about his efforts to enlist military help from non-Indian sources and tell her that his country would not need such assistance.<sup>132</sup> The context and the issue areas for exercising India's hegemony were clearly established. India's attitudinal hegemony, thus, began to transform itself into behavioural hegemony.

## India's role

India's role in Sri Lanka's ethnic crisis was defined by the former's interests, concerns and objectives in relation to the latter. First, India was sympathetic to the grievances of the Sri Lanka Tamils and it wanted justice done to them. It meant India's insistence on political settlement of the conflict that would placate Tamil Nadu and that would facilitate return of the Tamil refugees to Sri Lanka. Second, India was for safeguarding Sri Lanka's unity and territorial integrity, for that would prevent setting in motion the potential domino effect in terms of disintegration of India itself. Internationally also, India's image would suffer if it were to let that happen in a neighbouring small country. New Delhi, therefore, was against Tamil Eelam. Third, India was in favour of a peaceful settlement which implied that she would not endorse Sri Lanka's desire for a military solution. Fourth, India favoured a bilateral approach towards the

island's ethnic crisis in which she would play the decisive role. This implied five things: one, that India would not tolerate non-Indian help to Sri Lanka, primarily military help; two, that, if required, India would take recourse to pressure tactics against Sri Lanka including extending material support to the Tamil militant groups based in Tamil Nadu and making efforts to mobilise international public opinion by revealing Colombo's record on human rights violations; three, that India would persuade any other countries, particularly great powers, to keep off Sri Lanka; and four, that India would take steps to ensure that no single Tamil group could be in a dominant position and dictate terms to New Delhi. And five, that India would militarily intervene in Sri Lanka in case the latter's own crisis management strategies were perceived by the former to be inimical to its domestic stability and security interests. The strategies adopted by Colombo implied three options, namely, the approach to peaceful settlement, the military option, and the enlisting of non-Indian support in order to crush the Tamil insurgency and come out victorious in the civil war without Indian help.

Although there were pleas from various quarters in India for military intervention in Sri Lanka in the initial phase of the ethnic crisis, she showed restraint for fear of foreign disapproval<sup>133</sup> of the same and for giving a chance to peaceful settlement through its mediation between the Sri Lankan government and the TULF, the mainstream Tamil political party. Accordingly, India offered its good offices. Given the national mood in India, Sri Lanka reluctantly accepted it.<sup>134</sup> Indira Gandhi sent G. Parthasarathy as her special envoy to Sri Lanka, whose task was to reconcile the demands of the Tamil minority for a substantial measure of regional autonomy with the need to preserve the unity and territorial integrity of the island state. He prepared a proposal, called 'Annexure C', for consideration by an All Party Conference (APC) which was convened in Colombo by President Jayewardene in January 1984. The APC held several sittings throughout the year but it did not succeed as some of the political parties of Sri Lanka (such as SLFP and MEP) withdrew from it and because of the disagreement with the Tamil minority on the unit and extent of devolution. The proposals made by President Jayewardene provided for coordination of the already existing District Development Councils (DDCs). Also, he did not spell out the quantum of delegation of powers to these proposed bodies.<sup>135</sup>

India's mediation process was set rolling again in March 1985 when Prime Minister Rajiv Gandhi despatched Indian Foreign Secretary Romesh Bhandari to Colombo. Bhandari again came to Sri Lanka in May and persuaded the government to include the Tamil militant groups who by then had become representative of Tamil opinion as well as the TULF. Eventually President Jayewardene met Prime Minister Rajiv Gandhi in New Delhi in June 1985. The summit paved the way for the Thimpu talks of July 1985 between the representatives of the Sri Lankan government and those of the six Tamil groups which included TULF and the five rebel groups, namely, LTTE, TELO, EPRLF, EROS and PLOTE. Bhandari acted as mediator. But the two rounds of talks, held in July and August 1985, failed because the Sri Lanka government proposal contained nothing new while the militants proved to be uncompromising on their four cardinal demands.<sup>136</sup> But negotiations continued thereafter in New Delhi.

This time the Sri Lankan government showed flexibility in that it was ready to accept province as the unit of devolution and to grant more powers to these units. The Delhi Accord, which was initialised on 30 August between the Sri Lanka government and TULF, was not supported by the strongest of the militant groups, the LTTE. And it fell through by December 1985.

#### Notes

127. (Contd.) J.R. Jayewardene himself told me when I interviewed him in May 1991 that he had sought such help. He is also on printed record having admitted his desperate call in those trying days of 1983. See J.R. Jayewardene, *My Quest for Peace, A Collection of Speeches on International Affairs*, Stamford Press Pvt Ltd, Singapore, 1988, p. 206. See also his interview to *The Sunday Observer*, Colombo, 25 October 1987. Even in 1983, Foreign Minister Shahul Hameed could not do more than only a half-denial. He responded to a press question at the Delhi airport before returning to Colombo on 1 August 1983, cutting short his stay at the SARC meeting, by saying that "if we seek any assistance from the international community, rest assured that we will also seek it from India". Clearly, it fell well short of an explicit denial of his country having sought military help from others. *The Hindu*, Madras, 3 August 1983.
128. Lok Sabha Debates, Vol. XXXIX, No. 7, 2 August 1983, Col. 418; *Times of India*, Bombay, 3 August 1983.
129. *Ibid.*, No. 10, 5 August 1983, Col. 518.
130. *The Statesman*, New Delhi, 6 August 1983.
131. Bhabani Sen Gupta, *The New Statesman*, New Delhi, 6 August 1983; for more details see his "Regional Security: The Indian Doctrine", *India Today*, New Delhi, 31 August 1983, p. 20; Lanka *Guardian*, Colombo, 15 August 1983.

132. In the Lok Sabha, Indira Gandhi stated: "I was on the telephone with the President of Sri Lanka, expressing the grave concern on behalf of the Members of Parliament and the people generally all over India, especially the people of Tamil Nadu and the South. I suggested to the President that our Foreign Minister might go to Colombo to meet him. I am glad to say that he has agreed to this proposal. The Foreign Minister will leave this evening...". Lok Sabha Debates, Vol. XXXIX, No. 4, 28 July 1983, Col. 458. The official text of the conversation released in Colombo contained that 28 July 1983, Indira Gandhi spoke to Jayewardene. She asked: "Would you mind if my Foreign Minister, Sri Narasimha Rao, travels to Sri Lanka today, and could you have discussions with him"? The Sri Lankan President replied: "I would welcome your Foreign Minister". Sun, Colombo, 29 July 1983. On 5 August 1983, Mrs Gandhi said in a statement after the Lok Sabha was adjourned that President Jayewardene would send a special representative to New Delhi within a week to discuss how peace could be maintained in the region and how the Tamil problem could be solved. See *Times of India*, New Delhi, 6 August 1983. The Sri Lankan President did send his envoy, his brother Hector Jayewardene, to be Indian capital on 11 August 1983. Earlier on, Jayewardene told Mrs Gandhi during his telephonic talk with her that there was no basis for a foreign press report that Sri Lanka had sought arms from foreign countries and that his country did not need military help. See *Daily Telegraph*, London, 7 August 1983 and *Indian Express*, New Delhi, 7 August 1983.
133. That India was sensitive to the possible reaction of the United States and Great Britain to its military intervention is evident from P. Venkateshwar Rao, "Foreign Involvement in Sri Lanka", *The Round Table*, No. 309, January 1989, pp. 88-100.
134. After her talks with Hector Jayewardene, Mrs Gandhi stated in Parliament on 12 August 1983 that President Jayewardene had welcomed her offer of good offices to help him find a solution to the Tamil problem. See *Times of India*, New Delhi, 13 August 1983. That the Sri Lankan President and the Sinhala people had reservation about India's role in Sri Lankan affairs was evident from the editorial of an Indian daily news paper which retorted to an earlier statement of Jayewardene by commenting: "If India has no role what was his brother doing in New Delhi...?" For the editorial see, "Junius Under Stress", *Hindustan Times*, 30 August 1983.
135. K.M. de Silva, "The Making of the Indo-Sri Lanka Accord: The Final Phase: June-July 1987" in K.M. de Silva and S.W.R. de A. Samarasinghe (eds.), *Peace Accords and Ethnic Conflict*, Pinter Publishers, London, 1993, pp. 112-117; A. Sivrajah, "Indo-Sri Lanka Relations and Sri Lanka's Ethnic Crisis: The Tamil Nadu Factor" in Shelton U. Kodikara (ed.), *South Asian Strategic Issues: Sri Lankan Perspectives*, Sage Publications, New Delhi, 1990, pp. 143-148; Partha S. Ghosh, *Cooperation and Conflict in South Asia*, Manohar, New Delhi, 1989, pp. 178-192.
136. These Tamil demands were (1) Recognition of the Tamils of Sri Lanka as a distinct nationality, (2) recognition of an identified Tamil homeland and the guarantee of its territorial integrity, (3) recognition of the inalienable right of self-determination of the Tamil nation.

NEXT: MEDIATION MOVES

# Relationship between Constitution and Parliament

Prof. W. A. Wiswa Warnapala

I have been asked to speak on the nature of the relationship between the Constitution and Parliament. It is an inherent constitutional relationship which needs to be examined from the point of view of the philosophy of the architects of the Presidential Model of Government. These architects, primarily, J.R. Jayewardene, was guided by the need to establish a system of government weighted heavily in favour of the Executive. They were determined to change the Westminster model of Government or Prime Ministerial Executive mode which we successfully worked since independence, and they, with such arguments as political stability, strong executive power, and accelerated economic development, wanted American Presidential Model. In the end, what the UNP devised as the system of Presidential Government was a mixture of both the American and the French Model. The famous Gaullist concept of Executive power — power concentrated in the hand of an elected President — was incorporated into the Constitution, and the concentration of power in the hands of a popularly elected President, whose power base is the national electorate, naturally brought about a massive decline in the Island's legislature.

