THE BREAK-UP OF SRI LANKA

The Sinhalese-Tamil Conflict

A. JEYARATNAM WILSON

A. Jeyaratnam Wilson has had exceptional opportunities to observe the movement of the 'locomotive of history' in the island state of Ceylon since it obtained independence in 1948. From 1978 to 1983 he was also intimately involved in the island's affairs and was successful in negotiating a compromise agreement between President Jayewardene and the leaders of the Tamil United Liberation Front. That agreement was watered down at the stage of legislation, due to the historic enmity between the two major communities, Sinhalese and Tamil, who inhabit the island. Worse still, it was not implemented in the proper spirit. That was the point when the present civil war was triggered off. The author was personally involved in all the phases of the 'gathering storm'. He uses his personal experiences and inside information to analyse, in the framework of contemporary history and political science, the island's gradual downward slide since independence. The majority ethnic grouping's alleged fears of the geopolitical situation, its antipathy to the competitive Tamil minority and the refusal of its élites to share power with the latter are, in his opinion, the causes for the disintegration of the island polity: geography made the island one country but historical processes will make it two states.

Wilson raises relevant questions and provides answers to why and how events took the turn they did. Contrary to the accepted view that the first Prime Minister, Don Stephen Senanayake (1947–52), successfully welded the island's multi-ethnic communities into a unified whole, he concludes that Senanayake was the begetter of Ceylon Tamil nationalism, and rejects the argument that fear of India compelled the Sinhalese to refuse to accommodate Tamil claims. After independence, the shift in the balance of power, if not its near-monopoly by the Sinhalese, was the reason for Sinhalese unwillingness to make the Tamils feel they belonged to the island polity. The author provides evidence of these trends even before

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PREFACE

I was reluctant to write this book, and for a long time after 1983 I could not resolve the matter in my conscience. A major factor was that I was close to President J.R. Jayewardene in the critical phase from 1978 to 1983. But as I kept reading with horror the operations by security forces of the island state, I realised I could no longer be a silent witness. The community of scholars interested in Ceylon had to be told what happened when I was intermediary in the Sinhalese-Tamil dispute in the years 1978–83. I realised too that an analysis of the political process of which I had an inside track since the island's independence in 1948 would place in context my role in the years concerned.

I have used 'Ceylon' advisedly because that is how the country was called for well over 150 years before *Sri Lanka* was unilaterally introduced into the vocabulary of international usage in 1972; this was done without the consent of the principal minority, the Tamils, the community to which I belong. *Sri Lanka* is used in the title to convey to readers evidence of the disintegration of the polity under its new name.

My considered view is that Ceylon has already split into two entities. At present this is a state of mind; for it to become a territorial reality is a question of time. Patchwork compromises, even if underwritten by New Delhi, are passing phenomena. The fact of the matter is that under various guises the Sinhalese élites have refused to share power with the principal ethnic minority, the Tamils. The transfer of power by Britain to the Sinhalese ethnic majority in 1948 brought in its wake an unfortunate train of events which can best be described as a loss of perspective on the part of the Sinhalese political élites. Their anxiety for power led to the abandonment of principle.

My interpretive analysis is based on inside knowledge of political events, which in turn is derived from my acquaintance with many of the political leaders of the Sinhalese and Tamils and important members of their respective élites. Most instructive, however, were two leading statesmen. One of these was my father-in-law S.J.V. Chelvanayakam, who led a revived Tamil nationalism and with whom I was in frequent contact from 1948 till his death in 1977. He was at the centre of events as a leading Opposition figure.

The other was President Jayewardene, whom I came to know

intimately in the years 1978–83. He was in many ways on a lonely eminence. He does not have a helpful cabinet, and came to office very late in his life. Whenever I was visiting Colombo from Canada, I spent much time with him, sometimes every day. I travelled about Ceylon with him, and was occasionally his only companion. We had wide-ranging discussions, but I have only referred to selected matters relevant to this book because of confidentiality and respect for our relationship in those years. Mrs Jayewardene, a gracious lady with considerable political acumen, joined us at times in our discussions.

I have tried to treat my subject in consonance with my academic calling, and thus with my conscience. I have presented the facts in a historical frame of reference. The authenticity of many of the facts can be verified in due course through the archival arrangements I have made with Columbia University in the City of New York. There is a proviso that the documents be made accessible after a thirty-year time lapse. For the rest I have depended on my own notes and on primary and secondary sources.

We live with a Third World largely of artificial sovereign geographical expressions. The proliferation of mini-states is inevitable. Ethnicity transcends barriers of region, religion, class and social distinctions. Leaders and political parties in these postcolonial states, whether democratic or authoritarian, respond to pressures from their ethnic groupings. My view of the future is reinforced by the certainty that political problems owe their existence to circumstances that are of more than 2,500 years' standing* especially when the political processes have been modernised. When the geopolitical situation has also been activated, the hopes of an island unity are dim.

There are many persons to whom I am indebted, too many to be mentioned by name. My wife and constant companion, Susili Chelvanayakam, helped me with many of my references in her capacity as a professional librarian, and I discussed and debated sections of the book with her. My son Kumanan had to forgo my company on many occasions. Mrs Sybil Burgess was patience personified in deciphering a difficult manuscript. One person alone is reponsible for encouraging me, gently persuading me many times and advising me: if it were not for the

*Apart from the political activities of the Buddhist clergy in independent Ceylon (and in the days of the Sinhalese kingdoms), D.C. Wijewardene's *The Revolt in the Temple: Composed to Commemorate 2500 Years of the Land, the Race and the Faith* (Colombo, 1983) conveys the depth of Sinhalese Buddhist feeling on the need to safeguard the Sinhalese people and Sinhalese Buddhism.

scholar-publisher Christopher Hurst, this book would not have seen the light of day.

The Social Sciences and Humanities Research Council, Canada, awarded me a leave fellowship for 1986–7, which was of assistance to me in completing this book. The University of Manchester, England, gave me a Simon Research Professorship in their Department of Government (May–August 1987), and during my tenure of the professorship, I continued working on it and obtained the views of friends and colleagues on its contents. The responsibility for those contents remains entirely my own.

Department of Political Science,
University of New Brunswick, Fredericton,
March 1988

A.J.W.

This book is dedicated
to the memory of
Loftus Alexander, M.A.,
a teacher without equal

When I was five years old, an Englishman, Loftus Alexander, was employed by a local entrepreneur in an adjoining estate. One morning Alexander came to meet my father. He had two cardboard boxes with him. He said that everything he possessed was in the boxes, and that my father should distribute the contents to us, his children. My father asked him what he planned to do. He said he would commit suicide the next day. The local entrepreneur had terminated his services.

