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POLITICAL ARENA AS FREE-FIRE ZONE

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Political violence has been no casual tourist to Sri Lanka, advertised by the Tourist Board and Air Lanka as 'a taste of paradise'. It has been a permanent resident since the 1950's. A vibrant parliamentary democracy, Sri Lanka, which celebrates its 50th Independence Anniversary next year, has been ravaged by communal riots, threatened by an army coup, (mercifully abortive) and a Sinhala youth insurgency, fashionably dubbed Guevarist, in 1971. It has been compelled to host an Indian Peace-keeping Force (larger than the Sri Lankan army) which in turn offered the JVP another opportunity to challenge the State, by launching an island-wide campaign of violence. Velupillai Prabhakaran and his Liberation Tigers of Tamil Eelam (LTTE) made separatism rather than "socialism" the most

serious threat to the Sri Lankan state, unity and territorial integrity of the island.

Ratnapura and its aftermath could be a new challenge. If Ratnapura *does* not fit the familiar patterns of pre- or post-election violence — and only the Courts can finally identify the guilty parties — it is the extraordinary commando-type attack on the Canton Restaurant which makes it thought-provoking. First of course the choice of target. An extremely well patronised Chinese Restaurant owned by a UNP MP Mr. Sarath Kongahage. This excerpt from a report by Raine Wickrematunga and Dilshani Samaraweera of the *Sunday Leader* is a vivid scene-setter:

"A group of about 10 Sinhala businessmen and their families who are also regulars at the Restaurant, had left a while earlier as had another smaller DPL group. Earlier in the night Shantini had been introduced to two prominent tour operators from Taiwan by Shelton de Alwis, Managing Director of Asian Wings Ltd. Discussions had centred on bringing in Taiwanese lunch groups to Canton somewhere in June. At the VIP room, the guests were chatting away after dinner, unaware of the nightmarish drama that was to unfold in a few minutes"

If they had indeed known what would happen next, the Taiwanese would probably have rushed to the Liberty Cinema, across the road, to watch Tainted Love (Adults Only) or apply to the Chinese embassy for a visa, now that Deng Tsiao-Peng was dead.

CANTON OR CHICAGO?

"A raider with a sword barges into a room where Sarath and his guests are seated and shouts Kongahage KO?? He breaks the glass door while another

with a T-56 stands with a gun pointed at the guests. The firing in the fish tank hits the lights and the room is plunged into darkness. Sarath in dark suit had some luck that day for he had an eye infection and was wearing dark glasses looking like a present-day Zorro. So the raiders didn't know Kongahage was Kongahage"

Contd on page 24

Deng Xiaoping

The Lanka Guardian expresses its deep condolences to the Government and people of the People's Republic of China over the death of Deng Xiaoping, an outstanding leader of the Communist Party of China and veteran revolutionary, the architect of contemporary China's economic miracle, one of the most important political personalities of the 20th century and a major influence on the shape of the world as it enters the 3rd Millennium.



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THE IDEAS MAGAZINE

THE ROAD FROM KURUWITA

Tisaranee Gunasekara

On the 11th of February 1997, Nalanda Ellawala, PA parliamentarian for the Ratnapura district, was shot to death. The two main suspects in this crime, UNP parliamentarian Susantha Punchinilame and the UNP candidate for Ratnapura mayoralty, Mahinda Ratnatilaka, are currently in police custody. According to the Lankan Penal Code a suspect is considered innocent until he/she is proven guilty in a fair trial by a court of law. And the onus of proof is on the prosecution. It is only the appropriate courts of law which can decide on the guilt (and the degree of guilt) or innocence of a suspect and the nature of the punishment to be accorded to those who are found guilty.

The conduct of the PA regime in the aftermath of the Ellawala killing indicates that a blatant, politically motivated interference in the due process of law is on the cards. The PA leadership seem to be taking upon itself the combined roles of judge, jury and avenger. For instance, take the following pronouncements made by President Chandrika Bandaranaike Kumaratunga at an election rally in Kalutara: *"There was absolutely no reason to kill Nalanda Ellawala. There was no confrontation among the two groups at all - they just pulled out a gun and shot him"*. (Daily News) Now it is only at a fair trial that it can be decided whether there was any confrontation or not and who fired the first shot; that decision belongs solely to the appropriate court of law and not to any politician, however exalted.

That is not all. Said the President: *"(We) are prepared to give any punishment recommended by you [i.e. the participants at the PA election rally] if not using this law, then by bringing another law The maximum punishment which can be given to them*

if not through this law then by bringing another law..... (Kalutara rally - Rupavahini telecast).

Murder is not a crime that is new to Sri Lanka, and Nalanda Ellawala is not the first Lankan politician to be killed during a period of normalcy. After all the President's own father, Prime Minister SWRD Bandaranaike was assassinated by some of his disgruntled allies in 1959 - surely a much more dastardly crime than the killing of Nalanda Ellawala, not only because the victim was unarmed; he didn't even have the protection of an armed bodyguard. The killing was also unambiguously premeditated. Despite the heinous nature of the crime and despite the fact that it was the first assassination of a political leader in the post independence Sri Lanka, there were no attempts to introduce 'special laws'. The suspects were tried under the prevailing law and some of them were found guilty. The only exception was that the death penalty which was abolished by Prime Minister Bandaranaike was re-instituted.

UNDUE PROCESS

If the prevailing law was adequate to deal with the assassination of SWRD Bandaranaike, why does his daughter say that the same law is inadequate to deal with the killing of Nalanda Ellawala? What kind of special laws does the President have in mind? And what exactly does she mean when she says that the people can recommend any punishment for the culprits - and that this is the punishment that will be meted out? What does she mean by "people"? PA supporters or all citizens of Sri Lanka? How will this decision be made and how will it be conveyed to the authorities? Doesn't this amount to a gross interference in the due process of law?

And what does the President mean by 'harshest possible punishment'? Is she implying that death by hanging (which is the punishment normally accorded to those guilty of first degree murder) is not harsh enough? If so, then what would satisfy the Presidential criteria of harshest possible punishment? The reintroduction of the 32 tortures much utilised by ancient Sinhala kings ... and queens?

The dangerously intemperate language used by the President and her declared intention of going beyond the normal law of the land in order to punish those she believes to be the killers of Ellawala in a manner she deems satisfactory, clearly indicate that what the President wants is not justice but revenge. In fact these Presidential pronouncements are curiously and disturbingly similar to the following statement made by Hitler's deputy *Hermann Goering*: *"Fellow Germans, my measures will not be crippled by any judicial thinking. My measures will not be crippled by any bureaucracy. Here I don't have to worry about justice, my mission is only to destroy and exterminate. Nothing more"*. (Speech at Frankfurt on Main 3.3.33 Nuremberg Documents). It should perhaps be borne in mind that the introduction of special laws was a strategy much used by Adolf Hitler to destroy his political enemies; the Enabling Law (of 1933) played a major role in Hitler's success full efforts at establishing a dictatorship after he assumed the office of Chancellor by democratic means.

THE ROAD TO KURUWITA

The killing of Nalanda Ellawala has to be condemned and those who are found guilty in a fair trial of this crime should be punished. But Nalanda Ellawala was

not the only member of a democratic political party to be killed in the last 2 ½ years. The other victims included former UNP parliamentarian for the Ratnapura District and young Subject Minister Athula Attygale (a Colombo campus alumni and Law grad); a UNP member of the Central Province Provincial Council, D.M.Bandara of Ududumbara; a UNP candidate in the Piliyandala Cooperative Society Elections and two UNP supporters, R.M.Ranatunga, a retired sub Post Master (killed on 17th January 1996) and 24 year old Padmasiri Shantha of Yakwila, Paragammuna. This is apart from the 6 unarmed UNP supporters and one passer by who were shot to death in broad day light in Negombo last year.

According to available evidence all these men were killed because of their support for the UNP; again according to available evidence they were unarmed at the time of the killings. Like Nalanda Ellawala they too deserve justice. But the PA, which today is talking of introducing special laws to punish the killers of Nalanda Ellawala, does not seem to be in such a hurry to punish the killers of these other victims. It doesn't stop there. The first accused in the killing of Athula Attygale (Case No. 58174 - Ratnapura Courts) Janaka Kaluarachchi, received PA nominations for the upcoming local government polls and is contesting the Ratnapura Pradesheeya Sabha on the PA ticket. (The PA therefore cannot accuse the UNP of giving nominations to a murder suspect since it too has done the same. It should also be mentioned that the houses of the two eye witnesses in this case, Gamini Kularatne and Karunawathie, were destroyed by the Ratnapura rioters). The man - a leading PA Provincial Councillor of the Western Province - who (according to eye witnesses) ordered the killing, on the spot, of a UNP candidate in the Piliyandala Co-operative Society elections has been appointed to an important post in the Ports Authority (that was after a certain female Deputy Minister arranged for him to spend some time in the Merchants Ward in order to evade arrest).

According to the President, *"This UNP cannot be reformed.... (We) are prepared to even bring special laws to*

punish those men who do not understand humanity .." (Kalutara Rally). This Presidential pronouncement and the conduct of the PA regime in the aftermath of the Ellawala killing clearly demonstrate that the PA is basing itself on the notion of collective guilt and consequently collective punishment. The PA's syllogistic logic seem to be : Susantha Punchinilame and Mahinda Ratnatilleke killed Nalanda Ellawala; Punchinilame and Ratnatilleke are members of the UNP; therefore the UNP as a party is guilty of the Ellawala killing. This is despite the fact that there is no evidence whatsoever to indicate that the killing of Nalanda Ellawala was carried out *on the orders of the UNP*. At this point it is important to remember that though a disgruntled group within the SLFP was found guilty of conspiring to assassinate SWRD Bandaranaike, the courts refused to find all members of this group guilty; only those who actually participated in the conspiracy to kill the Prime Minister were found guilty; Ms Wimala Wijewardana, though member of this group, was found innocent because she did not participate in the actual conspiracy. This was because the notions of collective guilt and collective punishment do not have any place in the legal system of a democratic country. (It should also be mentioned that this principle of collective guilt and punishment was used by Sinhala racist mobs to perpetrate and justify the anti-Tamil riots of July '83 and the LTTE to perpetrate and justify numerous attacks on Sinhala civilians, the latest of which was the Dehiwala train bomb).

In the aftermath of the tragic Ellawala killing the PA regime seemed more interested in generating a mood of anti-UNP hysteria by blaming the UNP as a party for this incident, than in apprehending the suspects. Since that day the PA propaganda has been geared towards depicting the UNP as a bunch of cold blooded killers preying on innocent PA members. The previous (UNP) victims of politically motivated violence have no place in the story as the PA propagandists are retelling it. The killing of Nalanda Ellawala is being depicted as a first degree murder, thereby usurping a decision which can only be taken by a court of law. The objective is to create a picture of a young

man "as innocent as a baby squirrel" (as PA Parliamentarian Dilan Perera put it on ITN) murdered by an evil Goliath (the UNP). In other words depicting the Ellawala killing in stark black and white terms which that master propagandist Adolf Hitler identified as the "..... very first condition which has to be fulfilled in every kind of propaganda ; a systematically one sided attitude towards every problem that has to be dealt with ... when they see an uncompromising onslaught against an adversary, the people have at all times taken this as proof that right is on the side of the active aggressor" (Mein Kampf). Consciously or unconsciously the PA propagandists seem to be following these instructions to the letter.

The (post Nalanda killing) PA propaganda based on the notion of collective guilt/punishment and replete with verbal violence, claimed its first casualties in the riots which engulfed Ratnapura - one person killed (a minor employer of one of the establishments torched by the mob was burnt to death) and damage to property totalling millions of rupees. For several days after the killing, the state owned TV kept up a barrage of hate propaganda, with the Mulberry Group playing the role of the advanced guard, accusing the government leaders of not taking harsh enough measures against the UNP. This propaganda, taken together with the PA's declared intention of changing the existing laws to deal with the killers of Nalanda Ellawala, seem to indicate the commencement of a no holds barred battle against the UNP - which according to the results of the 1994 Parliamentary General Elections is the single largest democratic political party in Sri Lanka. What is ironic is that the PA, which has no problems with the JVP, a party which initiated two anti systemic insurgencies in '71 and '87, is determined to perceive and/or depict the UNP as the greatest threat to democracy system and treat it accordingly. Whether this strategy of destabilising and persecuting the democratic opposition is the result of genuine myopia or whether it is the result of the need to gain short term political and electoral advantage, its ultimate outcome can very well be a civil war.

'AS A TAMIL AND A CITIZEN'

C. Mahendran was one of Lalith Athulathmudali's teachers at Royal College. He holds a Masters Degree from the School of Advanced International Studies at Johns Hopkins University in Washington, DC. He was Sri Lanka's Ambassador in China, Japan and Korea. Fluent in Sinhala, he also speaks and reads Chinese (Mandarin). His son and daughter graduated from Oxford and the LSE and Harvard Law School respectively. In Opposition circles, he is referred to as the UNP's answer to Lakshman Kadirgamar and Neelan Tiruchelvam. So what's a nice guy like this doing in a Municipal election? C. Mahendran faced questions from the editorial staffs of the Lanka Guardian and Vikalpa, its Sinhala counterpart.

Q. Mr. Mahendran, you were a senior diplomat. Why are you in politics? Why now - and why the UNP?

A. The reason why I decided to join the party is the leadership. I saw in Ranil Wickremasinghe a man with a vision. When I was the ambassador to China, Korea and Japan I had to work closely with the then UNP government and I saw that there was a great deal of positive content in the programmes which were implemented by that government. Ranil Wickremasinghe is the heir to that legacy. The UNP had a very well thought out development strategy and they implemented it. Which is why during that period you found our entire country changing; we literally jumped from the feudal age to the modern age. That is why I thought I should help the party and its present leadership to achieve their objectives.

Q. Why municipal politics? You are probably the most high profile Tamil candidate on the UNP list to the

Colombo municipality. Why did you agree to be nominated - and thrown into the bear pit?