We know that tasks of legislatures change with the times. If a Government is to rule effectively, and since it cannot depend upon force, it must mobilise consent of the governed for the purpose of good government. This is a new necessity in government and the British experience in recent times illustrate the need to mobilize popular consent through an elected legislature. But many critics of modern legislatures thought that the legislatures have been ineffective, in particular, in meeting the challenges of the economy. Walter Bagheot, writing on the relations between the executive and legislature, stated that the House of Commons lives in a state of perpetual potential choice. This, in my view, was some kind of inherent instability within the Anglo-Saxon Parliamentary model about which the

A text of a speech delivered by Deputy Minister of Higher Education at the Seminar for Members of Parliament held at the Parliamentary Complex in July-1995.

authors of the 1978 Constitution were concerned when they intended to devise a system weighted totally in favour of the Executive.

The strengthening of the Executive against the legislature has been a general development in modern government. In the US, since the New Deal, Presidency has considerably shifted the balance of power in its favour and against the Congress. In a party system which is very fluid in its nature and which lacks cohesion, this kind of thing is possible. Let me quote a relevant passage from Samuel Beer, who stated that, "Presently, Government and Legislature generally flourished during that great abnormal century of peace that stretched from the battle of Waterloo to the first battle of Marne. These present decades of war and cold war are inevitably an age of the executive".

Do you see some important relevance there? — the relevance of a strong executive power.

The powers of the Executive have been expanded by defence activities, economic and social policy — the intervention of the State in welfare — these activities give additional power to the Executive.

My intention here is not to praise these developments but to say that such developments necessitated a strong Executive, and in the context of this development, the legislature, in the case of Sri Lanka, the Parliament, probably lost its central place in the governmental system. It was a massive deviation from the traditions of government we inherited since 1931. The decline of Sri Lankan legislature is deeply rooted in the new constitutional structure which came into existence in 1978.

According to the 1978 Constitution — in my view, it was a Constitution imposed on the people — sovereignty includes the powers of Govt. fundamental rights and the practices, and the legislative power is to be exercised by parliament and by the people at a referendum. The general view today is that sovereignty cannot be exercised directly through people; it needs to be exercised through a supreme instrument like that of a legislature. Legislature, in the context of the 1978 Constitution, did not become the supreme instrument of State power. The ultimate power is to be shared and it was this duality of power which disturbed the entire structure of government in Sri Lanka in the last decade.

The electorate remains the source of power for both these institutions. A provision has been made to resolve a conflict between Parliament and President but the latter is certain to win because of the power of dissolution resides with him. President can control Parliament and the legislative process through a variety of devices. He creates the Cabinet, choose its personnel, determine its size and allocates subjects — these are sources of power through which he can control Parliament. He can appoint and dismiss Ministers and Deputy Ministers. All originate in the Cabinet and president's consent is necessary for anything which comes within the Cabinet. In this system, the **central initiating and energising element** is the President who can frustrate and supersede Parliament in the exercise of its legislative power. The legislative power, though it enjoys, is usurped to a great extent by the President. This means that the Presidential sector remains all powerful within the system. The role of Parliament — traditional roles such as **checking, criticising and controlling elements** remain powerless. It has this role — the most ancient function of parliament in initiating and controlling the Executive — which has been given a secondary place in the present structure. The essential function of Parliament is to legis-



late, to make laws in a fundamental sense to lay down the rules along which the country will be governed. According to the existing pattern of government, Parliament is not the chief law maker. The initiative in legislation is exercised by the Executive.

In the Sri Lankan case, the President, vested with Executive power, has been made superior to Parliament which, in effect, remains devalued. The President, according to the Constitution, is not accountable to Parliament, and the conventional forms of Parliamentary control cannot be applied because he is not a Member of Parliament. The right of audience is restricted to few appearances.

The President is irremovable. Though the power has been given to Parliament to remove him through an impeachment motion, it is a process so complicated that we once witnessed the nature of the procedure. In the end, it was President who triumphantly took control of Parliament. Parliament and President entered into a grant compromise and frustrated the electorate. It was our experience that the procedure relating to the removal of the President, if enacted and failed, would certainly weaken the structure of government. The post-impeachment political situation in this country, weakened the entire system of government in this country and created a certain degree of political uncertainty in the country.

According to the Constitution, referendum is a part of the legislative power, It is a new innovation in our constitutional system. It is the Cabinet which decide whether a bill is to be placed before the people at a referendum, and the President will submit it to the people. According to Article 85(2), President uses his direction to place before the people a bill rejected by the Parliament. This weakens the Parliament and President can appeal to the people by-passing Parliament. Referendum procedure is not confined to bills; the President can submit any matter of national importance for a verdict by the people. This is a limitation on the powers of Parliament. When political complexion of the House changes as in August 1994,

President, if he wants, can use the referendum to weaken and by-pass Parliament.

Parliament's powers, in relation to Public Security, are yet another aspect.

The Constitution of 1978 brought in a number of changes in relation of Public Security. The President proclaims an emergency on his own responsibility. One progressive feature is that Parliament is given a voice in the formalization of emergency regulations. It has the power of over-riding or suspending these regulations. This is a very salutary feature. Today Parliament enjoys more controlling

and military excesses and similar things could be avoided.

Parliament has to acquire some control over the administration. There are number of institutions entrusted with this responsibility. One major institution is the Parliamentary Commissioner for Administration. This is a novel institution incorporated into constitution and it has still to prove its effectiveness as an institution engaged in administrative control. There are the other important institutions such as the PAC, the Commissioner of Elections, Auditor General — all engaged in maintaining administrative effectiveness of the public administration sector.

## Waiting — 13 Time Track

*Alone, and in shock  
The way these years have gone  
I cannot touch again their flesh and blood  
Their texture is dry tapestry  
And just where I crave them  
They are blurred and torn*

*With Times deceit the years are stolen  
Their substance I cannot sense again  
Beyond the sudden flare  
Of tumult and torment in the minds frame.*

*In this hazed scene your jet black hair  
Swings to your hips as you sway  
With the consuming love of baby at your breast  
To your sweet toned lay  
Such times, I've seen  
Your eyes grow large and lurk  
Like space ships homing from the Milky Way  
Shoot rays that calm and do not weave  
Exploding patterns on my tense minds screen*

*Can I once more shatter  
This calm gaze and icon smile  
See you cry rapt  
At the edge of our own Planets bliss  
At full phase of Woman?*

**U. Karunatilake**

# Modus Operandi, Lunatic Fringe and the “Union of Regions”

Kamalika Pieris

The first that some of us got to know of the 'package' was when Reuters provided a news item about a 'union of regions'. Which was mooted abroad. 'Pravada' in its August 1955 issue confirmed that the 'package' remained a closely guarded secret until the last week of July when the Colombo press published an unauthorised version. (p 5) Thus pre-empted, the 'devolution proposals' were officially presented to the country in a Presidential address and subsequently in printed form. Though described as 'some thoughts of the President' and still later as a 'green paper' the tone of the proposals resembled that of a throne speech. The preamble to the proposals, giving the principles on which it is based, makes the communal basis of the proposals quite clear. The preamble refers to the unspecified but nevertheless 'genuine grievances' of the Tamil people. Grievances of the other ethnic groups are not mentioned.

Despite the wish for a change of government, the electorate gave the Peoples Alliance a very slender majority. It may be that the voter did not quite trust an untested coalition containing a number of small parties and virtually all of the ethnic minority parties. Sponsored by the weakest post-independence government this country has yet known, and accompanied by a list of un-kept promises, these proposals have provided an incredulous nation with the curious spectacle of a duly elected government preparing to divide up its territory into a set of uncalled for 'regions'.

The Sri Lankan Tamils take the position that they are an indigenous group of some antiquity in Sri Lanka. They argue that the Kingdom of Jaffna which was taken over by the Portugese in 1618 was an independant kingdom and that, on the departure of the British in 1948, they should have been recognised as an independant entity, free to decide their own form of government. They now ask for recognition of the Tamil community as a distinct nationality, recognition of the Tamil populated areas as the homeland of the Tamils, and the right of self determination where sovereignty is concerned. Negotiations for Regional Councils, District Councils and Provincial Councils could be interpreted as moves in this direction. It could also be argued that language and culture have been used as means towards an end and not the other way round. The Federal Party concept of autonomy as expressed in Tamil could mean, we are told, anything from

regional autonomy to a separate state. Monographs on ethnic politics in Sri Lanka provide detailed accounts of the various attempts to obtain a separate state by legislative means. For example, a model Constitution for the Federal Republic of Ceylon was submitted to the Constituent Assembly by the Federal Party in 1970. As a result, K.M. de Silva has described the Tamils as a "minority with a majority complex" and S.J. Tambiah has described them as a 'minority with a parity claim'.

The rights of the minority Tamils have been supported by three other groups, of which two are themselves minorities within their own spheres. These are the Marxists or Leftists, the Christians and the Human Rights activists. As a supporting cast for the acceptance of the 'devolution proposals' they do not appear to be effective, but their support for the rights of minorities is important in any academic analysis of the issue.