Loftus Alexander's situation was unfortunate. He had arrived in Ceylon from India with a fellow Englishman, Captain Byrd. They jointly bought a property in Teldeniya, a town on the outskirts of the city of Kandy, but litigation followed from claimants to the land. The two men realised that no purpose would be served by going to court. Captain Byrd still had some money of his own, and left for Bermuda to try his luck there. Alexander was stranded.

My father was a kind man, and told Alexander he would support him for the rest of his life, which he did. He rented a cottage for him, and Alexander came home daily at lunchtime for English meals which maids in our home prepared specially for him under my mother's supervision. After his lunch, he would spend three to four hours with me going through literature of various kinds that was in our home. He taught me how to read 'between the lines'. By the age of ten, I had amassed a vocabulary and read a vast number of books on international affairs and politics which my contemporaries had not read or possessed. All of this under the guidance and supervision of Loftus Alexander. He kept his association with me in this way till the day of his death aged seventy-five.

When he was about to die, a nun was summoned to his bedside. She asked him to confess his sins. He said he had not committed any, and I believe him. I owe to him my formative education, my skills in reading, and above all the ability to discriminate the chaff from the grain.

CONTENTS

ABBREVIATIONS

C.P.	Communist Party (pro-Moscow)
C.W.C.	Ceylon Workers' Congress
D.K.	Dravida Kazhagam (Dravidian Front)
D.M.K.	Dravida Munnetra Kazhagam (Dravidian Progressive Front)
E.N.L.F.	Eelam National Liberation Front
E.P.R.L.F.	Eelam People's Revolutionary Liberation Front
E.R.O.S.	Eelam Revolutionary Organisation of Students
F.P.	(Tamil) Federal Party
J.V.P.	*Jathika Vimukthi Peramuna* ([Sinhalese] National Liberation Front)
L.S.S.P.	*Lanka Sama Samaja* Party (Trotskyist)
L.T.T.E.	Liberation Tigers of Tamil Eelam
M.D.N.	Movement for the Defence of the Nation
P.L.O.T.E.	People's Liberation Organisation of Tamil Eelam
S.A.A.R.C.	South Asian Association of Regional Cooperation
S.B.M.	*Sinhala Bala Mandalaya* (Circle of Sinhalese Force/ Authority)
S.L.F.P.	Sri Lanka Freedom Party
T.E.L.O.	Tamil Eelam Liberation Organisation
T.E.S.O.	Tamil Eelam Supporters' Organisation (in Tamil Nad)
T.U.F.	Tamil United Front
T.U.L.F.	Tamil United Liberation Front
U.N.P.	United National Party (Sinhalese)

THE LEADING ACTORS

BRITISH

Earl of Donoughmore (1875–1948), headed Special Commision on Constitutional Reform, 1927, which recommended abolition of communal representation, introduction of universal franchise and a novel constitutional package based on the then London County Council model; these reforms came to be known under the rubric Donoughmore Constitution, 1931–47.
Viscount Soulbury (1887–1971), Chairman, Soulbury Commission, 1944–45; Governor-General of Ceylon, 1949–54.

SINHALESE

The *Anagarika Dharmapala* (means 'the wandering guardian of the law'), born with the name Don David Hewavitarane (1864–1933). His relationship with Helena Petrovna Blavatsky somewhat parallels Annie Besant's with Krishnamurthi. He led the modern Buddhist revival, and was the Buddhist activist who possibly influenced the Sinhalese political Buddhist movement pioneered by S.W.R.D. Bandaranaike in the late 1930s, which later took a militant turn and has influenced political change since 1956.
Francis Richard Senanayake, brother of Don Stephen Senanayake, died in the early 1920s aged 44; progenitor of modern Sinhalese chauvinistic nationalism through the Sinhalese *mahajana sabhas* (the great people's councils).
Sir Don Baron Jayatilaka (1864–1944), Leader of the State Council, Minister of Home Affairs and Vice-Chairman, Board of Ministers 1931-42; Ceylon Government's Representative in New Delhi 1942–4.
Don Stephen Senanayake (1884–1952), Leader of the State Council and Vice-Chairman, Board of Ministers, 1942–7; Minister of Agriculture and Lands 1931–47; founded the United National Party 1947; Prime Minister 1947–52.
Dudley Senanayake (1911–73), son of Don Stephen Senanayake; Prime Minister 1952–3, March-July 1960 and 1960–5; could not implement the Dudley Senanayake-Chelvanayakam Pact of March 1965.
Sir Oliver Ernest Goonetilleke (1892–1978), cabinet minister at various times 1947–54; Governor-General of Ceylon 1954–62.
Solomon West Ridgeway Dias Bandaranaike (1899–1959), member of the State Council 1931–47; Minister of Local Administration 1936–47; founder-leader of the *Sinhala Maha Sabha* ('the Great Council of the Sinhalese') 1937; founder-member of the United National Party 1947; Minister of Health and Local Government 1947–51; resigned 1951 and formed the Sri Lanka Freedom Party, leading it to a great electoral victory in 1956 against the United National Party, then led by Prime Minister Sir John Kotelawala; Prime Minister 1956–59; assassinated by a Buddhist monk 1959; failed to honour the Bandaranaike-Chelvanayakam Pact of 1957.

Sirimavo Ratwatte Dias Bandaranaike (1916–), wife of S.W.R.D. Bandaranaike; Prime Minister 1960–5 and 1970–7; leader of the Sri Lanka Freedom Party; ignored the C.P. de Silva/Chelvanayakam 'Understanding' of April 1960 although alleged by Tamil Federalists to have been a party to it.
Junius Richard Jayewardene (1906–), cabinet minister at various times since 1947; leader of the Opposition 1970–7; Prime Minister 1977–8; first Executive President 1978–82, elected Executive President for a second term 1982–8; part-architect of the abortive District Development Councils Act of 1980.
Ranasinghe Premadasa (1924–), Prime Minister 1978–.
Lalith Athulathmudali (1936–), Minister of Trade and Shipping since 1977, also Minister of National Security.
Gamini Dissanayake (1942–), Minister of Lands and Land Development and Minister in charge of the Mahaveli river diversion scheme.
Anura Bandaranaike (1949–), leader of the Opposition since 1983, son of S.W.R.D. and Sirimavo Bandaranaike.

