

Can't wrap it up

A 'RAVATA' PUBLICATION



No wrapping up of the best deal yet

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AMPARAI	Delicia	Ratmalana	Thusitha Book Shop
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	A. Z. N. M. Marikar	PUTTALAM	Jayasekera Traders
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Counterpoint

COVER STORY 6

A variety of perspectives and issues concerning the proposed constitutional amendments is examined with a view to providing our readers with an informed and accurate basis for making their own judgements of its merits.



CONSTITUTION 24

The focus on the Government's devolution package must not detract from the all-important issue of the abolishing of the Presidency. Our regular political columnist provides a prognosis on the fulfillment of government promises in this regard.



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Our columnist poses the perennial question of individual responsibility in a climate of collective violence, made more poignant as it affects the personal value-system of a man who must remain in hiding because of his courage to expose such violence.

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Asoka Padmasiri

Forget other differences, Unite to resolve this crisis

There appears to be a great deal of opposition to the Government's devolution proposals whipped up by the usual chauvinist elements and supported by newspapers such as *The Divaina*, *The Island* and *The Sunday Leader*. Many of the claims made by this vocal group are based either on ignorance or on the systematic distortion of the provisions of the package. In this issue we focus on the proposals themselves and our considered opinion is that this welcome effort by the Government must be critically supported, notwithstanding its shortcomings and ambiguities.

Counterpoint has always weighed each issue confronting the Sri Lankan public on its own merits. We have opposed the present government on many crucial matters of principle so far, and we shall continue to do so in the future. We condemn the manner of the waging of the most recent military offensive, the Government's inability to keep its promises regarding the abolishing of the executive presidency, the corruption and nepotism at the highest levels, and so on.

Our position, therefore, is that whatever other problems we may have with the PA government, this long-

overdue move to devolve power to the provinces, and particularly to the North-East, is salutary and should be supported in the face of opportunistic and narrowly sectarian opposition by a privileged and vocal minority.

This is not to say that we feel that the Government's proposals are perfect. On the contrary, we reiterate that these proposals should serve as a basis for a meaningful dialogue involving all sections and all communities within the nation. The result of these deliberations would provide the consensus on which power can and must be devolved.

Due processes should be followed. The two-thirds majority in Parliament should precede a Referendum, and so on, and the support of all those who are non-racist and non-opportunist, all those who want to see an end to the carnage and brutality of this war, is crucial in seeing this process to its fruition.

If ever there was a time to forget our petty differences and self-interests, this is it. If we fail to achieve a just and equitable settlement to the ethnic crisis by constitutional means this time round, history will judge our failure in blood and tears. ■

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Let's say NO to Corporal Punishment

NATIONAL newspapers have highlighted a speech given by Mr. N.Y. Casie Chetty, the new Headmaster of St. Thomas Preparatory School, Kollupitiya, at the Prize Giving of his school, announcing a ban on corporal punishment at his school. As a concerned parent, I wish to congratulate Mr. Casie Chetty for taking this courageous and bold initiative in going against the received wisdom on this matter, an act which has been long overdue.

Mr. Casie Chetty had fondly remembered his own school days when he was never subjected to corporal punishment at home or in school. I am sure most children of today would love to see the return of such a golden era in bringing up children at home and school, without having parents or teachers pouncing upon children with violence for any minor 'violation of order'? This, unfortunately, has been the experience of the little son of a friend of mine who at year I, at a well-known private preparatory school had the misfortune of coming under an aggressive teacher who beat up these beginners in school frequently for the slightest excuse. The child was dead scared of this teacher and as long as he was in this particular class, everyday, for a few months, it was after much coaxing that he could be sent to school and that too with tears in his eyes. Even though, he was never beaten by this teacher, he could not simply settle down in the class in the face

of this teachers, beating of other children. Upon inquiry, it was found out that many of the children in this class lived in a similar fear. The Headmaster of the school, despite the notoriety of the teacher, stubbornly refused to accommodate the child's request for a change of class. The other parents appeared to be happy that the school disciplined their children over whom they did not have much time to spend. Fortunately for the child he got a chance to change his school, and even though he has settled down much better in his new school, even today he has not completely got over his fear of school teachers.

I bring up this story of to emphasize the far-reaching consequences of the decision Mr. Casie Chetty has taken to ban corporal punishment in his school. Thanks to the modern thinking in the fields of psychology and education, now we are aware that any form of physical disciplining of children, however mild it could be, is a form of abuse which violates the core of the self of the child, and that subjecting children to such punishment has far-reaching negative consequences for their later life, from which most adults find it difficult to recover. Such thinking invites us to consider in violating the self of our children in such a manner, to what extent we as adults in the family, school and society contribute to violence in society.

Psychologists link high delinquency rates, dropping out of school and anti-social

behaviour in general, mainly, if not entirely, to such violations of the self of children through various types of violent abuse, mild or strong. They argue that physical violation of children is not conducive at all for creative learning which requires a feeling of love for the world in which one lives. Resentment against adults and teachers who beat children up for reasons beyond the latter's control turns children against the studies and lead them to internalise their anger.

Disciplinarians who use violence, verbal or physical, prepare children to serve in regimented atmospheres whether as masters or servants and pass on the abuse to others, children or adults. However, it is kind and friendly teachers and adults who treat children as individuals whose little selves require respect, who can turn children into creative, imaginary, thinking beings and thereby enrich the diversity and plurality of the human world. 'Disciplining' of children, when required, in the hands of such teachers and adults may take place through reasoned discussions, persuasions, rewards, and non-abusive, non-physical measures.

It is heart breaking to see how much trauma we put our children through in our continuing adoption of the Victorian model of disciplining children. While it is agreed in general, that violence towards each other is not acceptable in human society, we take it for granted that we

could beat our children at our wish, whether at home or in school; the existing laws in Sri Lanka do not protect children from such abuse. In this context, I suggest that we should take measures to prohibit by law any form of child abuse whether by parents, teachers or other adults. Instead of corporal and other forms of physical punishment, we should have in our schools counsellors to help children with their problems in coping with school work or behaviour in school and society.

It is my personal belief that it is time that we follow wiser thinking and stop abusing our children in the family, school and society. We could instead give them care and love, make them feel secure in the world so that they will become adults who love and take care of the world, and not destroy it. In pursuing this endeavour, I would humbly suggest that all educationists in Sri Lanka should follow the path indicated by Mr. Casie Chetty and ban corporal punishment in their schools. I would also wish to appeal to the Hon. Minister of Education to take necessary steps to ban corporal punishment in the schools in Sri Lanka. It is enlightened educationists who have a major role to play in protecting our children by initiating humane treatment of children in our society by banning corporal and other forms of physical punishment in our schools. ■

Concerned Parent

Homophobia and the Alternative press

AS a publication of the alternative media and free press, the past two issues of *Counterpoint* have represented features of an English tabloid at the expense of providing interventionist political and social analysis.

The publication of "So young and so gay, the UNP's new way" by respected veteran journalist Lucien Rajakarunanyake highlights two main issues. First, a certain homophobic tendency of the author. Secondly, the Editor's tolerance to such overt expression of homophobia.

While the blatantly slanderous sarcasm of the title captures the reader, the main narrative with traces of homophobia attempts to express a very meaningful statement. However, the significance of the statement that democracy needs to be institutionally re-established in both mass parties of Sri Lanka, is dissolved in his homophobic commentary on Ranil's persistence to select Dinesh Dodangoda into Parliament.

The article seems to convey that homosexuality is a "social mores of the upper layers of society", and that Dodangoda may be the "appointment of a Token Gay into Parliament". While this position itself deserves to be commented upon, I will refrain from an extended

psycho-social analysis of it. Consequently, the author declares his commitment to "political analysis", while being "intrigued" by this piece of gossip, neglected by "recent champions of free media".

For the *Counterpoint* editorial to publish this article represents a retreat from its initial political idealism and progressive practice. In this time of social crisis, where alternative perspectives into critical issues of ethnicity, gender, class and caste are marginalized, as another "champion" of free media *Counterpoint* needs to re-evaluate its activist agenda. While our respected journalist may harbour some homophobic prejudices, the editors have fallen short of the slogan of free media which also means responsible reporting or comment (which Mr. Rajakarunanayake himself has clearly espoused elsewhere.)

As our respected journalist points out "some broadsheet newspapers are vying for the latest in the alleged scandals of menu card and titillative journalism". But, what was the difference between the last two issues of *Counterpoint* and those newspapers? In *Counterpoint's* notion of a free media, would any exhibitionist Fascist in the

wings also get that privileged space of publication in the "alternative" print media?

In celebrating two years in publication, *Counterpoint* has illustrated its vulnerability to engage in sensationalist news production, neglecting responsible investigative reporting. If the aim is to represent an authentic, progressive publication, homophobia, along with other ideologies of oppression such as racism, sexism, and elitism, needs to be addressed critically and openly. More importantly, in the absence of such reflective critical practice by a leading proponent of free media, other more genuinely alternative publications also become branded as trivial social commentary. I hope many intellectuals, progressives, and right-thinking people would be horrified by this retrogressive tendency exemplified by our respected journalist and *Counterpoint*. However, journalism is a socially contingent practice. Are we seeing, then, the backsliding that in a society dominated by patriarchal heterosexual males, results in homosexuality and feminism always remaining an elusive fiction or better yet, an imperialist conspiracy? ■

Janaka Biyanwela

Better Never Than late?

Counterpoint remains interesting reading, though I do not necessarily endorse everything that you say. However, as a regular subscriber I feel strongly that you have a responsibility to publish the magazine on time each month. Many others I know also feel the same way, and the quality and topicality of the magazine is seriously affected by these delays in publication.

I am sure that subscription-renewals and over-the-counter sales too would be adversely affected by these delays. Moreover, regular readers feel let down when they cannot predict when your next issue will become available. When they look to you for information and comment on crucial issues, your magazine is not forthcoming.

Therefore, it is high time you became more professional in your outlook. It is not enough merely to be "interesting", long after the urgency of a particular crisis has past. You must also be timely and relevant, on the cutting edge, and you can only achieve this if you publish, say, the June 1995 issue in June 1995, and not in September!

The President is only hours late, sometimes days, perhaps. You are months behind the times! ■

Anil Perera -Kurunegala

Journalistic ethics and other ironies

A box in Waruna Karunatilake's article -- presumably authored by the same -- in your April-May issue deems it "ironic" that "some of those who had been livewires in the peace process... were [since April 19th] involved in a clandestine committee entrusted with the task of assisting the government in its war effort". Among those named are Jayadeva Uyangoda and Charles Abeyesekera -- two individuals with impeccable anti-racist, pro-peace credentials.

Now, while a strong moral argument for the current war can be made, I wouldn't choose to do so myself. I believe that the government can, and must, resort to other options, including enacting and implementing a federal constitution, in order to bring about peace -- which cannot be understood as the mere absence of war. But, if Messrs Uyangoda and Abeyesekera did indeed advise the government on how to improve its war effort, I wouldn't find their behavior ironic; it would, at best, be hypocritical. The fact of the matter is, though, that this charge has been denied: something known to, and ignored by, Mr Karunatilake -- who could at the very least have carried the denial and stuck by his story.

This raises questions of

journalistic ethics that I don't want to explore here. I do, however, want to point out that I find the tenor of Mr Karunatilake's entire article extremely ironic, given the box. Take, for instance, the following sentences in the main body of his piece:

- 1 "If the Navy continues in its incompetent manner it will not be long before the Navy commander will be commanding a land-based navy."
- 2 "Throughout the Eelam war 2 period the Air Force did not, for reasons best known to themselves, acquire night-fighting capability."
- 3 "...the Air Force should have had a counter plan ready years ago."
- 4 "It does not cost money to do a little bit of forward planning." The article also speaks of the "ideal solution" and "most

effective counter" to the LTTE's possession of missiles: and complains, in several long and detailed paragraphs, about the lack of experienced, competent and respected officers at the top ranks of the military.

It does not take a trained literary critic to determine that all this adds up to advice to the forces on improving their military capability. In short, the inescapable conclusion one comes to upon reading the piece is that Mr Karunatilake seeks to advise/assist and enhance the government's war effort. This would of course be ironic given his complaints above -- but only if he once desired peace. ■

Qadri Ismail

Editor's Note:

The point of the revelation that Messrs Uyangoda and Abeyesekera were involved in a committee entrusted with improving the Government's war effort was that it was (a) clandestine, and (b) an exercise in political propaganda, by people who have long-taken a diametrically opposed view in public. What is at stake, then, is precisely the public acknowledgement of this shift. When asked about this by me in the presence of others, Dr Uyangoda denied ever having even visited the Presidential Secretariat, a claim so clearly false that the inclusion of it would have been almost cruel in this context!

Reply to Dayan & Thisaranee

THE reaction by Dayan Jayatilaka and Thisaranee Gunasekera to my critique of their "Second and a half road" thesis, left me wondering about their presentation. Should I take them seriously? Do I have to restate my argument (in "plain" English)? Should I make some snide comment about the literacy rates in the article, wondering whether they were excluded from that category?

If, as these writers comment "facts and figures speak louder than mere words", which imply that

numbers transcend interpretation, they should have provided numeracy, and not literacy rates.

Considering the level of (anti-intellectual) discourse these authors have instigated, addressing their response would be a waste of the readers' time and a setback to critical cognitive development. Therefore, I would encourage the readers of "Counterpoint" to re-read my previous article. ■

Jinendra Basnayake

No wrapping up of the best deal yet

THIS issue of *Counterpoint* examines the various ramifications of the Government's devolution proposals as well as its acceleration of the North-East war after the LTTE unilaterally broke a hundred-day ceasefire in April this year. *Counterpoint* is openly and unabashedly in favour of the Government's proposals as a *Starting Point* for discussion and negotiation, as a crucial *Preliminary Basis* for the just and pragmatic resolution of over a decade of ethnic strife and over four decades of discrimination against minorities in this country. *Counterpoint's* support for the package has nothing to do with the fact this government has produced it; nor does this critical acceptance of its merits have anything to do with the fear of the LTTE.

The crux of the matter here is the understanding that meaningful long-term peace and the just resolution of the ethnic crisis can only be achieved by political means. No military victory is going to restore equality among Sri Lanka's ethnic communities. The articulation of legitimate grievances may be crushed or silenced by sheer brute force, but this situation is not merely immoral, it is also very short-lived. Now, for the first time a government of this country is making a genuine effort to devolve power, to redress ethnic inequalities by constitutional means. This endeavour, fragile and precarious though it be, deserves the encouragement of all those who desire the collective well-being of the



diverse peoples of Sri Lanka. Moreover, the proposals themselves are a significant improvement on anything envisaged so far: even if one were to ignore the over-arching socio-political context for a moment, as a devolution package the proposed amendments are well-worth serious consideration by all those who believe in the meaningful democratization of power.