The Marxists have always taken a very doctrinaire approach towards minority rights. At one time, Marxist theorists in Europe asked for cultural autonomy for separate linguistic and ethnic nationalities within each country. Marxists are committed to a secular state, view 'nationalism' as a bourgeois concept and consider themselves above communalism. Wiswa Warnapala, in his work 'Ethnic strife and politics in Sri Lanka' states that the United Socialists Alliance, a combination of Sri Lankan Marxist parties stated in their programme that the 'people resident in different areas of the country, including those in which the minorities live in substantial numbers should be provided with opportunities to manage their own affairs autonomously'. (p 85) Marxists take the position that once the utopian socialist state is achieved, the vertical divisions of race and religion would automatically disappear. However, as Wiswa Warnapala has remarked 'Buddhism and Sinhala culture still provide the basis for political behaviour despite nearly 50 years of Marxist propaganda amongst the people' (p 10).

Of the Christians in Sri Lanka, the majority are Roman Catholics. The rest are divided between the various Protestant denominations and a number of evangelistic churches. According to the last Census, in 1981, the breakdown of the Christian population, (all denominations) is: Sinhalese 6.5%, Tamils 16.7% and Indian Tamils 7.6%. A wave of proselytising has also been alleged recently. These statistics indicate that there are more

Christians among the Tamils than among the Sinhalese. A certain antagonism to Buddhism coloured the Christian ideology during colonial times. Also one of the chief grouses during the 'Buddhist revival' was the privileged position given to Christians in business, professions and the public services. It could be argued that some of the residual attitudes resulting from these rifts could still be there. There is also the simple fact that the Christian religion emphasises a sense of fraternity among its adherents. However, faced with the possibility of supporting ethnic and religious quasi states, through the 'union of regions' it is possible that some rethinking may arise among the flocks, and fault lines may start to occur.

There are various ways in which the ethnic issue could be handled. One could give into it, or it could be managed and contained. The question of assimilation bears mention. There has been a history of continuous South Indian migration into Sri Lanka, and it is held that several of these migrating groups have got assimilated into the majority community. A non-controversial example that could be offered is the assimilation of the descendants of the Nayakkar relatives and retinue, into traditional Kandyan society. It should also be pointed out that quite a few of those representing the Tamil separatist cause, now appear on TV pleading their cause for a separate linguistic state, in faultless Sinhala.

Where countries are deeply divided into distinct religious, ethnic or regional segments, the concept of 'consociational democracy' as opposed to majority-rule democracy has been suggested. This could consist of segmental autonomy or a grand ethnic coalition. There could be deliberate minority over-representation, too. However it is held that 'consociational democracy' can be effective only in the absence of a majority segment and wide socio-economic inequalities. Lijphart's views on this, as given in 'Oxford Companion to politics of the world' is slightly contradictory thereafter. This concept is considered suitable for societies that were traditionally regarded as ill suited for democratic government, but it still needs pre-existing traditions of consensus and a unity above segmental loyalties.

Jayadeva Uyangoda's 1993 S.W.R.D. Bandaranaike Memorial Lecture was on the applicability of consociational government to Sri Lanka. He points out that the agreements so far discussed by governments, such as the Bandaranaike-Chelvanayagam

Pact were never grand ethnic coalitions of the consociational sort. He takes the position that we need 'positive intellectual myths' in order to achieve some success in handling the ethnic issue, and wishes to argue for a moral and normative basis for a consociational pact based on ethnic fairness and justice. A detailed exposition of his views could be found in 'Thatched Patio' Sept/Oct 1993 which reproduces this talk.

However there is no indication what so ever of coalitions committed to accommodation within a unitary framework. It is possible to argue, when looking at the ethnic negotiations over the years, that the overwhelming tendency has been to work towards separation. It could also therefore be argued that the position taken by the Tamil community effectively precludes any attempt at accommodation within majoritarian rule. Interestingly, however, S.J. Tambiah, in his 'Sri Lanka, ethnic fratricide and the dismantling of democracy' suggests a plural state, with regional autonomy but with a strong centre. He suggests that Tamils should renounce 'separatism' and states that the Tamils should realistically accept that Sinhala is the only viable language for much of the country's administration and that 'majority government of the Sinhala people in Sri Lanka is a fact of life'. However he also suggests that the state should be secular and not biased towards Buddhism (p 122-126).

The Tamil separatist cause is now lurching towards the lunatic fringe. The first evidence of this was the laughter which greeted the announcement of the 'union of regions'. One justification for this union was that the country was 'rent asunder' with the LTTE running a separate government in the North. Apart from the gross exaggeration indicated in this view, there is also the fact that the first duty of an elected government is to ensure that its writ runs throughout its territory.

There is a specified sequence through which this package must proceed, starting with a Parliamentary Select Committee and ending with a national referendum. However, the government has already launched a programme to 'sell' the 'package', thus inverting the sequence. The first phase of selling the package, in itself a novel activity for a modern democracy — was not too successful. The palace advisers and the trusted opinion leaders were not effective. The advocacy of the 'package' appeared weak and evasive. Spokesmen favoured a 'try it and see' approach, promptly dubbed 'rosy optimism' by opponents. Counterpoint wishing to be helpful suggested that 'a popular film star or sports personality, a housewife or student, have greater credibility and persuasiveness in attracting mass support for power sharing, specially on the electronic media, than a tedious excess of university professors or politicians' (June, 1995 p 17).

The 'package' is presented as a modern version of local government, or as an innocent form of decentralisation. It is, of course, neither, and by the time the voter finds this out, it will be too late. One angle used to persuade is to cite the various ideas for decentralisation put forward by heads of state or would-be heads of state, such as S.W.R.D. Bandaranaike and Gamini Disnayake. These however are views of individual politicians, who are obliged to ensure a stable power base. There is no evidence that such ideas, catering to fissiparous tendencies, were ever supported by elected governments. Also there is no examination of the situation as it stands. Regional Councils are advocated without looking at the Provincial Councils as they stand today. With the exception of Wayamba, these Councils are some what of a mess. They are generally broke, the Councillors are fighting, and even the Municipalities and Urban Councils do not come under them. The North-East Council, it should not be forgotten, even tried to secede.

The only brilliant stroke in all this, is the skilful exploitation of the voter's growing disenchantment with the excessive authoritarianism that came up under Presidential rule. The correct solution to this is reform at the Centre, not decentralisation which is pure administration. But decentralisation is advocated, and the word 'devolution' is used to introduce a set of proposals, which in effect are proposals for partition.

The Sri Lankan voter is not used to thinking over much about the intricacies of government. In between elections, he merely looks to the centre for 'deliverance'. He is now subject to some sort of mildly comic political 'rite of passage' and in this sense, the announcement of the 'union of regions' could be termed the coming of age of post-independence politics in Sri Lanka. The voter is treated to an assortment of terms relating to politics. They include: multi-ethnic state, plural state, sovereign state, quasi state, independent state, separate state, unitary state, and — united states.

Federalism, it is reluctantly admitted is the joining together of states, but we are assured that federalism in reverse will work just as well. Other academics are now engaged in pointing out the dangers of such changes. Lastly, the Sri Lankan voter is now confronted with the constitutional histories of an odd assortment of countries. Let us look at just two of a series of unfortunate examples. Malaysia has a single official language. Malay, a single official religion, Islam and a strict Bhumiputrah policy, despite a sizeable Indian population, including those from Sri Lanka. The difference in size between India, USA, Australia and tiny little Sri Lanka is happily ignored. The 21st century may possibly see the balkanization of India. The signs

are there in the rise of regional parties and the decline of the Congress Party. Also when the Indian Union was considered, Tamilnadu expressed a wish to secede and a clause was promptly introduced into the Constitution to discourage any such thing.

One of the unacceptable features of the separatist view was that it claimed as their 'homeland' two provinces, demarcated for administrative purposes by the British. P.V.D. Fernando, in the 'Daily News' of September 22, suggests that the retreat into history should be in terms of the following conventions: the Nallur convention, which ceded the Kingdom of Jaffna to the Portuguese, the Malwana convention which gave the Kingdom of Rotte to the Portuguese and the Kandyan Convention, which left the Kandyan Kingdom in the hands of the British. (p 13) According to this analysis, the whole of the Eastern Province comes under the territory of the Kandyan Kingdom, and the resulting Tamil state would consist only of the Jaffna peninsula and its environs.

Section (e) of the preamble to the Devolution Proposals state: 'to protect the identity of distinct communities and create conditions for the promotion of that identity, including the right to enjoy their own culture, profess and practise their own religion, and nurture and promote their own language, and to transact business with the state in the national language of their choice'. Are we seriously expected to believe that the conditions for this do not exist at present?

Section (d) refers to giving recognition and equality of status to Sinhala and Tamil as official languages. English is recognised merely as the 'link language'. Does this mean that the Sinhalese and Tamils are not expected to speak to each other in their indigenous languages and does this also mean that all translations move from Sinhala to English to Tamil and vice versa.

The Tamil separatist parties have used for their purpose Article 1 of the UN International covenant on economic, social and cultural rights of 1966. This is repeated as Article 1 of the UN International covenant on civil and political rights of 1966. This states: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". However there are restraints on the free interpretation of this clause. The sovereignty of a state is a status recognised and protected by international law, to start with. The United Nation, Special Committee on this subject, categorically stated that the principle of self determination under Article 1 was applicable only to peoples under colonial rule. General Assembly Resolution 1514 (XV) stressed that this principle could not be invoked to justify the disruption of national unity and territorial integrity of sovereign

states. (Wiswa Wamapala p 85-86). There is also the rather interesting fact that Article 1 equally applies to the Sinhalese and Muslims, if it applies to us at all, and they could use this to re-affirm the existing position. The Muslim Sinhala communities never asked for any radical change. The Muslims resisted absorption into the Tamil group, since for them, the unifying factor is Islam. If we add a possible 69% of Buddhists to a possible maximum of 7% Muslims, we get about 76% who may opt for the continuation of the present nation state, undivided. Numbers become important and it is necessary to recognise the controlling position now held by the Muslim minority.