TAMIL

Sir Ponnambalam Ramanathan, K.C. (1851–1930), retired as Solicitor-General of the Crown Colony of Ceylon; entered Legislative Council as nominated Tamil member in 1879; the first elected 'Educated Ceylonese Member' of Legislative Council, on a restricted franchise, 1911; re-elected, supported the Sinhalese in the Sinhalese-Muslim riots of 1915; in and out of the constitutional reform movement 1879–1926; bitterly opposed Donoughmore Reforms 1930, without success.
Sir Ponnambalam Arunachalam (1853–1924), brother of Sir P. Ramanathan; first Ceylonese to pass Ceylon Civil Service examination 1875; retired as Registrar-General of the Crown Colony of Ceylon 1913; the third Ceylonese to be appointed to the Executive Council of Ceylon (1912). On his retirement, he entered the constitutional reform movement and became a founder-leader and guiding spirit of the Ceylon National Congress, 1919. Lived to rue the day when he left the Congress in 1921 and formed the Ceylon Tamil League in 1922, when pledges given to him by the Sinhalese leadership had been violated.
Sir Arunachalam Mahadeva (1885–), son of Sir P. Arunachalam; member State Council 1936–47; Minister of Home Affairs under the Donoughmore Constitution 1942–7.
Gangesar Ganapathipillai Ponnambalam, Q.C. (1899–1977), founder-leader All Ceylon Tamil Congress 1944; cabinet minister 1948–53.
Samuel James Velupillai Chelvanayakam (1898–1977), founder-member of the All Ceylon Tamil Congress; broke away and formed the Tamil Federal Party in 1949 (its Tamil designation is '*Ilankai Thamil Arasu Kadchi*', 'the Ceylon Tamil State Party'), which merged with other Tamil groups to form the Tamil United Front, 1972; was one of its co-leaders. In 1976, became a co-leader of the Tamil United Liberation Front, which demanded the partitioning of the

island and creation of a separate Tamil sovereign state, Tamil Eelam (Tamil Ceylon).

Sauviamoorthy Thondaman (1913–), founder-leader, Ceylon Workers' Congress; Minister of Rural Industrial Development 1977–.

Appapillai Amirthalingam (1927–), general secretary Tamil United Liberation Front; leader of the Opposition in the Ceylon Parliament 1977–83; went into self-exile in Madras 1983.

Murugesu Sivasithamparam (1923–), President Tamil United Liberation Front, 1978–; Deputy Speaker of the Ceylon Paliament 1965–70; went into self-exile in Madras 1983.

Velupillai Prabhakaran, leader of the Liberation Tigers of Tamil Eelam, the most powerful organisation of the Tamil Resistance; skilled military tactician.

INDIAN

Indira Gandhi (1918–84), Prime Minister of India at various times from 1968 till her assassination.

Rajiv Gandhi (1944–), succeeded his mother Indira Gandhi as Prime Minister in 1984.

G. Parthasarathy (1918–), Chairman Policy Planning Committee with membership in Cabinet in India; author of the abortive Annexure 'C' of 1983.

Romesh Bhandari (1928–), Foreign Secretary, who was unsuccessful in reconciling Sinhalese and Tamils after Parthasarathy left the scene; active in this task 1984–5.

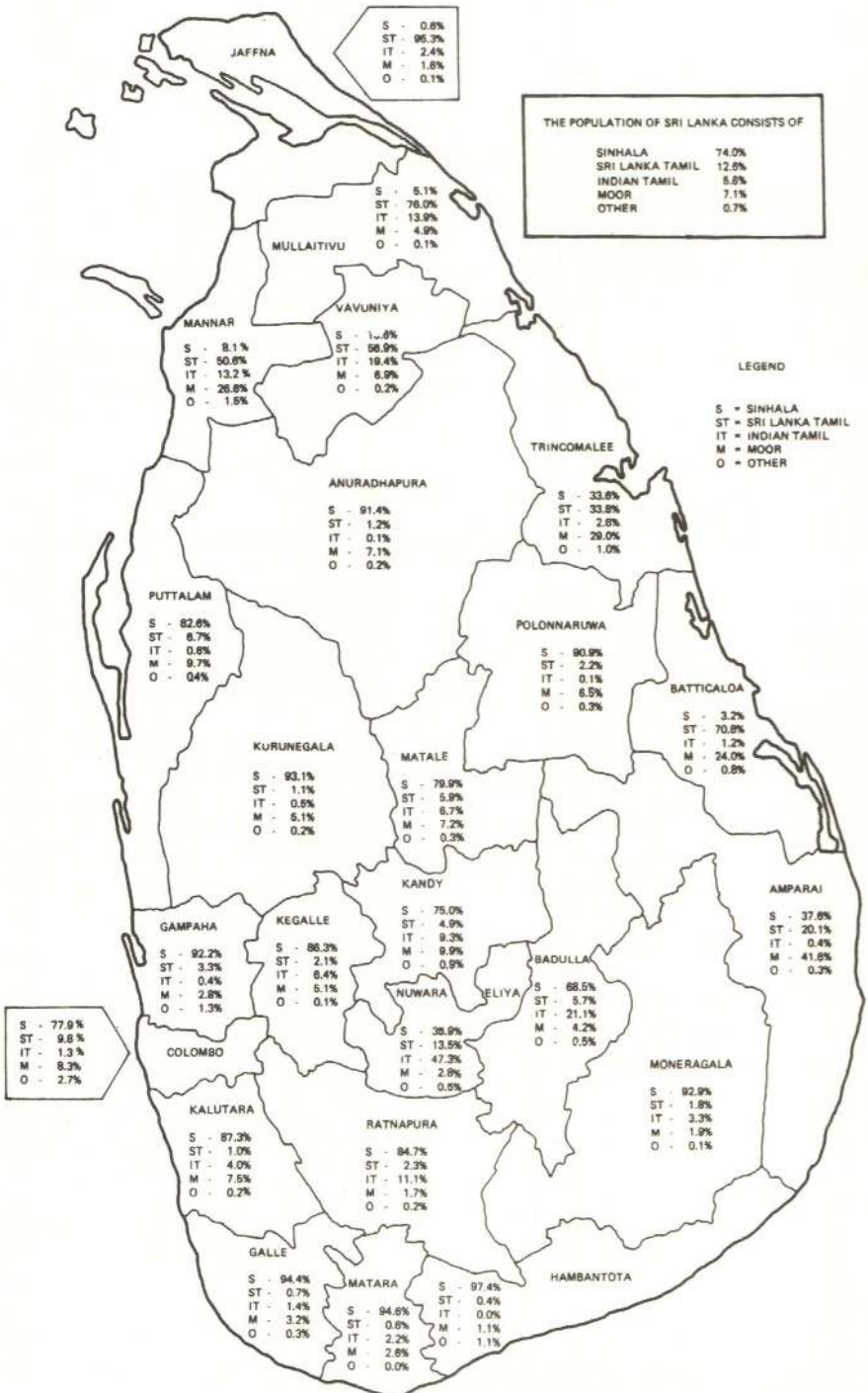
P. Chidambaram, Minister of State, who headed the Indian delegation to Ceylon in 1986 to negotiate a peace settlement. The mission failed.