Articles and essays by concerned intellectuals and experts in the field examine the merits of the package, detail possible scenarios if this attempt were to fail, discuss the Government's parallel war effort, and critique the politics of this dual strategy. The disturbing resurgence of "disappearances" and abductions of Tamils, allegedly undertaken by a clandestine "wing" of military intelligence, and the appearance of a large number of bodies in Colombo are also highlighted with a view to preventing such atrocities in the future and bringing the culprits to book. It must be reiterated here that the paranoia of LTTE suicide bombers in the city cannot be an alibi for such crimes against humanity, and such excuses only serve to reinforce the obvious parallels

with the height of the UNP's reign of terror. The promised full-scale investigation of these horrendous acts must produce concrete results soon -- arrests and prosecutions -- if the Government's political endeavours are to achieve credibility among the Tamils of this country.

THE Government has presented to the public a long last its "political package", or more precisely its proposed constitutional amendments that have been designed to address the vexed question of the devolution of power. The mechanism chosen by the Government is a system of Regional Councils, and there is no doubt that the current proposals go well beyond the so-called Indo-Lanka Agreement of 1987 in keeping with legitimate and justifiable Tamil concerns for ensuring a sufficient degree of regional autonomy and, therefore, of real devolution as opposed to mere decentralization of power. Many of the items contained in the Concurrent List as well as some of those in the Reserved List in the dead-letter amendment of 1987 have been provided for in the Regional List under the new proposals. This means, for instance, that the Regional Councils will be able to alienate land as well as to collect local taxes and have a police force for the maintenance of law and order. Moreover, what is true of the redrawn North-East (by whatever name it is to be called) will also be true for the rest of the country, affording, for example, citizens of the deep South their first opportunity of genuine power-sharing with the Centre for the first time in the recent history of this country.

Finance

The amendments allow for the regions to undertake domestic and international borrowings (up to a specified limit) which is a big step ahead of the Provincial Councils where local borrowings were subjected to Parliamentary sanctions. In addition, "the regulation and promotion of foreign direct investment, international grants and development assistance to the region" will, for the first time, provide a genuine measure of financial independence to the

Regions, and, in the special case of the North-East, enable the rehabilitation and development of the devastation wreaked upon it by the war as well as attempt to remedy the years of systematic omission and neglect by successive governments. Provision to establish regional financial and credit institutions is another crucial improvement on current legislation.

This measure of autonomy and financial independence has raised strident objections from the South, but the proposed ceiling on foreign borrowings provides a safeguard against misuse. In addition, it must be recognised that financial viability is the key to effective devolution, since otherwise fiscal dependence on the centre would override all other legislation. Moreover, in the case of the North-East large-scale infrastructural and developmental investment is urgent and imperative, even if only to become comparable to the rest of the country. Hysterical opposition to these provisions are based on paranoia that massive (international Tamil) resources will be brought in to make the North-East the envy of the other regions. If we are to take these objections seriously -- as opposed to being mere opportunism and mischief-mongering -- this is another reflection of Sinhala insecurity and its attendant ethnic "inferiority complex".

Land

The provisions on land have perhaps provoked the widest censure, and it is the question of the devolution of the control over land that is at the heart of the matter here. Under the Provincial Councils set up as part of the Indo-Lanka Agreement, state land remained in the control of the Government. In the proposed amendments the alienation and disposal of state land is to be entrusted to the respective

Regional Councils, and this is a fundamental premise for the viability of de facto devolution. However, the new proposals make land a devolved subject with the following crucial proviso: "State land within a region required for the purpose of the Centre in respect of a reserved subject may be utilised by the Centre in consultation with the relevant Regional Council". The Sinhala lobby sees the devolving of land as the beginning of the end of the Sinhala people. The Tamil lobby sees the possibility for the state to utilise land for a reserved subject as the nullifying of this devolution since the state need only consult the regional councils, not obtain their concurrence. After all, nothing prevents the state from claiming crucial tracts of land in the name of any number of reserved subjects. Though it is true that "consultation" is merely a courtesy without any power behind it, the insistence on "concurrence" at this stage would certainly stymie the proposals.

Education

The inclusion of universities other than national universities under the regional administrations is an important change from the Thirteenth Amendment which had Higher Education in its entirety in the Concurrent List. Of course, the devil is in the definition of what constitutes a "national university", but there is certainly great room for a region to control the focus and emphasis of higher education within its boundaries, taking account of specialized needs and priorities. National Schools remain under the control of the Centre.

In General

The proposed amendments consistently provide more space and opportunity for regions to

exercise control over their development. Whether it be in matters of regional planning, irrigation, the forming of a regional police force, the establishment of a regional Public Service Commission, the permission to institute regional mass media including broadcasting and television, and so on, the powers of the respective regions have been expanded. Regional media, in particular, can be made conducive to the creation of a healthy democratic tradition which in turn will nurture a climate of free and responsible expression in the country as a whole. In this way the regions can lead the way to re-establishing the democratic traditions that 17-years of misrule have whittled away to negligibility. The inclusion of control of minor ports and harbours as well as the responsibility for industrial development is of signal importance in creating viable and vibrant regions within the unitary nation.

On the negative side is, for instance, the gratuitous inclusion of "Buddhism" as coming under the Centre. There is no doubt that this in part reflects the inherited problems of previous constitutions, but, nonetheless, this should either be deleted altogether (preferable) in keeping with the principle of a secular Sri Lanka, or that all religions should be given equality in this respect as well. These sorts of "concessions" which seek to pre-empt anticipated Sinhala chauvinist opposition are actually self-defeating in that they, in turn, strengthen the extremists' hand in demanding further concessions from a position of power.

It would appear in general, then, that pragmatically at least, the key to effective devolution lies in the creation of a culture of mutual respect and minimum interference between the Centre and the Regions. The difficulty of creating

viable regional units and in promulgating a constitution that protects both relative autonomy as well as even a minimal unitary nature, is the utter and complete distrust and animosity that exists between/among the protagonists. In this sense, it is only time and a workable, though not necessarily perfect, constitutional mechanism that can pave the way for an ideal system in the future.

It is in this context of the need to bend over backwards to create an atmosphere of trust and mutual respect, to erase a decade of bloody war and inhumanity, that the Government's own "revision" of its proposals to include a clause that allows the Centre to dissolve the Regional Councils must be viewed with alarm. In the present context, the immediate tendency would be to invoke such a provision at the slightest provocation, thereby nullifying "in the real world" the fundamental gains made by these amendments. If India is to be taken as an example, this maneuver of dissolving "errant" state administrations lends itself to abuse through despotism, or at least arbitrariness from the centre. This amendment to the amendments appears to be no more than a measure to appease the vocal Sinhala chauvinist lobby, and if this is the beginning of a process of whittling down the heart of the package, then the final outcome may be unrecognizable.

"Arguments" against Devolution

Southern Sinhala fears, at least as manifested in the media and in organs of the chauvinist elites, centre around the issue of whether this devolution will lead to separation in the near future. The fact that there is a de facto separation in place even now, and that genuine devolution will go a long way to allaying legitimate Tamil grievances and therefore work in the interests of preserving Sri Lanka's unitary status has been

ignored. For instance, the <Janatha Mithuro> and the JVP share a widely-held view that the LTTE must be defeated militarily before any "concessions" are made to the Tamils in the North-East. The difference between these two groups is that the *Janatha Mithuro* is riding this situation for all it can get, whipping up anti-Tamil feelings in the name of Sinhala "patriotism", berating moderates as NGO-wallahs, even calling the crisis a "holy war", while the JVP appears to be letting this opportunity go by, except for a token opposition by their front organization, the National Salvation Front. This has led some analysts to speculate that the JVP is involved in underground organisation, and that it is completely uninterested in conventional democratic politics. The NSSP led by Wickramabahu Karunaratne which wooed the JVP in the recent past, has remained embarrassedly silent in public on the package.

A measure of the irrelevance today of some of the dogmatic Marxist parties of the Trotskyite persuasion is evidenced by their argument, albeit in muted tones, that approves of the package but says that the Government's desire to go for a referendum reflects that it really does not want the proposals to be enacted. All this, of course, it is reiterated, is being carried out on the express instructions of the US/World Bank/IMF!

The arguments against the Government's proposals can be divided into three categories. The first and most persistent deal with perceived threats to the integrity of the country. The argument that Sri Lanka is to be divided into 8 parts instead of 2 is merely rhetorical, underlying it is the claim that it is only a matter of time before the redrawn "North-East" will opt to secede. This argument is buttressed with the paranoia that once the North-East

Region is allowed to negotiate with foreign sources for finances, there will be no stopping them. This resurfaces the sense of isolation and insecurity of the Sinhala elites who feel that the Tamils have access to external wealth and power whereas they have only this country to depend upon.

The Democratic People's Alliance (DPA) Manifesto which was signed and subscribed to by opposition parties in 1989, provides an inkling to what is going on in the political sphere in this country. Dinesh Gunewardena's MEP is now vociferously opposed to a devolution package which comes very close to that pledged by the DPA under Gunawardena's own imprimatur. The DPA Manifesto accepted "the concept of devolution" and stated categorically that "there shall be a predominantly Tamil unit comprising of what is the combined Northern and Eastern Provinces but excluding the area covered by the predominantly Muslim unit." Even the vexed questions of land and financial independence are comparable, if not identical, to the current proposals. The most important deviation is that "Parliament shall, however, be able to override legislation of the regions by a 2/3 majority of its whole membership." This too can be viewed as analogous to the power to dissolve the Regional Councils as introduced by the Government as an amendment to its own proposals in the wake of widespread protest.

The point, moreover, is that the MEP and some other signatories to this DPA Manifesto are now screaming blue murder about the Government's proposals without acknowledging that, when it was politically expedient to do so, they too held similar views. Now political expediency -- a greater chance to build up their minuscule votebanks -- has changed and they

have turned coat. In this sense only the rabid Sinhala Buddhist enclave exemplified by Gunadasa Amarasekera and Nalin de Silva are easier to understand. At least they are consistently racist and not opportunistically so!

The opposition to the proposals is hardly innocent and naive. Money for posters, leaflets and similar propaganda is not lacking. Take for instance the "Sinhala Shishya Balavegaya" (Sinhala Students' Force) of the University of Colombo, an organisation which has no history or official membership in the campus but which appears to be a front for the Janatha Mithuro, whose printed leaflets must have cost tens of thousands of rupees. Among other things, this leaflet avers that "though the Government states that these proposals have been submitted to address Tamil grievances, neither the Government nor those who intercede on behalf of the Tamil chauvinist have shown what these are. Some focus on colonisation, official language, the Citizenship Act, university standardization and racial riots as these areas [of grievance], but in each of these fields it is the Sinhalese who have been subjected to injustice." It is hard to believe, even in these awful times when anything is possible, that this stuff comes from "the cream of the nation's youth", the future leaders of the country!

UNP Opportunism

All this was to be expected, of course. What is more disturbing within the capitalist logic of the so-called main southern protagonists is the UNP's stubborn refusal to commit itself with one way or the other. The UNP Manifesto for the 1994 Presidential Election echoes the DPA Manifesto and is a clear endorsement of the substance of the current proposals. Yet, for narrow and short-term political gains, the UNP leadership remains immune to the need to

respond expeditiously to these suggested amendments. The UNP leader Ranil Wickremasinghe is more than usually full of platitudes and hollow phrases, but has resolutely refused to say anything concrete about the measures proposed. He has most recently gone on record saying that the UNP wants the Government to submit the proposals as a Bill before Parliament so that the UNP can respond to it officially. Surely this is politicking in the cheapest sense of the term, since the dispensing of the consultative stages where all parties have the opportunity to provide insights and input is fundamentally necessary in a matter as important and as sensitive as this? The UNP would no doubt like the package to come before Parliament in its present form so that they could vote against it on the basis that they were not consulted, thereby preventing its passage by a two-thirds majority and irrevocably discrediting the Government. The rationale for this, of course, is that everything is fair in love, war and politics! Yet, the human cost of the UNP's blatant opportunism and gratuitous racism is mind-boggling.

The question remains whether the Kumaratunga administration can weather the storm of chauvinist rhetoric, whether it can close its ranks and make sure that errant members do not try to grandstand on this one, and whether it can avoid the watering down beyond recognition of the proposals in the name of a consensus. In the final analysis, then, all of this may come down to the machinations of striking a horse deal with a dozen or so members of the UNP (what's a few more ministries after all!) in order to achieve that all-important two-third majority. Of course, this means that another amendment allowing a member to vote with her/his conscience will be necessary. Yet, this means that the UNP is free to do its own horse-trading as well. In such a climate, a simple double-cross (as opposed to, say, a double double-cross) would probably be the most straight-forward of scenarios! ■

Offensive to divert attention from Presidency

Waruna Karunatilake

THE 12,000 strong ceremonial Army which was in place at the start of the Eelam war in 1983 is now close to 100,000 strong. With an average of 15 billion rupees a year spent on the war since then, the Army has changed beyond recognition as far as manpower and armament are concerned. However, the fundamental problem facing the Army has now become its inability to provide the crucial logistical support necessary for large scale military offensives. At the end of 'Eelam War One' in 1987 the Army's strength had grown to 48,000 and by the beginning of Eelam War Two in mid June 1990 late General Ranjan Wijeratne had got government approval for a 100,000 man army. However, financial constraints restricted recruitment to around 80,000. With fresh funds being made available after the outbreak of 'Eelam War 3' the Army is now filling its vacancies to bring its strength up to the 100,000 mark.

The mistakes succeeding Army Commanders and Defence Ministers made was to concentrate on increasing the manpower in the infantry and

other fighting units without paying adequate attention to the logistical arm of the Army. The accepted ratio in a conventional army for what the military types refer to as the 'teeth to tail ratio' is



Deputy Defence Minister Anuruddha Ratwatte in full battle dress

7 to 3. In layman terms it means you need 3 soldiers to service 7 fighting men which the Army calls

bayonets. However because of the lop sided recruitment in the past ten years and the urgent need for fighting units to counter the LTTE, this ratio in the Sri Lankan Army is estimated presently at 6 bayonets

been serviced by one soldier. This is considered the main reason for the embarrassing debacle in Jaffna with 'Operation Leap Forward'. The Operation was delayed by 72 hours because the minimum logistical requirements were not in place. Even when the operation was launched three days behind schedule the entire logistical requirement was not in place, and once the operation was completed the army found that it was out of ammunition and other essentials to defend the newly acquired 78 square kilometre land area. The army faced similar problems in major offensives launched earlier but no corrective measures have been taken. For instance during the operation to destroy Kilali, the boat landing point in Jaffna Lagoon the Third Brigade was still in the Elephant Pass camp waiting for its ammunition and other

requirements while the first two brigades had already moved forward breaking the link with

the camp. However, the third brigade managed to catch up before the LTTE figured it out and reestablished the vital linkup with Elephant Pass. The logistical problem with 'Leap Forward' was further compounded by poor strategic planning. The plan was to defend the area by setting up a bunker line similar to that which protects Palali. However, once the rebels launched its 'Tiger Leap' on the fifth day the ground commanders panicked realising that it was impossible to secure such a bunker line and withdrew quickly behind the security of Palali. Some military officials are amazed that the commanders did not realise the difference in requirements and ground conditions. Palali has to be defended with a bunker line to secure the airport, the lifeline of the military in the North. The price the Army pays for this is by tying down thousands of troops which otherwise could be used effectively to carry out more offensive operations both in the North and the East. The mobile defence system which has proved to be successful was a desperate measure rather than a thought out strategy. With the mobile defence system proving to be successful the Army is now expected to refine it and put it in place in the next phase of the operation.