There is a superabundance of anthropological inquiry into the ethnic issue. Anthropology always had difficulty in incorporating the economic dimension, and in its present incarnation, it is looking into the politics, history and culture of modern societies in an imaginative manner. It now appears to have few, if any parameters and accommodates a considerable element of fantasy in its analytical method. The academic limitations of these studies are easily visible — lack of familiarity with the literature and the depth of the field work. Many of these studies are re-hashes of known material, enlivened by unfamiliar interpretations, and the occasional howler. Therefore its impact on ethnic studies in Sri Lanka should be viewed with caution — specially those of the foreign anthropologist, new to Sri Lanka.

Here is anthropology at work on ethnic tensions. Bruce Kapferer has sought to demonstrate how a powerful 'cosmology' ... embedded not only in the Sinhalese chronicle tradition but also in their current exorcism ritual powerfully shapes and directs Sinhalese nationalism in the recent ethnic conflict. Kapferer's imaginative thesis is that Sinhalese Buddhist notions of destructive violence are encapsulated in the idea of the 'demonic'. The demonic signifies the divisive and fragmenting processes that ordered Buddhist society as hierarchy seeks to encompass and integrate. The Sinhalese see the Tamil movement for a separate state as an instance of demonic fragmentation and the violence of the riots as an act of 'powerful rehierarchization' I have abstracted this from S.J Tambiah's 'Buddhism betrayed' P2.

Here is David Scott: "Because what this conceptualization potentially brings into focus is not the liberal-nationalist problematic of the rational and the irrational or the strong and the weak but a problematic of formations and transformations of the political rationality that defines institutional and conceptual space." ('Thatched patio' July 1994 p 15). It is difficult to know what the writer means.

Lastly, look at page 13 of Steven Kemper's 'The presence of the past: chronicles, politics

and culture in Sinhala life'. Before you can recover from one startling sentence, you are hit with another. At the start of the page we have:

"A sheerly demographic and geographical fact about Sri Lanka as a place encourages historical thinking."

Followed by:

"The ethnic categories that marked the action recorded in the first compilation of the Mahavamsa are today's ethnic categories..."

Further down:

"It is also essential to recognise the differences between what the very categories Sinhala and Tamil meant in the past as contrasted with their present usage.."

Lastly:

"Many Sri Lankans have made their living throughout the island's past not by growing rice but by slash-and-burn agriculture, gardening, fishing and doing business." If we transpose the phrases in this sentence, we get: Throughout the island's past, many Sri Lankans made their living doing business.

On page 16 he tells us "The unification of the island, enacted by the Buddha on his first visit to the island and later achieved by Vijaya, was brought to its full realization with the consecration so the 250 years BCE of Devanampiyatissa as the first Buddhist king of the island." On page 175 he compares a UNP Minister of Culture (Hurulle) to King Dharmasoka, whom he refers to as 'Asoka'. Elsewhere he stated that the Christians felt left out of the Mahavamsa.

Unless there is some change in research of this sort, these studies will only help to push the ethnic issue even further towards the lunatic fringe.

When the ethnic issue pulls itself away from the lunatic fringe and comes closer to reality, it meets, face-to-face — the Sinhala Buddhist. Whatever the genesis of this particular category may be, the fact remains that there is now a clear statistical category of Sinhala Buddhists, as determined through the vital statistics of the country. Religion and race are two elements in our birth certificates. During the early part of the 20th century, the Sinhala Buddhist may have been susceptible to ridicule, since he did not set much opportunity of studying either Buddhism or Sinhala before he went to the rescue of both. The position now is very different. The present day Sinhala Buddhists are no longer a majority with a minority complex. They are a majority with a majority complex.

The speed with which the intelligentsia, specially the professionals, responded to the 'union of regions' indicated the degree of watchfulness as regards the ethnic situation.

They came armed with dossiers containing manifestos articulated in the 1940's. It would appear that year of dealing with the separatist issue had sharpened their wits. There is little doubt that the issue is confrontational on both sides. The Tamil language was recognised and given official status only after Sinhala had established itself. The District Development Councils and the Provincial Councils, when they did materialise, were firmly tethered to the centre.

Criticism of the Sinhala Buddhist as the primary cause of ethnic tension has led, in turn to an academic examination of the role of a modern Buddhist state. The International Centre for Ethnic Studies held a seminar on 'Buddhist societies in stability and crisis'. Other academic studies looked at the relationship between Buddhism and violence and at the political role of the Sangha. Academic studies of the political role of the Sangha look back to the 1940's, the rise of the Vidyalkara priests and the publication of the Rev Walpola Rahula's 'Bhikshuvakage Urumaya'. Ananda Wickremaratne's 'Buddhism and ethnicity in Sri Lanka' has focused on the identity of the Sinhalese as perceived by themselves and not as a construct. K.N.O. Dharmadasa, in his Study 'Language, religion and ethnic assertiveness' saw the existence of a long standing literary tradition, and the almost continuous concern for maintaining records of events, such as the vamsa tradition of lineage or historical writing, as a special distinguishing feature of the Sinhalese. (p 3)

There has been little or no work done on the modification of popular attitudes. There has been the occasional bashing. The English press recently carried queries in their correspondence columns as to whether the Buddha had really visited Sri Lanka and whether the Tooth Relic had been vetted by a panel of dentists. But on the whole, the average Sinhala Buddhist remains blissfully unaware of the attempts to rework some of his most cherished beliefs.

However one interesting aspect of all this, is that ethnic studies had led to a substantial re-examination of our historiography in terms of ethnic bias. Two weaknesses in this approach can be spotted at once. Firstly, the inappropriateness of assuming the existence of 'ethnic' groups in the early period of our history. Secondly, the possibility that those who are anxious to correct ethnic bias may themselves be victims of a reverse ethnic bias. One drawback here, is the total absence of any sociological study into the concept of 'race' 'ideology' or 'nationalism' as it applies to Sri Lanka. Apart from Newton Gunasinghe, I cannot find any Sri Lankan sociologists at work on this subject.

The 'revisionist' historians as they are called, subscribe to a greater flexibility in the interpretation of our history. There is talk of

a multiplex history as against a simplex history. R.A.L.H. Gunawardana in 'Historiography in a time of ethnic conflict' states that the construction of the past by researchers working under conditions of heightened ethnic consciousness' could help to give voice not only to the minorities, but also to underprivileged majority groups whose activities tend to be ignored in overly state-centred constructions of the past representing hegemonic discourses. However, this is a task that has to be undertaken with care and a sensitivity to the possible prevalence of not one but multiple 'subaltern' or non-hegemonic discourses. (p 60) S.J. Tambiah states 'I would want as a Sri Lankan and an anthropologist to be committed not overly to the deterministic and near-primordialist straitjacket of a single past but to the promising presence of many pasts, multiple precedents and an open-ended future negotiated and created by historic agents who are alive to the possibilities of voluntaric action'. ('Buddhism betrayed' p 170)

Much of this re-examination deals with the anxieties of the separatist cause, and these in turn deal with the preponderant Sinhala Buddhist slant in our historiography. There is considerable examination of the Sinhala Buddhist resurgence of the 19th and 20th centuries, the political role of the Sangha the 'colonisation myths' such as the arrival of Vijaya and the Sinhala-Tamil conflicts such as that symbolised in the Dutugemunu-Elara contest. Kemper's work, cited earlier, deals almost exclusively with these preoccupations, viz, chronicle keeping (Mahavamsa), maintaining sacred place (such as Seruwila) and venerating heroes (such as Dutugemunu). One subsection is titled 'Restoring sacred places amid the politics of ethnicity' with special reference to Seruwila. (p 143)

However, all this has not led to parallel histories, rival schools of thought or even a spasmodic counter history. The most that could be found is that those espousing the Tamil separatist cause slightly exaggerate the extent and power of the Kingdom of Jaffna. There is a similar over emphasis of the role played by the Nayakkar kings of Kandy, when in fact the main characteristic of their rule was that they were careful not to disturb the existing traditions.

At the micro level there has been some exploration of the relationship between class and race. Kumari Jayawardene in 'Ethnic and class conflicts in Sri Lanka' 4th printing, 1990 provides excellent documentation of politically oriented ethnic activity in the 1930's. She looks at the labour movements of the 1930's and thereafter and concluded that race took precedence over class, particularly in times of economic unrest. It is not difficult to explain this. The Marxist concept of 'class' is essentially a construct, not an empirical entity. As an empirical entity, la-

bour movements make sense primarily in the tripartite arrangement of capital, management and worker in industrial organisation. Lastly, the possibility of our miniscule industrial proletariat acting as the agent of radical social change is too impractical and idealistic. Jayawardene also draws attention to the fact that the prevalent Marxist-Leninist analysis of nationality, ideology are now inadequate. This approach is important in the reformulation of socialist concepts in the future and therefore should not be dismissed as a peripheral discussion relating to ethnic studies.