Dinesh Singh (1931–), carried a message to President Jayewardene from Rajiv Gandhi early in 1987 stating that India would supply food and fuel to the Tamils of the Jaffna peninsula unless President Jayewardene's government lifted the blockade of the peninsula. The Jayewardene government lifted the blockade.

J.N. Dixit (1936–), India's High Commissioner in Colombo, 1983–.

M.G. Ramachandran (died 1987), Chief Minister, Tamil Nad; sympathiser of the Tamil Freedom Movement.

M. Karunanidhi (1924–), Leader of the Opposition, Tamil Nad; sympathiser of the Tamil Freedom Movement.



Opposite:

CEYLON, SHOWING ADMINISTRATIVE DISTRICTS AND POPULATION DISTRIBUTION (1981 CENSUS)

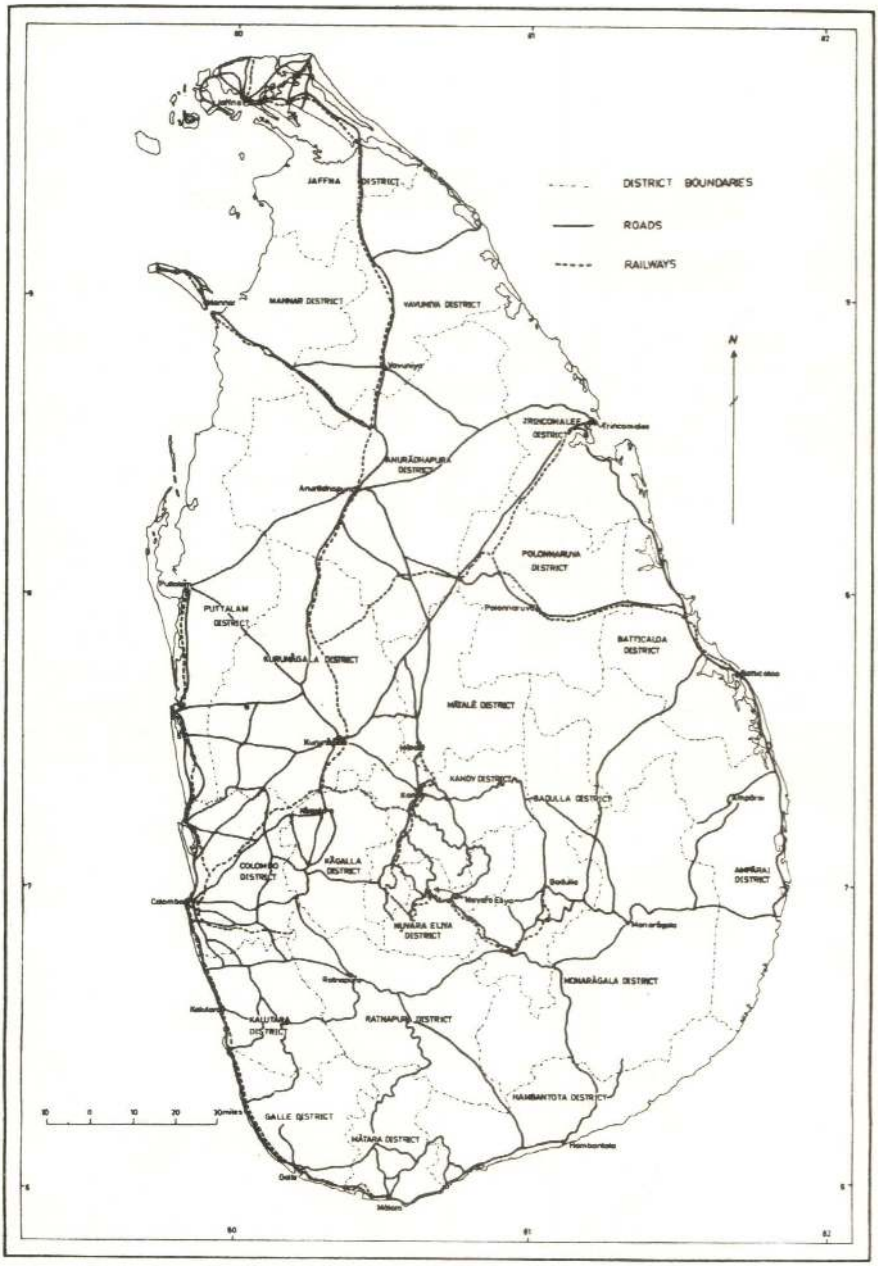
This map is an official handout of the Sri Lanka government. It contains statistics on, *inter alia*, the Tamils, the Tamil-speaking Muslims and the Sinhalese in the Eastern Province.

State-aided settlement of Sinhalese colonists, mainly from the Sinhalese south-west quadrant, began at the time of Ceylon's independence (1946–8), and even before under the semi-responsible Donoughmore Constitution. The present impasse on the future of the Eastern Province arises from the changes in demographic composition effected by the Sinhala Buddhist state.

The following figures provide evidence of state-organised changes in demographic composition since Ceylon became independent in 1948:

	Tamil	*Muslim (Tamil-speaking)*	*Total Tamil-speakers*	*Sinhalese*
1946	44.51	30.58	75.09	20.68
1981	36.41	28.97	65.38	33.62

It has been the view of President J.R. Jayewardene that the Tamil-speaking Muslims will not side with the Tamils in a referendum for a merger of the Northern and Eastern Provinces. The problems on land and distribution of water resources are similar for both Tamil-speaking groups. However the Sinhala-Buddhist state has the resources to win over the Tamil-speaking Muslims.



CEYLON IN THE LATE TWENTIETH CENTURY

1. The Origins of the Unitary State

Ceylon passed from the dual control of Britain and the British East India Company and became the first British Crown Colony in 1802. Frederick North assumed office as Governor on 1 January of that year, and was instructed by the Secretary of State for the Colonies, Henry Dundas – in addition to the other powers vested in him – to install a Council of Advisers to advise him on controversial issues. The legislative powers of the Governor remained intact subject to certain necessary provisos. The Secretary of State instructed the Governor in his despatch of 13 March 1801 that

> it may . . . be advisable, for the sake of more solemnity and as affording the means perhaps of giving more satisfaction in the country . . . that you should consult on all great and important occasions and that some form should be adopted for the promulgation and execution of all Acts and measures of this description, by which it might be understood that they were passed or ordered by the Governor in Council.