The Navy was once again the biggest villain in the logistical bungling that took place. 90% of the logistical requirements are shipped to the North by sea and the Navy was way behind schedule in transporting the food, ammunition and men. It compounded the problem by allowing the LTTE to blow up one of its biggest ships inside the KKS harbour. Why the Navy did not take the obvious step of taking the ship into the deep sea in the night since unloading at KKS is done only during the day can only be explained by the Navy Commander specially after the

LTTE launched an abortive attempt to infiltrate the harbour at the beginning of 'Eelam War 3'. Pathetic damage control by telling national media that the ship was anyway going to be scrapped at the end of the year only made the image of the Navy worse. The end result has been for the Navy to hire a ship at US Dollars 7000 a day to transport logistics necessary for the phase two of 'Leap Forward'.

Perhaps the next thing one will hear from the Navy is that losing half its fleet to the Sea Tigers since mid 1990 is a blessing in disguise since the Navy can get newer faster ships because of it.

The shortage of ammunition was partly the fault of the inexperienced brigade commanders who were appointed by the army hierarchy for this crucial operation. None of the commanders had taken part in any of the major large scale offensives launched by the Army in the Northern theatre previously and appeared to have overused the Army's fire power to cover up their lack of strategic thinking, or is it pure fear? 6000 rounds of heavy artillery were fired in just five days: perhaps the highest quantum of artillery fired by the Army in an operation in the history of the conflict. This despite the low resistance encountered by the troops. The second problem the Army encounters in operations is the indiscriminate firing by the troops. Although military theory says that a soldier fires either to kill or pin down the enemy so that others can manoeuvre into place, soldiers have got into the habit of firing at every bush on the way fearing that the enemy may be hiding behind it. Senior officials lay the blame for this on poor training and lack of experience, despite the Army Commander General Gerry de Silva emphasising the need for better training since he took over. The end result of this is that a huge

amount of ammunition is wasted and the already hard pressed logistical lifeline being further strained.

Once the troops withdrew, both the Army Commander and Deputy Minister of Defence quickly distanced themselves from the decision leaving the Northern Commander General Rohan Daluwatta holding the baby. **Counterpoint** reliably understands that both the army Commander and the Deputy Minister of Defence Anuruddha Ratwatte were fully briefed on logistical problems and the necessity to pull back but neither the President who is also the Commander in Chief of the Armed Forces nor the Kitchen cabinet that masterminded the propaganda offensive were informed of it. When the President at the Security Council blasted the military for misleading her, both of them kept quiet pretending that they were kept in the dark as well, leaving General Daluwatte to face the full wrath of the President.

The military is facing the same logistical problems in its preparation for 'Leap Forward 2' which by all accounts will be the biggest military offensive in the history of the country. At least the army has learned from one of the mistakes of the first operation and posted battle hardened, experienced commanders to command the troops in this operation. It is abundantly clear that the timing of 'Operation Leap Forward' was political rather than military and the debacle can be partly explained by this. The Army was pushed into carrying out the operation to deflect expected criticism for the Government not honouring the July 15th deadline to abolish the Presidency. If political expediency dictates the time table for the all crucial second phase and the Army is forced to launch the operation before it is fully prepared, the end result will be a much bigger disaster than one can comprehend now. ■

Details of the Armed Forces' strength

(Source Europa Year book 1994 and updated by *Counterpoint* with purchases and losses)

ARMY

Strength

100,000 men	01 armoured brigade
03 divisional commands	02 reconnaissance
04 task force	04 field artillery and
09 infantry brigades	04 field engineer regiments
11 operations brigade groups	20 T-54/55 main battle tanks
01 independent special forces brigade	30 T-85 Chinese-built armoured personnel carriers

Strength

- 8800 men
- 02 Surveillance command ships (containerships fitted with armour and radar)
- 35 inshore patrol crafts of varying types.
- 05 landing craft
- 10 Israeli-built Dhora and Super Dhora fast attack naval craft
- 06 Korean-built fast attack craft
- 01 locally-built off-shore patrol craft
- 06 Chinese built gun boats.

Main bases

Trincomalee, Colombo, Karainagar

NAVY

AIR FORCE

Strength

6000 men	01 Cessna 421
03 AN	01 Cessna cardinal
32 Transporters	09 Bell 212s
04 Squadrons Comprising	04 Bell 412s
07 Italian-built SF 260	08 jet rangers
04 Chinese-built F-7 combat jets	06 Mi-17s
02 Chinese-built F-7 trainers	03 Avros
04 Cessna 150/152 trainers	03 Argentine-built Pucara ground attack aircraft.
08 Chinese built Y-12s	
02 Chinese built Y-8 (AN 12)s	
01 Super King Air	
03 Cessna Skymasters	

Flying bases

Ratmalana, Katunayake, Anuradhapura, Vavuniya, Palali, Amparai, Trincomalee, Batticaloa

LTTE units and structure

Supreme Commander and National Leader

Velupillai Prabhakaran.

Counter Intelligence and Internal Intelligence (headed by Bosco) heads report directly to him.

Deputy Military Commander Tamil Eelam

Balraj

Special Commanders

Sea Tigers	Soosai,
Intelligence/Immigration	Pottu Amman
Ordinance	Shanker
Black Tigers	Name not known
Military intelligence/Surveillance	Gaddafi
Military Planning	not known
Women's Wing	Jothy
Charles anthony brigade	Sornam

Regional military leaders (Holding the rank of special commander)

Batticaloa/Ampara	Karuna
Trincomalee	Sudharan
Jaffna	Selvaraj
Mannar	Lakshman
Vavuniya	Spoti
Weli Oya	Robert
Kilinochchi	Ellakayan
Vavuniya	Anwan

Estimated number of fighting cadres 14,000

Total with recruits and supporters 22,000

(figures: Military Intelligence estimates)

Elite units

Charles Anthony brigade, Black Tigers, Underwater attack groups, Sea Tigers, Surveillance Units, Black Tiger Intelligence unit. Black Tigers carry out suicide missions for the LTTE. Sea Tigers too have a Black Sea Tiger unit.

Head of sections

Civilian Affairs (rank as same as Special Commanders)

Finance	Thamilenthi
Justice	Parajasingham

(former Member of Parliament of Eelam Revolutionary Organisation of Students (EROS) 1989-1990. Resigned from Parliament when Eelam War two broke out in June 1990)

Police	Nadesan
Economic Affairs	Ravi
Education and Tamil Language Affairs	Baby Subramaniam
Political Affairs	Thamil Chelvam
Cultural Affairs	Puthuvai Rathnathurai
International secretariat	Thilahar- based in Paris

Please note that the LTTE leaders use only one name which is generally a code name.

Blueprint for a united Sri Lanka

Land will be a subject on the regional list and state land required by the centre for a reserve list subject may be utilized by the centre in consultation with the regional council.

Vyasa

BELATEDLY perhaps, but boldly nevertheless, a government of Sri Lanka has finally recognised that federalism is the best, if not the last chance for national unity. Courageously and cogently, through her government's proposals for a political solution to the ethnic conflict, President Chandrika Bandaranaike Kumaratunga has articulated a vision of genuine democratic powersharing and conflict resolution for our multi-ethnic society. She is to be especially commended for what are the most radical proposals for conflict resolution and constitutional reform in our post-independence history and for not ducking the challenge to present them at this crucial, critical juncture of our nation and statebuilding travails.

Although the word federal is not used, an omission no doubt thought to be politically necessary given the distorted chauvinist bogey of federalism as a precursor of secession, what is being proposed is healthily federal in substance. In the delineation and exercise of powers envisaged, powersharing in a partnership in governance is the dominant theme. On key issues, the creation of democratic space and the objective of unity in diversity, are well served.

The current Art 2 of the constitution declaring Sri Lanka to be an unitary state, will be amended to read that Sri Lanka will be an Union of Regions. One of the regions will be constituted from a redemarcation of the existing boundaries of the Northeast

Province and so designed to reconcile the interests of the Sinhala, Tamil and Muslim communities.

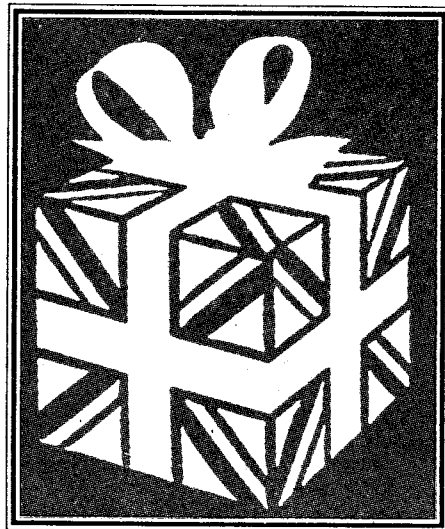
In the Union of Regions, the executive power of the People will be exercised by the President of the Republic acting on the advice

of the Prime Minister and the Cabinet of Ministers and the Governors acting on the advice of the respective Chief Ministers and the Regional Boards of Ministers. The legislative power of the People will be exercised by Parliament, Regional Councils and the People at a Referendum. So long as a chief minister commands the confidence of the majority in the regional council s/he cannot be dismissed by the centre. A permanent commission of devolution will be established by the constitutional council to mediate and adjudicate disputes between regions and between the centre and a region.

Land will be a subject on the regional list and state land required by the centre for a reserve list subject may be utilized by the centre in consultation with the regional council. Priority in land settlement will be given to persons first of the district and then of the region. Whilst there will be a national police service, there will also be regional police services headed by regional police commissioners functioning under the control of the chief minister. There will be no concurrent list.

Regional Councils will have powers of taxation in certain areas and be allowed to establish their own financial institutions. International borrowing above a prescribed limit, however, will require the concurrence of the centre.

These proposals will have to go through the parliamentary select committee process before they are voted on by parliament. Once the requisite 2/3 majority is obtained they will be voted upon by the country at a referendum. Furthermore, it is unclear as to whether the proposals that emerge from the select committee process will be presented to parliament and to the people separately or as an integral part of a new constitution. Accordingly, the path to acceptance is fraught with risk and compromise and



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implementation could be a long haul replete with stubborn resistance and uncertainty.

What may emerge from the select committee process may be quantitatively, even qualitatively different from these proposals. It is not inconceivable that there will be amendments to tilt the balance of powers back in favour of the centre and thereby dilute the principle of partnership and powersharing. The proposals are so robustly federal in character from the outset that this is a distinct possibility. There is no real scope for increasing the powers of the regions but rather a lot of room for scaling down those powers, if the select committee so desires. The federal principle will have to be staunchly defended against those who wish to see it eroded if the conflict resolution essence of these proposals are to be effective.

Indeed the battle for acceptance will have to be fought through the select committee process and in the hearts and minds of the people. The battle for implementation will invariably have to be waged on the ground with the LTTE and in this battle, needless to say, other Tamil political representation and civilian opinion will be crucial.

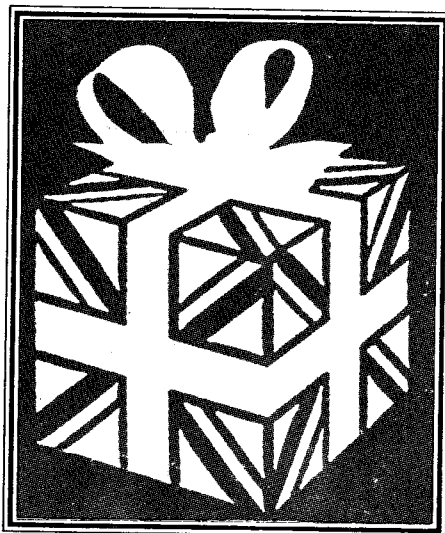
So far the proposals have been welcomed and opposition muted, relative to that anticipated for such radical reform. It should not be forgotten that the BC Pact provoked satyagrahas, protest marches and communal riots and had to be torn up. The Indo-Lanka Accord was ushered in under, curfew, emergency and near anarchy. Opinion has shifted. It has, hopefully, come a long way. These are nevertheless early days and both within parliament and in the country at large, more opposition can be expected, ranging from outright chauvinism, defence of the unitary state and arguments about needlessly capitulating to Mr Prabhakaran's force majeure.

The constituent parties of the

PA too will no doubt express reservations in the select committee and the UNP can be relied upon to drag that process out in the clarification of detail. Apart from the range of powers, there is of course the key issue of redemarcation and the position of the Muslims. There is also the Tamil demand for asymmetrical federalism on the grounds that it is the Tamil community that has fought and sacrificed for federalism. It would be politically suicidal for any Tamil politician in the northeast region to end up with the same powers as the chief minister of any region in the south who, rather than agitating for federalism, has looked upon it as anathema.

The danger in the select committee process is that the powers to the regions will be whittled down and that at the most they will approximate the quasi-federal Indian constitution. Alternatively, if the Tamil parties were to succeed in their demand for asymmetrical federalism, it is possible that the powers of the northeast region will be equivalent to that of an Indian state and that the present provincial council system will be retained for the rest of the country. Another alternative would be to merge existing provinces in the south into larger regions along the lines that Mr Thondaman has suggested. Any form of compromise will be hazardous.

The marketing strategy for the present proposals is based on the thesis that in order to make the Tamil demand for federalism in substance acceptable to the Sinhalese, the Sinhalese too must get the same powers. Asymmetrical federalism has been jettisoned to neutralise the chauvinist argument that the Tamils are being rewarded at the expense of the Sinhalese majority. Were the government to be unmoved on this, it would have to accept that the powers of the regional councils should be determined by the demands of the Tamil minority, if that



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community is to support the proposals at all.

The right marketing strategy, it goes without saying, is indispensable for any conflict resolution proposal that has to be ratified by the people and their representatives. Were the government to succeed in galvanising public opinion behind federalism, this opinion would have a positive bearing on the select committee process and the vote in parliament.

There is evidence to indicate that the current leadership of the UNP without whose support the proposals cannot be accepted, are prone to a wait and see approach to ascertain public opinion, before revealing their political position on these conflict resolution proposals.

In galvanising public opinion there are number of factors that need to be borne in mind and a number of arguments that need reiterating forcefully and lucidly to allay misplaced fears about federalism.

There must be no reticence in presenting the argument that political proposals are fundamental to an end to the ethnic conflict and that ethnic conflict cannot be resolved without genuine powersharing. The corollary to this, that the real alternative to powersharing is indefinite and fatally debilitating war, must also be stressed. Moreover, it must also be emphasised, that if war is unavoidable because without it genuine powersharing cannot be realised, the demonstrable commitment to powersharing is nevertheless absolutely necessary as the legitimisation of the resort to arms.

These arguments in turn will be greatly augmented by the unapologetic statement of democratic powersharing as a fundamental precondition for a prosperous Sri Lanka in the 21st century.