A. I'm entering this municipal battle purely because I need to help the party at this juncture. It doesn't matter where I am whether its the municipality or the national government. What matters is that we have to put our shoulders to the wheel right now. This has to be a total effort.

Q. The President, in kicking off the PA campaign in Anuradhapura, has said that the Tamil people suffered greatly under the UNP. She has mentioned July 83 as an example. She has also said that her government is prosecuting the war against the LTTE properly-unlike the UNP-while putting on the table an autonomy package for the Tamil people. She is therefore making a strong pitch to persuade the Tamil people to vote for the PA. As a Tamil, what is your answer?

A. It is the UNP government that can deliver the most for the Tamil people, more than anything the PA has done or can do. Let's just look at the record! The PA has promised many things for the Tamil people. But what have they actually done? You ask the Tamil people, whether in Trincomalee, Wellawatte or Jinthupitiya. What is their answer? They are harassed and their sons and daughters are taken in; nothing is being done about their complaints. Take Joseph Pararajasingham's complaints about disappearances; the President has not even bothered to answer. They are having commissions on the disappearances in 88/89. What about appointing a Commission on disappearances in 95, 96 and 97? The President is being a sophist; she is

merely playing with words. I have decided to join the UNP and to contest from the UNP because the record from 1948 upto now clearly demonstrates that the UNP has done most for the Tamil people. For example the first cabinet of Mr. D.S. Senanayake contained three or four Tamils from the Jaffna area. There were a number of Tamils in Dudley's cabinet as well. Let's take the public service; whenever the UNP government was in office, Tamils - if they were qualified and efficient enough - got their rightful place. The administration of President Premadasa was absolutely and demonstrably an excellent example of this. That is why I say that the UNP has no bias on that score.

As for July 1983. During that time I was residing in Pamankada which was a greatly affected area. Let me be very very clear: it wasn't the Sinhala people as much who did that but a few extremist elements belonging to both the then government and the opposition. July '83 was the most unfortunate incident that ever took place. But are we going to dwell on this forever? Isn't this time for reconciliation? I believe that the time for reconciliation is here and now.

Q. The so called Colombo Tamil liberal intelligentsia feel that President Chandrika's hand should be strengthened now, because of the 'package'. This is what Mr. Ganeshalingam also says. Why don't you agree?

A. I would answer by asking a question: for whom is this package? The government says this is the panacea for all ills. Is it really so? Let's say, for argument sake that this package is

approved by the Parliament and the country. How can it be implemented in the Northeast? Isn't there another force there, on the ground, fighting us? I do not believe in the official press; my information comes directly from Jaffna. According to that we are in actual effective control of pretty little. We are there in a few camps. Though it is being said that we are in control of two thirds of the area, the first hand information I get tells me that this is not really so. And the new operation that has been launched - isn't that a purely and narrowly political campaign? I do not think that any man women or child in his or her right mind would believe what the government says.

Q. What is your vision for Colombo - in a practical sense?

A. My first priority both as a Tamil and a citizen is a cleaner city with an orderly system of government where you can get your day to day chores done in an efficient manner. We also need to have a dialogue with the central government to alleviate the problem of travel congestion. A cleaner city also means taking care of the environment. There is also the question of housing. Though this is a central Government subject we can do something in this area as well. After all the housing effort was started by Mr.Premadasa. Look at the canal bank; what a difference from what it was.

Q. Your party is saying that it does not make promises and instead, the emphasis is on policies. This dichotomy between policies and promises is surely an artificial one. After all it is the promises made during an election period which become policies later. Take the example of Janasaviya; It was Mr.Premadasa's main election promise and after he was elected it became one of the most important practical policies and programmes of his government. Also, if you do not make promises, what hope can you offer the electorate; what can they expect from you? Why should they vote for you?

A. I agree with you. What our party means is that it will not make false promises; it will only make promises it can implement. It will not behave like the PA which promised everything and delivered nothing. We will not lie to the

people but we will take our promises very seriously.

Q. You too are making many promises. How are you going to implement them?

A. In sorting out any problem the first prerequisite is commitment. Without commitment you are nothing. I spent 8 long years in China; I saw the commitment of the Communist Party of China and the influence it had on the peoples of China. The Chinese have a saying, which, translated into English, reads as "Own strength; Hard struggle". There is no other way. How long can we expect aid from foreign countries? Look at China; today they can respect themselves; they can do whatever they want and disregard the world. That is the greatest contribution the Communist Party of China made. This example and experience is one of my sources of inspiration and confidence.

Q. What would you want Colombo to look like?

A. I would like Colombo to look a bit like Washington. With lot of trees, and lot of open park areas which can function as the lungs of the city. And you can do these things without hurting people. Once again, take the example of Mr.Premadasa. That is what we have to follow. We have to replace tenements with high rises. The rest of the space can be used as a garden, a park. This way we can green our city. This is what Mr.Premadasa did in Maligawatte. That area was a swamp. Today it has high rise buildings and tree lined roads. It is like bringing a flower out of a swamp. This way we can protect our environment by greening our cities.

Q. Political parties talk, loudly about their lofty ideals particularly during election times. But how do you put these into practise? Lets take an example. How do you solve the problem of garbage disposal?

A. We need urgently to look into land fills; where should the land fills be? Then you have to think about installing incinerators; this is something a modern city cannot do without. The latest method is to divide the garbage as biodegradable and non biodegradable. Biodegradable garbage can be turned into fertiliser. None of these things are

being done now. Land fills are regarded as the only solution to the problem of garbage disposal. We have to change this.

Q. To return to the ethno-national question. If, as you say, it was the UNP which has done most for the Tamil people, then how come we are in this situation today?

A. This is what the government is also saying. The President however has forgotten what was done by the governments headed by her father and her mother. Take 1956 for example and its repercussions. Then take the army - how many Tamils are there in the army? Who is responsible for this? It is the SLFP. In 1948 our first Sri Lankan army commander Gen. Anton Muthukumar was a Tamil. Look at the way we the UNP, are responding to the PA's package and the way they responded to the UNP's '81 DDCs, the '84 All Parties Conference and Annexure C, the '86 Political Parties Conference, the '87 Accord and the '88 13th Amendment and Provincial Councils! The SLFP was responsible for the post accord riots. We will never behave like that. However in this elections the most important issue is not the so-called package but **the livelihood of the people**. And the Tamil people are suffering more under the PA than they did under the UNP. We must also remember that under the UNP we were able to consolidate our authority in the Eastern Province. The PA has today lost effective control in the Eastern Province. Mr.Ganeshalingam is today talking about the package. But this is not relevant in the CMC elections. We must remember that of the Tamil population in Colombo 50% are from Jaffna and 50% are from Colombo and the upcountry. For the Jaffna Tamils security and transport are the important issues. For the other 50% what is important is the struggle to achieve and maintain a decent living standard which means water, electricity, sanitation and health. These problems they have in common with the Sinhala and the Muslim people. We must remember that we are going to be elected to solve the problems of all these people; to help all these people to live.

PROSPECTS FOR CONFLICT RESOLUTION IN SOUTH ASIA

Dr. Maqsoodul Hasan Nuri

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LESSON 4: DURABILITY AND RESILIENCE

Another lesson learnt from the East-West experience is that despite many ups and downs in the former superpower relations, the negotiation process was not broken off. When certain non-conductive political developments took place, for instance, the Soviet invasion of Afghanistan (1979), the former USSR-inspired crackdown on the solidarity movement in Poland (1983) and the NATO decision to deploy intermediate range missiles in Europe (1984), détente did suffer but the CBM talks involving government and non-government groups kept the negotiations process going.

Although circumstances and contexts differ, it is nevertheless useful to gain from the experience of the precursor confidence generation measures employed and some attempts at conflict resolution in the Middle East, Latin America (Argentina-Brazil), the Pacific, Korean Peninsula, Central America, including South Asia.

The Middle East peace process has no doubt got stalled with the Israeli Likud party leadership following a rather stubborn stand but the stakes in normalisation and search for peace are very much there after signing the first Oslo Agreement (September 1993) and the second Oslo Agreement (October 1995) and with separate treaties signed with Egypt, Jordan and Palestinians. The fact that Lebanon and Syria have still not signed treaties with

Israel does not signify that the peace process will easily wither away. All parties in the Middle East have a stake in the future of the peace process and will continue to grope for peace if negotiations keep the parties engaged. (11) If there is any redeeming feature, it is the kindling of interest of some Western European powers (Britain and France) in the Middle East stalemate and contacts between the Israel Labour party and the PLO together with new contacts between the Palestinian Leadership and the Israel President Weizman. (12) Moreover, with a re-elected US President, there is also some hope of progress in the Middle East. Although the peace process has faced many "traumas" in the past year, according to the outgoing US secretary of state Warren Christopher, "it has demonstrated great resilience... Arabs and Israelis alike know what war means." (13)

LESSON 5: DURABILITY AND RESILIENCE

One of the lessons derived from the Middle East peace process is the role played by the Oslo meeting in early 1993 between the Israeli and Palestinian negotiators. These negotiators were in touch with their respective governments who preferred the parleys to take place in the back-channel instead of the full glare of publicity. The fear of failure was always there as both governments had strong and vocal anti-peace lobbies which were all out to sabotage any peace process - thus causing embarrassment for their leaders.

To a great extent, this also holds true in the case of India and Pakistan. The poisonous atmosphere of mutual bitterness and fear can only be dispelled by serious, quiet diplomacy. Once the government representatives have undertaken confidential negotiations away from speculative and prying press and media, there can be greater chances of success. Of course, the governments will have to cultivate public opinion by encouraging open debate for some time. Besides, these talks will have to be carried out under the close guardianship of their respective governments with genuine national interests close to heart.

Somehow, the Oslo talks are erroneously equated with the Camp David Accords (1978) and thus easily misunderstood. For one thing, there was no US role in the Oslo process as in the Camp David Accords. Secondly, the Oslo process came into effect once the Madrid peace process failed to produce results. Thirdly, unlike the Camp David talks, the Oslo negotiations did not directly involve officials from the PLO and Israel. The Camp David process was initiated by the then US president Jimmy Carter; Oslo by the Norwegian deputy foreign minister Jan Ege and, who in his doctoral dissertation tried to operationalise Norway's potential role as an intermediary in bilateral disputes. The delegates from Israel and Palestine were mostly academics who discussed the then political situation threadbare in a free and collegial environment. And, finally in the Oslo talks, then Israeli prime minister Yitzhak Rabin was not supportive of his foreign minister Shimon Peres but had to concede to him later.

CONCLUSIONS AND FINAL REMARKS

The generic lessons drawn above will have to be tailored to the specific context of South Asia. The hard reality is that India and Pakistan have not yet gone beyond certain conflict avoidance and some confidence building measures. Presently, a state of "uneasy peace" or "armed peace" exists in South Asia and the fresh winds of the post-Cold war world have not affected

the Subcontinent. Nuclear weapons along with the military build-up continues and the major unresolved problems such as Kashmir cast dark shadows over their mutual relations. In fact, conflict resolution has got short shrift from both parties to the conflict in South Asia.

It is a serious reflection on the collective wisdom of South Asians - heirs to past great civilisations - that they should continue to bicker and fritter away their energies and resources on war-mongering and senselessly arming themselves. Their people, nearly one fifth of humankind live in grinding poverty, stark illiteracy and disabling diseases. Indeed, South Asia is like a big "poverty bowl" whereas other regions of the world have raced past into different stages of progress and prosperity. No wonder, many outsiders sometimes view with disappointment and disdain, the "painful squabbling" of the two principal nations of the Subcontinent.

Logically peace should descend in South Asia as both India and Pakistan are now democracies and democracies per se are capable of handling their problems without recourse to war and by entering into a spirit of dialogue and negotiations. Unfortunately, both democracies have difficulties: Pakistan being a fragile and insecure democracy while India suffering from overarching ambitions of becoming a global power and its inability to live in harmony with its smaller neighbours. India has to inculcate some modesty and empathy for the security concerns of its smaller neighbours. Moreover, as a bigger country, the onus lies with India to take initiatives towards conflict resolution. At the same time, Pakistan must learn to reconcile itself to India's size, resources and population in South Asia - just as some Nordic countries such as Denmark, Holland and Belgium have learnt to reconcile with Germany's strength without compromising their national pride, independence and sovereignty.

Very recently, a historic treaty, albeit not very well known, was signed between Hungary and Rumania, thus ending a thousand years of historical paranoia and morbid enmity between

them. While it is too early to predict the end of historical hurts and hatreds, this treaty is very significant for central Europe as Franco-German reconciliation was for West Germany. (14) Perhaps it could also act as a trend setter for South Asia. India-Pakistan antagonism is not destined for eternity. History is witness that past rancours and enmities have melted away with enemies of the past turning into the best of friends. Times and circumstances create new perceptions for nations just like individuals. New situations create "a space in which hope can grow", says the Irish poet, Seamus Heaney (15). It is hardly known, says an acute observer of South Asia, that nearly 40 different attempts have been made to stimulate non-official dialogues between India and Pakistan in the recent years. According to him, while many of these initiatives have become dormant, some continue in the form of regular exchange of ideas. Maybe, this could initiate and finally catalyse the process of conflict resolution in South Asia.

Historical disputes are sometimes kept alive by invoking selective periods of history. And history is itself an argument without end. As Sen. George Mitchell once said: "If the focus remains on the past, the past will become the future and that is something that no one can desire".

In the ultimate analysis, the road to real and durable peace in South Asia lies through the capitals of India and Pakistan rather than anywhere else. Major powers could at best render help as mediators/facilitators, but the "heavy lifting" for peace will finally have to be done by India and Pakistan. For, it is the well-being and prosperity of their teeming millions that is at stake and hence there is no choice but to "gamble" for peace.

Endnotes

- 11 Richard N. Haass, "The Middle East: No More Treaties", *Foreign Affairs*, Vol. 75, No. 5 (September-October 1996), pp. 53-63.
- 12 Ahmed Rashid and Romesh Thakur recommend Oslo-type talks between the two countries: firstly,

people-to-peoples, then official to official and finally between heads of state. Consult "put India and Pakistan on the Oslo Track to Peace", *International Herald Tribune*, 11 August 1995, p. 6.