The Secretary of State was however careful to point out that 'the complete legislative power must remain . . . vested in the Governor alone, subject to revision and confirmation or rejection at home.' The Governor did not have to put questions to the vote in his Council of five advisers, or act on their advice; any member who disagreed could enter a minute of dissent.[1] The Council of Advisers thus functioned only as a consultative body and did not in the least share either the legislative or executive authority with the Governor.

A change in phraseology also took place at this time, presumably to lend more weight to the Governor's decisions. Under the earlier dispensation – i.e. when there was military rule together with the dual control of the British East India Company and the British government – the orders of the Governor were issued as 'Proclamations' (emanating from only one single authority), but with Crown Colony status the constitutional terminology was changed. The decisions of the Governor were issued as 'Regulations, By Order of the Council' and 'By His Excellency's Command'.[2] But, despite the change, the legal and constitutional position was no different: 'The Governor of Ceylon was still its legislature, but the legislative power was normally exercised by the

Governor in Council of Government, which was a sort of Colonial Privy Council.[3] There was therefore no doubt that all central power was concentrated in the hands of the chief executive, the Governor of Ceylon. The policy followed was the same for all Governors thereafter till Governor Barnes in 1823.

The appointment of Thomas Maitland in 1805, in succession to North, further concentrated power in the hands of a single authority. The Colonial Office appointed Maitland as Officer Commanding the Troops and Governor and Commander-in-Chief of Ceylon – North had not possessed this authority, which was vested in General David Douglas Wemyss, and had complained that he was 'reduced to the office of cashier of the Treasury'.[4] This set the pace for future Governors. Maitland had little interference from the Colonial Office; at home the Secretaryship of State for the Colonies was combined with that of War, with the result that the efforts of the Secretary of State were concentrated on the prosecution of the war with Napoleon. Also, the Secretary of State did not have enough knowledge of local affairs to advise the Governor. Edward Cooke, the Under-Secretary, admitted that no judgments could be formed on most of the matters submitted to the Colonial Office, and that he hoped Governor Maitland was right.[5] During this phase, to make matters more complicated, the Secretaryship changed hands at short intervals.

Governor Maitland further increased the concentration of power in his hands. He began the system of the grand gubernatorial tour of the island where he learned things for himself, received petitions and was informed of the actual state of affairs in the outlying areas. The system of looking on the Government Agents as the true representatives of the people was begun by Maitland. During 1808–9, the Governor issued writs and directives requesting Collectors (the Government Agents of later days) to acquaint themselves with the needs of the inhabitants in the districts under their control, to undertake circuits at regular times, and to keep diaries recording whatever they observed or any intelligence they obtained during their travels. These writs and directives came to be called the *Collectors' Great Guide*. Centralisation was thus increasingly becoming the objective of the colonial government.

The occupation of the kingdom of Kandy in 1815 left matters unsettled till 1831. The Governor governed the Kandyan areas according to Kandyan law, with modifications as necessary. Rule was by 'Proclamation', not by 'Regulation', and by 'Order of the Council' as in the maritime districts. However, in 1831 the Governor, Sir Robert Wilmot

Horton, was issued with a commission which for the first time brought the island under a single unified legislature. Horton's Commission constituted him as Governor and Commander-in-Chief 'in and over our settlements in Ceylon' with a consultative Council of Government. He was given 'full power and authority, with the advice and consent of the said Council of Government to make, enact, ordain and establish laws for the order, peace and good government of our said island'. Thus the engines of centralisation had been set in motion, not for sections of the island, but for one single unified piece of territory.

Then came the recommendations of the Colebrooke-Cameron Report.* Lieutenant-Colonel W.M.G. Colebrooke, in his section of the Report dated 24 December 1831, recommended a tighter degree of centralisation. The entire island was to be administered by the Governor and his Council. The number of provinces was reduced from sixteen to five, each under a government agent.[6]

The thinking behind this redrawing of boundaries of provinces was to reduce the isolation of the Kandyan Sinhalese hill-dwellers. Their separate existence presented an obstacle to the formation of a homogeneous nation and a uniform system of administration, as the British envisaged. Britain was determined to rid the Kandyan Sinhalese areas of the influence of their native chiefs.

The historian Vijaya Samaraweera has emphasised this point. Colebrooke wished to have the Kandyan Sinhalese and the Low Country Sinhalese assimilated into a homogeneous entity. This would eliminate the power of the chiefs of the Kandyan Sinhalese. Thus, a uniform system of government was Colebrooke's remedy. He argued that the Kandyan chiefs would continue to wield influence if their areas were separately governed.[7]

Colebrooke's more noteworthy contribution was his recommendation for constituting Executive and Legislative Councils. The Legislative Council would be a nominated body, but in time it was to evolve into an elected legislature. For the time being, it was to advise the Governor on the governance of the island. In the final instance, however, the Governor continued to be the government of the island.

In the course of the nineteenth and early twentieth centuries, both councils were expanded. The Legislative Council became more representative. Until the recommendations of the Donoughmore Commission in

*Colebrooke confined himself to recommendations on the civil administration; Cameron concentrated on judicial reforms.

1931, the imperial authorities introduced the elective principle in stages, but maintained a balance in the ethnic composition of the Legislative Council as between Low Country Sinhalese, Kandyan Sinhalese, the Ceylon Tamils of the Northern Province, those of the Western Province and those of the Eastern Province, the Indian Tamils, the Muslims, the Burghers and Europeans. But even with the introduction of reforms in the Constitution by Governor Sir Henry McCallum in 1912 and by Governor Sir William Manning in 1920 and 1923, especially those of 1923 which left the colonial government in a minority situation in the Legislative Council, the Governor continued to be responsible for the government of the island.

Clause 13 of the Royal Instructions of 1920 enjoined the Governor not to give his assent to ten types of bills, principally ones of imperial concern. He retained firm control over the island's public administrative system, and in addition the Constitutions of 1920 and 1923 vested him with a certain reserve of power which enabled him in the ultimate instance to legislate for the peace, order and good government of the country. In effect, if the Governor was of the opinion that a measure was of 'paramount importance', he could have it enacted into law with the votes of the minority of twelve Official Members in the Legislative Council.