The indispensable contribution of federalism for unity in diversity in a multi-ethnic society must also be firmly rooted in the public psyche. The deeply flawed and spurious expedient of holding up the Soviet Union and Yugoslavia

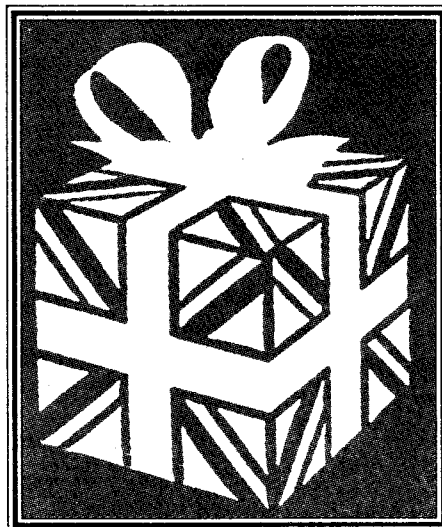
as examples of federalism must be demolished. This is a grossly misinformed exercise in inciting fear by analogy. There can be no federalism, which is in essence democratic powersharing, under an overarching totalitarian and hegemonistic ideology. Quite simply, there can be no federalism without liberal democracy to underpin it. Federalism will sustain good governance. With it there can be no almighty executive presidency, with it there have to be democratic checks and balances on the exercise of power.

That the concentration of power in the unitary state and in a single institution, office or person has contributed substantially to the current situation in which a quasi-state exists in the northeast of this island and terrorism hangs over our heads as a Damoclean sword, must be forcefully elaborated. In the face of our contemporary political and constitutional history, the hysterical characterisation of federalism as a sure fire guarantee of secession, is either deeply mischievous, woefully misinformed or absurdly disingenuous.

That federalism is expensive, is an argument that can only be met by tabulating the costs of war, in the past, present and future in terms of men, money and material and economic prosperity foregone. We have paid in blood and bucks for the status quo; the future demands that we discard expensive and obnoxious paradigms as the price of national unity.

All this must be presented in simple comprehensible language and in an attractive format. Whilst it is important to expose the public to the learned discourse of academics about the principle and practice of federalism, its various models and minutiae, it won't do to canvass popular support for these proposals through an exercise akin to an islandwide open university course on devolution.

The involvement of public figures from all walks of life in



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the projection of these proposals as basic to a prosperous and peaceful future is tremendously important. A popular film star or sports personality, a housewife or a student, have greater credibility and persuasiveness in attracting mass support for powersharing especially on the electronic media, than a tedious excess of university professors or politicians. The debate needs to be widened and new entrants encouraged. The fears and misunderstandings of average citizens need to be allayed and their hopes and aspirations projected. Civil society groups must take the initiative in the event that the government fails to acknowledge and utilise their potential in this respect.

There is one tough and basic issue that needs to be ultimately addressed in the conflict resolution process and that is the objective and the viability of war and its effect on the acceptance and implementation of a political solution of powersharing. This relates directly to the role of the LTTE as well as to Tamil civilian support for the government's conflict resolution efforts.

Is the war necessary to implement this or any other powersharing package? Can power be shared with the LTTE and if not, should the Government prosecute a war against them until they are defeated? Does the government and the country have the will and the ability to continue to prosecute a war against the LTTE for how ever long it takes? Won't war alienate the Tamils? Should the government allow the Tamil people in the northeast to be subjugated by the LTTE under the guise of conflict resolution? They are our people and this government is their government.

Politically, the President cannot afford to be taken or seen to be taken for a ride by Mr Prabhakaran. Once bitten twice shy is a deeply embedded piece of elementary political craft and one the President must be acutely aware of after the 19th of April. At the same time however, she

must also be aware that support for the package could dwindle if the war has to be intensified and if it produces setbacks.

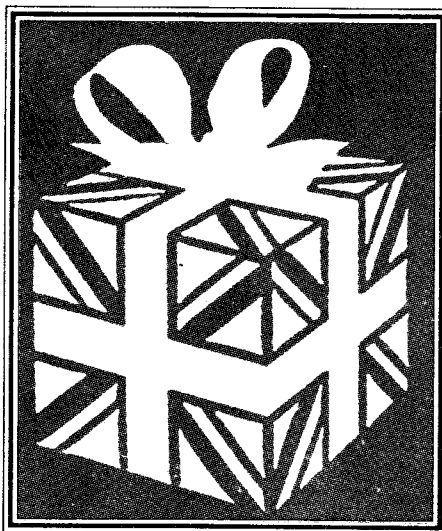
The way out of this is to marshal support for powersharing as the only legitimate basis on which Sri Lankans can fight Sri Lankans for the unity, peace and prosperity of Sri Lanka. Were this to be deemed 'the path to hell is paved with good intentions' option and dismissed accordingly, then what is left is talking to Mr Prabhakaran. Talking to Mr Prabhakaran, it seems clear, will only bear fruit if you give him what he wants. After all talking will constitute an admission of defeat in the effort to defeat him, which is also still a stubborn reality of this war.

The President has taken one big bold step in proposing federalism, this would entail another in quick succession, along the lines of Mr Thondaman's suggestion that Mr Prabhakaran be given control of the northeast for a period of five years, before any lasting arrangement is effected. What would happen to the Muslims in the northeast and Mr Ashraff's response to this, would seriously compound the president's political woes.

The 'fight him to the finish' argument will entail grave costs, whilst the 'give him what he wants' thesis, if that were politically permissible, carries with it one risky and one potentially promising possibility. The risk is that Mr Prabhakaran would

then push for a separate state of Eelam and war will have to be resumed; the promise is that he won't and that the people of the northeast will be given a greater opportunity to clarify their relationship with him and the LTTE in a context devoid of hostilities.

The President has to decide as to whether she is going to be able to decide the fate of Mr Prabhakaran or as to whether she should facilitate a situation in which the people of the northeast will do so. It is they in the end who will seal his fate and decide their own. ■



No need to fear the F word

Chanaka Amaratunga

A rose would smell as sweet, by whatever name. Trite, and not even always true. It is far more sensible that the true meanings of political concepts should be clearly identified and understood. With the revelation of the Governments package of devolution, to be included in the draft constitution that, I hope, will be adopted before the end of 1995, three little words come into sharp focus: unitary, federal and united.

Among the nationalists there is a widespread belief that a nation cannot be united if it is not unitary. The similarity between the words unitary and united in English and the like similarity of their Sinhala substitutes, *ekceeya* and *eksath* have tended to obscure for many Sri Lankans, the reality that as concepts these are very distinct and even different things.

The first concept relates to a type of constitutional arrangement in relation to the division of power, the second to the state of political health of a country.

Before I explain the distinction between a unitary and a united state further, I must also emphasize that much of our confusion regarding these two concepts and our attendant fear of federalism, is part of our inherited historical baggage. There is a profound irony here, for various Sinhala nationalists or organizations who proclaim their devotion to the unitary state, hold it to be axiomatic that a united Sri Lanka cannot exist without it, and believe with passionate intensity that federalism is the thin end of the wedge that will end in the triumph of separatism, show how profoundly their minds have been

colonized by traditional British attitudes on these issues. The near-hysterical hostility that a wing of the British Conservative Party now demonstrates towards what it sees as a move towards the establishment of a federal Western Europe makes clear the profound suspicion that many Britons have of the federal idea. Equally, Mark

Sri Lanka, despite the devolution of power to Provincial Councils which has been undertaken, by means of the Thirteenth Amendment to the Constitution, remains a unitary state. The United Kingdom, France, New Zealand and Israel are examples of liberal democracies which are unitary states.

Lennox Boyd, who when he visited Sri Lanka not long ago was Under Secretary of State at the Foreign Office, demonstrated in a conversation with me that he assumed that a unitary Sri Lanka was in fact a united Sri Lanka.

So what a unitary state? How is it different from a united state? Is it possible that there could be a united state that was not unitary? Could there be a unitary state that is not united?

I repeat, to describe a state as being unitary is to describe its constitutional character in relation

to the division of power within that state. In the conventional classification of constitutions in relation to the division of power there exist only two forms, unitary and federal. A unitary state is one in which all legislative and executive authority is vested in a single legislature and a single government that may then delegate a proportion of its authority to other bodies at a local level. The essential feature of a unitary state is a single source of legislative and executive authority which enables powers devolved to be withdrawn and locally elected administrations or legislatures to be dissolved or abolished at the whim of the legislature and/or the executive. Sri Lanka, despite the devolution of power to Provincial Councils which has been undertaken, by means of the Thirteenth Amendment to the Constitution, remains a unitary state. The United Kingdom, France, New Zealand and Israel are examples of liberal democracies which are unitary states.

To describe a country as united is to make no statement about the division of power as set out within its constitution. It is rather, a statement about whether a country is a single political entity and whether it is held together by a real sense of political unity. Thus, the United Kingdom, France, New Zealand and Israel, my examples of liberal democratic unitary states are indeed united states or countries. However, the United States of America, Canada, the Federal Republic of Germany, Switzerland and Belgium are also united countries but they are not unitary states.

To describe a nation as a federal state is, like to describe one as a unitary state, to make a statement

about its constitution in relation to the division of power. The essential feature of a federal constitution is that it has a clearly defined division of legislative and executive authority. Whereas a unitary state has only one government, a federal state contains a central or federal government and several provincial or regional governments. The powers of the legislature and the executive are clearly divided in the constitution between the central or federal authorities and the provincial or regional authorities. In view of the central feature of a federal constitution being a clear division of power between several institutions of governance, federal constitutions are always written, and are documents of some detail and complexity. It is also an essential feature of federal constitutions that the rules of the political game are deemed to have been established upon the common agreement of the federal authorities and the provincial or regional authorities. It is also a characteristic feature of a federal state that the federal or central government does not have the power to dismiss the provincial or regional governments or to dissolve the provincial or regional legislatures. The United States of America, Canada, the Federal Republic of Germany, Australia, Argentina, Switzerland and Belgium are examples of liberal democratic federal states.

Any person who understands the meaning of a united state will have no doubt that if the United Kingdom and France are united states so are the United States of America, Canada or Germany. All

these countries are united states in the sense that each of them is a single political entity whose peoples share a common national identity.

It is patently obvious then that in order to be a united country (such as Germany or Canada are) one need not be a unitary state. Equally, it should be recognized that although Sri Lanka is even today a unitary state and although in legal sense, it may be a united country, in reality it is very far from being a united country. On the contrary, significant portions of Sri Lanka's territory, much of

“ It is not necessary for a united state to be a unitary one. It is evident that many united states are not unitary states but federal states. It is clear also that Sri Lanka under its current unitary constitution has ceased to be a united country in a meaningful sense. ”

the Northern Province and some areas of the Eastern Province, are outside the control of the legitimate government of Sri Lanka.

It is not necessary for a united state to be a unitary one. It is evident that many united states are not unitary states but federal states. It is clear also that Sri Lanka under its current unitary constitution has ceased to be a united country in a meaningful sense.

It is evident too that no liberal democratic federal state (the examples cited by nationalists of the break up of Yugoslavia and the Soviet Union are not valid as they were prior to their break up totali-

tarian Communist states which concentrated, not divided, power) has ever broken up. The popular misconception of nationalist opponents of federalism in Sri Lanka, that a federal constitution would permit provinces or regions to secede from the country to which they belong and would make the federal or central government of such a country powerless to resist such a secession, is based upon a total ignorance of the facts. No federal state would permit the secession of one of its sub-national units and it is almost impossible to find historical examples of such occurrences. On the contrary, the United States of America, one of the most federal of nations, fought a civil war, during the presidency of Abraham Lincoln on precisely the principle that the union was indivisible and that no state of the United States could secede from it.

It is also evident that not only large federal states like the United States and Canada but even small federal

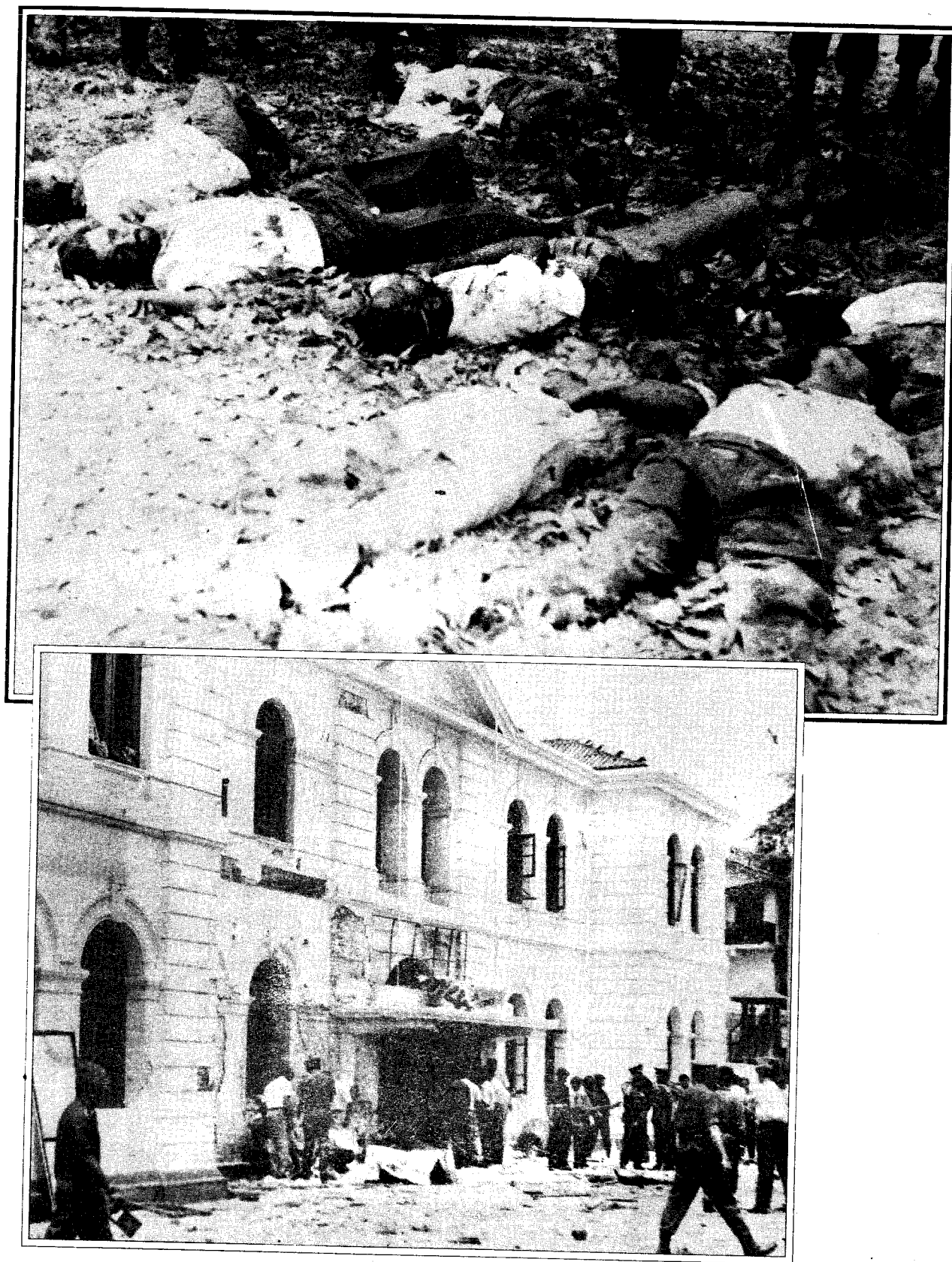
states such as Switzerland and Belgium where ethnic and linguistic diversity exists, have maintained their unity, prosperity and freedom by adopting and successfully working federalism.