The idea of a 2000 year old nation state of Sinhala Buddhists is largely a popular notion, and its proper place is in popular culture. The only academic work which looks at this dimension is Jonathan Spencer's collection of studies under the title 'Sri Lanka history and the roots of conflict'. Of the 12 contributors to this work, 9 are anthropologists of whom only 1 is a Sri Lankan. This work provides studies on popular perceptions of ethnicity in Sinhala and Tamil villages. However the only direct examination of popular beliefs is in Serena Tennakoon's 'Newspaper nationalism: Sinhala identity as historical discourse'. She has analysed 3 Divaina debates relating to ethnicity in Sri Lanka, 2 of which were based on ethnic studies prepared by a group of left-wing intellectuals. The newspaper readers have reacted strongly against any attempt to 'dilute' the Sinhala Buddhist culture.

Spencer has remarked that the investigation of the history of ethnic identity has barely begun. (p 6) The most significant contribution of ethnic studies lies in this area — or more specifically on the greater attention now paid to the history and development of the major communities of the country. The studies that have resulted with reference to the Muslim community, the Moors and the Malays, are largely ethnological. But the studies on the Tamil community is directed towards tracing the history of this group as either distinct, parallel or intertwined. The idea is to indicate that there has been a stronger Tamil presence in our mainstream history than is realised.

Thus, R.A.L.H. Gunawardana has pointed out that historians had noted instances of South Indian influence on the languages of early Sri Lankan inscriptions. (p 17) Also that during the period of Chola rule, official documents were being issued in the Tamil language for the first time in the island. (p 57) Hellman-Rajanayagam has written on Tamil histories.

The Sinhala ethnic group has not been neglected in this examination. R.A.L.H. Gunawardana takes the view that in ancient times the Sinhala identity was associated primarily with the dynasty which ruled Anura-

dhapura, and that the creation of a Sinhala Buddhist identity was a development of the colonial and post-colonial epochs. (p 25, 60) This immediately leads on to the need to study how this identity extended to cover 74% of the island's population, today. Studies of the sort discussed above will do absolutely nothing for ethnic tensions, but will amplify our knowledge of the early period of the country's history.

The ethnic issue has now reached its apogee. It has peaked. From additional stripes on the flag it has graduated to a 'union of regions' described by a wag as a 'union of 9 sovereign states'. The charge of mismanagement of the ethnic issue has been made by practically everybody. However, writers on ethnic issues have also pointed out that there has been some degree of openness and to grace. It has been suggested at the popular level that one index of accommodativeness is that the Tamil community have been allowed to repeatedly put forward their extremist claims and suggest separatist strategies. The minorities are not subjugated people in Sri Lanka. Before the 'package' was announced, there was a noticeable presence of the minorities on various committees and there were many references to dignitaries who had passed on, particularly memorial talks. Further, the Tamils of Sri Lanka enjoy an amplitude of linguistic rights which Tamils living elsewhere do not have. In Tamilnadu, Tamil is only a regional language. The sole national language in India is Hindi (Wickremaratne p 61-62).

The concept 'soft state' has been used by Myrdal to describe states where the government is unable to enforce its policies on the citizens. It is clearly evident that the ethnic issue in Sri Lanka should also be evaluated in terms of manipulation of a 'soft state'. The last aspect which remains to be discussed are the economic implications. There is in the 'union of regions' a disturbing emphasis on parochialism, which in Sri Lanka means factionalism as well. It should be remembered that Sri Lanka is going into the 21 century carrying with it a backward peasantry and an obsolete plantation economy. The plantation worker and the peasant would like to escape from these sectors into secure white collar positions. Failing anything else they would like to be graduate teachers in government schools. In addition, there is little public discussion as to the best way of linking with the changing global economy. Perhaps emphasis on the 'knowledge industries' may free us from the need to go into capital intensive projects. What is needed now is some guidance in terms of 'small island economies' and the place of small islands in the 21 century scheme of things. The ethnic issue will then fall into place and the separatist claim may ride itself out.

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# The crisis of silence

Benazir Bhutto

Pakistan is grateful to the Government and the people of China for hosting this Conference.

I pay a special tribute to the Secretary General of the United Nations and Mrs. Gertrude Mongella, the Secretary General of the Conference for their tireless efforts in organizing this meeting.

There is a moral crisis engulfing the world as we speak, a crisis of injustice and inaction, a crisis of silence and acquiescence.

The crisis is caused by centuries and generations of oppression and repression.

This conference, therefore, transcends politics and economics. We are dealing with a fundamental moral issue.

This is a truly historic occasion. Some 40,000 women have assembled here to demand their rights; to secure a better future for their daughters; to put an end to the prejudices which still deny so many of us our rightful place in society.

On this solemn occasion I stand before you not only as a Prime Minister but as a woman and a mother — A woman proud of her cultural and religious heritage, a woman sensitive to the obstacles to justice and full participation that still stand before women in almost every society on earth.

As the first woman ever elected to head an Islamic nation, I feel a special responsibility towards women's issues and towards all women.

And as a Muslim woman, I feel a special responsibility to counter the propaganda of a handful that Islam gives women a second class status.

This is not true. Today the Muslim world boasts three women Prime Ministers, elected by male and female voters on our abilities as people, as persons, not as women.

Our election has destroyed the myth built by social taboo that a woman's place is in the house, that it is shameful or dishonourable or socially unacceptable for a Muslim woman to work.

Our election has given women all over the Muslim world moral strength to declare that it is socially correct for a woman to work and to follow in our footsteps as working women and working mothers.

Muslim women have a special responsibility to help distinguish between Islamic teachings and social taboos spun by the traditions of a patriarchal society.

This is a distinction that obscurantists would not like to see. For obscurantists believe in discrimination. Discrimination is the first step to dictatorship and the usurpation of power.

A month ago, Pakistan hosted the first ever conference of Women Parliamentarians of Muslim world.

Never in the history of Islam had so many working women and elected representatives gathered together at one place to speak in one voice.

As over a 100 delegates from 35 Muslim countries gathered together, I felt an enormous sense of pride that we women had each other for strength and support, across the globe and across the continents to face and oppose those who would not allow the empowerment of women.

And, today, I feel that same sense of pride, that we women have gathered together at Beijing, at this ancient capital of an ancient civilization to declare: we are not alone in our search for empowerment, that women across continents are together in the search for self-esteem, self-worth, self-respect and respect in society itself. In distinguishing between Islamic teachings and social taboos, we must remember that Islam forbids injustice;

Injustice against people, against nations, against women.

It shuns race, colour, and gender as a basis of distinction amongst fellowmen.

It enshrines piety as the sole criteria for judging humankind.

It treats women as human beings in their own right, not as chattels. A woman can inherit, divorce, receive alimony and child custody. Women were intellectuals, poets, jurists and even took part in war.

The Holy Book of the Muslims refers to the rule of a woman, the Queen of Sabah. The Holy Book alludes to her wisdom and to her country being a land of plenty.

The Holy Prophet (peace be upon him) himself married a working woman. And the first convert to Islam was a woman, Bibi Khadija.

Prophet Muhammad (peace be upon him) emphatically condemned and put an end to the practice of female infanticide in pre-Islamic Arabia. The Holy Quran reads:

When news is brought to one of them, of the birth of a female (child), his face darkens and he is filled with inward grief what shame does he hide himself from his people because of the bad news he has had. Shall he retain it on sufferance and contempt, or bury it in the dust. Ah! what an evil choice they decide on (Surah Al-Nahl, Ayat-57, 58, 59)

How true these words ring even today.

How many women are still "retained" in their families "on sufferance and contempt" growing up with emotional scars and burdens.

How tragic it is that the pre-Islamic practice of female infanticide still haunts a world we regard as modern and civilized.

Girl children are often abandoned or aborted.

Statistics show that men now increasingly outnumber women in more than 15 Asian nations.

Boys are wanted. Boys are wanted because their worth is considered more than that of the girl.

Boys are wanted to satisfy the ego: they carry on the father's name in this world.

Yet too often we forget that for Muslims on the Day of Judgement, each person will be called not by their father's name but by the mother's name.

To please her husband, a woman wants a son. To keep her husband from abandoning her, a woman wants a son.

சென்னை தமிழ்ச் செய்தி  
நூலகம்

And, too often, when a woman expects a girl, she abets her husband in abandoning or aborting that innocent, perfectly formed child.

As we gather here today, the cries of the girl child reach out to us.

This conference need to chart a course that can create a climate where the girl child is as welcomed and valued as a boy child, that the girl child is considered as worthy as a boy child.

When I was chairperson of the South Asian Association of Regional Countries, SAARC declared 1989 as the Year of the Girl Child.

Six years later, the girl child's vulnerability continues.

And it continues, not because of religion in the case of Pakistan, but because of social prejudice.

The rights Islam gave Muslim women have too often been denied.

And women are denied rights all over the world, whether developed or developing.

All over the world women are subjected to domestic violence.

Often a woman does not walk out for she has nowhere to go. Or she stays and puts up with the domestic violence for the sake of her children.

We in Pakistan have started a public awareness campaign against domestic violence through the mass media to inform women that domestic violence is a crime and to alert men that they can be punished for it.

Often women, in many a society are tortured, not only by men, but by women in-laws too, for financial benefits from the woman's family.

Sometime a wife is killed by her husband or in-laws so that they can gain another wife and more dowry.

Dowry system is a social ill against which we must raise our voices and create greater awareness.

Women are not only victims of physical abuse, women are victims of verbal abuse.

Often men, in anger and frustration, indulge in the uncivilized behaviour of rude and vulgar language against women.

Unfortunately, women at times also use vulgar language to denigrate another woman.

So we have to work together to change not only the attitudes of men but the attitudes of men and women.