In the years between Colebrooke's reforms of 1833 and the constitutional reforms of McCallum in 1912,[8] several changes had taken place in the administrative, economic, educational and political spheres. Colebrooke had recommended a general reduction of posts in the public service. The colonial government implemented this while at the same time eroding the separateness of the hitherto isolated Kandyan Sinhalese highlanders by re-demarcating the provinces so that there were no longer seventeen but five. However, the larger provinces proved unwieldy for the purposes of administration since the outlying and the frontier areas stood to be neglected. So in 1873 the Northern Province was divided and a new North Central Province was created. In 1886 the district of Uva was detached from the Central Province and named 'Uva Province'. In 1889, Sabaragamuwa became a province in its own right after being detached from Western Province.

The post-Colebrooke years saw notable changes in the economic landscape. First coffee and later tea, along with rubber and coconut plantations, became commercial crops for migrant British planters. Import and export trade followed, with the capital city, Colombo, becoming the focus of activity. Roads and railways connected the planta-

tion districts to Colombo. These developments meant further inroads into the isolation of the Kandyan Sinhalese. The Great Kandyan Rebellion of 1848 was the last attempt of the Kandyan Sinhalese chiefs to assert their separateness. By the second half of the nineteenth century, the administrative and social unification of the entire country was completed. The last isolated area in the north of the island – inhabited mostly by Ceylon Tamils – was linked to the rest of the country with the construction of the railway line from Colombo to Jaffna, the northern capital of the Ceylon Tamils, and thence, in 1896–1903, to Kankesanthurai, the island's most northerly town.

These changes in the pattern of communications meant, first, greater commercial contact between low-country Sinhalese traders and the Kandyan Sinhalese population, and secondly numbers of Ceylon Tamils in the Jaffna peninsula began seeking opportunities as government employees, in professional occupations or as entrepreneurs in the Sinhalese areas; in particular, the first and second of these categories congregated in Colombo. The fact that the Executive Council, the Legislative Council and the Governor of the Colony functioned in Colombo gave the city increasing importance, which in turn enhanced the power of the administrative apparatus. This was the beginning of a trend which led Colombo to develop a vested interest in itself, and in later years to show reluctance to share power with the peripheral areas.

There were strides in education. A year after Colebrooke's mission, the island counted 13,891 children in school; but three-quarters of a century later, in 1906, there were 276,691.[9] In 1905 there were 554 government schools and 1,582 state-aided ones. The island's population had risen from 1,167,700 in 1834 to 3,984,985 in 1906. Over the same years, revenue increased from Rs 1,145,340 to Rs 112,516,914.[10] The hub of activity of a highly centralised administration continued to be Colombo; alternative centres failed to develop.

Increasing education and prosperity promoted the growth of religious revivalism among the majority Sinhalese Buddhists and the minority Hindus and Muslims. A natural consequence of this multifarious mix of ethnically and religiously divided groups was the emergence of cross-cutting synthetic nationalist umbrella organisations. Those who involved themselves in these activities were the propertied and professional classes. The lower layers of society were not immediately affected.

The countryside escaped this stirring. Instead 'prayers', petitions and memorials were addressed to the Secretary of State by essentially commerce-oriented organisations such as the Low Country Products Asso-

ciation (started in 1907), the Jaffna Association comprising well-to-do Tamils in the Jaffna peninsula, the Chilaw Association (largely coconut producers in the Chilaw district north of Colombo) and the Ceylon National Association, the last-named comprising the professional and merchant classes in the Western Province. On 17 May 1917 the élitist Ceylon Reform League was inaugurated for 'securing such reform of the administration and government of Ceylon as will give the people an effective share therein and of encouraging the study of questions bearing on their political, economic and social condition'. On 15 December 1917 a Public Conference on Constitutional Reform was convened by the League and the Association. A Second Conference on Constitutional Reform met at the Public Hall in Colombo on 13 December 1918.

All these activities culminated in the formation of a broad coalition of these various English-educated élites belonging to different ethnic groups and religions. The Ceylon National Congress, as it came to be called, had its first session on 11 December 1919 in Colombo which, as already indicated, was conveniently placed to be the centre of all this activity directed towards the reform of the Constitution.

The underlying causes for agitation by these otherwise divided élites which had united only for specific purposes were to secure, first, a greater 'Ceylonisation' of the public services; secondly, more powers for the Executive and Legislative Councils, and consequently a reduction in the powers of the Governor; and, thirdly, an ethnically-balanced legislature where each of the ethnic groups (including the religious group of Muslims for our purposes) would receive an agreed share of representation. From 1833 till 1931 and even beyond, during the periods of the Donoughmore Constitution (1931–47) and the Soulbury Constitution (1947–8), the dispute between the élitists was on the quantum of representation and not on the structures of government. In effect the competition was a struggle for a share in the spoils of office and in state employment. Colombo, as the largest employer, became the nerve-centre of inter-ethnic rivalry.

Attempts at promoting the revival of local government institutions were feeble, and anyway proved futile. These were ineffective because of the indifference of the activists for constitutional reform. On the other hand, the colonial authorities looked on these institutions more as a means of eliciting opinion. Municipal Councils were established in Colombo and Kandy in 1866, and in Galle in 1867, Kandy and Galle being the urban centres next in importance after Colombo. And in 1889

the Governor, Sir Hercules Robinson (1865–72), enacted a law reviving the age-old institution of the village committee. There were already in existence other local bodies such as Provincial and District Road Committees and Local Boards of Health. Local Boards in minor towns had been instituted in 1876. But none of these produced the expected results. A Government Agent for the Southern Province, in his Administration Report for 1905, remarked among other things:

> I am afraid that Ceylon is not yet ripe for anything of the nature of representative government. It is very seldom that candidates come forward for election from purely public-spirited motives, and it is certainly not with the object of securing the best candidate or the man who will best look after the interests of the people that voters are induced to come forward and record their votes . . .

Despite British attempts to create an ethnic mosaic from diverse nationalities, the years 1920–30 witnessed the first signs of tears. The competing ethnic groups were at variance over the share which each should have in the communal distribution of seats. The minority groups wished to secure their positions through specially carved-out communal electorates, but the Sinhalese majority demanded territorial representation as their natural right. Competition and rivalries became so sharp that in order to hold together the disintegrating communal mosaic within the unitary polity that the British were trying to construct, the Secretary of the State for the Colonies, the Duke of Devonshire, observed in a despatch of 11 January 1923 to the Governor of Ceylon, Sir William Manning:

> In view of existing conditions and of the grouping of population in the Colony, representation must for an indefinite period of time be in fact communal, whatever the arrangements of constituencies may be, and that if all elected members were in form returned by territorial constituencies they would none the less be in substance communal representatives . . .