When a new constitutional order is now being discussed let not confusion and misunderstanding about the three little words united, federal and unitary be our undoing. Sri Lanka should not sacrifice its only chance for unity upon the decrepit alter of the unitary state. It should not throw away its only chance for unity as well as peace, by a morbid fear of federalism. ■

The means & ends of **WAR**



A moment in the life of the military offensive, Operation Leap Forward, which caused so much damage in so short a time with so little of consequence gained from it.



Laid out in a cruel line are the accidental victims of a bomb that exploded near Colombo's Independence Square, allegedly hidden in a hand cart the intended target of which was the Deputy Minister of Defence.

Disappearance of Tamil youth in the South



Public Eye

DISAPPEARANCES of Tamil youth on a large scale in the South last took place in October 1993 under the UNP Government. Investigations by journalists brought out several features of operation. A report in the **Counterpoint** implicated a DIG Police and also some officers in the NIB. About four corpses appeared in the Negombo area. But once the operation was blown, most of those taken in were released and further activity was halted. Following the breakdown of the ceasefire on 19th April, this phenomenon has manifested itself in a more sinister manner under a new Government which made Human Rights an issue at elections

last year.

A number of disfigured corpses with heads shaven have appeared in lakes and waterways in the South. Corpses which have been identified appear to be those of Tamils. Paralleling this phenomenon is a series of disappearances of Tamils. There is nothing to indicate that these persons were picked up on suspicion of working for the LTTE. Two among the cases below suggest that there is strong reason to believe that these Tamils picked up are connected with the corpses that have been appearing and that those responsible are a group within the Armed Forces.

What follows gives some idea of the kind of persons and the circumstances in which they were picked up.

8th May 1995

Anton Krishanthan of Gnanasuriam Square, Batticaloa, who has been a refugee in Wellawatte, disappeared when he went to buy a dinner parcel. His mother, Mrs. Sebamalai, informed the ICRC & approached the TULF office a month later.

4th June

Marcelline Michael Collins (21) taken as he was leaving St. Anthony's Church, Kochchikade, after worship, by persons who came in a white van.

8th June

Mahendran Sathiyaseelan of Mathagal, Jaffna, picked up at the Fort Railway Station while returning to the North.

14th June

Aiyavu Shanmuganathan (26) of Nanaattan, Mannar District, and Kittnapillai Thuruparan (27) of Karaveddy, Jaffna (employee of Vasala Communication Centre, Vasala Road, Kotahena, were having breakfast at Soma Cafe opposite Mariamman Temple, Kotahena. The two were taken by armed men who came in a Land Rover.

17th June

Vaithilingam Vilvarajah of Kovilkulam, Vavuniya, missing in Colombo.

22nd June

Sinnathurai Baskaran (26) was travelling in an auto with Rs.54,000/- in cash in his possession at about 11.30 a.m., when he was detained in front of the Elphinstone Theatre, Maradana by uniformed men identified as being from the STF. The auto driver being his friend directly informed Baskaran's wife living in Hussainia Street. The two of them proceeded to the Maligawatte Police Station and made a report.

27th June

During the day some persons came to Sun Video Shop where he worked in a white pick-up truck with government markings. This shop is next to Vivekananda College. These men left behind an envelope on which Baskaran's name and address were typed in Sinhalese and went away. The envelope was found to contain a wristwatch wrapped in a handkerchief, both identified by his wife as belonging to Baskaran. No further information has been received.

26th June

Thuraisingham Marino of Uduvil, Jaffna detained in Mattakkuliya. Selvarasa Christian of Poovarasankulam, Madhukulam, detained in Dematagoda.

29th June

Thambippillai Varatharajah (24) and Ratnam Neethirajah (23) detained in Havelock Road.

19th July

Ajanthan, a brilliant student of a leading school, and nephew of a former TULF MP in the Batticaloa District, was waiting opposite the Pettah Bus station. A van stopped near him, and an occupant asked directions to an address written in Tamil, at which point the boy was persuaded to board the van. He

who reportedly complained to the IGP and the Army Commander. Ajanthan's abductors told him that he appeared to be influential since several inquiries about his well-being were made from high levels. On the 20th morning Ajanthan was asked to get into a van and was dropped off in the Pettah area from where he returned home.

Tamil MPs questioned on the matter are generally convinced that all indications are that the operation is being carried out either by a section within the forces, or a rogue group having the blessings of powerful elements in the Forces. Shaven heads, they said, are also an indication of the links between the disappearances and the floating bodies shaving



These MPs also said that neither the IGP nor leading members of the Government know who is responsible although two independent investigating teams are said to be working hard. So far, they have only come up with dead ends. It has been suggested that since large sections of the forces have been tainted with violations over a dozen years, the investigators themselves may ignore some leads to protect certain individuals.



then discovered that two of the occupants he mistook for women's were actually men in women clothes. Having evidently verified that he was Tamil he was administered something that made him lose consciousness. When he woke up he found his head shaven and around him were other shaven prisoners, some of whom were bleeding from torture. In the meantime, his father contacted leading TULF MPs

making identification more difficult. These MPs also said that neither the IGP nor leading members of the Government know who is responsible although two independent investigating teams are said to be working hard. So far, they have only come up with dead ends. It has been suggested that since large sections of the forces have been tainted with violations over a dozen years, the investigators themselves may ignore some leads to protect certain individuals. The fact that in the last case the IGP took a personal interest and had his subordinates running around and the message got through, has obvious implications.

There is also the question whether the disappeared were picked up on suspicion or merely because they were Tamil? An MP suggested that the latter is possible in some cases, but also that it is likely that several of those picked up were shadowed because their friends had been previously held on suspicion. ■

A case of the spirit being willing and the body being weak?

Vyasa

WHILST cynics would have said, even before the 17th of August 1994 when the PA government came into office, that its promise to abolish the Executive Presidency and change the Constitution by the 15 of July 1995 would never be kept, after the 17th of August 1994, even the more optimistic were aware that it could not be done given the existing parliamentary arithmetic. By repeating their promise, the President and the relevant minister nevertheless did their best to sustain expectations that they would deliver. In the meantime, and not politically inconveniently, Mr Prabhakaran had launched the Third Eelam War unilaterally and the Mahanayake of the Malwatte Chapter had been moved to pronounce that constitutional reform should be deferred in the face of the grave and present danger posed by him.

Consequently, the 15th of July came and went, amidst Operation Leap Forward into LTTE territory, timed it would seem to ensure that considerations of constitutional reform and election promises would be relegated to second place if not forgotten, in the anxious climate generated by the military offensive and the anticipation of victory. Predictable politics perhaps, but what of the promise? Is the presidency here to stay for the

foreseeable future? Its abolition is so contingent on so much that is in turn contingent that ironically its likely fate could be eternal life.

For instance, the requisite comfortable parliamentary majority that would buttress the Government in the legislature once the presidency is abolished, cannot be obtained without a fresh General Election or a crossover clause for MPs which hasn't yet seen the light of day.

“ Is the presidency here to stay for the foreseeable future? Its abolition is so contingent on so much that is in turn contingent that ironically its likely fate could be eternal life. ”

A fresh General Election, in turn, may hinge upon military victory in the ethnic conflict and / or the metamorphosis of Mr Prabhakaran.

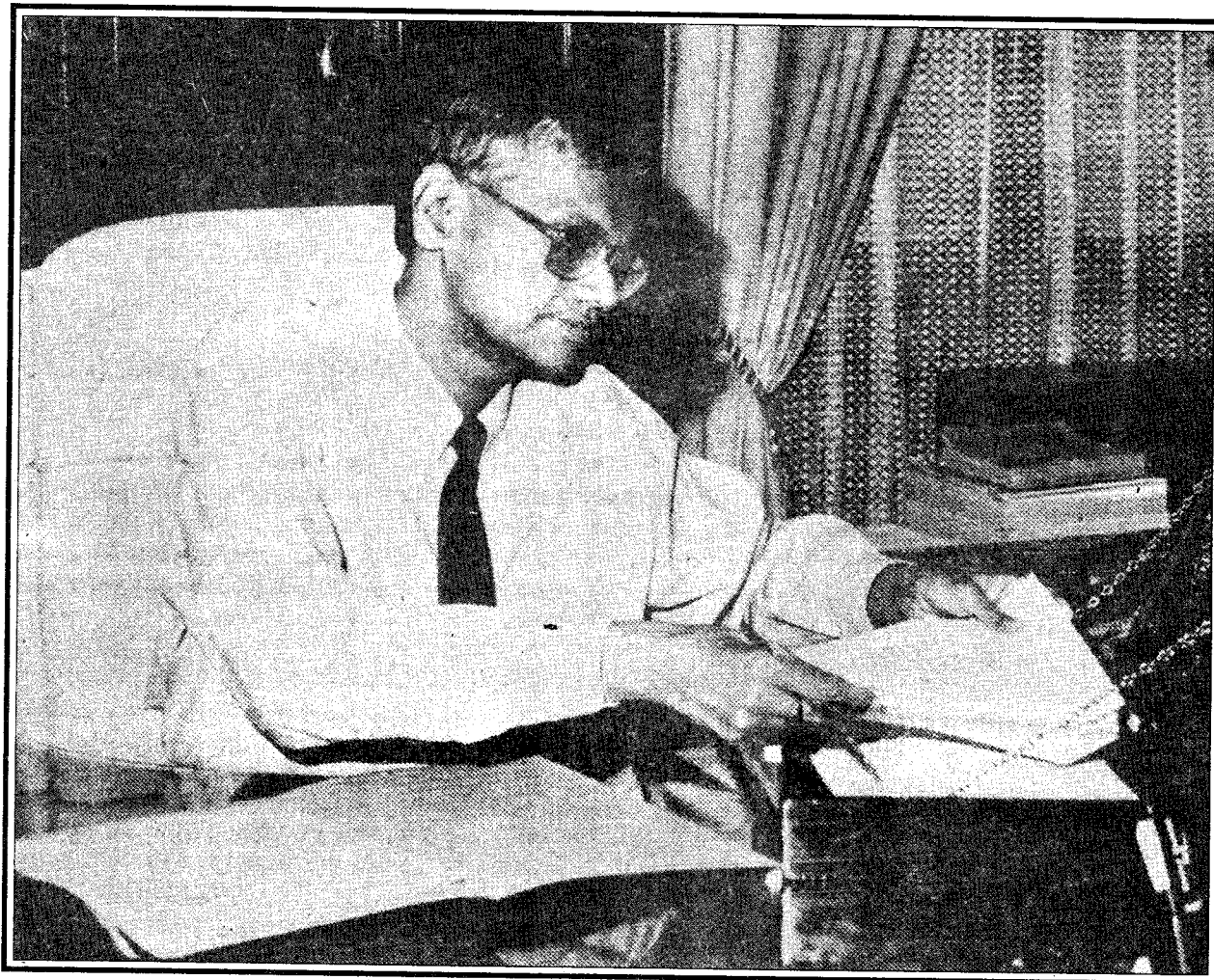
The former is outside the realm of probability and just within that of possibility, rather than a certainty; the latter is certainly highly improbable if not im-possible. Mr J.R. Jayewardene's comment on the PA talking foolishly and acting

wisely on this issue could well turn out to be vintage Macchiavelli on the squalidly Macchiavellian!

The Government's commitment to abolish the Executive Presidency and promulgate a new constitution nonetheless stands reaffirmed at present. There are no deadlines this time around and no one seems to be really asking for one.

The DUNF Lalith wing, the constituent party of the PA for whom abolition is effectively its political *raison d'être*, has pointed out that it was not bound by a particular deadline but by a particular commitment to abolition and that commitment still stands. Mr Batty Werakoon of the LSSP, another constituent party of the PA, remains wedded to his private motion to proceed with abolition ahead of root and branch constitutional reform. Mr Weerakoon does not waver from his belief that abolition in the lifetime of this parliament is possible, and is determined to prove it if the Speaker allows him to.

The UNP has on two occasions in the last year, under the leadership of Mr Dissanayake and Mr Wickremesinghe respectively, offered the Government its support to abolish the Executive Presidency and has been twice rebuffed. The Government has argued that constitutional reform cannot be parcelled out piece meal; a new



constitution must be considered as a comprehensive and integrated package, the component parts of which cannot be viewed separately.

This stands as the Government's favoured explanation for its failure to abolish the Executive Presidency. In the week leading up to the deadline there were reports that the conduct of the war necessitated its retention and even reports that the minister was dismissing this but conceding unfavourable parliamentary arithmetic in the event of abolition, as the cause of its retention.

Finally we got the official version from the minister. According to Professor Pieris the delay is "attributable primarily to one consideration. This has to

do with the palpable reality that a variety of facets of the new Constitution are inextricably intertwined, so that they cannot be disentangled and dealt with piecemeal and in isolation of one another with any degree of coherence".

Fine, but is this the end of the story of the much vaunted promise to abolish the Executive Presidency and replace it with a new constitution by the 15th of July? Did it take well near a whole year to discover this "one consideration" and if it was discovered much earlier why wasn't the process of constitutional reform expedited? Indeed, if that too was not possible why did it take up to the last moments of that fateful deadline to tell the country that there would be no show except

the status quo from there to ?

The real issue here is the failure of the Government to fulfill a promise it made so much of at successive electoral contests and capriciously affixed a definite date to. This was identified in the communication to the JVP from the current President as Prime - Minister and presidential candidate and was the basis upon which the JVP candidate withdrew from that election.

The issue as a political one is also a moral one and if the cynics are right about the timing of Leap Forward, the President also stands accused of ordering military action to distract from inability and/or unwillingness to abolish the Executive Presidency. Cynics and critics alike argue that soldiers were

sent into battle primarily to bail Her Excellency out of acute political embarrassment and this was a very shabby thing to do.

Her Excellency who made the promise, has yet to give the country her explanation.

It is after all an important enough an issue going right to the heart of the nature and structure of the Sri Lankan state, for the chief executive to directly communicate her doubts and difficulties to the Sri Lankan people? It is also, after all, one of the main planks upon which her thumping 62% mandate rests.

Professor Pieris did not make the original promise; he only repeated it. He nevertheless has to explain away the broken promise and maybe he does relish the challenge and is immune to cynics and critics alike. Nevertheless, in explaining the broken promise he is also exposing his political naivete about the complexities of constitutional reform or again as the cynics and critics would have it, he is allowing his bonafides on this issue, willy nilly, to be besmirched.

History will judge, and morality does not delineate detailed policy but provide signposts in the storm of politics. The government had to respond militarily to the LTTE resumption of hostilities and the timing may have been due to factors other than the cynical. The whole episode however can look different without too much disbelief or difficulty and perceptions matter in politics a great deal.

The Government's failure to abolish the executive Presidency and the manner they seem to have gone about the political damage limitation exercise with

respect to it, have been a lot less than edifying. Consequently, Her Excellency's excellent reputation for honest politics and good governance has been sullied. Most unfortunately, this

“ The Executive Presidency can be abolished and the Government can depend upon a majority in the House from the minority parties thereafter, if a federal political package is also offered to resolve the ethnic conflict. ”

has contributed to societal cynicism about politicians and the irresistible allure of power at a time when what is sadly needed is a reaffirmation of liberal democratic political virtues and values —not least because this was fervently desired and eagerly anticipated.