Women have become the victims of a culture of exclusion and male dominance. Today more women than men suffer from poverty, deprivation, and discrimination. Half a billion women are illiterate. Seventy per cent of the children who are denied elementary education are girls.

In Pakistan we are concentrating on primary education for girls to rectify this imbalance.

We are concentrating on training women teachers and opening up employment avenues for women.

It is my firm conviction that a woman cannot ultimately control her own life and make her own choices unless she has financial independence.

A woman cannot have financial independence if she cannot work.

The discrimination against women can only begin to erode when women are educated and women are employed.

If my Father had not educated me or left me with independent financial means, I would not have been able to sustain myself or to struggle against tyranny or to stand here before you today as a special guest speaker.

If the girl child is to be valued, if the wife is to say "No" to domestic violence then we owe a special obligation to creating jobs for women.

That is why we in Pakistan, set up in 1989 the Women's Bank.

A Bank run by women for women to aid and assist women in setting up their own enterprises to gain financial independence and with it the freedom to make one's own choices.

Today 23 branches of the Women's Bank in Pakistan help working women.

Our major cities are marked by enterprises set up by women: bakeries, restaurants, boutiques, interior decoration.

We have lifted the ban on Pakistani women taking part in international sporting events.

In 1997 we host the Second Muslim Women's Olympics. Special sporting facilities are being set up to encourage participation by Pakistani women in sports.

And Pakistani women are playing a significant role in defusing the population bomb in Pakistan.

One hundred thousand women are to be trained to reduce Pakistan's population growth levels and its infant mortality levels.

When I visit poverty stricken villages with no access to clean drinking water, it gladdens my heart to see a lady health visitor, to see a working woman amidst the unfortunate surroundings.

For it is my conviction that we can only conquer poverty, squalor, illiteracy and superstition when we invest in our women and when our women begin working. Begin working in our far flung villages where time seems to have stood still and where the Bullock not the tractor is still used for cultivation;

Where women are too weak from bearing too many children.

Where the daughters are more malnourished than the sons for the daughters get to eat the left overs.

Where villagers work night and day with their women and children, to eke out an existence;

Where floods and rain wash out crops and destroy homes;

Where poverty stalks the land with an appetite that cannot be controlled until we wake up to the twin reality of population control and women's empowerment.

And it is here that the United Nations and its Secretary General have played a critical role.

Some cynics argue about the utility of holding this conference.

Let me disagree with them.

The holding of this conference demonstrates that women are not forgotten, that the world cares.

The holding of this conference demonstrates solidarity with women.

The holding of this conference makes us determined to contribute each in our own way, in any manner we can, to lessen the oppression, repression and discrimination against women.

And while much needs to be done, each decade has brought with it its own small improvement.

When I was growing up, women in my extended family remained behind closed walls in village homes. Now we all travel to cities or abroad.

When I was growing up, women in my



extended family all covered ourselves with the *Burqa*, or veil from head to foot when we visited each others for weddings or funerals — the only two items for which we were allowed out. Now most women restrict themselves to the *Duppatta* or *Chadar* and are free to leave the house.

When I was growing up, no girl in my extended family was allowed to marry if a boy cousin was not available for fear of the property leaving the family. Now girls do marry outside the family.

When I was growing up, the boy cousin inevitably took a second wife. Now girls do not expect their husbands to marry again. From the norm, it has become the exception to the norm.

When I was growing up, women were not educated. I was the first girl in my family to go to university and to go abroad for my studies. Now it has become the norm for girls to be educated at university and abroad when the families can afford it.

I have seen a lot of changes in my lifetime.

But I hope to see many more changes.

And some of these changes I hope will flow from the Universal Declaration of Human Rights calling for the elimination of discrimination against women.

I hope some of these changes will flow from the Convention for the Elimination of all forms of Discrimination which Pakistan signed last month.

Of course there was resistance from many quarters.

But we are determined to move forward in fulfilling our dream of a Pakistan where women contribute their full potential.

As women, we draw satisfaction from Beijing Platform of Action which encompasses a comprehensive approach towards the empowerment of women.

But women cannot be expected to struggle alone against the forces of discrimination and exploitation. I recall the words of Dante who reminded us that:

"The hottest place in Hell is reserved for those who remain neutral in times of moral crisis."

Today in this world, in the fight for the liberation of women, there can be no neutrality.

But my dear sisters, we have learned that democracy alone is not enough.

Freedom of choice alone does not guarantee justice.

Equal rights are not defined only by political values.

Social justice is a triad of freedom, of equality, of liberty:

Justice is political liberty.

Justice is economic independence.

Justice is social equality.

Empowerment is not only a right to have political freedom. Empowerment is the right to be independent; to be educated; to have choices in life.

Empowerment is the right to have the opportunity to select a productive career; to own property; to participate in business; to flourish in the market place.

Pakistan is satisfied that the draft Platform for Action of the Fourth World Conference on Women negotiated so far focuses on the critical areas of concern for women and outlines an action-oriented strategy for the solution of their problems.

However, we believe that the Platform needs to address the questions of new and additional resources, external debt, structural adjustment programmes, human rights of women, protection of women entrapped in armed conflicts and the realization of the right to self-determination of the territories still under foreign occupation and alien domination.

It must also seek to strengthen the role of the traditional family as the bedrock of the society. Disintegration of the family generates moral decay. This must be arrested.

The Platform is disturbingly weak on the role of the traditional family. This weakness can lead to misinterpretation, and even distortion by opponents of the women's agenda.

We have seen much progress. The very fact that we convene in Beijing today is a giant step forward.

But new clouds darken the horizon.

The end of the cold war should have ushered in peace and an era of progress of women. Regrettably, the proliferation of regional tensions and conflicts have belied our aspirations. As in the past, women and girls have again been the most direct victims of these conflicts — the most helpless, and thus the most abused.

The use of rape as a weapon of war

and an instrument of "ethnic cleansing" is as depraved as it is reprehensible. The unfolding of this saga in different parts of the world, including Jammu and Kashmir and Bosnia Herzegovina has shaken the conscience of the entire international community.

The enormity of the tragedy dwarfs our other issues — urgent though they are. This conference must, therefore, express its complete solidarity with our sisters and daughters who are victims of armed conflict, oppression, and brutality. Their misfortunes must be our first priority.

I come before you to speak of the forces that must shape the new decade, the new century, the new millennium.

We must shape a world free from exploitation and maltreatment of women.

A world in which women have opportunities to rise to the highest level in politics, business, diplomacy, and other spheres of life.

Where there are no battered women. Where honour and dignity is protected in war and conflict.

Where we have economic freedom and independence.

Where we are equal partners in peace and development.

A world equally committed to economic development and political development.

A world as committed to free markets as to women's emancipation.

And even as we catalogue, organize, and reach our goals, step by step, let us be ever vigilant. Repressive forces always will stand ready to exploit the moment and push us back into the past.

Let us remember the words of the German writer, Goethe:

"Freedom has to be re-made and re-earned in every generation"

We must do much more than decry the past. We must change the future.

Remembering the words of a sister parliamentarian Senator, Barbara Mikulski, that "demography is destiny", I believe time, justice and the forces of history are on our side. We are here in Beijing to proclaim a new vision of equality and partnership.

Let us translate this vision into reality in the shortest possible time.

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# **VASA OPTICIANS**

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## Australian TNC convicted of contempt of court

Kalinga Seneviratne

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An attempt by an Australian transnational corporation to evade liability for damage caused by its mining operations in Papua New Guinea by drafting legislation (in collusion with the PNG government) to outlaw all such claims by affected villagers, has landed it in serious trouble as it has now been charged and convicted of contempt of court by an Australian court.

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A Melbourne court has dealt a hard blow to efforts by the Australian mining giant BHP to prevent Papua New Guinean villagers from suing it for environmental damage caused by its operations.

BHP was found guilty of contempt of court on 19 September for helping draft legislation for Papua New Guinea (PNG) that would protect the firm from legal action by people affected by its mining operations at OK Tedi Mine.

The ruling, handed down by Justice Philip Cummins, makes BHP the biggest company to be convicted of the criminal offence in Australian corporate history. It also caused an embarrassing setback to the Australian government's push for environmentally sensitive development in the South Pacific and its constant criticism of Asian logging and fishing companies for environmental piracy in the region.

Since May 1994, the Melbourne law firm Slater and Gordon has been fighting BHP — the country's biggest company — on behalf of 30,000 villagers along PNG's OK Tedi and Fly river systems for the harm caused by the OK Tedi mine, 60% owned by BHP.

While the Victorian Supreme Court was deciding whether it had jurisdiction to hear the compensation claim, BHP lawyers are alleged to have drafted legislation for the PNG government making it a criminal offence to sue for damages for the OK Tedi operations. The draft law was leaked to the media in August.

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*The Author is a Sri Lanka-born Australian journalist, broadcaster and media researcher.*

Under the proposed legislation, the villagers who had filed the damage claim would be offered a compensation package of nearly \$ 85 million over 15 years.

A bill attached to it would make it a criminal offence punishable by fines of up to \$77,000 for individuals to persist in legal action against the OK Tedi mine operations.

In announcing the ruling, Cummins said: 'I am satisfied that the actions of (BHP), which I have found beyond reasonable doubt, constitute a clear contempt of this court.'

He added that the BHP committed contempt of court when its lawyers struck a deal with the PNG government to draw up the OK Tedi Eight Supplemental Agreement bill. Cummins adjourned the hearing for a month to hear submissions before ruling on a suitable punishment for the offence.