- 13 Moonis Ahmar, "Peace Process and Secret Diplomacy", *The News*, Islamabad, 29 August 1996, p. 7.
- 14 Donald M. Blinken @ Alfred H. Moses, "A Farewell to Tragic Past", *Dawn*, Karachi, 13 October 1996, p. 13.
- 15 As quoted in Gerry Adams (President of Sinn Féin, the political wing of the IRA), "Dialogue is the only way forward", *Dawn*, Karachi, 20 February 1996, p. 11.

A Lost People

Over 140 Tamil men, women and children drowned when the boat carrying them to Tamil Nadu capsized off the Sri Lankan shore close to Mannar. So far (February 25th) there has not been a single statement of condolence from any political leader - Sinhala or Tamil - or from any civic organisation. The State and regime are silent, as are the otherwise hyper-articulate men and women of Colombo's Tamil elite intelligentsia. The tragedy seems to have had no impact at all on Sinhala society while it is being cynically exploited for its propaganda value by the separatist Tigers, who probably induced the needless exodus in the first place. That then is the existential condition of many Tamil civilians in the North and East, caught between an insensitive Sri Lankan state and society on the one hand and an implacable, cruelly utilitarian LTTE, on the other.

JR AND THE TAMILS

D. L. O. Mendis

DLO Mendis

'At the time he came to power the passionate emotionalism of ethnic conflict had periodically broken through the parliamentary game. And little had been done to turn the subjective attention of the populace from self-regarding ethnic rivalry. But it was his tragedy to have been in power at a time when these hostilities reached their peak. JR suffered from the double misfortune of following seven years of rapidly deteriorating communal relations that flowed from the UF government's misguided policies and having to deal with Mrs Gandhi who was in power in India from 1980 onwards. To be sure any Indian Prime Minister would have had to respond in some way to the excitement in South India that resulted from violent ethnic conflict in Sri Lanka but only someone like her would have given RAW, India's version of the CIA, the free rein it used to give direct assistance to the Tamil separatist movement in Sri Lanka.'

It is really incredible to read that *"it was his tragedy to have been in power at a time when these hostilities reached their peak"*. The truth is that after the five-sixth's majority in parliament, given by a trusting electorate, was used to change the 1972 Republican Constitution and vest virtually total power in the new executive President as head of state, he alone must be held responsible for all that happened thereafter. We may say therefore that, *it was Sri Lanka's tragedy, not JR's*, that he was *"in power at the time the hostilities reached their peak"*. In other words no historian can absolve him of major if not sole responsibility for the escalation of hostilities and violence after he came to power.

However, Professor KM de Silva does not stop at that unfortunate, misleading and unfair comment. - He goes on to blame Mrs Bandaranaike for JR's "political inheritance" vis-a vis the Tamil ethnic problem.

'If his predecessor as head of government - Mrs Bandaranaike - had not been so shortsighted as to sow the whirlwind in the unthinking way she did

in the 1970s, the outcome may well have been different. Then, JR's political inheritance, so far as the Tamil minority was concerned, would not have been the poisoned chalice it turned out to be.'

This statement defies objective analysis. Is Mrs Bandaranaike now being held responsible for the total mess in Sinhala-Tamil relations that exists today? She had, according to Professor KM de Silva, *"sowed the whirlwind"* and left poor JR a terrible *"political inheritance"*. Isn't it rather that virtually total power was misused, and immense goodwill of the people squandered? Statements like these suggest a futile attempt to rewrite history, to do what god himself cannot do, to change the past.

Professor KM de Silva also evokes memories of the 1956 elections:

'He remembered what had happened to him in 1956 when the Sinhalese masses had turned against his party; and he could vividly recall what an unpleasant place Mrs Bandaranaike had made the political wilderness for him and his party.'

Mrs Bandaranaike was not in politics when JR was in *"the political wilderness"* after the 1956 general elections. SWRD Bandaranaike, who had won that election with the support of the *"Sinhalese masses"*, and introduced the *"Sinhala only"* bill, had made sincere attempts to appease the Tamils thereafter. Firstly, he qualified *"Sinhala only"* with *"Tamil also"* which was then described as *"bad logic but good sense"*. Next, he tried to negotiate the **Bandaranaike - Chelvanayakam pact**, but this was abrogated on account of organized opposition led by none other than JR himself, who was in fact in the *"political wilderness"* at that time, having been defeated in his own electorate, Kelaniya, by RG Senanayake who contested and won two seats at the 1956 elections, the other being Dambadeniya. Professor KM de Silva makes no reference at all to JR's disruption of the B-C pact, but tries

instead to show that Bandaranaike policies had antagonized the Tamils, and that JR had to make amends.

'When he took office in July 1977, he promptly set about overturning the principal legal grievances and discriminatory regulations inherited from the Bandaranaike period. Some of these were removed through administrative decisions almost as soon as he came to power - such as the UF government's controversial policies in university education - while other changes - especially on language policy - were effected through the new constitution introduced in 1978.'

Some ten years the assassination of SWRD Bandaranaike, the proposed **Dudley Senanayake - Chelvanayakam pact** was also abandoned on account of similar protests by Sinhala groups, who of course had the precedent of the successful protests, led by JR, against the earlier Bandaranaike - Chelvanayakam pact, to emulate. But, after his historic electoral victory at the free and fair general elections organized by Mrs Sirimavo Bandaranaike's government in July 1977, at least one political commentator, AC de Soysa, described with passionate eloquence, JR's actions in disrupting the B-C pact, as an action that saved the nation from being divided. This is not mentioned by Professor KM de Silva, but his passing comments on the two pacts that were both abrogated before they could be introduced in Parliament, make interesting reading:

'In the early 1980s a scheme of devolution of power to district level councils (25 in all) was introduced as part of a political settlement with the Sri Lankan Tamils, a major political achievement considering the failure of nerve on the part of Bandaranaike and Dudley Senanayake in the late 1960s, when they had confronted the same problem.'

So, we have to accept that it was a question of nerve that decided these issues and JR's role in causing the B-C pact to be scuttled in 1958, with all the grievous consequences resulting, is not mentioned. Instead credit goes to JR who used his draconian majority in parliament to introduce *"a scheme of devolution of power to district level councils"*.

'Yet these councils failed to give the restive Jaffna peninsula a durable

peace. As a result of the violence of July 1983 the political support, from the Tamils, for these councils evaporated rapidly and they were abandoned in less than two years of their establishment.'

The "violence of July 1983", is mentioned thus, almost in passing. However, this was an even more significant landmark in the breakdown of relations between the Sinhalese and Tamil peoples, during JR's regime, than the disruption of Jaffna Development Council elections in 1981. Several facts concerning this violence have therefore to be mentioned here. For example, the possibility of an outbreak of violence on July 21, had been anticipated by police intelligence in Colombo, but the message was not well received by higher authority. A request to cancel the burials scheduled to take place at the general cemetery, Kanatte, on July 21 morning, when the arrival of the remains from Jaffna was being delayed, and to disperse the funerals to the respective villages of the thirteen dead soldiers, was negated, presumably by JR as Supreme Commander of Sri Lanka forces. When the expected civil commotion and rioting started in Colombo after the funerals that night, and spread to the outstations, there was no declaration of a state of Emergency by government for four long days. During this time thousands of innocent Tamils were massacred by organized mobs armed with weapons, and voters lists, through which they were able to identify the residences of Tamil people in Colombo.

After four agonizing days, the first to appear on television was a former civil servant who had been convicted in the 1962 attempted *coup d'etat* against Mrs Bandaranaike's government, and acquitted only in appeal to the Privy Council. Himself a Sinhalese, he appealed to the Sinhalese people to "be calm", thereby implying that the "Sinhalese people" were responsible for the outrages, and not thugs and criminals. The President appeared on TV only on the fourth day, with a statement that he would not allow the country to be divided, and announced a 6th amendment to his 1978 constitution, whereby all members of parliament and public servants had to swear an oath of loyalty to the State. He did not utter one word of apology or regret to the aggrieved Tamil peoples.

One other event may be mentioned - the slaughter of Tamil political prisoners in Welikada jail on

two separate occasions. Government simply disclaimed responsibility, saying that it was the result of a prison riot. (Interestingly, when there was a jail-break by Tamil political prisoners from Batticaloa jail sometime later, the Minister in charge resigned and proceeded to take up an UN appointment in Paris which had obviously been negotiated over a long period of time, earlier. The jail - break came at the right moment to be used as an apparent cause for resignation on principle. It deceived nobody, because it was well-known that the Minister suffered from an almost incurable disease for which he was desperately anxious to seek treatment abroad - at state expense. The whole sordid episode did not cause special comment because there were far more dreadful things happening on a day to day basis under JR's self - styled *dharmista* regime)

In the immediate aftermath of July 1983 massacres, government issued a statement to its embassies abroad that the riots were due to a "spontaneous outburst by Sinhalese enraged by the killing of thirteen soldiers in an ambush in Jaffna". This was in keeping with earlier statements made by responsible cabinet Ministers as reported in the press that "if the violence in the north did not stop, there would be a backlash against Tamils in Sinhalese areas". This downright blasphemy of "a spontaneous uprising by the Sinhalese people" was actually stated in a Human Rights meeting in Geneva in August 1983. Though it was replaced almost immediately by another version, virtually irreparable damage had been done to Sri Lanka's human rights image in the UN, by this statement.

The new version of the cause of the violence was equally bizarre. The President announced that three marxist political parties were known to be responsible, and they were banned and driven underground. Of these, the JVP had been banned after their attempted insurrection in 1971 against Mrs Bandaranaike's government, and their leaders thrown in jail. JR had released these persons from jail in 1977, and had asked them to party leader had even contested the 1982 Presidential elections. He had polled unexpectedly high votes, and had filed an election petition against JR afterwards, alleging malpractices.

As if to justify the Referendum of 1982, JR had stated that if general

elections had been held, a "Naxalite takeover" would have resulted. In a similar manner the JVP was now being blamed for the violence against the Tamils, something which only the diehard loyalists of the UNP could believe. The JVP on the other hand believed that their leaders's election petition against JR after the 1982 Presidential election was responsible for their present situation. To those who knew modern history, however, it was simply a case of history repeating itself, the precedent being the *Krystalnacht* violence against the Jews in Hitler's Germany, exactly fifty years earlier in 1933, which had been blamed on the communists.

The Indian investigative journalist Dr Claude Alvares, visited Sri Lanka to research the background to the July 1983 incidents, immediately after the tragic events, and met and interviewed many a VIP. In a three page article in the Illustrated Weekly of India in August 1983, he quoted three theories he had heard about the cause of the violence. JR had said that the "reds" were responsible, while Cabinet Ministers Cyril Mathew and Anandatissa de Alwis had blamed the "Indians" and an "Unseen Hand" respectively. Now, Professor KM de Silva seems to have placed the responsibility on Mrs Bandaranaike for the worsening relations between the Sinhalese and Tamil peoples that eventually led to the violence of July 1983. This surely is credibility *reductio ad absurdum*.

Coming to the 1987 Peace Accord and the arrival of an Indian Peace Keeping Force in the country, Professor KM de Silva says :

'The controversial decision to bring in the IPKF owed a great deal to JR's political acumen and astute and innovative mind, but he knew as much as any of his critics that despite all the efforts of the IPKF, resolution of this problem was as elusive as it had been before they came in. When things began to go wrong for the IPKF and the objectives assigned in support of that venture were patently beyond practical accomplishment, many of Rajiv Gandhi's Indian critics argued that he had fallen into a trap laid for him by the wily Sri Lankan President. JR himself wished this had been so, but for once he had not contrived the discomfiture of an opponent through a complex scheme.'

This statement, quoted with emphasis as in the original, is quite as complex as the man it describes. In the first instance it seems to suggest that the IPKF came in on JR's invitation, but it then goes on to say exactly the opposite, and one is left wondering if JR had had his arm twisted. What is interesting is that JR himself had come out at different times with both versions. It is almost as if posterity is left to choose whichever version it may prefer. In a matter as serious as the ethnic conflict, which was aggravated and internationalized by the arrival of the IPKF, and later led to the assassination of one of the signatories to the pact, the Prime Minister of India himself, it really does strain credulity to its limits.

Professor KM de Silva has commented on the aftermath of the Accord:

'He strove to control events and occasionally, as in the violent aftermath of the Indo-Sri Lanka treaty of July 1987, was nearly overwhelmed by street demonstrations organized by the SLFP in association with the Janatha Vumukthi Peramuna. His courageous refusal to be intimidated by the violent public demonstrations organized by this combination of forces provides a stark contrast to Bandaranaike's repudiation of his pact with Chelvanayakam when the opposition to it was a mere trifle compared to that organized by the SLFP on this occasion.'

This is a classic example of the historian attempting to do what god cannot do - to change the past, and re-write history. Where is the evidence that the SLFP, in association with the JVP, organized street demonstrations against the Indo-Sri Lanka treaty? On the contrary, one may recall that unorganized and spontaneous resentment against the treaty erupted all over the country outside the north and east, because it was sprung on the nation without discussion even in parliament. The attempted assassination of Rajiv Gandhi by a naval rating, who clubbed him with his rifle during the ceremonial guard of honour accorded the Indian Prime Minister when he visited Colombo to sign the treaty, was a good example of futile expression of such resentment. Nevertheless, the rating became an instant popular hero to the south, and in other parts of the country not long after, when the IPKF, after the initial euphoria had worn off, came to be seen as an

army of occupation in the north and east.

Incidentally, JR's comment on this incident that *"a naval rating had collapsed due to heat-stroke"* was heard on news media around the world, accompanied by pictures of the incident. Of course Professor KM de Silva does not mention this, because it did little to enhance JR's credibility. However, once is tempted to speculate whether JR was trying to convince himself that what had happened was due to heatstroke affecting a rating, in order to shut his mind to the manifest unpopularity of the treaty.