Earlier, on 1 March 1922, Governor Manning had expressed the view in a despatch to the Secretary of State that the ethnic composition of the legislature should be such that 'no single community can impose its will upon the other communities'. Manning's pronouncement was used as a support base by the Ceylon Tamils and their principal political instrument, the All-Ceylon Tamil Congress, in the 1930s and early 1940s to agitate for balanced representation in the legislature, a communal formula which implied 50 per cent of the seats in the legislature for the Sinhalese majority and the remaining 50 per cent divided between the ethnic minorities.

The Sinhalese leadership bitterly opposed any attempt to lessen their numerical superiority. A Ceylon Reform Deputation enunciated their stand in no uncertain terms in a memorandum issued on 12 April 1923. The Deputation condemned Governor Manning's scheme to restrict Sinhalese representation in the Legislative Council as

> an attempt to establish a 'balance of power' based upon no principle, but devised for the avowed purpose of preventing the possible predominance of Sinhalese territorial representatives in the Legislative Council, which contingency for some unexplained reason is regarded as a dreadful evil to be averted even at the cost of justice and fair play.

The net result of this Sinhalese unwillingness to accommodate and to compromise with the ethnic minorities was the break-up of the Ceylon National Congress. The founding President of the Congress, Sir Ponnambalam Arunachalam, left its ranks in 1921, condemning it as 'one representing mainly a section of the Sinhalese', adding that it had 'destroyed the feelings of mutual confidence and cooperation between the various communities'.[11]

Arunachalam tried to fight a rearguard action to come back into his own among his fellow Ceylon Tamils. He founded a new political organisation in 1923, the Ceylon Tamil League, and posited as its objective a goal which anticipated later events in the political evolution of the Tamil community. In the evening of his life, in an address to the Tamil League, he stated what he thought the Tamil people should work towards:

> 'We should keep alive and propagate those ideals throughout Ceylon and promote the union and solidarity of what we have been proud to call *Tamil Eelam*. We desire to preserve our individuality as a people, to make ourselves worthy of our inheritance. We are not enamoured of the cosmopolitanism which would make of us 'neither fish, flesh, fowl nor red-herring'. That does not mean that we are to be selfish and work only for the Tamil community. We have done more for the welfare of all-Ceylon than for the Tamils . . . We do object, however, strongly to being under-dogs. We mean to make ourselves strong to defend ourselves and strong also to work for the common good.'[12]

That Arunachalam was standing up for Tamil political solidarity in this statement, there can be little doubt. But one can only speculate whether, given the context in which he was speaking of a Tamil Eelam, he can be said to have actually called for a separate sovereign Tamil state. (These words, as is well known, constitute the title used at the time of writing for the proposed separate Tamil state.) In any case, the relative prosperity

of the Tamil community and the continuing presence of a neutral imperial ruler were not quite appropriate for a separatist demand at this juncture.

A little-emphasised fact in this period is the political role played by Francis Richard Senanayake (1884–1925), elder brother of Don Stephen Senanayake, Ceylon's first Prime Minister, in the organisation of the Sinhalese Buddhist movement in 1918 and 1919, a movement which ironically was prised from the Senanayakes by their principal adversary, S.W.R.D. Bandaranaike, in the 1930s. This movement noticeably paralleled the efforts of the westernised constitutional reformists to consolidate the various English-speaking groups into a National Congress. D.E. Smith traces the origins of the powerful All-Ceylon Buddhist Congress of the 1950s to 1918 and to the efforts of C.A. Hewavitharne, F.R. Senanayake and Baron Jayatilaka among others.[13] They had launched the Young Men's Buddhist Association movement, which in 1924 took the name of the All-Ceylon Congress of Buddhist Associations – and in 1940 became the All-Ceylon Buddhist Congress. Some idea of its original objectives can be discerned from its stated objectives at the time when the Buddhist Congress was incorporated by an act of Parliament in 1955:

> . . to promote, foster and protect the interest of Buddhism and of the Buddhists and to safeguard the rights and *privileges* of the Buddhists.[14]

All this, while Arunachalam and his fellow-reformists were striving towards a secular and national polity in convening the Ceylon National Congress.

A year after the Buddhist movement took root, the brothers F.R., D.C. and Don Stephen Senanayake, along with Baron Jayatilaka, started the *Sinhala Mahajana Sabhas* (the Great Sinhalese People's Association) in the Sinhalese villages. Apart from the supposed link between them and the Ceylon National Congress, the *Sabhas* insisted on the use of Sinhalese in their proceedings. They supported Buddhist candidates as against Christians in elections to the Legislative Council.[15]

It can be argued that Arunachalam was a single-minded man, and that in all probability he overlooked the growth and even mushrooming of these ethnocentric Buddhist Sinhalese groups. But as a senior civil servant experienced in public life and in the inner councils of government, he should have had the acumen to anticipate the beginnings of the movement of 'the land, the race and the faith'. One possible reason is that he never expected Britain to confer universal suffrage, and consequently an

overwhelming territorial majority for the Sinhalese. Another is that he felt himself to be above these petty internecine conflicts. But then he did not appear to have done much to ensure adequate protection for the community to which he belonged. Possibly he was deceived into believing that designing Sinhalese political leaders placed their faith in him.

Arunachalam's brother, Sir Ponnambalam Ramanathan, was wiser and more shrewd. He abandoned the Sinhalese bandwagon and transformed himself in good time into an indefatigable exponent of the rights of the Ceylon Tamils. Ramanathan was firm in his position on communal ratios in representation in the legislature. He was opposed to the extension of the franchise recommended by the Donoughmore Commission, because he knew that universal suffrage would mean the institutionalisation of a Sinhalese territorial majority which, as he well understood, would be detrimental to the interests of the Ceylon Tamils. In a 50-page *Memorandum* to the Secretary of State for the Colonies dated 18 July 1930, Ramanathan dwelt on three features of the Donoughmore recommendations which he thought would disturb the good relations that existed between the ethnic communities. He quoted with approval the Despatch of 22 January 1924 by the Secretary of State for the Colonies (the Duke of Devonshire) to Governor Manning on the claims of territorial and communal representation:

> . . . If on the other hand, these Unofficial Members had been elected by purely territorial constituencies, the Sinhalese community would almost certainly have been in a majority (disproportionate even to their numerical superiority in some respects) over all other sections of the Legislative Council including the Government. It would therefore appear to be clear that adherence, pure and simple, to the territorial basis of representation would be strongly opposed by all communities except the Sinhalese, and I am satisfied that the former are sincerely persuaded that their vital interests require serious limitation of the territorial basis of representation. . . .[16]