Legal experts say it could involve a substantial fine, since the judge has taken a dim view of BHP's efforts to try to paint those who take action against it in the Victorian Supreme Court as criminals.

BHP said it would appeal the judgment. But right after the ruling, BHP's chief executive of mining, Jerry Ellis, informed PNG Prime Minister Julius Chan that the company was now unable to consent to the legislation as planned pending the appeal.

Chan, in a statement from Port Moresby, rejected the Australian court's jurisdiction over his country but said the final version of the bill might not contain provisions making it a criminal offence to claim compensation from BHP or its OK Tedi Mining.

Australian Foreign Minister Gareth Evans has played down the significance of the judgment and instead criticised the Melbourne law firm for taking the legal action against BHP.

Prime Minister Paul Keating, who has campaigned vigorously for the adoption of a code of conduct for foreign logging firms operating in the South Pacific, backed his foreign minister on the issue.

Evans even suggested the damage was less serious than claimed. While acknowledging the environmental damage, he argues it has been caused by difficulties associated with building a tailing dam in the mountains and the environmentally fragile location.

Lawyers defending the PNG villagers hailed Cummins' decision as a victory for justice.

'What happened today is all our clients ever wanted in the proceedings,' said lawyer Nicholas Styant-Browne. 'They wanted access to the Supreme Court in Victoria and to have their case heard untrampled by interference by any parties to the litigation.'

Share prices of the mining company plummeted by 16 cents in the Australian Stock Exchange hours after the court ruling was announced.

'Make no mistake, the decision .....has hurt and embarrassed the Big Australian,' said business analyst Matthew Stevens. 'Being found in contempt of court is a highly embarrassing setback for a company as proud of its ethical standing as BHP'.

— Third World Network

# The Voice of Colonization

A study of R. Y. Daniel and Leonard Woolf

Jeanne Thwaites

A writer who is either a member of a colonized people, or is a colonizer, may not consciously be aware of how his writing is affected by the group he is born into. Even when it is his intention to identify with the other group, (the colonized with the colonizers, or the colonizer with those colonized), he cannot help but fall back into some stereotypical role-playing of the over- or underdog. I have chosen the literature of Sri Lanka to examine how this works in two authors: Reginald Young Daniel and Leonard Woolf.

Rex Daniel, who descended from a John Bartholomew Daniel (1) belonged to the Dutch Burgher community, but was not considered a "true" Dutch Burgher, as was his wife Bertha vanLangenberg. His mother Amy MacCarthy was Protestant Irish, the daughter of a Baptist minister. But her Irishness was not an issue with the D.B.U.; what counted was that the name Daniel was not Dutch. Daniel is a common Jewish name, but the original Daniels of this family have been traced to Madagascar and other feels that they had Moorish blood. The Dutch Burghers in Woolf's Daniel's day prided themselves on being fine administrators, professional men, artists, musicians, anything but businessmen. Daniel's father inherited wealth, and made his own considerable fortune as an auctioneer. To be in an occupation where there is no purpose but to make money was considered declassé, and in Bertha's family she was thought to have married somewhat beneath her.

The English, unlike the Portuguese and Dutch, did not settle down in the Island, nor did they make much effort to convert the local people to their Anglican Christianity. Their members in the Ceylon Civil Service was manned by Englishmen who returned home to England on retirement and who were discouraged, not just from inter-marriage with local people, but from socializing with them. They thus became the first foreign settlers not to be quickly assimilated into some layer of the depth of Ceylonese culture.

In 1919, because many Ceylonese had distinguished themselves by fighting for England in World War I Britain decided to open the C.C.S. to those men between the ages of twenty-two and twenty-seven

who had served in the military. More than a thousand applied, and Rex Daniel, who was twenty-six, was one of the four chosen.

Leonard Woolf became a member of the C.C.S. in 1904 at the age of twenty-four. Seven years later he left for his long leave, and only returned once: in 1960. "Home" was England to Woolf, and when he came to Ceylon he was catapulted immediately into its ruling class.

It is important here to mention the Eurasian community who came about when English men (mostly planters who worked for agency firms) who did not have wives in the Island took Sinhalese and Tamil girls as concubines. These women, chosen for their beauty, were uneducated, and always seen as inferior by the men whose beds they shared. They were usually workers on English-owned estates, (for example, tea pluckers), and did not join their lovers' social life, which was racially segregated.

Woolf's short story, *A Tale Told by Moonlight* is about such a relationship, and the primary narrator, an Englishman, hears the story from a second Englishman, who tells it about a third Englishman. I see this as Woolf's ploy to avoid blame for the story's content — a device he also uses in his other racist stories on Ceylon. The story is about a pretty Sinhalese girl, Celestinahami, from a "warren of filth." She has "eyes which understood nothing but seemed to understand everything," and follows her English lover "like a dog.... a nice simple soft little animal like the bitch at my feet." Celestina begins to imitate the English women who can go where she cannot. He loses interest and she gradually goes off her head and drowns herself. In real life many such young mistresses became pregnant, and were cast out. Their own people, uneducated and caste-ridden, rejected the resulting half-white children; their lovers denied paternity. In *Search for Nirvana* Robin Maugham, the son of Somerset Maugham, gives a description of the setting up of such an alliance as his friend Jack Phillipson described it to him:

"Yes." I replied. "You would have your own room.

And you would sit down to table with

me when we were alone. And you would always share my bed"...

"And where would I eat when you had company?"

"In your own bed-sitting room."

"I understand," she said.

"I doubt if you do," I replied, "But I think you will in time.... What will your father say?"

"He will disown me. He will say I am a disgrace to the family." (167/8)

The girl eventually became a prostitute and Phillipson blamed her entirely. As I grew up, I came to hate the English for this particular irresponsibility, which epitomized their lack of concern for those they hurt. The Eurasian community was derisively called "Tea-bush," as the babies were said to have been conceived and/or delivered behind tea bushes. Because all the original mothers had been chosen for their beauty, and I noticed very young, that Eurasian children were unusually handsome.

The over-all cultural mix in Sri Lanka: Sinhalese, Tamils, Moslems, Burghers of different European originals, Eurasians has resulted in a country where even small towns have one Buddhist temple, one Hindu temple, one Catholic church, Protestant churches of various denominations, and one Moslem mosque. The importance of this to literature is that a plurality of beliefs exist, and most people in the Island do not have a personal philosophy developed from the single religion they belong to. From his writing, Daniel seems very comfortable with this multiple lore (124); Woolf is plainly confused by it (*Growing* 195). The most marked difference in the style of their writing is that Daniel, brought up in this multi-racial world, does not speak of people collectively: "the Ceylonese," "the English," "women," nor does he generalize about their habits. Woolf therefore seems the more diffused, for blanket statements about people abound in his books. It is through his eyes one sees how belittling the habit of generalization is, and how difficult it was for colonized people to shake free of racial stereotyping.

## How Colonization Works

Ceylon was colonized by three European nations for its natural resources, and

because the island was in a strategic position when sea-travel was the quickest way to cross the globe. Hegemony can only exist when the dominant group curtails the freedom of speech of the other. If Group A is to remain in power over Group B, it must insist that Group B understand that there is some special desirable quality in Group A which gives it the right to rule, something like superior intelligence or a Divine Right. For Group B to admit inferiority is a small sacrifice to make if it will enable you to keep food on your table, or a whip off your back. "The beast must obey the commands or die," says American Chicano poet Juan Herrera. Eventually, however, the tables always turn, and he continues to describe the indignities suffered by his own race in their own land "voices from the underground are emerging..... as the unrich grow accustomed to the forbidden pleasure of writing" (23).

Every child who is part of colonization culture becomes impressed with the idea of an "us" and "them." That there is a lucky sperm club works without confusion during survival learning which all young animals initially go through. But when a child learns to think for himself, and develops intellectually he realizes that what he has been told is wrong; he senses all are born equal, and has to find a way to live with the lie. He eventually resolves his misgivings in one of two ways: he may choose to keep up the charade, or may choose not to. Either way his choice is not simple. If he decides to be one of "us," that is not like "them," he will find himself defending a lie all his life — which is always more stressful than defending a truth. If he decides not to be part of the charade — if he is from Group A, he will find himself labeled as "eccentric," "a hypocrite" or "stupid," if from Group B, a "communist," "revolutionary," or "anarchist." Either way, he will find himself unable to escape an under-the-skin awareness, at all times, of who is becoming better than whom; even if in his heart he knows such thinking is nonsense. What each person does and says becomes critical in changing his status. Inter-marriage between Groups A and B can, therefore, never be approached casually: marriage has become a source of contamination or purification. Either way the participants will have alienated people of their initial culture.

A side effect of such control is that a member of Group B sometimes deliberately tries to lose touch with the identity of his birth race, culture and religion. To regain his loss of pride, he may try to become one of the ruling class (the colonizer), which group is then caught in a dilemma, for the criteria for "being like one

of us" is not meant to be obtainable, and must be changed continually to remain so. In academia, for example, Group B may be invited to participate in Group A's universities, but is required to accept that its method of writing (although grammatically perfect, and easy to understand) is inferior to academic discourse, a convoluted, esoteric and somewhat unintelligible development of the English language. To be born to a bilingual culture, say, English and Sinhalese, is shown to be less commendable than being unilingual in English and later to choosing to learn Latin: a dead language. Group As and Bs pop up all over. Skin color can become a factor: it is better to be light than dark; a male can be seen as better than female; to be rich is superior to being poor. It can be seen that literary self-consciousness about race, culture, and who-is-better-than-whom, is something that comes out of any form of hegemony, and only people who are not in such a system, have an expression that is truly free. On the plus side, a writer who seeks truth but cannot live by it, who wants change but cannot handle change, or who suffers much from his confusion, is more interesting to read.