Description of the opposition to the Bandaranaike-Chelvanayakam pact as *"a mere trifle compared to that organized by the SLFP and its allies on this occasion"* seems to have a dual purpose. One is to show that SWRD lacked courage, the other that the opposition to the B-C pact, organized by JR, was not something fearful compared to the opposition to the Indo-Sri Lanka treaty. Both points, meant to boost JR's image by comparison with that of Bandaranaike, will go down well with JR loyalists, but it does not add one whit to his stature as a statesman, given the contextual background. For, in 1959 he was a defeated parliamentarian organizing extra-parliamentary opposition to a proposal to resolve a burgeoning national problem. In 1987 he was the President with total power who had boasted that he could do anything except make a man a woman or a woman a man, who was using that power to ram down the throats of a protesting people, a treaty which he had signed without reference to Parliament.

Two final comments are necessary. First, it appears that an attempt has been made in Professor KM de Silva's historical biographical essay to present an interpretation of events and actions, from a particular standpoint. Given the author's role as JR's biographer, this is understandable. This critique of that essay, therefore seeks to interpret some of those facts, objectively and without malice, and present some alternative interpretations and historical Perspectives. However, it should be stated that an even more extensive body of facts may be drawn upon for a more comprehensive critique at a later time, if such a follow up to this article is considered necessary.

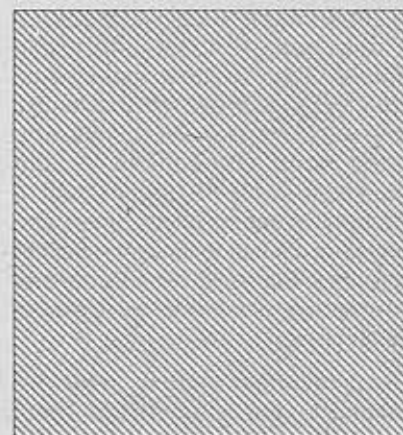
Second, and perhaps far more important, at a time when the executive

Presidency in Sri Lanka has still not been abolished as promised, and expected, it is a serious business to gloss over misdeeds of a previous incumbent, in fact the sole creator of this extraordinary office. It is very dangerous to be complacent when such an all powerful office exists as a **Head of State who is above the law of the land**, whose actions may be determined, without pre-defined checks and balances, solely on the arbitrary basis of his or her whims and fancies.

It may be argued that the scholarly endeavour of the distinguished historian Professor KM de Silva, to present events in a light favourable and kind to the subject of his work, is itself as good a reflection as any of the agonizing crisis that the whole country is caught up in, as a result of adopting the Presidential system and the constitution of 1982.

The people of Sri Lanka deserve better than perpetual conflict, based on rampant terror and antistate violence repounded to by state sanctioned violence, a term first used in a GC Mendis Memorial lecture in 1990 by John M Richardsn. The roots of all this violence are still very much with us in our society, and in the Presidential system itself. This harsh reality must be understood and accepted if a durable peace is ever to be achieved in Sri Lanka in the foreseeable future.

In conclusion, it may be useful in this context to look into the recent historical experience of authoritarian rule in other countries, for example in South Korea and Singapore, in Aisa; in the Central African Republic and Somalia, in Africa and in Chile and Haiti, in Latin America, to name just a few nations with widely different social and economic circumstances.



DEVOLUTION AND INDIAN-ORIGIN TAMILS¹

P.Muthulingam

(The author is Chairman, Institute of Social Development, Kandy as well as being the Secretary, Plantation NGO Forum; Treasurer, Hill Country Forum for Community Organisation and Joint Secretary, National NGO Action Front - an umbrella organisation grouping over a hundred NGOs).

The world's past experience shows that, in countries with a multi-ethnic society, a sharing of political power is imperative if ethnic harmony and the continuity of the nation are to be ensured. After four decades, with the loss of valuable lives and resources, Sri Lanka too has realised the necessity of sharing power. Both the previous and the present governments have taken measures aimed at solving the ethnic conflict in the country. The previous government brought amendments to the constitution, while the present government has submitted draft provisions of the constitution containing proposals relating to devolution of power. These draft provisions set out the power sharing arrangements between the centre and the periphery².

In the introduction to the draft proposals, the following speech of Her Excellency, the President is quoted³:

"Our government is committed to a peaceful resolution of the ethnic conflict. We have a vision of Sri Lanka where all communities can live in safety and security, where human dignity is valued and equality of treatment is an accepted norm of public life. We believe that all communities must be given the space to express their identity and to participate fully in the life of the nation, whether it be at the national, provincial or local level.

Furthermore, the introduction itemises several principles or rights⁴, stating that the proposed devolution will be carried out in accordance with these. These

rights include the following :

1. Promoting a vision of Sri Lanka where all communities can live in safety and security where their human dignity is valued and equality of treatments is an accepted norm of public life.
2. Ensuring that all persons may fully effectively exercise all their human rights and fundamental freedom without any distinction and in full equality before the law.
3. Giving recognition to Sinhala and Tamil as official languages and recognising English as a link language.
4. Providing an effective constitutional framework for the sharing of power with the regions, based on an internally consistent and coherent value system. There would be clarity and consistency in the distribution of power between the centre and the regions and the scheme would be one which is capable of effective implementation and includes structures for the just and equitable resolution of centre-region disputes.
5. Ensuring that all communities participate fully in the life of the nation, whether it be at the national, regional or local level, thereby encouraging the regions and the communities which inhabit them to become constructive partners in a stable and pluralistic democracy.

Considering the concepts detailed above, I would like to trace the problems presently facing the Hill-country Tamils of Sri Lanka.

The government's will to address the ethnic conflict is admirable, yet the fact remains that without ensuring the above rights, it will be unable to solve the ethnic conflict in Sri Lanka. Denial of

basic and political rights is the root cause of the resentment of any community. Empirical evidence shows that the denial of basic and civil rights to the Sri Lanka Tamils for the last five decades has been a primary cause of civil war in this country. After the immeasurable loss of human life and national resources, the Sri Lankan rulers have finally realised that the rights of the Sri Lankan Tamils need to be guaranteed and respected. Despite this, one cannot expect that this realisation alone will lead to a solution.

Considering this realisation of the rights of the minority Tamil population, I would like to point out another problem which has the potential to cause further ethnic unrest in Sri Lanka. The President's speech and the introduction to the draft provision emphasise Sri Lanka's multi-ethnic composition and the equal rights of different communities. Yet, when the different ethnic groups are identified, they are referred to as either Sinhalese, Tamils, Muslims or Burghers. *This categorisation fails to recognise the existence of a significant group of Indian-origin Tamils as an independent community. Due to the commonality of language that exists between Sri Lankan Tamils and Indian-origin Tamils, this community is simply subsumed within the framework of 'Sri Lankan Tamil'. In reality however, this community is a distinct group within Sri Lankan society and its problems are entirely different from those of the Sri Lankan Tamils. The Indian-origin Tamil community is significantly different in its lifestyle, its cultural practices and its standard of living from the rest of the population. The government's approach is to solve the problems facing the traditional Tamils with the presumption that this will also solve the problems of the Indian-origin Tamils. Not only is this approach wrong, but it is also likely to increase the isolation of this community and thereby exacerbate its problems.* Some of these problems are outlined below.

FRANCHISE AND CITIZENSHIP

Although the Indian-origin Tamils were brought to this country by the British colonialists, the present generation is an integral part of the Sri Lankan society, living as a distinct community from the rest of the Tamil community. From its inception, this community has been isolated from the wider society and its rights denied. While this community was given the opportunity to join the mainstream development process in the 1930's when they were granted franchise, this right was withdrawn after independence. The first national government of Sri Lanka introduced a Citizenship Act that effectively isolated the community from the mainstream political, economic and social life of Sri Lankan society. This marginalisation effectively confined the community to the plantation industry and prevented it from achieving any social mobility until the latter part of the 1980's.

Examining the problems of the plantation community within this context, it is possible to identify a number of areas where its basic rights have either been denied or given a secondary status. The draft provision states:

that all persons may fully and effectively exercise all their human rights and fundamental freedom without any distinction and in full equality before the law

Yet, Tamils of Indian-origin were granted citizenship under various acts - including *India-Pakistani Citizenship Act-1949*, *Sirima Shastri Implementation Act-1967*, and the *Stateless Persons Special Provisions Act of 1988*. With the exception of those who received citizenship under the India-Pakistani Act, the people who received citizenship under these acts are treated **registered citizens**. In addition to this anomaly, there are also the sons and daughters of the 94,000 who applied for Indian citizenship under the Sirima Shastri Act but did not leave for India and continue to live here as stateless persons. The persons who originally applied for citizenship are mainly dead and gone.

When the right of citizenship was granted to a section of the community through the *Sirima Shastri*

Implementation Act of 1967 it allowed for the appointment of a member of their community to the Parliament in 1977. In 1988, when a further proportion of the community achieved citizenship through the **Grant of Citizenship to Stateless Persons (Special Provisions) Act**, additional representatives were nominated to the Pradesheeya Sabhas, Provincial Councils and to the Parliament. *These events have been accompanied by a significant level of migration from the plantations toward the metropolitan centres.* A combination of these factors has produced some upward mobility in the community over the last two decades. This upward mobility has stimulated the community to give greater thought to the many problems they currently face, including questions concerning their identity, as well as their civil, political, cultural and economic rights.

While a majority of the Indian-origin Tamil community has had access to nominate their representatives for the Pradesheeya Sabha, Provincial Council and the Parliament since 1988, a number of obstacles continue to prevent the

pursuance of social change through these channels. The primary problems is that the representatives, elected by the plantation community, do not have the right to develop their community with the money allocated to them through their respective assemblies. In addition, these councils do not have the right to implement major projects in the plantations because the estates are not brought within their purview. As a result, the plantation representatives have only been able to implement minor projects within the last few years. This situation is contradictory to the original purpose of the Pradesheeya Sabhas and Provincial councils, which were formed to decentralise power and provide access to marginalised communities to take part in decision making. The exclusion of the estates from the purview of the councils has prevented the Indian-origin community from exercising these rights.

Indian-origin Tamils have emerged as a powerful national minority since the grant of citizenship. Despite this, the community is denied most of the basic rights and there are no provisions in the draft proposal to address their problems.

Contd on page 22

Table 01

	Population Ratio	State Services	Provincial Services	Semi-Govt. Services.
Sinhalese	73.9	91.2	87.7	88.1
S.L.Tamils	12.7	5.9	7.1	8.2
Indian Tamils	5.5	0.1	0.2	0.5
Moors	7.0	2.0	4.6	2.2
Other	0.9	0.8	0.4	1.0

Table 02

Infant Mortality and Crude Death rate: JEDB, SLSPC and Sri Lanka, 1982-1989						
Infant Mortality Rate				Crude Death Rate		
YEAR	JEDB	SLSPC	Sri Lanka	JEDB	SLSPC	Sri Lanka
1982	73.1	73.2	30	8.3	7.7	6.1
1983	63.8	58.3	28	8.4	7.4	6.2
1984	58.8	50.1	27	8.4	7.1	6.5
1985	53.7	45.1	24	8.2	7.7	6.2
1986	52.6	48.7	22	7.2	7.5	6.0
1987	57.8	46.4	24	7.7	7.7	5.9
1988	42.2	33.6	19	7.5	6.8	5.8
1989	49.3	33.8	17	N/A.	N/A.	6.2

PEACE PROPOSALS IN SRI LANKA

a comparative assessment of the 1995 Basic Ideas and 1996 Draft Provisions

S. Sathananthan

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A. INTRODUCTION

The Indian External Affairs Minister, Mr Inder Kumar Gujral, described the January 1996 Draft Provisions of the Constitution Containing the Proposals of the Government of Sri Lanka Relating to Devolution of Power as 'a reasonable

basis for negotiations towards a political solution' for the Tamils Question in Sri Lanka. It is indeed an impressive endorsement of President Chandrika Bandaranaike Kumaratunga's political approach. His statement also implicitly justifies the military campaign conducted by President Kumaratunga's Peoples Alliance (PA) Government in the North-East Province (NEP) of the country to crush Tamil militancy, spearheaded by the Liberation Tigers of Tamil Eelam (LTTE). Moreover he made this considered statement in Colombo in January 1997, almost one year after the Draft Provisions were published by the Government.

What is the reason for such optimism regarding the Draft Provisions? Because even the so-called 'moderate' Tamil politicians within the Tamil United Liberation Front (TULF) in Colombo, who had been most enthusiastic in divining positive attributes in the August 1995 President Kumaratunga's Devolution Proposals, otherwise known as the Basic Ideas, have found it extremely difficult to accommodate the 1996 Draft Provisions. Or is Mr Gujral indicating that Tamils in Sri Lanka have little choice but to reach a compromise political solution within the narrow political limits imposed by the prejudices and fears of Sinhalese chauvinism? Or is this the continuation of New Delhi's myopic stress on the need to ensure that no political solution in Sri Lanka goes beyond the parameters of the federal model in India?

To be fair by Mr Gujral, he did NOT state that the Draft Provisions could form the basis of a political solution. What he did claim is that they are a basis "for negotiations". Nevertheless he appears to be unaware of the implications of the April 1996 Amendments Proposed by Five

Tamil Parties to the Draft Provisions. The Amendments were proposed by the Eelam Peoples Democratic Party (EPDP), Democratic Peoples Liberation Front (DPLF), Eelam Peoples Revolutionary Liberation Front (EPRLF), Tamil Eelam Liberation Organization (TELO) and Eelam Revolutionary Organization of Students (EROS); and they point to serious shortcomings in the Draft Provisions.

The present essay examines the veracity of Mr Gujral's assertion through a comparative assessment of the above three documents: The 1995 Basic Ideas, the 1996 Draft Provisions, and the 1996 Amendments. They have been analysed below with respect to nineteen subjects which have figured repeatedly in exchanges between Tamil politicians and Government of Sri Lanka (GSL) over the past four decades.