It may be argued that the masses really do not give a damn about constitutional reform. Perhaps this is correct to a large extent about the issue as an isolated one. However, let it not be forgotten that every such broken promise erodes the credibility of the Government and contributes to the corrosion of faith in the political leadership that is held in the body politic. This is a state of affairs from which democratic politics and governance must deliver us. Constitutions do matter. Promises should be made to be kept and taken seriously. This isn't one that will alter the cost of living like the price of a pound of bread. Broken, it could be as ominously significant as that referendum which ushered in the abuse of power like there was no tomorrow.

Let us give the PA the benefit

of the doubt and expect, if not the abolition of the Executive Presidency and a new constitution in the course of the PA's first term in office, at least demonstrably sincere efforts on their part to realise this.

The Executive Presidency can be abolished and the Government can depend upon a majority in the House from the minority parties thereafter, if a federal political package is also offered to resolve the ethnic conflict. It is not merely the facets of the constitution that are linked but, importantly, constitutional reform

and conflict resolution too. There can be no meaningful powersharing with the Executive Presidency, short of a US style constitution with a rigid separation of powers and this is not on offer.

There has to be a clear objective and a coherent strategy to achieve it. The Government must decide on what it wants to do and on what it wants to be seen to be doing. It cannot be in the national interest to have a fine constitution on paper without a whisper of an intention to implement it or the ghost of a chance of actually succeeding in doing so.

Maybe Macchiavelli should be re-read and this time with a view to seeking instruction on how things should be done, rather than whether they ought to be. All cliches contain a measure of truth and the one about politics being the art of the possible is no exception. On this issue, this column suspects that the problem is not one of means so much as motive.

Quite simply, I don't think this Government wants to abolish the Executive Presidency just yet. Or badly enough, whenever. ■

The license of inevitability

N. Vanan

FEW would have failed to notice the irony that runs through the position of liberal/leftists in the current crisis—one year ago, many of us carried an unqualified opposition to war, appalled at any military calculus involving civilian lives, etc. Now, living under a government that professes a commitment to peace and a political solution, many of us are getting comfortable with war with the familiar preamble that we have to come to terms with the 'inevitability' of war.

The body count from the North makes it imperative that we stop to reconsider exactly what license is provided under the banner of 'inevitability'.

It is perhaps uncontroversial to point out that the LTTE's unilateral decision to resume the carnage cynically contravened the aspirations of the Tamil people of the North and the East. The political ethics surrounding the PA Government's military operation may be less clear cut. It is true that the PA Government, which took over power on a mandate for peace, was closest to representing the people when it initiated the peace process. For the first time since independence, we have a head of state who made a good faith commitment to resolving the ethnic problem. Yet, today the state is engaged in a military offensive resulting in the loss of hundreds of civilian lives. Having made those difficult steps towards directing discussion towards alternative political programs for resolution of the ethnic crisis, in a matter of weeks we have slid back into war with dizzying speed. There has been little discussion on

how we can institutionalise structures that ensure avenues of accountability that make the goals of the war and the decisions that direct the modalities surrounding the war effort open to public debate and criticism. The cost of the liberal's embrace of the President's commitment to ethnic fairness has been a near blank check to "wage war in the name of peace."

Is war inevitable ?

This question is no longer couched in the opposition of military solution and political solution. The president talks of a limited war to enable conditions for a political solution. The ground situation indicates the following:

- (i) The LTTE has eliminated or marginalised any movement that could have represented the Tamils. As evidenced by their hostile response to the Tamil people's embrace of the President's peace initiative, the LTTE is determined to suppress any deviation from the party line. Brutally suppressing all popular protest, it insists on being treated as the sole representatives of the Tamils.
- (ii) It has repeatedly demonstrated, in deeds, its intransigence in accepting anything less than a separate state -- Through their actions they have insistently resisted all alternative visions of self-determination to attain their vision of Tamil Eelam -- Recently, it thwarted the most serious of attempts to bring about peace. As more and more cadres die for Eelam, compromises will become harder to justify and the whole movement will become increasingly trapped in a separatist rhetoric.

- (iii) The LTTE refuses to recognise the futility of a military solution. Yes, there have been temporary military advantages [such as SAM missiles, Sea mines, etc.]. However, instead of bringing the LTTE closer to military victory, these have served only to escalate the scale of war and thereby, to increase the intensity of human suffering.

Based on these facts, we see the enormity of the obstacle the LTTE poses to any attempt to bring about peace. From this ground situation, many conclude that a government seriously interested in peace will be forced into a war. Formulating the problem in this way leads to a conclusion that was being advocated by the Sinhala Chauvinists from the very first day. In fact, since peace was too risky an enterprise for them, it was precisely this calculation that the LTTE was probably counting on in their effort to provoke the government into the kind of war that ensures the LTTE's survival!

When Southern hawks make this calculation and argue for war, Tamil hardliners cite this as proof that the state structure is chronically racist and make a parallel argument for the inevitability of war.

Recognising that "it seems impossible to deal with the Tigers" or that "the State is structurally chauvinistic" is one step in the analysis -- not the conclusion. In fact, decisive conclusions seem elusive in the current situation. The overwhelming mandate for peace offered by the Southern electorate is qualified by the continued resilience of chauvinist elements: the Sri Lankan State - from the defense forces to the parliamentary and electoral system to the media- has been

nurtured in chauvinistic traditions. The President's commitment to a political solution stands in precarious tension with the military campaign called for by hard-liners, both in the government and outside. At least one consequence of this is that there is a continued attempt to elide and confuse the distinction between an attack on the LTTE and an attack on the civilian populations of the North and East.

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Thus even recognising the 'inevitability' of war against the LTTE does not allow us to relax our vigilance regarding the risks war poses to civilian lives in the North and the East and to democratic political engagement everywhere.

From inevitability to accountability

One could read our intervention here as merely shifting the same debate to a different register, moving from invocations of the inevitability of war to invocations of accountability. It could be argued that the call for "accountability" in the conduct of war becomes the safe refuge of those who fudge their discomfort with war with a convenient disclaimer regarding the moral responsibility of war.

Undoubtedly, there are a number of specific things the government can do to ease some fraction of the hardship suffered by the civilian populations of the North and East: lifting the embargo on essential food and medical supplies; facilitating the work of international relief agencies such as the ICRC; opening the arena up to international news media; eliminating shelling as a military strategy; training defense personnel on strategies to deal with provocation by militants in ways that respect civilian interests; holding prompt trials of members of the state forces committing atrocities; empowering citizens committees and providing them with direct access to the media in the South, etc.

These are steps which would save thousands of lives and help mitigate the suffering of the living; these initiatives are vitally important. However, we would urge that in unpacking the discourse of 'accountability', it is critical that we go beyond policy proposals such as these.

Accountability must be

understood in terms of the underlying political commitments that inform our approach to the war. Thus, we see accountability as fundamentally grounded in social contexts and democratic objectives. For instance, an analysis that includes in its calculus the interests and aspirations of the people of the North and East may come up with different ways of looking at the problem and formulating answers. In the dominant framework, the policy proposals listed above are seen as political concessions that have to be weighted against the war effort. Instead, respecting the interests and aspirations of the people of the North and East would produce these policy proposals as part of the political commitments that provide the touchstone for all decision making, including the military campaign against the LTTE. This is not to say that an anti-embargo position would automatically follow from democratic principles. The same political commitment to the democratic aspirations of the people would produce a pro-embargo position in South Africa of the Apartheid years (in response to the ANC call for a boycott), and an anti-embargo position in Sri Lanka (in response to popular sentiment in the North). The relevant question we ask of ourselves is, then: what are the concrete actions through which the government can establish that the State's fight against the LTTE does not undermine its commitment to the rights of the Tamil people?

Here politicizing accountability is not a formula that will give us a neat answer about the appropriate course of action at any given point. At the same time, it is not a statement of our principles and ideals in the abstract. Instead, it is a political touchstone that comes to terms with the tensions that relate our principles to social context in some complex and ambivalent way.

This discussion of accountability should not be misunderstood as one that individualizes moral responsibility to situate it in the realm of personal integrity. Moreover, we also see the discourse of accountability as relevant not only to the exercise of State power, but also to the community at large. In pushing the democratic content of the discourse of accountability, we are calling for an insistent vigilance—a vigilance in reminding us that every decision to perpetuate, shape or limit war is a political decision with responsibilities to the community. These are political commitments that refuse the reduction of decisions about war to military strategy (such as the state's campaign to 'Take Jaffna') divorced from political content (such as the racist ideological apparatus of the state, etc.). Similarly, these are commitments that refuse the abstraction of military objectives to goals (such as the LTTE's aim to achieve Eelam) divorced from social consequences (the brutal dismemberment of society).

Realising the democratic content of the discourse of accountability means a critical questioning of the background assumptions that inform our analysis, actions and goals regarding the war.

Beyond the politics of war

In the context of a military campaign the discourse of accountability underscores the responsibility to envision and build alternative political programs for pluralism and participatory democracy, not as some long term goal post-war, but as a day to day process of institution building.

Taking into account ground conditions without being circumscribed by it, we recognize that the ground situation in the South is such that notwithstanding the 'good intentions' of some

members of the PA and the Southern constituency, the institutional arrangements of the state remain entrenched in a racist and exclusionary structure. In this context, being accountable to the commitment to a multi-ethnic society would mean going beyond, "good intentions" to structural changes in the institutional arrangements of the state. This would range from short-term measures (such as the policy proposals noted above), to long-term structural changes (such as the devolution of state power) that provide the political space to work towards realizing the ideal of a pluralist democracy.

Thus, devolution should be seen not as a blueprint to be implemented post-war, but as an ongoing process that goes beyond the release of the government's proposals. It is not adequate to request that the political package be released. We need to build a political culture that is committed to democratic participation in defining the institutional arrangements of a decentralised state. Thus, the need for the secrecy that shrouded the devolution package raises serious questions regarding accountability, openness, participation, etc. Similarly, it is disappointing that the government chose to concede victory to the Sinhala Chauvinist forces in the South, and, opted to cash in on military successes to "sell" the devolution package. A democratic course of action would have been to continue to mobilise popular support for devolution at all levels - from the national to the village level; a campaign to promote and debate the issues involved. Here, being accountable to the commitment to pluralism and democracy would have to involve devolution as the lived alternative to war.

Conclusion

Framing the choices available

Thus, devolution should be seen not as a blueprint to be implemented post-war, but as an ongoing process that goes beyond the release of the government's proposals. It is not adequate to request that the political package be released. We need to build a political culture that is committed to democratic participation in defining the institutional arrangements of a decentralised state.



to us in terms of war or anti-war is a dangerous short cut we cannot afford. The democratic aspirations of the people in the North and East should figure in how we define the crisis. The commitment to participatory democracy throughout Sri Lanka should critically inform our analysis, just as it should guide the way we arrive at solutions - broader public debate on alternative institutions for peace and inter-ethnic justice. ■

Jaffna & the Lessons of Impunity

WHEN the new Government was voted into power at the end of last year, there was widespread expectation of peace and also that the country would move ahead with Human Rights on a firm footing. With the current intensification of the war in Jaffna, these hopes seem like dying embers. The worst affected have been Tamil civilians in the North-East, whose agony is described elsewhere in this journal. Moves to hold miscreant officers in the forces to account, in keeping with the new Government's pledge, are now forgotten. Corpses, mainly if not exclusively, of Tamils have been turning up in waterways and lakes in the South. The 'Yukthiya' has in a lead item pointed its finger at a group within the Armed Forces. Since the resumption of war on 19th April, the Government did try, mainly it appears on the personal initiative of President Kumaratunga, to control violations by the Armed Forces. But much of this seems to have come a cropper since the current operation was launched in Jaffna. This is not surprising as in the months available nothing was done to change the character of the Armed Forces or to re-evaluate the military thinking whose application since 1983 has left a record of disasters. Even after the new Government assumed power, basic impunity has remained. A series of serious violations by the Forces remain uninvestigated. The

most notable response to local complaints has been to transfer some offending persons. Among the most scandalous of events in which the Army was involved is the one of September 1990 when a party from the Valaichenai Brigade took away more than 150 persons from the Eastern University who then disappeared. The identity of some of those prominently involved is public knowledge although any action is yet to be taken. On the eve of the operation

North. Given the overall culture of the Sri Lankan Forces, such individuals however may not make things much worse.

With the commencement of the operation on 9th July, the Forces were very much back into old form. The last thing thought about were the civilians. Although the Deputy Defence Minister claimed that leaflets had been dropped to warn civilians to vacate certain areas, the first thing most civilians knew was that they were being



in Jaffna, the Brigadier concerned in this incident had been posted to the sensitive Joint Operations HQ in Anuradhapura. Another brigadier (then colonel) who is known to have been in the Kalmunai-Akkaraipattu area during the massacres of Tamils just after mid-June 1990 was posted to a brigade HQ in the

shelled. Radio announcements asking civilians to shelter in churches, temples and schools had no meaning when shelling was indiscriminate with stray shells falling well outside the operational area including near Kokkuvil Hindu College which had a large refugee population and one inside the Manipay Hospital premises

(an extension of Jaffna Hospital). The tragedy of the bombing of the precincts of the church of St. Peter and St. Paul on the 9th evening, which at Naraly was two miles south of the new army-controlled territory, exposed the hollowness of the Government's claim that it was taking maximum precautions' to protect civilians. According to eyewitnesses several bombs were dropped, killing scores of refugees who had taken shelter there. Given the fact that the actual fighting during the first few days was minimal, the civilian casualties, mainly from shelling, was disproportionately large (more than 100 according to the ICRC and other reports).

The ICRC on 10th July issued a statement in which it referred to the bombing of the church, civilian casualties, intensive shelling, air strikes and massive displacement of civilians. The Government's response to this statement was a reflection on the operation itself and how much the civilians mattered. The Military Spokesman's first reaction was to suggest that the dead may be LTTE cadre and later that the LTTE may have fired missiles at the church. On the bombing of the church, a letter from the RC Bishop of Jaffna was sent to the President through the ICRC. The

President communicated with the Archbishop in Colombo, expressed her regrets and asked if he had any authentic information. She repeated the Military's position that they were unable to say anything further since the church was in the area under LTTE control and they were unable to investigate. She did subsequently call for an inquiry. Strangely, we were never told what the GA who represented the Government in Jaffna had to say.

The appeal to the Archbishop for authentic information was superfluous, since his own authentic source was the Bishop of Jaffna who had already communicated with the President. She would have been in a stronger position if the Government and the Military had a credible record in investigating misdemeanours by the latter. But this credibility which was close to zero, has not significantly improved after nearly a year of the PA Government.

The story behind the bombing of the Naval Church may be more

but fortunately without casualties. Whenever the Air Force condescended to offer an excuse, it has been along the lines that some moving or stationary LTTE target was nearby. The Methodist Mission at Murunkan had been bombed about five times in the course of the year 1993 in place of a former LTTE establishment some miles away. Repeated complaints to the authorities in Colombo and Anuradhapura never seemed to get to the right place.