In their books, neither Daniel or Woolf admits to an awareness that when he chose to align himself with his people's oppressors — rather than work to create a climate of non-oppression — he was trying to improve his self-image. Daniel shrugs off the reason for his joining the C.C.S. as a coming together of circumstances: "the five years spent in the army had changed me" he says, "the then 'Ceylon' Government advertised an examination for the Ceylon Civil Service....." (7). The "then 'Ceylon Government'" he, who once was more British than the British, writes in old age. I am not reading too much into this, for when Ceylon became a republic, Daniel was asked whether he would prefer to retain his British citizenship or to become Ceylonese. He chose to be Ceylonese.<sup>1</sup>

Woolf's writing is much more convoluted and self-conscious than Daniel's, and a startling omission is of any discrimination against the Jews in England. When discussing his Ceylon years, he does not mention he is a Jew. It is not possible he did not suffer discrimination in England for even his wife Virginia Woolf was to write, "How I hated marrying a Jew — how I hated their nasal voices, and their oriental jewelry, and their noses, and their wattleless-what a snob I was" (500). In his earlier writing, *Sowing*, he mentions that his parents were Jewish, and that when he was fourteen his mother wept, "but not very convincingly," when he told her he no longer believed in Jehovah (47). It is probable that he ran away from his Jewishness to Ceylon, to break "the umbilical

cord by which I had been attached to my family, St. Paul's, to Cambridge...." (L.W. Growing 11). He called the Ceylon experience his "second birth."

What each man had done, however, was to abandon his birthright "us" to become "them."

To become a colonial administrator was to become an instant authority on everything. Young men with no experience in the fields of irrigation, veterinary medicine, sociology and law, were sent to outstation districts, where respected local elders were expected to treat all their words and decisions as coming from God. Within the C.C.S. however, another type of dominance was at work, for promotion within the service depended on an ability to ingratiate oneself with one's superiors Daniel was particularly inept at keeping his superiors happy for although he was willing to play the colonial game as well as any Englishmen, he was not an Englishman, and was expected to keep a lower profile. He did not and does not seem to have thought of himself as a Ceylonese in his early years with the service. Woolf, on the other hand, quickly psych'd out his colleagues and ingratiated himself with them, and as a result rose quickly out of the lower C.C.S. ranks. But he actually detested his superior officers, and quickly came to dislike the Ceylonese too — particularly the Tamils. His letters show a deeply unhappy man. Looking back he says he was very happy when in Ceylon, and titles his book *Growing*.

Woolf and Daniel both majored in the Classics, and they must have been aware of how inappropriately qualified they were for their jobs. In Daniel's book he almost begs for understanding and says, more than once, he did the best he could. Woolf rationalizes at length the petty tyrant he became but shows on compassion for those who suffered at his hands. Educated Sri Lankan admirers of his writing today ignore the arrogant whipper-snapper he was and also that his fiction showed their people only as uneducated. He is amused that village headmen saw Haley's Comet as a foreteller of evil and made a list of six evils that had come to their people since the comet showed. One of the six was "a man called Leonard Woolf" (L.W. Growing 233). When Woolf returned to Ceylon fifty years later, the country was independent and one headman now freed from colonial muzzling, left his village to try to explain to Woolf how deplorable his behavior had been that he had not been a just man. He could not penetrate the Englishman's cool:

On my last day in Colombo, a man who had been chief headman of one of the pattus when I was A.G.A. came to pay

his respects to me at the Galle Face Hotel. After desultory conversation, he suddenly said to me: "Do you remember, Sir, when you made me shoot the buffalo?" I said no, I did not remember it.... "You fined Arachchi 10 rupees for not carrying out his duties as headman.... then you fined him 25 rupees. Ten days later the man came to me with 20 rupees to pay his fine, but he could not pay the other 15 rupees and I had to pay it for him. It was too severe, Sir — was it fair, Sir, was it fair?" After 50 years I felt I could not be quite certain of the answer. Was it fair? (234)

No, it was not fair, but why could Woolf not see it? At a time when court judgments were sometimes over 25-cent disagreements (61), and laborers were paid only 50-cents a day (185), a fine of 35-rupees meant seventy days' wages to a man who obviously could not save from this pittance. In Ceylon, during the British Raj, jobs were so scarce that there was only one wage-earner to every seven people. Fifty years later, a headman who Woolf does not honor with a name, wants to penetrate the colonial hide but still cannot.

## Reginald Young Daniel (1894 - 1987):

*Letter to my Children,*  
autobiography.

Reginald Young Daniel was a diarist, who became blind in his seventies; until then he made a diary entry every day of his adult life. When he was eighty-seven his wife, then seventy-seven, read these diaries to him, and he used them to jolt his memory for an autobiography *Letter to My Children*, which was privately circulated.

In looking back on his long life, Daniel could not have helped seeing things in a different light to the way he experienced them at the time. Kant describes this process:

So far as memories are sensible, they are based upon the association of ideas of the past condition of the subject with the present; and although they are not themselves perceptions, yet as a linking together of perceptions in time, they serve to connect in a coherent experience what is no more by means of what is present (73).

*Letter* is long and sometimes tedious for it was never edited, and although he himself could write for hours on a typewriter without a grammatical or spelling mistake, (something Virginia Woolf's diaries say that Leonard could also do) (Meyero-witz 17), Daniel's stenographer was not always so accurate. I do not know think

the final text was even read back to him. Blatant mis-spellings of names are easy to change, but in a country where there are several spellings of one name, it is difficult to know if, for example, a Pereira and Perera and one individual or two. A final difficulty is that the book is uneven, for Daniel obviously became very tired, particularly towards the end.

Daniel called his wife, "Barbie," as she detested her given name Bertha, because it was the nickname of a German World War I cannon. She called him "Reg" preferring it to "Rex," which was the name used by his friends and family as it reminded her of a dog. In the book one often senses that they are jostling each other in a form of love play, as they must have done when they were young and first in love, and we see that what held them together through many difficult times was their inability to stop laughing at each other. He describes one incident, in the first year of their marriage, when they had embarked on their return trip to Ceylon. Barbie, sick and pregnant, stayed in their cabin — while he went on deck to watch England's shoreline recede out of sight. Eventually a stewardess approached him with a broad smile and said, "Mr. Daniel, your wife thinks she is dying, and would like to say goodbye to you" (72). Anecdotes like this show an egocentric man but also that they were a couple who related to one another as equals had a knack of charming those with whom they came into contact.

Barbie obviously did some memory-jolting of her own during the writing of the book. She occasionally suggests he include stories their children would enjoy. Sometimes, Daniel says, "Your mother wants me to tell you about....", at others it is obvious that her voice is there without credit. We can almost hear them arguing in print. "Your mother says I am incorrect, but I do remember it happening that way...." he occasionally tells us. Barbie's voice makes the text multi-dimensional, particularly when she insists on the inclusion of domestic details such as the servants comings and goings. One story is about Sophihamy, a nanny, who fell in love with John their excellent Sinhalese cook. An English couple, the Sutherland-Frasers, enticed John to their employ with a higher salary and Sophihamy who was in love with him got a job in the same household. She was fired when her new employers discovered the romance. Barbie listened on the telephone to Mrs. S-F's tirade against Sophihamy and pretended she knew nothing about the affair. Actually she was secretly delighted because she now could get her nanny back. Of course, she would have never have lost her in the first place if she had exposed the romance. Barbie was therefore more

patronizing of Mrs. S-F than of her servants, and as she did not even try to explain to the English woman that servants have feelings too — something she would have surely done if dealing with a friend — she shows the gulf she saw between herself and the English. The barrier was always there in place.

This story shows the difference between the way the English (the colonizers), and Dutch Burgher (now a colonized people), thought of servants. Memmi might be describing the Sutherland-Frasers when he says, "they refuse to consider personal, private occurrences in their maid's life; that life in a specific sense does not interest them, and their maid does not exist as an individual" (85).

Daniel's book is therefore nothing like as simple as it seems, but perhaps if he had been able to edit it some of his crisply stated memories would have been filled in with answers to the questions they provoke. Once you get used to his style there is, however, a definite charm to his gift for understatement: "There we met Col. Blandford, who died of hydrophobia because he would not give up taking alcohol when he was taking anti-rabies injections, after he was bitten by a rabid dog in Trinco" (151), is never expanded on, and is the only mention he makes of this particular colonel.

I have had to make a decision whether to stay with *Letter* as written, or to include my own knowledge and memories of the events and stories which are included in it. There is also the fact that Daniel's actual diaries have been denied me, whereas Woolf's autobiography can be compared with diaries and letters of the same period. I have decided only to intrude my personal knowledge when it is needed as an explanation, and when I do this it will be marked by a footnote.

As I do quote from Woolf's biographers, however, I should say something about my father as both a colonizer and one colonized. He was always praised openly by those who worked under him but irritated many Dutch Burghers because he outwardly seemed so English. He was somewhat of a legend in the C.C.S. after he cleared up the crime in Ratnapura, a district that had the highest murder rate in Ceylon which country had that time had the highest murder rate per capita in the world. He received no praise from his English superiors but many Ceylonese of all ethnic origins never forgot to remind us, his children, that he had done a very remarkable thing. He detested disorder and saw crime as the ultimate disorder. When I asked what he felt was the worst crime of all. He replied, "Corruption of the young".

NEXT: LEONARD WOOLF



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