B. A COMPARATIVE ASSESSMENT OF 'PEACE' PROPOSALS

1. NATURE OF DECENTRALIZATION

1.1. The 1995 Basic Ideas declared that (a) the country shall be a 'Union of Regions'; and (b) Article 76 of the Constitution will be 'deleted' (para IX).

Comments:

(i) The term 'Union of Regions' is an adaptation of the term 'Union of States' applied in the 1985 TULF Proposals Presented to Mr Rajiv Gandhi, Prime Minister of India.

(ii) The term 'Region' was first used 39 years ago, in the 1957 Bandaranaike-Chelvanayagam (BC) Pact.

(iii) The application of the term 'Union of Regions' in (a) implied that there would be a higher level of autonomy for the Regions than was allowed to the

Provincial Councils (PCs) under the 1987 13th Amendment to the Constitution.

(iv) **Article 2** of the Constitution provided that 'the Republic of Sri Lanka is a Unitary State'. Prior public pronouncement was made that the Basic Ideas would delete Article 2 to permit **political devolution**: the parcellization of sovereignty which transfers sovereign legislative powers to the devolved unit(s) to create a federal State structure. The Basic Ideas did not propose that deletion which means that they did not envisage political devolution and retained the unitary State structure.

(v) **Article 76** of the Constitution provided that the 'Parliament shall not abdicate or in any manner alienate its legislative power and shall not set up any authority with legislative power'. Article 76 is the main constitutional obstacle to **political decentralization**: the delegation of limited and subordinate authority to make laws within the limits of a unitary State. The provision in (b) held out the prospect of removing this obstacle.

(vi) For the first time after the Constitution was framed in 1978, attention was drawn to the constraints imposed by Articles 2 and 76 upon the scope for conflict management.

1.2. The January 1996 Draft Provisions

(a) amended the country's name to read 'Republic of Sri Lanka';
(b) described the republic as an 'indissoluble Union of Regions';
(c) proposed a reform of the Executive Presidency (Art 1.3(b)); and
(d) explained that the 'Parliament...will legislate on all matters of national importance', and the 'Regional Council...will legislate on socio-cultural matters and development issues at a regional/local level' (p. 29).

Comments:

(i) The words 'Democratic' and 'Socialist' in (a) were deleted from the name of the country.
(ii) The term 'indissoluble' in (b) made unconstitutional any attempt to secede from the 'Union'.
(iii) In respect of (c), President Kumaratunga had declared 15 July 1995 as the dead-line for abolishing the Executive Presidency to reduce the centralization of power and promote devolution.
(iv) The provision in (d) indicated that the powers of Regional Councils (RCs)

would be limited essentially to those of the 1981 District Development Councils (DDCs).

(v) The Region was not granted the measure of sovereignty implied in the term 'Union', as understood in India.

(vi) The Provisions neither referred to Article 2 nor proposed the deletion of Article 76. In effect they retracted the proposal to delete Article 76 (refer 1.1(b)). So they diluted the Basic Ideas and simultaneously eliminated the scope political decentralization.

(vii) The Provisions envisaged **administrative decentralization**: the allocation of functions and the delegation of responsibility for framing attendant rules and regulations.

1.3. The April 1996 Amendments

(a) proposed changes to Article 1 of the Draft Provisions:

- 'Sri Lanka is a united and sovereign Republic and shall be known as the Republic of Sri Lanka'; and
- 'the Republic of Sri Lanka shall be secular and a union of Regions'

Comments:

(i) The Amendments in (a) deleted the term 'indissoluble' and introduced the term 'secular'.
(ii) They made no demand for the repeal of Articles 2 and 76 (refer 1.1(iv),(v) above). Therefore the five Tamil parties conceded administrative decentralization.

2. UNIT OF DECENTRALIZATION

2.1. The Centre

2.1.1. The 1995 Basic Ideas proposed that

(a) the cities of Colombo and Sri Jayawardenapura-Kotte be demarcated as the 'Capital Territory'; and
(b) the Capital territory be 'administered directly by the Centre' (para 1(1.5)).

Comments:

(i) The word 'Federal' was avoided and instead the word 'Capital' was used in (a).
(ii) The term 'Capital Territory' was used instead of the term 'Union Territory' although the country was described as a 'Union of Regions'.
(iii) This semantic jugglery was employed to avoid any connotation of a federal alternative intrinsic to the term 'Union Territory', flowing out of the Indian experience.

(iv) No provision was made for structural changes in the Central Government which are implied in the change to a 'Union' and would allow power-sharing in the Centre between ethnic groups.

2.1.2. The January 1996 Draft Provisions

(a) provided for the demarcation of a 'Capital Territory' (Art 2).

Comment:

Refer 2.1.1 (i), (ii), (iii) and (iv) above

2.1.3. The April 1996 Amendments did not address the subject.

2.2. The Region

2.2.1. The 1995 Basic Ideas

(a) envisaged the formation of 'Regional Councils...for every province'; and
(b) proposed the re-demarcation of the NEP (para 1.1).

Comments:

(i) No provision was made for RCs for the Muslims and Up-Country Tamils.
(ii) A regional institution for Muslims was first suggested in the 1957 BC Pact (Part B, para 2).
(iii) A regional institution for Up-Country Tamils was first suggested in the 1985 TULF Proposals Presented to Mr Rajiv Gandhi, Prime Minister of India (Part IV).
(iv) The unit of decentralization for Sri Lankan Tamils was not specified.

2.2.2. The January 1996 Draft Provisions

(a) provided for a RC in every Region (Art 8(1));
(b) qualified that the number of Regions and the territory of each Region will be decided by the Parliamentary Select Committee (PSC) (First Schedule); and
(c) envisaged the re-demarcation of the border of NEP (p. 31).

Comment:

Refer 2.2.1 (i), (ii), (iii) and (iv)

2.2.3. The April 1996 Amendments

(a) proposed changes to Article 2 of the Draft Provisions:

- 'the present North-East Province shall be one of the Regions of the Republic',
- Article 2(2) to be 'completely deleted' and
- 'there shall be no change with regard to the territory of the Union without the concurrence of the Legislature of the Region' (refer 19.23 below);

(b) proposed changes to Article 21:
- the term 'Constitutional Council' should be substituted with 'Regional Constitutional Council';

(c) proposed changes in Article 29:
- to amend Article 29(5) and (6) to substitute the term 'Regional Council' with the term 'Regional Governments'; and
(d) recommended that the term 'Regional Administration' be replaced by 'Regional Government'.

Comment:

(i) The Amendments in (a) underlined the inviolability of the border of NEP.

3. LEGISLATIVE POWERS

3.1. The 1995 Basic Ideas provided that
(a) legislative power within each Region will be vested in the respective RC;

(b) Article 76 of the Constitution will be deleted (para 1.2,9.2);

(c) a Permanent Commission on Devolution will be set up to deal with Centre-Region and inter-regional disputes; and
(d) the RCs 'will exercise exclusive legislative...competence' (para VIII,X).

Comments:

(i) The Basic Ideas were silent regarding conflicts between legislation enacted by the Centre and the Region.

(ii) Article 2 was retained. So despite the proposed abolition of Article 76 (refer 1.1(vi),(v) above), and the creation of the Permanent Commission, the RCs were authorised to enact only subordinate legislation.

(iii) The composition of the Permanent Commission was not specified in the Basic Ideas.

(iv) The hazy term 'competence' was used in (d) instead of the definitive term 'power'. It was not defined anywhere; but its inclusion anticipated the retention of Article 76.

3.2. The January 1996 Draft Provisions provided that

(a) the Parliament has 'exclusive jurisdiction to make laws' for the whole country in respect of subjects in the Reserved List and for the Capital Territory in respect of subjects in the Regional List;

(b) each RC has 'exclusive jurisdiction to make statutes' for its respective Region in respect of subjects in the Regional List;

(c) a 'Chief Ministers' Conference' be established consisting of the Chief Ministers (CMs) of all the Regions to
- 'ensure full compliance with the provisions of this Chapter'.

- 'inquire into and to settle any dispute which may have arisen between regions', and

- 'to investigate and discuss subjects in which some or all of the Regions have a common interest, and to make recommendations for the better coordination of policy and action in respect of that subject' (Art 15,29).

Comments:

(i) The term 'exclusive jurisdiction' is deceptive since where conflicts arose Central Government laws will prevail over statutes of an RC in accordance with Articles 2 and 76 of the Constitution (refer 1.1(iv),(v) above). This is underlined by empowering Central Government to enact 'laws' while permitting RCs to make 'statutes'.

(ii) The Central Government could enact laws on the subjects on the Regional List under the guise, for instance, of 'National Planning', which is included in the Reserved List.

(iii) The Permanent Commission envisaged in the Basic Ideas was replaced by the lesser CMs' Conference which amounts to a dilution of the Basic Ideas.

3.3. The April 1996 Amendments proposed

(a) changes in Article 19 (refer 5.2 below):

- to substitute the term 'Statute' with the term 'Act'.

Comment:

(i) Without first recommending the repeal of Article 76, the Amendments sought ineffectively to establish parity between the legislation enacted by the Central Government and RCs.

4. EXECUTIVE POWERS

4.1. The 1995 Basic Ideas

(a) required that the Governor be appointed by the President with the 'concurrence' of the CM of the respective Region;

(b) provided that 'the Governor will call upon the person who commands the confidence of the majority in the Regional Council to form the Regional Administration';

(c) provided that the Constitutional Council will appoint a Regional Public Service Commission in 'consultation' with the relevant CM (para 1.3,1.4,7.1);

(d) vested central executive power in the President who will act on the 'advice' of the Prime Minister and the Cabinet of Ministers; and

(e) vested regional executive power in the Governors who will act on the 'advice' of the respective CM and regional Boards of Ministers 'to the extent hereinafter provided' (para 9.1(d)).

Comments:

(i) The 1991 Ceylon Workers Congress (CWC) proposal for Peace and Political Stability in Sri Lanka - otherwise known as Thondaman Proposals - had also required the concurrence of the CM in the appointment of the Governor.

(ii) No provision was made for the Governor to be elected by the people of each Region.

(iii) The provision in (b) is a throw-back to the 1985 Draft Framework of Terms of Accord and Understanding. In contrast the 1987 13th Amendment to the Constitution was more progressive for it provided that the leader of the political party which has a majority in the PC should be appointed as CM.

(iv) In (c) the concurrence of the CM was not required for the appointment of the Commission.

(v) In (e) it was not specified that the advice of the CM is binding on the Governor.

(vi) The 1985 TULF Proposals Presented to Mr Rajiv Gandhi, Prime Minister of India had vested executive powers in the CM and Council of Ministers.

4.2. The January 1996 Draft Provisions provided that

(a) 'the Governor shall be appointed by the President on the advice of the Chief Minister of the Region' (Art 10);

(b) 'the executive power of the Region...shall be vested in the Governor acting on the advice of the Chief Minister and the Board of Ministers and shall be exercised by the Board of Ministers either directly or through the Chief Minister and the Ministers of the Board of Ministers or through subordinate officers' (Art 11);

(c) there shall be a Board of Ministers headed by a CM with 'not more than six other Ministers' to 'aid an advice the Governor' in each Region and the 'Governor shall, in the exercise of his functions, act in accordance with such advice' except where he is required to act 'in his discretion' under the Constitution (Art 14(1));

(d) 'the question whether any and, if so, what advice was tendered by a Minister to the Governor shall not be inquired into in any Court' (Art 14(2));

(e) the Governor shall appoint as CM a

member of the RC who 'in his own judgement and opinion, is best able to command the support of a majority of the members of the Council'. However the Governor is required to appoint as CM the leader of the political party the members of which constituted 'more than one half of the members elected to the Regional Council';

(f) the Governor shall appoint the other Ministers on the 'advice' of the CM (Art 14(3),(4));

(g) the Constitutional Council shall appoint a Regional Public Service Commission consisting of not less than five members 'in consultation with the Governor';

(h) 'the Regional Public Service Commission shall provide for and determine all matters relating to the officers of the Regional Public Service' (Art 21(1),22);

(i) 'the Governor may dissolve the Regional Council', and Governor is required to act on the 'advice' of the CM only 'as long as the Board of Ministers commands, in the opinion of the Governor, the support of the majority of the Regional Council' (Art 10(8));

(j) 'if the President is satisfied that...the Regional administration is promoting armed rebellion or insurrection or engaging in an intentional violation of the Constitution which constitutes a clear and present danger to the unity and sovereignty of the Republic', the President may by Proclamation assume all functions and powers of the regional administration and of the Governor; and

(k) On the same grounds as in (j), the President may by Proclamation 'dissolve' such RC (Art 26(4)).

Comments:

(i) The concurrence of the CM was not required in (a).

(ii) Executive power was not vested in the CM or the Board of Ministers.

(iii) The provision in (d) **denied judicial review** to determine whether the Governor has acted in accordance with the advice of the RC Ministers.

(iv) The provision in (e) is an improvement on the corresponding one in the Basic Ideas.

(v) In (f) and (g), it was not specified whether each Region will have its separate Public Service Commission and Regional Public Service.

(vi) In (i), the Governor enjoyed wide discretionary powers to dissolve the RC which are **not justiciable**.

(vii) The President need only be 'satisfied' to assume the powers of the RC in

(j) or to dissolve the RC in (k). This extremely wide discretionary power is **not justiciable**.

(viii) The provision in (d), (i), (j) and (k) amount to a considerable dilution of the fundamentals of the Basic Idea.

4.3. The April 1996 Amendments proposed

(a) changes in Article 14:

- to amend Article 14(1) to set up a Board of Ministers with a CM and 'not less than six other Ministers, provided the number of Ministers shall not exceed one sixth of the total membership' of the RC,

- to delete Article 14(2),

- to include in Article 14(3) that 'in the event of two or more political parties informing the Governor in writing on or before the final day for the receipt of nominations for the elections to the Regional Councils that these parties be considered as one political entity...then the term "one political party"...shall also mean and include that entity' and

- to include as Article 14(8) that 'the Chief Minister cannot be removed from office as long as he enjoys the confidence of the Regional Council'; and

(b) changes in Article 26:

- to delete the words 'or grave internal disturbances' in sub-article (1).