Apart from the routine callousness and ineptitude of the



complicated than has been revealed so far. But the Air Force has done things like this over and over again. Some instances are Thurkkai Amman Temple, Tellipalai, in July 1992; St. James' Church, Jaffna in November 1993; Maternity ward of Killinochchi Hospital in November 1993, all of which claimed casualties. The first two were places of refuge for civilians. St. Theresa's School, Killinochchi, has been attacked repeatedly, at least on one occasion when the school was in session,

Forces, the LTTE too is known for its provocation the Forces such as by directing ground fire at passing aircraft from near civilian establishments or refugee camps and withdrawing from the scene. One gathers from the results of the current offensive that despite more than ten years of fighting a war, the Government and the top brass in the Forces never sat down and spent time to think and re-evaluate the use of bombing and shelling. Administrative restraints have always been weak considering that

over the last few years shells had repeatedly fallen into the ICRC protected Jaffna Hospital zone.

All these loose ends combined to make a parody of the Government's stated aims of 'Liberating the Tamils' with 'Maximum protection for the civilians'.

The ICRC

The Government's reaction to the ICRC statement did not do the Government much credit. The Foreign Minister in his briefing to the diplomatic community seemed to attach more importance to the ICRC's alleged breach of protocol than to the grave events the statement described. If there was good reason to believe that the events were indeed true, then the breach of protocol issue would best have been handled through direct dialogue with the ICRC rather than aired publicly. Remarks in the press by un-named foreign ministry officials chiding the ICRC for its misuse of the Government's 'accomodativeness' are besides the point. An important part of the problem is after all about governments being 'accomodative' to donor nations and other foreign powers rather than to the Tamil people who live in this country.

The ICRC is after all the chief institution on the ground through which measures to protect the civilian population during the offensive could have been co-ordinated. If the Government was serious about giving effect to its stated intention of 'maximum protection' for the civilians it should never have allowed its relations with the ICRC to drop to such a low ebb.

Military Attitudes

The Military Spokesman's initial prevarication when news of the bombing of the church precincts was broken, gives us a good idea of what chance a citizen would have when confronting a military official in a provincial town and demanding justice. This clumsy approach to civilians is a habit bred by more than a dozen years of impunity. Impunity, which brings with it a false sense of power, has also been a most catastrophic instrument of the decline and failure of the Forces. Not having to answer for one's actions leads to administrative decline and corruption. The Army's Mandativu debacle was in the first instance a failure to respond administratively to intelligence received of an impending attack.

the Army's reaction was an improvement on the previous record. The bodies of the dead soldiers were removed in a dignified manner and there were no reprisals. But later, in the afternoon, drunken soldiers in a camp outside town, tortured more than a dozen civilians detained in public view. The first complaint to the Brigadier was greeted with denial. Although he later admitted some misdemeanour, the matter was largely hushed up. As a result the confidence of the public in the Army was shaken, although the Brigadier was generally rated as good. A number of youth who felt insecure crossed over to the LTTE-controlled mainland to live with relatives. Several such incidents finally add up to a debacle such as at Mandativu.

This also illustrates how impunity combined with lack of



Take another instance where the LTTE firing from a church killed five soldiers in Mannar on the morning of 3rd June. At one level

political measures to give confidence to the Tamil population resulted in a dangerous mix. ■

War & the challenge of Non-Violence

Rajan Hoole

WITH the current war gaining in intensity of violence, particularly against non-combatants, the unfolding drama is one where the potential for good is being suppressed and that for evil given tremendous opportunity. Is there a role for non-violence in a situation where public and private life are increasingly infused with violence? In such a world, the claim of having nothing to do with violence could only be the pretence of a privileged class, sustained by others condemned to violent lives. It is far from honourable to live a passive 'non-violent' life under a regime that sustains itself by forcing children and sons of the poor into violent lives. One could still choose to act by means that are non-violent, because violence is abhorrent in itself and the end of a non-violent world cannot come about through violence. I believe that a consistent programme of non-violence should also strive to end the hurt and pain caused to Animals, even if that is bound to remain a dream in one's lifetime.

One is often a prisoner of choices already made. Such is generally the case when an army is given marching orders. In such situations the only choice one may be allowed is a modest course of action that would preserve or enable healthier and less violent choices in the future. It was in this spirit that some of us wrote the '*Broken Palmyrah*' in the latter part of 1987 during the Indian Army's onslaught on Jaffna. It was not a conscious act of courage, but a small act of defiance in the face of despair, when freedom was non-existent and life was cheap.

We were as angry with the hypocrisy and cowardice among leading sections of the community who fiddled and lied while, since long before the actual war, the helpless ordinary folk were being reduced to a directionless and dehumanised mass. It took some time before the consequences of having written the book fully dawned on us. A co-author Dr. Rajani Thiranagama was killed by the LTTE. In a culture where the hackneyed term non-violence had become a byword for escapism, Rajani never identified herself with it. Unconsciously, perhaps, during those years in Jaffna, she set the ideal for a non-violent activist: The greater the violence one is surrounded with, the greater the suffering, the greater the risks a non-violent activist is enjoined to take, regardless of the price.

War & Dilemmas of intervention

In the event of a war, one is confronted with a flux of forces and institutions which are for the most part out of control. From an individual's perspective the workings are barely within one's grasp and way beyond one's power. We now see the new Government pledged to higher standards lapsing into habits long associated with the state. Once again points of reference are being quickly lost. People have been bombed and shelled as in years gone by. One finds it hard to believe that the Government cannot get to the bottom of the mystery of mainly Tamil corpses that have been appearing for a month. Too often one's own actions guided by sentiment alone have the opposite effect intended.

A personal experience would serve to illustrate the dilemma confronting Tamils living overseas when news of current misbehaviour by the Armed Forces is carried abroad, which includes bombing and shelling in the North and a rising tendency towards indiscipline in the East. It also illustrates how misdirected personal actions could be. During the dark days of July 1983, when I was an expatriate, there was a total blackout of news from Jaffna. About two weeks later we heard that scores of civilians had been killed by the Sri Lankan Army running amok in Jaffna, many on the streets and some even in their homes. We felt rather angry about the events, and several of my friends felt that the best they could do was to help the militant groups financially. A close friend—I doubt he would regard me a friend now—with personal connections in the LTTE became a fund raiser. Though I dissented in view of my belief in non-violence, he accepted my position and our friendship continued. We often discussed the isolation of Jaffna in a crisis and the need for an efficient system of communication between Jaffna and South India, to ensure that news of Government atrocities is transmitted without delay. Later my friend wanted to purchase communication equipment for the LTTE. I never doubted his sincerity to his beliefs. In view of the concern just expressed, I voluntarily made a modest contribution.

Looking back I doubt it ever served the purpose of news that was true and accurate. The equipment if anything did perhaps help the LTTE to conduct efficiently the Anuradhapura massacre in May 1985 and the massacre of TELO cadre a year

A particular danger that is courted by peace activity that is not rooted among the ordinary people is that it could lose a sense of history, and thereby be driven to increasingly indefensible positions like the Tamil LTTE backers. Following the outbreak of war there have been statements issued by groups concerned with peace calling upon the Government and the LTTE to stop the war and resume negotiations. Such may pass for an evenhanded liberal position—'both sides are to blame'—taken up by those looking for a role in negotiating between the Government and the LTTE. But it does offend history as well as a basic sense of justice.



later. Both these, together with book on atrocities within the group by a dissenting section of the PLOTE, marked a watershed in the Tamil liberation struggle, that showed a dominant tendency that was frightening. Many Tamils however chose to rationalise all this and back the LTTE—the sole group from December 1986. It was also the beginning of widespread character breakdown within the Tamil community, as further rationalisation meant dispensing with all points of reference.

By and large the intensified lobbying and activity of Tamils overseas did not have the intended effect of protecting Tamils at home. We were left with a society whose leading sections shouted 'Thamil Eelam' for survival and practised Westward Ho!

We are now in a situation where the Government has lost much of its grip on controlling the Armed Forces. Members of the Government and those part of the circle who were bending over backwards to show the LTTE as a credible negotiating partner now feel impelled to speak up for the Forces, while prevaricating about what is happening to the people. The Tamil elite on the other hand play a game of half-truths and survival, remaining silent on how the LTTE repeatedly spurned healthier courses of action and cornered the people into meaningless tragedies. What is missing is a force that could articulate the interests of the ordinary people. It is a force that could make an impact without becoming a tool of either warring party. Such a force was the unfulfilled dream of the '*Broken Palmyrah*'

In the present context a vibrant peace movement would be best suited to play such a role. One of the necessary tasks is to constantly expose the pretensions of both parties, demand accountability, establish points of reference and preserve some space for sanity.

Building such a force requires qualities of depth of understanding, collective discipline and long-term commitment of the kind individual sentiment by itself cannot sustain.

Preserving a sense of history

A particular danger that is courted by peace activity that is not rooted among the ordinary people is that it could lose a sense of history, and thereby be driven to increasingly indefensible positions like the Tamil LTTE backers. Following the outbreak of war there have been statements issued by groups concerned with peace calling upon the Government and the LTTE to stop the war and resume negotiations. Such may pass for an evenhanded liberal position—'both sides are to blame'—taken up by those looking for a role in negotiating between the Government and the LTTE. But it does offend history as well as a basic sense of justice.

Such statements are bound to raise among ordinary Sinhalese the basic questions, such as who broke off negotiations? Who started the war? Here the truth needs to be constantly acknowledged. The Sinhalese majority gave the new Government a mandate for peace and, despite their doubts about this group, to negotiate with the LTTE. The general spirit of the Government's actions demonstrated its sincerity and seriousness in securing the peace despite the accumulated inertia and communalism of the state machinery. This spirit of generosity should not be forgotten. On the other hand the LTTE did nothing to reciprocate the gesture and give confidence to the people of this country that it was serious about peace. It used suicide operatives to blow up a naval vessel in September '94,

assassinate several UNP leaders the following month and marked the end of peace talks by blowing up two more naval vessels. During this period it made no concessions to democracy or human rights by relaxing its draconian regime over the Tamils, or by refraining from recruiting children. Its reasons for breaking off negotiations were obviously spurious. Its agenda has remained consistent, warlike, and destructive without any concern for the Tamil people.

The main faults of the Government were its lack of appreciation of the nature of the LTTE and its own Armed Forces, its lack of seriousness in instituting the promised human rights

people ebbed as state institutions brutalised and communalised over past decades took the initiative. Had the Government been more alert to the liabilities posed by the character of its Forces, it should have been more serious about human rights measures months ahead.

The Government alone cannot be blamed for unleashing these long brutalised forces on the Tamils. The LTTE and the Tamil lobby that backed it knew the consequences and wanted it to happen. That is the only way they could survive, and to this end they tried to frustrate every gesture of goodwill coming from the South. Main sections of the Tamil

press never ceased from denigrating the President, the Movements and other leaders from the South who tried to articulate this good will. The potential for good was always under attack. They no doubt get some perverse pleasure in drawing cartoons representing Chandrika Kumaratunga as a murderess. These are survival and career games played at the expense of ordinary Tamil people by a few.

This is the historical reality. The aim of a peace movement should be to preserve and build on the goodwill and good sense shown in the South as well as in sections of the Government and the

Opposition. Institutionally the LTTE does not allow room for such qualities.

When issuing statements which are supposedly even-handed, one should not sweep under the carpet those positive developments in the South and leave open the means for constant vilification of the Sinhalese. Such would be unconstructive, alienating and unhelpful. ■



measures, which included making the Armed Forces accountable, and its failure to make the right choices in time such as placing the principles of the political package before the Tamil people. When the war broke out, it reacted to a desperate situation where the catastrophe of an Army pullout from Palaly Base in the North seemed a not-too-distant possibility. Concern for the Tamil

Smell the Difference

Richard Simon

I'M sorry to say I found Shehan Madawela's paintings somewhat lacking in anguish. This sort of thing always disturbs reviewers especially when they happen to be friends, discharging an unfriendly office and wondering what to say. Anguish is dead easy, you can't go wrong with anguish. Just get yourself worked up, use a few ponderous outdated words, quote Kafka: nothing to it. Reviewing anguish, you can rattle the metaphorical thunder-sheet as much as you like.

But how much stormy rhetoric can you whip up over a big broad grin? That grin, a characteristic expression of the artist himself, is rarely off the face of the canvas at Shehan Madawela's one-man show, self-deprecatingly entitled Bindu. The name is only too apt: on the gallery walls are bindus aplenty, shaped and surrounded by bright patches of colour in vivid geometric designs, bouncing energetically up and down like beach balls. In one composition, "Reluctant Reunion," you can almost hear the bedsprings go boing as the bindus bump bellies.

So check your angst at the door. This is a happy exhibition. No convoluted nightmare visions here, no obsessive tweaking and fiddling either. The canvases are mostly big and painted in broad bold patches. Line is forceful and confident. Most effects are achieved by contrasting flat areas of color with one another; gradation is subtle or absent, texture is used decoratively if at all. Don't strain your brain, the pictures seem to say. Relax. Enjoy. Breathe deep. Don't worry.

I suspect most people would be quite happy to comply, and ask no

further questions. Others, more intellectually demanding, may wonder if Shehan isn't being a bit of an escapist. What with Tiger terror, mad bus drivers running amok, and World War III coming nicely to the boil up in Bosnia, surely one cannot help but worry? In these days of economic upheaval, moral catastrophe and environmental collapse, how can anyone take it easy?

If one is to take their words at face value, many intellectuals would seem to agree that one cannot. Perhaps they are right. But when you have walked long enough among such folk you will come to realize that, conceal it how he will, the intellectual's greatest anxiety is not about the Tigers, Bosnia, oil spills or the plight of the homeless.

Just like the rest of us, the intellectual's biggest worry is his sex life, or non-life.

When one has come to recognize most intellectual fulmination for the sexual whining it really is, it is a relief to encounter someone who clearly has no hang-ups at all in this department. The intellectual content of Shehan's work may be diffused or obscure; who cares? The meat of the matter, if you will pardon the indelicacy, lies elsewhere. Bindu exudes a cheerful virility: one imagines the artist resting in the asana of Kingly Ease, waited upon by laughing beauties. Around him hang his paintings, trophies gained upon the field of experience. On canvas after canvas, the oscillating paired bindus repeat the same exuberant message: life is good, if you've got the balls for it.

True, the artist sometimes lapses by obtruding his darker, more introspective side. This happens mostly in the red-and-black compositions: Burning Sun like a solar eclipse seen from inside a furnace, Capricorn with its articulated glyphs encased in crimson like flies in amber. The messy border surrounding the bindus in Black on Wine Red

reveals a hint of disturbance but no more than a hint. It is left to the six acrylic-on-acrylic Faces, peering through the gaps between the larger canvases like uninvited onlookers at a revel, and to the faceless but strangely affecting Balloon Seller, to remind



Shehan Madawela

us of the multitude of men and women 'wounded in their sex'. Starvelings at the feast, they obviously can't stomach the sensual riches on offer here. Poor sods, you hear yourself thinking smugly, high on vicarious testosterone.

In the crowd at the opening, one or two living faces wore expressions similar to those embalmed in acrylic. Tough luck, chaps. For the rest of us...well, the women were unusually bright-eyed and bushy-tailed all evening at the Lionel Wendt, and above the chattering crowd floated a faint but distinct odour of musk. Good stuff, if you've got the balls for it.

'Bindu': an exhibition of paintings by Shehan Madawela. At the Lionel Wendt Art Gallery, 1-4 June 1995. ■

Another view

Seeing *Bindu* through Tradition

Charitha Dissanayake

SHEHAN Madawela's Art Exhibition held recently at the Lionel Wendt Gallery turned out to be a popular one. Though most art exhibitions held nowadays are beyond apprehension to many, 'Bindu' had been able to captivate the minds of most of its viewers.

With the exception of a few sketches, all Shehan's other drawings were based comparatively on the symbol "Bindu" (a dot?). The shapes he

'Binduwa' or the shapes relevant to it is not anything new to us. Most of our designs and other creations are based on it. The reason behind it lies in its simplicity. The circle, 'Binduwa' (dot) lines, squares and such likes of it are very much simple. Simple forms and colours become deeply fixed in the minds of the fans at the very first glance.

Our hereditary ancestral designs such as the 'Arimbuwa' 'Gal Binduwa', the 'Thanipota' and 'Depota Lanuwa' and the 'Comb' are based on the 'Binduwa', and they have become eternal arts of our inheritance.

Furthermore, if we consider an architectural construction such as a Dagaba, there too it is the plain shape that has been made use of. The semi-circle, the plain line, at the basal circumference, the circle again — when viewed from a higher angle may be noticed. Returning from the Dagaba we meet the semi-circular 'Sandakadapahana'.

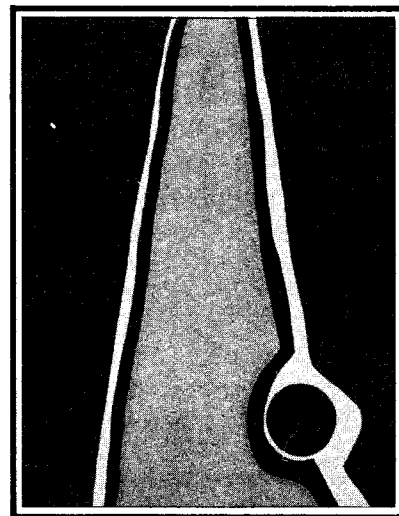
In worshipping the Bo-tree we walk round it in a

circular path. In addition to the items that are found in the temples, the ordinary household items that we come across in our houses too are not very complicated. The threshing floor on which we thresh the paddy too bears simple shapes.

Even up to this day, the drawings found on the outer wall of houses in 'Rajarata' (NCP) bear a similarity to the artistic sketches of Shehan.

If next we take the Tamil culture in to consideration, we could see the replica of simple shapes relative to 'Kolam'.

In our childhood we had made an impression of a moon by

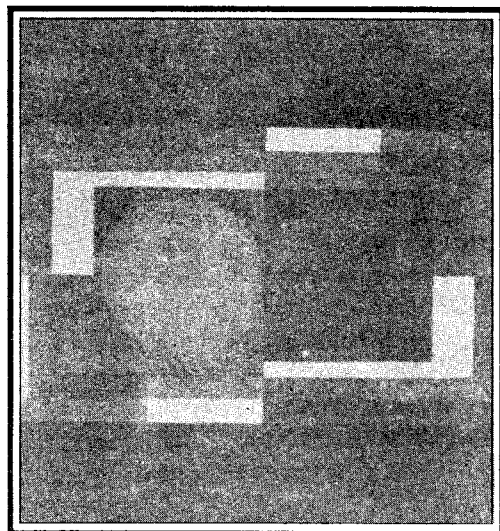


embedding the sole of the foot in sand and turning the toes configurally. Sometimes an attempt was made to create a design with a collection of such moons.

My intention in pointing out the above facts is to show that these creations of Art made by utilising simple shapes do not seem something extraordinary to us. We who have valued the simplicity that existed in the past went further on to embrace an unrealistic and complex art form but have now returned to the point from where we began. Some people try to exaggerate events and band this to a great miracle. In addition, we cannot forget the abundance of simple shapes associated with artistic creations of African, Egyptian and Mesopotamian early civilisations.

Looking back into the past, from where we stand today, after the dissemination of Art, there is still an attraction which is so great that it cannot be believed.

The 'Bindu' Exhibition of Shehan Madawela has gained popularity among a majority of its viewers. He achieved this through the use of colours and shapes in the most simplistic ways. ■



drew were of a simple nature and the colours used were dark and unlimited.

A viewer's eyes are easily drawn towards a drawing in black on wine colour or on a red background. However, if we take our thoughts a little beyond what reaches our mind at firsthand are the drawings of the early African era. Their quality of permanency is retained in our memories.

While a variety of colour and technical effect is found in this collection of drawings, priority has been given to areas which are relevant to 'Bindu'. How could we select these sensitively?

Step-Motherly Treatment for

'Twixt slip & Gully

OUR ICC team returned from the recently concluded annual meeting at Cricket's headquarters after been duped yet again with a lopsided allocation of test matches.

Seemingly quite unaware of the injustice perpetrated on them the Board of Control for

Cricket issued a statement proudly claiming that Sri Lanka would play as many as 26 tests in the next five years.

Adding insult to injury, we have once again been accorded the 'honour' of ANOTHER solitary test against England! This will mean since our elevation to test status in 1981 till the year 2000 we would have played England ONLY five

times in 20 years — each encounter being a one-off match.

The excuse that the ICC calendar is already drawn up and it is difficult to fit in new countries, requests is now a load of rubbish which we are still swallowing at every single ICC meeting! The excuse is valid only when the country itself has just been admitted as a full member of ICC but today it is 15

Aravinda and Kumble - Star Performers in English County Cricket

ENGLISH cricket is going thro' a welcome resurgence this year. A new wave of enthusiasm has resulted in even the county matches being total sell outs. At the end of August the county championship still has no clear cut winner with 4 counties: Warwickshire

Lancashire, Middlesex and Northamptonshire still in the running.

The English Cricket authorities seem to have at long last settled on a proper domestic format, which other countries would be well advised to follow. All county matches are now played over 4 days, and in conjunction, with 3 other limited over tournaments of 60, 55 and 40 overs duration - the last, a real pyjama

game complete with white ball and coloured clothing. The county games usually begin on a Thursday after 03 days play, the 2 sides engage in a one day game on Sunday. The county match is then continued on Monday, the fourth and last day.

One area in which the English cricket authorities may have erred is the total ban of overseas players representing countries. The ban is due to take effect in 1998 and this is certain to bring down the standard of the game.

Every season, the overseas players -- most of them with their experience -- have figured prominently in the county averages and have played key roles for their sides. This year is no exception except

perhaps the fact that the overseas players making waves on the county scene are the players least expected to do well.

Sri Lanka's star batsman Aravinda de Silva and India's leg spinner Anil Kumble have taken the county circuit by storm and both seem set to head the batting and bowling averages this season.

Yet, at the start of the season, both de Silva and Kumble had not been popular choices! Kent seeking a replacement for West Indian Carl Hooper, picked De Silva after much deliberation as no other Sri Lankan Test Cap had played county cricket.

For all his efforts Aravinda can be frustrating, unpredictable, often throwing his wicket in

a fit of rashness. He may set a unique record in county cricket in being the batsman with the most centuries and the most ducks in one season!

At the beginning of August we were deliberating whether to travel to Canterbury to watch him play when he made the decision for us with a second ball 'duck'. Aravinda then hit 2 hundreds in consecutive days in the Sunday limited over game and in Kent's second innings.

Against Lancashire it was the same story. A 'duck' on Saturday, 124 on Sunday and 89 on Monday in Kent's 2nd innings.

When playing Somerset, Aravinda decided to take on their leading bowler -- Pakistani leg spinner Mustaq Ahamed. He

Sri Lanka in allocation of test matches

years since Sri Lanka's admission and it is time were stopped being satisfied with crumbs off the table!

Ironically, whilst one of the main items on the agenda at this year's meeting was the standardisation of test playing conditions around the world, not much notice has been accorded to the crying need to standardise the

numbers of tests allocated to each country. It is not enough to say that the issue was raised but nothing was done about it, it is necessary that lobbying is done with other countries in similar situations and a strong protest is registered at such meetings.

About a year ago we spoke of this issue in these same columns

calling for equitable distribution of test matches and a system of grading of all the test playing countries. We suggested that the nine countries be divided into two groups with the top five in Group A and the others in Group B. Countries in Group A would then play a MINIMUM of FIVE-TEST series against each other while those in Group B were assured of

hit him for 9 fours in record time before falling to the bowler for 42. In the 2nd innings, Mustaq had Aravinda out for yet another 'duck'.

Kumble, too had an indifferent start to the season taking time to settle down. He is now regularly claiming ten wickets every match and playing a key role in Northamptonshire's bid for the county championships. Kumble's batting too has been useful and his gutty performances have rescued his side on more than one occasion.

At the start of the season, Allen Lamb had set Kumble a target of 100 wickets for the season -- with 88 wickets already in the championship, Kumble is certain to achieve this goal and his captain may be prompted to increase the target for next year to around 125 -- which is what Kumble is likely to end



up with this year!

Northamptonshire had wanted Australian 'Leggie' Shane Warne, but for obvious reasons the Australian Cricket Board did not give Warne the green light. Allan Lamb, the Northamptonshire captain then insisted on Anil Kumble. Incidentally, Lamb was Kumble's first victim in test cricket.

Both players began the season poorly taking time to acclimatize themselves. After a patchy start, Aravinda de Silva suddenly exploded into



action, slamming two double centuries and 4 centuries in just three weeks. The first batsman to reach 1000 runs for the season, de Silva also recorded the highest score for the season of 225 and set yet another record when he became one of the few batsman ever to score a double century and a century in two innings of the same game.

In between these knocks he scored 112 for Kent against Lancashire in the Benson and Hedges final, and was deservedly named 'man

of the match' despite being on the losing side. His innings was only the 3rd hundred in the Benson and Hedges final, and ranked by many as the greatest innings in limited overs cricket.

"Arra" as he is known to his Kent teammates, has also scored 3 blistering centuries in the Sunday 40 overs game and his county Kent are on top of the table and tipped to clinch the AXA Equity trophy awarded for the tournament.

De Silva has also been accorded the honour of captaining Kent when regular Skipper Mark Benson and stand in Captain Steve Marsh were unavailable.

After becoming the first player to reach 1000 runs this season, de Silva is now the book makers favourite to score the most runs this season. He was not even quoted by the bookies at the start of the season! ■

SUMMARY OF ALL TESTS PLAYED BETWEEN SEPTEMBER 1982 AND SEPTEMBER 1994

	TESTS	ENG	AUS	SAF	WI	NZ	IN	PK	SL	ZB
England	122	**	34	03	29	22	14	16	04	00
Australia	114	34	**	06	25	17	11	14	07	00
South Africa	17	03	06	**	01	00	04	00	03	00
West Indies	94	29	25	01	**	07	19	12	01	00
New Zealand	81	22	17	00	07	**	07	15	11	02
India	91	14	11	04	19	07	**	20	14	02
Pakistan	91	16	14	00	12	15	20	**	11	03
Sri Lanka	51	04	07	03	01	11	14	11	**	00
Zimbabwe	07	00	00	00	00	02	02	03	00	**

a minimum of THREE tests against each other and against the Group A members.

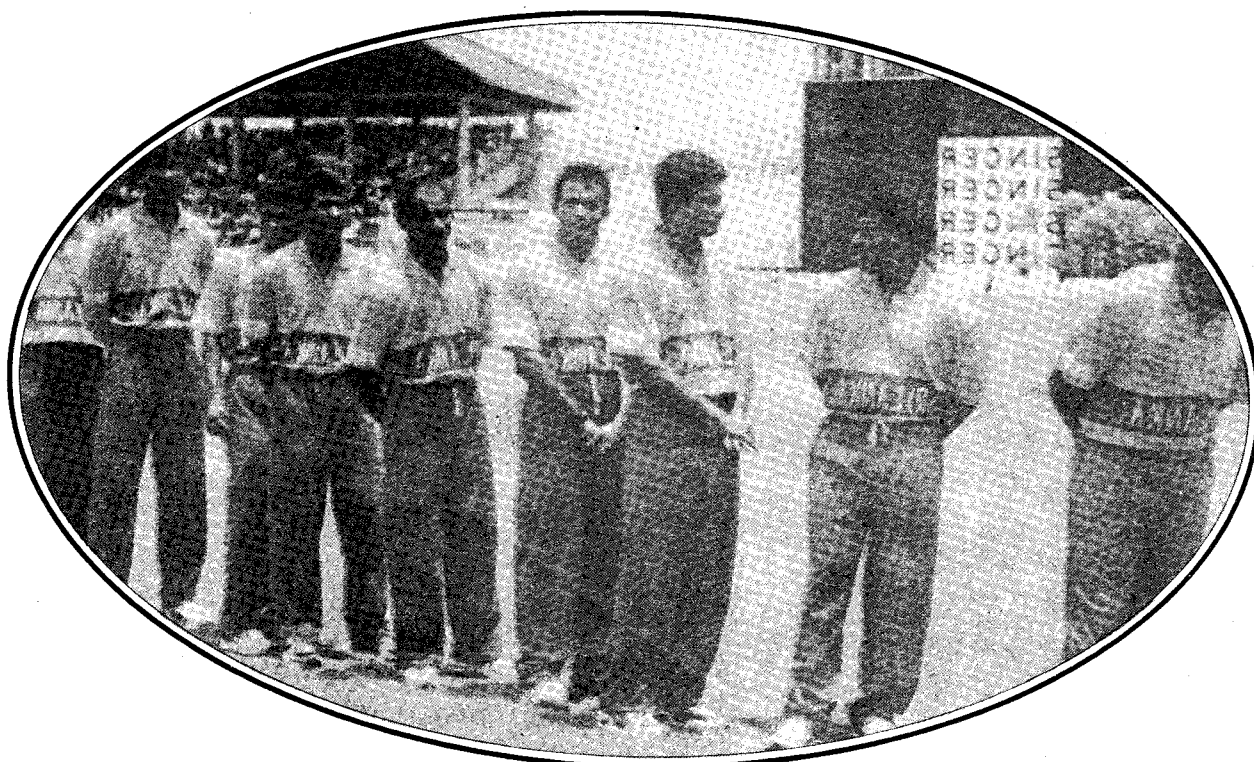
In this way it can be ensured that any country would have played all the other eight countries in at least three tests in a two-year period and would guarantee ALL test playing countries a MINIMUM of 24 tests in two years. The grading of the sides could be done once

in four years at the ICC meeting!

Until then Sri Lanka will have to be content with a list of unusual records like the one former skipper Ranjan Madugalle holds. Madugalle stranded on 997 runs had to wait umpteen days before he could score the balance three runs needed to reach 1000 runs in his test career. This was because Sri

Lanka had so few matches allocated to it during those years.

The present captain Arjuna Ranatunga has been playing test cricket since 1982 but has played in just 51 tests whilst those who began playing for other countries long after him have now played almost double that number of matches. ■



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