Comment:

(i) The Amendments conceded the discretionary powers of the Governor and President in 4.2 (j) and (k).

5. JUDICIAL POWERS

5.1. The 1995 Basic Ideas envisaged

(a) the setting up of 'a High Court in every Region';

(b) the appointment by the Constitutional Council of a Regional Judicial Service Commission 'in consultation with the Chief Minister of the Region'; and

(c) the appointment by the Governor of 'a Regional Attorney General who will advise the Governor on the constitutionality of laws passed by the Regional Council' (para VI).

Comments:

(i) The provision for a High Court had first been included in the 1983 Annexure C, formulated in New Delhi.

(ii) In (b), the Constitutional Council was required only to consult the CM.

(iii) The proposed Regional Judicial Service Commission was an improvement on the 1987 13th Amendment to the Constitution. The 1991 Thondaman Proposals was the only previous instance

when a similar provision had been made.

(iv) The provision in (c) was similar to that in the 1991 Thondaman Proposals which had provided for the appointment of an 'Advocate General of the Province'.

(v) The Regional Attorney General will in practice function as the Centre's regional policeman, thereby contradicting again the extensive devolution implied in the concept of a 'Union'.

5.2. The January 1996 Draft Provisions provided that

(a) a High Court will be established for each Region;

(b) appeals against the decisions of the High Court may be made to the Court of Appeal (Art 17(1),(4));

(c) 'there shall be a Regional Judicial Service Commission for every Region which shall consist of three retired judges or sitting judges of the Supreme Court, the Court of Appeal or the High Court, appointed by the Constitutional Council in consultation with the Chief Minister of the relevant region' (Art 18(1));

(d) the Governor could appoint a Regional Attorney General to each Region (Art 19(1));

(e) the Regional Attorney General shall 'examine every draft statute proposed to be passed by the Regional Councils for any contravention of the Constitution' (Art 19(4)(a); and

(f) where such draft 'is passed, despite the opinion of the Regional Attorney General that it contravenes the Constitution', he shall 'invoke the jurisdiction of the Supreme Court to determine the constitutionality of such statute' (Art 19(4)(c)).

Comments:

(i) In practice the Regional Judicial Service Commission in (c) would function as an institution of the Central Government because its members will be nominated by the Centre merely in 'consultation' with the CM.

(ii) In (d), the CM would not even be consulted in the appointment of the Regional Attorney General, who therefore will essentially be the regional policeman of the Centre in each Region.

5.3. The April 1996 Amendments proposed

(a) changes in Article 17:

- to amend Article 17(1) to establish 'an appeal court for every Region';

(b) changes in Article 18:

- to amend Article 18(1) to establish 'a Regional Judicial Service Commission for

every Region which shall consist of three retired judges or sitting judges of the Supreme Court, Court of Appeal, Regional Appeal Court or the High Court of the Region appointed by the Regional Constitutional Council of the Region' and - to substitute the words 'Appeal Court' for the words 'High Court' in Article 18(3); and
(c) changes in Article 19:

- to require in Article 19(1) that 'the Governor...shall appoint a person on the advice of the Chief Minister who is qualified to be appointed as a Judge of a Regional Appeal Court to be Regional Attorney-General' and
- to delete Article 19(4)(c).

Comment:

(i) The Amendments sought in (b) to strengthen the regional judiciary and limit the Governor's discretionary powers in 5.2(d).

6. OFFICIAL LANGUAGE

6.1. The 1995 Basic Ideas envisaged (a) 'giving recognition to Sinhala and Tamil as official languages and recognising English as a link language' (Preamble).

Comments:

(i) The provision in (a) repeated Article 18 of the 1978 Constitution:

'(1) The official language of Sri Lanka shall be Sinhala.

(2) Tamil shall also be an official language.

(3) English shall be the link language.' Article 18 did NOT state whether Tamil shall be an official language of the whole country, of a region within the country or for a purpose(s).

(ii) It again avoided specifying that Tamil, like Sinhala, will be an official language of the whole of Sri Lanka.

(iii) It reiterated the subordinate status conferred on Tamil in the 1956 Tamil Language (Special Provisions) Act, patronisingly referred to by Sinhalese politicians as the 'reasonable use' of Tamil law.

6.2. The January 1996 Draft Provisions intended

(a) 'giving recognition to Sinhala and Tamil as official languages and recognising English as a link language' (Introduction).

Comment:

Refer 6.1 (i), (ii) and (iii) above.

6.3. The April 1996 Amendments did not address the subject.

Comment:

(i) In effect the Amendments conceded Sinhala as the sole official language of the whole of Sri Lanka and accepted the subordinate status conferred on Tamil in the 1956 Tamil Language (Special Provisions) Act.

7. LAND

7.1. The 1995 Basic Ideas provided that

(a) 'Land will be a devolved subject';

(b) 'State land within the Region will be vested in the Regional Council';

(c) 'State land within a Region required for the purposes of the Centre in respect of a reserved subject may be utilised by the Centre in consultation with the relevant Regional Council';

(d) 'priority in future land settlement schemes will be given to persons first of the district and then of the Region' (para IV); and

(e) the subjects of 'minerals and mines (regulation and development of oil fields and mineral resources, petroleum and petroleum products) were reserved for the Centre (Reserved List(19)).

Comments:

(i) The provisions in (a) and (b) were an improvement on those in the 1987 13th Amendment to the Constitution which vested State land in the Central Government.

(ii) The term 'State land' was nowhere defined in the Basic Ideas. It is unclear whether or not State land included land vested in State agencies, such as the Mahaweli Development Authority.

(iii) The Basic Ideas were silent on the subject of Land Policy. In contrast the 1983 Annexure C had allocated Land Policy to RCs.

(iv) The provision in (c) did not require the concurrence of the RC.

(v) Existing land settlement schemes and extensions of them were excluded in (d).

(vi) There was no provision in (d) to maintain the inter-ethnic demographic balance either in the NEP or the central Up-Country.

(vii) The provisions in (e) brought unspecified land containing the sub-soil resources within the control of the Centre.

7.2. The January 1996 Draft Provisions specified that

(a) 'State land within a region shall vest in the Region';

(b) 'the regional administration shall be entitled to exercise rights in or over such

land, including land tenure, transfer or alienation of land, land use, land settlement and land improvement';

(c) 'priority in future land settlement schemes shall be accorded first to persons of the district and then to persons of the Region' (Art 24(1),(2));

(d) the Central Government may utilise land vested in the RC 'after consultation with the relevant Regional administration';

(e) 'inter-regional irrigation projects...shall be the responsibility of the Centre' (Art 24(3),(4));

(f) the coastline will remain the property of the Central Government (p.32); and
(g) 'National Planning' will be a Central Government subject (List I, no. 5) and 'Planning and Plan Implementation at the regional level' is a RC subject (List II, no. 44).

Comments:

(i) The term 'State land' in (a) was not defined anywhere.

(ii) State land now excluded land under inter-regional irrigation schemes in (e).

(iii) Existing land settlement schemes and extensions of them were excluded in (c).

(iv) There was no provision in (c) to maintain the inter-ethnic demographic balance either in the NEP or in the central Up-Country.

(v) In (d) the Centre was not required to obtain the concurrence of the RC.

(vi) The Provisions were silent on the subject of Land Policy. In contrast the 1983 Annexure C had allocated Land Policy to RCs.

(vii) The provision in (g) implied that national policy on all subjects will be the responsibility of the Centre.

7.3. The April 1996 Amendments proposed

(a) changes in Article 24:

- to amend Article 24(3) to require the Centre to obtain 'the consent of the relevant Regional administration' prior to utilising land vested in a RC and
- to delete Article 24(4).

Comment:

(i) In (a) the Amendments suggested a restraint on the powers of the Centre.

- TO BE CONTINUED -

SHOULD JANASAVIYA BE REACTIVATED ?

3. SELF RELIANCE

The socio-economic and socio-psychological improvements in the JSP families were intended to enable the poorest of the poor to join the development process of the country. As we explained earlier, one of Premadasa's main objectives was the creation of a powerful and viable 'peoples sector' in the economy and he regarded the JSP as a crucial instrument in achieving this goal. The JSP families were expected to set up new/up grade existing income generating projects, with the help of bank loans and compulsory savings. The transformation of the poorest of the poor in to small producers/sellers was not only expected to eradicate poverty; it was also supposed to result in radical structural changes in the economy and society. And it was expected to transform justice and equality from mere platitudes to living/achievable reality.

According to the survey *only 13.4% of the families* (i.e. only a very small minority) *succeeded in setting up new income generating ventures*. The rate of failure of these income generating ventures was a relatively high 30%. In other words, only about 9% - 9.4% of the families managed to set up more or less successful income generating ventures. This was undoubtedly the weakest link of the JSP.

What were the factors which caused this failure ?

Our questionnaire included a question on the reasons for the inability to set up an income generating venture. More than 50% of those questioned did not respond. Of those who responded, the largest segment of 25.9% said they didn't start an income generating venture due to *lack of finances*. Some have applied for bank loans and have

been refused (only 20.5% of the families said that they were successful in obtaining a bank loan. The amounts of the loans ranged from Rs.5000 = to Rs.50,000/-). Some were unable to withdraw their compulsory savings from the bank. Others were waiting for the Rs.25,000/- lump sum at the end of the 2-year period.

13.7% said they did not start an income generating venture because they already had one operating or were employed in some capacity. 12.5% of the JSP did not start an income generating venture because they spent available funds on building/upgrading (including obtaining electricity, improving existing sanitary facilities, etc.) their houses. Since according to occupational patterns of the JSP families, in the majority of cases (92.1%) the head of the household has some occupation, it is reasonable to assume that starting a new income generating venture was not regarded as a necessity/a priority by a significant percentage of the families. They would have considered building/upgrading a house to be more necessary towards improving their standard of living. Therefore, this combination of factors goes some way in explaining the extraordinary low figure of those who started a new income generating venture.

8.8% of the families said they were unable to start a new income generating venture due to *lack of adequate knowledge or expertise*. This is linked to another weak point of the JSP which we commented on earlier - that only a minority of 23.9% felt that their educational levels improved because of the JSP. **The inability of the JSP to address this all important issue adequately in practice was one of the programme's main failures.**

8.8% of the JSP families declared the lack of other facilities (specially land) as the reason for their inability to set up an income generating venture. This was particularly so in agricultural areas. The other reasons for being unable to start an income generating ventures were :

- * Absence of a person capable of taking the initiative (particularly applicable to women headed households) - 1.6%
- * Loan phobia (some people were scared to take a loan from a bank even when the opportunity presented itself, partly because they feared indebtedness and partly because of the attitude towards banks as alien and unfriendly institutions) - 0.6%
- * Personal/psychological factors - lacking the courage and self confidence to embark on something new and perhaps risky - 0.6%
- * Available funds spent on the education of children - 0.5%

The above factors highlight two of the most important weak points in the JSP :

* *Inability to provide adequate financial assistance.*

The JSP, as it was originally conceived and publicised, was expected to address this problem through the investment component of Rs.25,000/- per family. As Premadasa himself explained : "Of the amount of Rs.2,500/- given to each family, one part is for consumption and the other for saving. The part of the allowance to be saved should be deposited in a bank. By the end of the

24 months, the saving will amount to Rs.25,000/-. This saving could be utilised for some enterprise by the family. During the 24 months, the Unit should find out the various talents and abilities of the family and direct them to some suitable form of trade, or small industry or cultivation in order to ensure an independent existence to them." (Speech made at the High Level Officers' Conference on "Policy Guidelines on Poverty Alleviation" - 13.2.89).

The JSP was conceived as a poverty alleviation programme which was consumer oriented and production oriented simultaneously. One of its most important aims was to ensure that the poor become economically self reliant, mainly through the setting up of income generation ventures. The investment component was expected to provide financial assistance necessary for such ventures. The investment component of Rs.25,000/- was therefore of crucial importance. Originally the 2-year period of JSP grants was seen as a 'time of preparation' - the families were supposed to build up their strength economically, physically, socially and psychologically to start some new income generating venture at the end of the 2-year period, using the investment component of Rs.25,000/-. In that sense, the Rs.25,000/- was the linch pin. When prevailing circumstances made the granting of the lump sum impossible, instead of striving to understand its implications for the success of the JSP, the policy makers simply ceased talking about it. Therefore, no attempt was made to address the negative consequences of not granting the investment component. And no effort was made to take the people into confidence and explain the situation to them. As a result the majority of the JSP recipients continued to believe that they will be given the Rs.25,000/- lump sum at the end of the 2-year period. If this issue was addressed adequately, a much larger segment of the JSP families would have succeeded in setting up new income generating ventures.

*** Inability to provide knowledge and expertise.**

In today's world, knowledge and expertise are vitally necessary not only to set up new income generating

ventures but also to ensure their survival and success. As the educational levels of the poor clearly reveal, abject poverty and social marginalisation has prevented this segment of the populace from benefiting significantly from the country's system of free education (*it should however be stated that whatever the limited achievements in this area are also due to the existence of a free education system*). Improving the knowledge, expertise and skills of the poorest of the poor is vitally necessary for them to escape the trap of poverty. Though at the conceptual level the crucial importance of this area was acknowledged, it was not translated into practice adequately - which eventually and inevitably impacted on the performance of the JSP.

These two major weak points are further highlighted by the main factors which caused the failure of the newly established income generating ventures (once again it should be emphasised that the rate of failure is relatively high - 30%).

- * Lack of finance - 21.3%
- * Death/ill health of farm animals - 17.5% (lack of knowledge and expertise was directly responsible for this).
- * Lack of knowledge and expertise - 16.3%
- * Inability to break even/marketing problems - 11.3% (linked to the lack of knowledge and expertise)
- * Lack of necessary inputs 6.3% (partly due to the lack of finances).

Therefore, the performance of the JSP would have been much more successful if adequate attention was paid to the two crucial areas of finances and education and training.

But there are two final points which should be borne in mind. It is true that only a very small minority of 13.4% of the families succeeded in setting up income generating ventures. However, even this amounts to a breakthrough at a certain level. Before the JSP, for the absolute majority of the poorest of the poor, starting an income generating ventures was only a dream; or it would perhaps be more correct to say that it

was something that was totally beyond them - economically, socially and psychologically. Considering this starting point, even 13.4% amounts to a significant breakthrough. Perhaps more importantly, *the JSP placed the goal of starting an income generating venture within the reach of the poorest of the poor - economically, socially and psychologically. That in itself, was a significant achievement.*

* One final point. Through its Compulsory Savings Clause, the JSP did manage to inculcate the habit of saving among a significant segment of the Janasaviya families. Here it is important to remember that prior to the JSP the concept and practice of saving did not exist in these people's universe - simply because their meagre incomes were adequate only for bare survival. Because of the JSP a significant proportion of these people ended up with money in the bank - sometimes as much as Rs.12,000/-. The JSP therefore managed to widen the economic horizons of the poor, taking them one more step forward towards the goal of self reliance and full integration into the economy and society.

4. THE ABILITY OF THE JSP TO FULFIL THE EXPECTATIONS OF THE JSP FAMILIES.

One important way of evaluating the performance of the JSP is to analyse how successful it was in realising the expectation of its intended beneficiaries. Understanding what the expectations of the poor are can also make a crucial contribution for the success of future efforts at poverty alleviation.

- * Setting up new generating ventures upgrading existing income generating ventures - 45.1%
- * Building/up grading houses - 19.1%
- * Achieving a high standard of living - 8.1%

21.4% of the families felt that their expectations were realised fully, while 44.1% felt that the expectations were realised partially. 25% of the families felt that their expectations were totally unrealised (No response - 9.5%).

It would then be correct to say that the JSP was a success in this respect because a majority of **68.5% of the**

families felt that the JSP was able to realise their expectations fully or partially.

5. HOW LASTING ARE THE POSITIVE CHANGES ACHIEVED BY THE JSP ?

This is also an important criterion. In order to be considered successful, the JSP should have been able to bring about a more or less long lasting and sustainable improvement in the income levels (and therefore the living standards) of the poorest of the poor. If the improvements are mainly transient, then the JSP would have failed in achieving its most important aim of turning have nots into haves.

In order to evaluate the JSP using this extremely important yardstick, the families were questioned as to what their current income levels are and how successful they have been in maintaining the relatively higher income levels achieved during the two year period of Janasaviya grants.

It is important to bear in mind that people (irrespective of class) are in general reluctant to reveal their real incomes ; it is a well known and accepted fact in research that people, when asked to declare their income, often give an understated figure. In the case of the rich and the middle class, it is due to fear of taxation. In the case of the poor it is because of the fear of loss of state assistance. This reluctance would also explain the relatively high no response figure - 22.6%.

As we mentioned earlier, the JSP families were those who were receiving a total monthly income of less than Rs.700/- i.e. the poorest of the poor. Though there would have been some exceptions, it is reasonable to assume that the majority of the families did fulfil this criteria. Today, of the families who were granted the JSP, only 10.7% earn an income less than or equal to Rs.700/-. This shows that the JSP has been able to cause a positive change in the living standard of the families (though the change may be quite minimal) which has lasted up to now. 53.2% of the JSP families earn an income between Rs.700/- and 2000/-, while 24.2% of the families earn more than Rs.2000/- per month.

Studying the direction in which the income levels of the JSP families changed during the period '9/93 to 1995 (Nov./Dec.) and 1996 (Jan./Feb.) will help us to further clarify whether the positive impact of the JSP has lasted till now.

21% of the families felt that their income levels improved during this period while 34.3% felt that the income levels deteriorated. 35.5% said that their income levels did not change. In other words, 54.3% of the families felt that they managed to improve/or at least maintain the relatively high income levels achieved during the JSP period.

This shows that the JSP was relatively successful in causing a lasting positive change in the living standards of the poorest of the poor. A majority of the recipients have managed to improve their living conditions at least marginally, thanks to the JSP.

6. ATTITUDE OF THE JSP RECIPIENTS TOWARDS THE JSP

What do the JSP recipients feel about the JSP ? This is perhaps the most important yardstick in evaluating the performance of the JSP. After all, the JSP families are better placed to decide how successful or not the JSP has been because it was they who directly experienced that success or the lack of it. They know whether the JSP benefited them or not ; whether it was a fraud or not. The JSP families are therefore best placed to pass the final judgement on the JSP.

In order to determine how the Janasaviya recipients perceive the JSP, the following questions were asked :

- i) What is the opinion of the role played by the co-operatives, Grama Niladharis, Praja Sahayakas, Sahayake Kandayan other officials in the Janasaviya process.
- ii) What is the attitude towards the non receipt of the lump sum of Rs.2,5000/- ?
- iii) Was there political interference in the Janasaviya process ?
- iv) Do the JSP families still have faith and confidence in the JSP ?

v) Do the JSP families want the reactivation of an improved JSP?

* The role of co-operatives -

Contrary to the generally accepted belief that the co-operatives played a negative role in the JSP process, an absolute majority of the recipients (i.e. 79.2%) seem to be satisfied about the performance of the JSP. True, there were some complaints about low quality goods and high prices and other acts of corruption, but the majority in every district and AGA division seem to be satisfied with the performance of the cooperatives²³.

* The role of Grama Niladharis, Praja Sahayakas and Sahayaka Kandayan and various Government officials -

That the bureaucracy was responsible for the JSP's failure is another widely prevalent belief even among partisans of the JSP. But the findings clearly indicate that this belief is not shared by the majority (i.e. 84.3%) of the JSP recipients.

Premadasa understood that a radical restructuring of the traditional administrative system was necessary for the ultimate success of the JSP. However, this was a task he was unable to complete (or perhaps even seriously embark upon), due to lack of time and political pressures. This was one of the reasons which led many to blame the officials for the failure of the JSP.

What then is the truth ? Our surmise is the traditionalist/negativist attitude of at least a section of the bureaucracy did impact negatively on the performance of the JSP (the failure of the education and training component of the JSP can partly be attributed to this). On the other hand, the nature of the JSP and Premadasa's attitude and behaviour forced the bureaucracy to treat the poorest of the poor with a consideration and respect that was totally new.

Many JSP recipients commented on the fact that "instead of going after the bureaucrats begging for (our) rights, the JSP made the bureaucrats come to our humble homes, to give us Janasaviya". For the poorest of the poor this unprecedented reversal of roles was nothing less than a revolutionary change. They also comment on how

even top bureaucrats (such as the GA) were forced to come to their poor and distant villages at least once in a while, and take part in various gatherings/meetings of the Janasaviya recipients. This was also something radically new. A majority of the bureaucrats may have done this not out of conviction, but because of lack of choice. But for the poor, considered the dregs of society for so long, the reason did not matter. They knew there was a change and considering the situation that prevailed earlier, they were satisfied with that change (however marginal and inconsequential it may seem to an outsider)24.

*** Attitude towards the non receipt of RS.25,000/-**

Elsewhere we dealt with how this negatively impacted on the performance of the JSP. How did the Janasaviya recipients feel about this :

This clearly demonstrates that the majority of the JSP recipients (i.e. 56.3%) were disappointed about the non receipt of the lump sum of Rs.25,000/-

It is understandable that the prevailing conditions made the granting of this lump sum impossible. But when the policy makers realised this they should have informed the people about it, instead of maintaining a deafening silence - which eventually enabled Premadasa's opponents to make political capital by casting aspersions on his commitment to the JSP. Though Premadasa cannot be totally exonerated, it was perhaps the officials entrusted with the task of implementing the JSP (both in the Janasaviya Commissioners Office and the Janasaviya Trust Fund-JTF) who should shoulder most of the blame. It was their responsibility to draw Premadasa's attention to the gravity of the problem and institute a search for alternate solutions. When finally the seriousness of the problem was brought to Premadasa's attention (from outside the official structures), he did come up with an alternative. But unfortunately it came too late to have much of an impact on the performance of the first four rounds of the JSP. This, more than anything else, had the greatest negative impact on the performance of the JSP.

*** Existence of political interference**

The JSP was implemented at a time when Lankan society was sharply polarised along political lines. Politicisation of institutions and processes has been the bane of Sri Lanka for decades and understanding how much political interference there was in the JSP is extremely important in evaluating its performance. And who should know better than the poorest of the poor who directly experienced Janasaviya ?

According to our study, only 1.1% of the families feel there was political interference in the JSP process, while an absolute majority of 82.3% feel that there was no political interference in the JSP process.

This de-politicisation then, was perhaps one of Premadasa's greatest achievements; one of the most outstanding successes of the JS.25.

*** Do the poorest of the poor still have faith and confidence in the JSP ?**

This is an important factor deciding the attitude of the poorest of the poor towards the JSP and in evaluating the JSP's performance. A majority - 69.3% - feel that they still have faith and confidence in the JSP. This is indeed a resounding vote of confidence which tells us how the majority of the intended beneficiaries of the JSP regard it.

*** Should the JSP be reactivated in an improved form ?**

Yes, say 75.7% of the JSP families. i.e. an overwhelming majority. This is of crucial importance. *After all, these people experienced the JSP; they know how much it succeeded and how much it failed; they know what worked and what did not. Still, more than ¾ths of them want the reactivation of the JSP. That is perhaps the ultimate verdict on the JSP, and the man who conceived and implemented it - Ranasinghe Premadasa.*

This perhaps explains the responses to the query concerning the political opinions/affiliation of the JSP families. The families were requested to name the political leader/s who made the greatest contribution to the country and the people. It should be noted here that

the families were not told that this research was being conducted by the Premadasa Centre. The impression given was that the research was for a university dissertation (this was done for two reasons - partly to ensure the safety of the researchers from certain politicians and partly to maximise the objectivity of the answers).

Understandably, people were reluctant to answer the question and in some districts such as Gampaha there was an abnormally high 'no response' figure. And in the Anuradhapura and Trincomalee districts the researcher decided not to ask the question for fear of adverse reactions from local politicians. It is important to bear in mind two other factors. Firstly, the refusals to respond could not have been motivated by any fear of the (electorally defeated) UNP. Secondly, since the UNP is out of power and Premadasa is dead, all those who mentioned the name of any UNP leader would have done so out of genuine conviction and not through fear or any expectations of favours.

Ranasinghe Premadasa - 47.4%
D S Senanayake - 3.8%
All UNP leaders since Independence - 3.8%
Chandrika Bandaranaike Kumaratunga - 3%
Dudley Senanayake - 2.4%
S W R D Bandaranaike - 1.9%
Sirima Bandaranaike - 0.3%

(the other names mentioned were Sirisena Cooray, Weerasinghe Mallimarachchi and Imtiaz Bakeer Markar).

This goes to show that just as the JSP families have their own assessment of Janasaviya, they also have their own opinions about various political leaders, based on their own experience.

What is our final evaluation ? Was the JSP a success or not ? To determine this, let us once again study the performance of the JSP according to the yardsticks we have adopted. (See Table)

0-20-Highly unsuccessful
20%-40%-Unsuccessful
40%-60%-Moderately Successful
60%-80%-Successful
80%-100%-Very Successful

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Sri Lanka is already faced with the consequences of denying the rights of one minority community and it does not need to face those same consequences again.

EDUCATION, HEALTH AND WELFARE

If we look at the educational standard in the plantation sector, the prevailing disparity with the majority of the population is evident. Plantation schools were nationalised from 1975-78 with their progressive incorporation into the national education system. While this initiative did raise literacy rates on the plantation and increase the O/Level ration, successive government policy on plantation education has failed to redress the disparities with the rest of the community. The India-origin plantation community's literacy rate is 68.5%, while rural literacy amongst the wider population stands at 89.5%. This difference is a prime indicator with which the standard of plantation education can be assessed. The main reason for this disparity can be traced to a refusal on the part of successive governments provide adequately trained teachers and infrastructure for plantation education. This is indicated in the table below⁶, showing clearly the lower priority and commitment of resources to plantation education in comparison to the rest of the population. (See Table 01)

Manikam illustrates this point further by reference to the district of Nuwara Eliya, which has the largest concentration of Indian-origin Tamils. He states⁷:

For a Sinhala speaking population of 187,280 in this district, there are 220 schools whereas for a Tamil speaking population of 317,600 the number of schools is only 258. This disparity is even more marked when we compare the numbers of 1AB grades of schools which conduct classes upto A/L; there are 38 such schools in the Sinhala medium and only 9 in the Tamil medium. This disparity is reflected quite clearly in the student population in the A/L classes - 2871 in Sinhala medium and 457 in Tamil medium. These statistics refer to 1992.

Not only are education services inadequate due to a lack of resources, health services are also totally isolated from the National Health Services.

Historically, health services in the plantations were carried out by separate units under the supervision of the plantation management. After nationalisation, the government Corporations continued the service through the formation of a Social Welfare Section controlled by the two corporations, the Janatha Estates Development Board (JEDB) and the Sri Lanka State Plantations Corporation (SLSPC). From 1992, with the privatisation of plantations, health services were carried out by the government-formed Plantation Housing and Welfare Trust, with the assistance of Foreign funding. The government did not allocate funds in its annual budgets to improve the health services in the plantations, instead it relied on international organisations such as UNICEF, UNFPA, Norad, Dutch agencies and IRDP to raise the standard of health services on the plantations.

Health and education, where the plantation sector is facing significantly discrimination, have a major impact on the socio-economic conditions of the community. An effective indicator of the socio-economic conditions of any community is the infant mortality rate, which declines when a community has improved access to health and education services. The following table⁸ shows the infant mortality rates for JEDB, SLSPC, and the broader Sri Lankan community. While there has been some decline in infant mortality rates in the plantation sector, the rate is still unacceptably high and clearly reflects discrimination when compared to the rest of the community. (See Table 02)

According to central Bank statistics for 1996⁹, there are 5,904 trained doctors and assistant doctors deployed across the country. The ratio of doctors per person is 1:3,068 and there are 510 hospitals. Annual expenditure is 10,952 million rupees. Despite this, not a single M.B.B.S. qualified doctor was deployed in the plantation sector, where over one million people live. According to the 1991 statistics of the Sri Lanka State Plantations Corporation¹⁰, there are 20 Registered Medical Officers and 4 Assistant Medical Officers deployed to service 44,264 families¹¹.

The major welfare services that were initiated by the state following

independence did not embrace the plantation sector. The One Million Houses Programme initiated by the previous government in 1984 did not include the plantations. This situation changed a little in 1988, when some consideration was given to the plantation sector because there was greater awareness of the voting power of the plantation people. In the 5 year plan of the National Housing Development Board (1990-95) estate housing was included as a sub-programme, targeting 5000 houses during a 5 year period. Of the 5000 houses targeted, only 546 houses were actually constructed. Presently, various housing programmes are being carried out in the plantation sector, however these programmes are implemented haphazardly and sporadically, with no central co-ordination or a master plan.

LANGUAGE

The Sri Lankan Constitution emphasizes the importance of Sinhala and Tamil as official languages. The draft provisions of the constitution also draws attention to the problem of language in Sri Lanka. The Indian-origin people, who are predominantly living in three provinces of Central, Uva and Sabaragamuwa do not have access to any state services or the right to correspond with State services in their own language. Constitutionally, though the Tamil language has been accepted as an official language, it is actually implemented as such only the Northern and Eastern provinces, therefore it can be argued that the Tamils of Indian-origin who live outside this area are, deprived, to an extent, of the right to correspond in their mother tongue.

The denial of language rights and educational facilities has been a major factor that led to the violent path pursued by the youth of the North and East. It is important to recognise the danger of pushing the Indian-origin plantation community in the same direction. When Dr. Ambedkar was drawing up the Federal Constitution of India, not only did he concentrate on solving the prevailing problems of the community, he also gave great consideration to other potential problems of the country. When the Constitution was being formulated, only the Dalits (the untouchables for whom Dr. Ambedkar led the struggle)

were agitating for a separate state. With great foresight however, Dr. Ambedkar recognised the emerging nationalities and ethnic and cultural groups and formulated the constitution so as to take into account these factors. He provided flexibility within the constitution for the nascent minorities to achieve their future rights. Considering the experiences of Dr Ambedkar and the prevailing situation of the Indian-origin Tamil community, it is imperative that the rulers of this country include the Indian-origin people also in the agenda when drafting any amendments to the constitution. Only in this way can Sri Lanka avoid the mistakes of her past and ensure progress and ethnic harmony in the future.

RECOMMENDATIONS

The following points should be taken into consideration in formulating a strategy to alleviate the problems of the Indian-origin people that have been raised in this paper:

- * Considering the socio-economic conditions and the identity problem of the Indian-origin community, the State should classify this community as a category separate from the broader category of Tamils.

- * Indian-origin Tamils should be included as a distinct community in all major development programmes.

- * The framework of the Pradesheeya Sabha and Provincial Councils should be amended so that estates are included and are provided with an effective means of participating in the decision-making process.

- * Constitutional concessions to the community in education and employment should be introduced to redress the educational and physical disparity that exists for this community, as was done for the Dalits in India by Dr. Ambedkar.

- * Tamil should be practically implemented, together with and alongside Sinhala, as an official language in Central, Uva and Sabaragamuwa provinces where Indian-origin Tamils predominantly live.

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WAITING - 34

Villa Venicea

*How come, on Queens Road
Villa Venicea has vanished without a trace
Pre-empting the finality of dream and the mingling
Of dream with what we take for real.*

*A native camp follower of the Raj
Making his fortune on Waste Lands
In places the planters had disdained
Had crowned his new rich Renaissance
With Villa Venicea.*

*A substitute local Michael Angelo
Had rendered copies of exotic period pieces
On the salon ceiling
Gazed at between exam swots
In this converted Campus Library.*

*The candy-twist pillars at the front
And the profusion of balconies
Must have in their time provided
Romantic moments.*

*No romance in those final exam spurts
In the narrow ravines between bookshelves
Reaching up
To those inevitable angels on the ceiling.*

*We were trapped, love
Even at the window
An overgrown Madras thorn cut off our vision
So as there was no escape we spun
Our cocoons of Chemistry to be unwound
Hopefully on our answer scripts that April.*

*Now after forty two Aprils
I falter past College House with its grim recent past
I search for Villa Venicea
That promise of the enchanted post-Examination future
The enchantment we lived to the full
But now, where College House casts its whispered shadow
Villa Venicea is no more.*

U. Karunatilake

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Table

YARDSTICK/CRITERION	% SATISFIED	EVALUATION
1. Socio-economic impact	70.5%	Successful
2. Socio-psychological factor	55.9%	Moderately Successful
3. Economic self reliance	13.4	Highly and successful
4. Realisation of expectations	65.5	Successful
5. How lasting are the positive changes ?	54.3	Moderately Successful
6. Attitude of Jansaviya families towards JSP	67.4	Successful

Based on these figures the average rate of success of the JSP was 54.5%. *In other words the JSP can be regarded as a moderate success.*

The JSP could have recorded a much higher rate of success if it performed better in the area of **economic self reliance**. As we pointed out before, the weak performance in this area was in the main due to the lack of adequate finances - the major cause of which was the uncertainty surrounding the lump

sum investment component of Rs.25,000/=.

This gives rise to a number of questions. Was the promise merely an election gimmick or was Premadasa serious about it? If so, what made him think that it would be possible to honour this promise? What were the factors which made the granting of this investment allowance impossible? Why did Premadasa fail to understand the gravity of the situation until it was too late?

Contd from page 01

"Where the hell are you trying to go, he asks Sarath. We came to have dinner, please let us go" says Sarath only to get a kick and he goes reeling".

Yep, just like the movies, folks. However, tourist arrivals dropped by 25% in 1996. This is no practical joke, no fun and frolics.

Mr. Anura Bandaranaike MP, the only son of Prime Minister SWRD Bandaranaike, founder of the SLFP says "my life is in danger". In a letter to the IGPMr. Bandaranaike said: "I am putting you on notice of this threat and expect you to take appropriate and immediate action to ensure my safety" "Despite threats to his life he would continue to campaign for the UNP and go ahead to address meetings for the local elections".

LAWYERS CHOICE : NO AK47

The Minister of Justice and Constitutional Affairs, Prof. G.L.Pieris has complained to the Chief Justice, G.P.S de Silva that the "manner in which the Fort Acting Magistrate

Mr. Jayantha Dias Nanayakkara to whom the UNP MP Susantha Puchinilame had surrendered, has acted is unsatisfactory" reported the Sunday Island in a front-page lead story, Mr. Puchinilame is of course one of the chief suspects in the Nalanda Ellawala assassination case. According to the report, the Minister Peiris has told the Island that the Chief Justice had expressed his willingness to look into the matter. Meanwhile Mr. Romesh de Silva PC defeated Mr. A.K. Premadasa PC (the former Lake House Chairman under the SLFP regime) by a huge margin in the Bar Council elections. Mr. De Silva, the Sunday Leader reported on its front-page, received 1,319 votes against Mr. Premadasa's 484 votes.

The roots of violence lie in conflict. The contest for power is one such conflict; the major political parties the chief contestants. If the rules are violated or ignored constantly, the System comes under severe strain. A collapse is the open-door to violence and chaos.

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* For those who wish to live as Sri Lankan, citizenship should be granted to the sons and daughters of the 94,000 applicants for Indian citizenship who are mainly dead and gone.

Footnotes:

1. This paper is based on an address delivered by the author titled 'Basic Rights and the Plantation' delivered to the Plantation Tamil Research Conference - held at Sri Pada College of Education, Kotagala on the 19th November 1996.
2. Here, I do not want to discuss the debate concerning the content of the power sharing arrangements and whether they are acceptable to the Tamil community. This debate is distinct from the issues raised in this article.
3. (1196) Draft Provisions of the Constitution Containing the Proposals of the Government of Sri Lanka relating to devolution of Power: Including a commentary on the draft constitutional provisions (Ministry of Justice and Constitutional Affairs, Colombo), p.3
4. Op. Cit.
5. Op. Cit.
6. _____, (1992), Census of Public Sector & Corporate Sector Employment 1990, (Department of Statistics, Colombo)
7. Manikam, P.P., (1995), Tea Plantations in Crisis: An Overview, (Social Scientists Association, Colombo), p.54
8. Kanapathipillai, V., (1992), A decade of Change in the Plantations: the implications for women workers (ICES, Colombo), p.18.
9. _____, (1996), Sri Lanka Socio-Economic Data 1996, (Statistics department, central Bank of Sri Lanka, Colombo), p.37.
10. _____, (1991), Statistical report & Analysis of Social development from 1980-1990 (SLPC, Colombo)
- 11 Statistics for those estates run by JEDB are not available.



**Will privatization mean
the end of the union
I represent?
How will the interests
of my members be
protected?**

- Trade Unionist

Privatization will in no way dilute or reduce the powers and rights of your union. British Airways was privatized in 1987, and the unions remain to protect worker interests just as before. Some of the world's largest, most powerful and vocal unions exist in the private sector. For example, the United Auto Workers (UAW) represent over 100,000 workers at the three biggest American car companies, none of which are state owned. In fact, there is every likelihood that working conditions will actually improve in privatized companies, since there will be substantial investments made to upgrade facilities and training. You can look forward to representing a considerably more prosperous union.

It is important to realize privatization is a means to an end. It is a means to improve our living standards, foster technological progress, create employment and take our nation into a more prosperous tomorrow. In order to achieve these aims, privatization has to be executed in the appropriate manner.

That is the task of the Public Enterprise Reform Commission (PERC). Its mandate is to make privatization work for Sri Lankans today, and for generations to come.

Every privatization is a carefully considered decision that takes into account the interests of all sectors of society; the general public, the state employees, the consumers, the suppliers, as well as the country's overall economic vision.

PERC's mission is to see that privatization works. In doing so, your interests are always being well looked after.

With privatization everybody has a stake.



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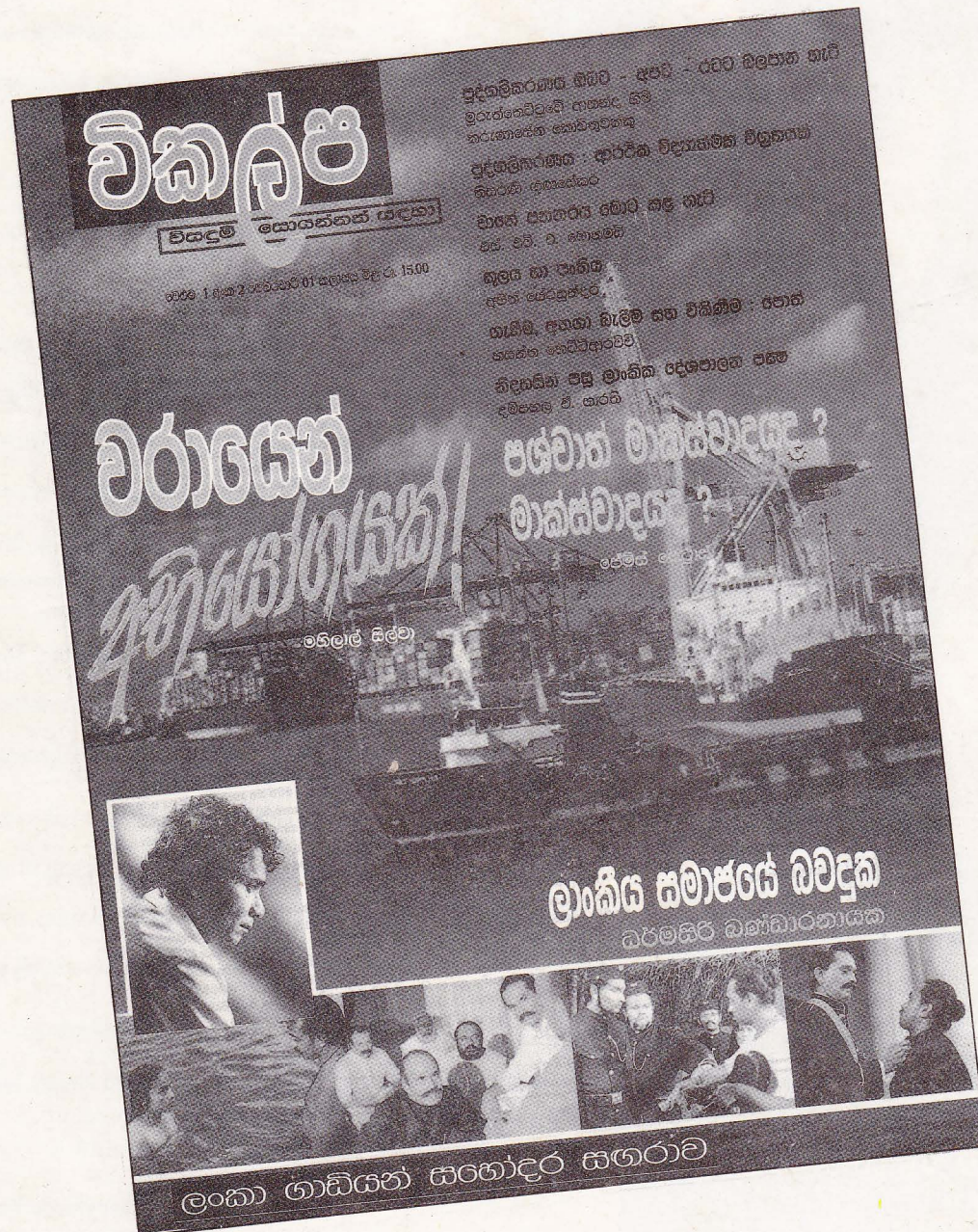
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