In effect Ramanathan was buttressing his case for property and educational qualifications for the exercise of the franchise; he knew that such a franchise would benefit the better-off and more highly-educated minority communities in the legislature, whereas universal suffrage would affect their position adversely. Ramanathan therefore asked in this *Memorandum*:

> What then would be the fate of the different races in Ceylon where only a very small percentage of the people have received elementary education, where the

vast majority of the people have not learnt to manage their own affairs properly . . .? Universal suffrage for a people who have not been given universal elementary education and sound training in business methods will assuredly lead to the filling of the legislature with speculators and schemers, skilled in robbing Peter to pay Paul.[17]

And lastly Ramanathan anticipated the coming into being of the homogeneous Board of Pan-Sinhalese Ministers which he well knew would damage the interests of the Ceylon Tamil community. On page 35 of his *Memorandum* he stated:

If out of 58 members of the State Council, 35 agree to pull together, they can determine the composition of the committees in such a manner that there will be a majority of men belonging to their own circle in each committee, and when this is done, the Ministers of the Committees will necessarily be members of that circle, which will control the machinery of the Government; and if there is a sufficiently strong personality or triumvirate who could command the return of 30 or 35 members to the Council, he or such triumvirate will have the mastery of Ceylon.

One cannot but wonder why he did not think of a duumvirate, e.g. Don Stephen Senanayake and Baron Jayatilaka. Ramanathan's solution for the ills that would threaten Ceylon, should the Donoughmore scheme take effect, was to ensure a 'balance of power' in the system of representation. He insisted:

There is also the well-known principle called the 'balance of power', which the Duke of Devonshire had in view, when he considered the question of adequate representation needed for the majority and minority communities, in order that one or two parties may not outvote the rest and dominate them . . .

But neither this expression nor the 'balance of power' can be applied to the Donoughmore Commissioners' scheme. For they have abolished communal representation, introduced territorial representation universally . . . There is nothing in this scheme to balance. On the contrary it has destroyed the final adjustment of political power thought out by Governor Manning, the Duke of Devonshire and the [British] Cabinet of 1923 and sanctioned by the King . . .[18]

In short, Ramanathan feared unadulterated universal suffrage and its consequences for his own community. But he and his brother Sir Ponnambalam Arunachalam had, ill-advisedly, lent their support to the Sinhalese reformists, who had made use of the two brothers. There is little doubt that the brothers were flattered by the leadership roles assigned to them, little knowing that when the Sinhalese reformists no longer needed them, they would be edged off the political stage. In the

early 1920s, the Senanayake brothers, Don Stephen the younger and Francis Richard the elder,* were opposed to the ambitions Arunachalam might nurture for the future. It is possible from the available evidence that Arunachalam wished to remain the island's principal nationalist leader. F.R. Senanayake therefore condemned Arunachalam as 'an egoist who had an exaggerated notion of his importance and an extremist in politics'.[19]

It was not only the Ceylon Tamils who were displeased with the Donoughmore reforms. So was the other segment of the Tamil-speaking population, the Muslims. T.B. Jayah, the virtual leader of Muslim political opinion (despite his Malay origins), said when winding up his motion regarding 'the Donoughmore Commission and Communal Representation':

> . . . I went out of my way to join the Congress at a time when the whole Muslim community was against the Congress. [. . .] I can tell my honourable friends that during the elections it was put to me that I could have the support of my community if I gave up the Congress. If I was actuated by selfish motives, I would have given up the Congress . . .[20]

In addition to Ceylon Tamil and Muslim opposition, there were rumblings among the Kandyan Sinhalese gentry. The latter joined hands with their Low Country Sinhalese counterparts. On the other hand, the Kandyan Sinhalese chiefs suggested in their appearances before the Commission in 1927 a federal polity consisting of the Tamil areas of the Northern and Eastern Provinces, the Low Country Sinhalese provinces (the Western and the Southern) and the Kandyan Sinhalese provinces.[21]

Almost a hundred years after the visit of the Colebrooke Commission of 1831, a special commission on the Ceylon Constitution was appointed. Besides the chairman, the Earl of Donoughmore (it was thus referred to as the Donoughmore Commission), it had three other members: Sir Mathew Nathan, Sir Geoffrey Butler and Dr T. Drummond Shields, with Mr P.A. Clutterbuck as Secretary. The terms of reference issued to the Commission on 6 August 1927 was 'to visit Ceylon and report on the working of the existing Constitution and on difficulties of administration which may have arisen in connection with it; to consider any

*The elder Senanayake died prematurely in the 1920s; if he had lived, he would have become the first Prime Minister of Ceylon.

proposals for the revision of the Constitution that may be put forward and to report what, if any, amendments of the Order-in-Council now in force should be made'. The Commission left England on 27 October 1927, arrived in Ceylon on 18 November, remained in the island till 18 January 1928, and produced its Report on 26 June 1928.

In a way the Donoughmore Commissioners tended to look the other way on the problems caused by multiethnicity. They termed it the canker that was eating into the very vitals of the body politic. On page 31 of their Report they stated:

> Not only is the population not homogeneous, but the divergent elements of which it is composed distrust and suspect each other. It is almost time to say that the conception of patriotism in Ceylon is as much racial as national and that the best interests of the country are synonymous with the welfare of a particular section of its people. If the claim for full responsible government be subjected to examination from this standpoint, it will be found that its advocates are always to be numbered among those who form the larger communities and who, if freed from external control, would be able to impose their will on all who dissented from them. Those on the other hand who form the minority communities, though united in no other respect, are solid in their opposition to the proposal . . .

The rational way out of this tangle would have been for the Commissioners to have provided for (*a*) reserve powers for the Governor in the event of discriminatory legislation being introduced, which they did; (*b*) weightage in representation for the smaller minorities – on this they made the egregious blunder of providing for only a limited quota of members to be nominated by the Governor; and (*c*) an independent public service commission which would ensure fairness in selection – a task only partly executed.

However, when it came to the implementation of the Donoughmore proposals, the actual working of the scheme left much to be desired. Centralisation was no doubt maintained, in that power was in the end concentrated in the hands of the Governor and three British 'Officers of State' with key portfolios: the Chief Secretary in charge of the public services, external affairs and defence; the Financial Secretary who was responsible for the budget, accounting and financial affairs; and the Legal Secretary who controlled civil law and order, justice and the drafting of legislation.

The legislature – the State Council – was divided into seven executive committees. Each committee elected its chairman who became minister in charge of the departments assigned to it. The Commissioners

seemed to have made a blunder. Whereas they were severely critical of the workings of the Finance Committee throughout the 1920s, particularly the inquisitorial examinations and humiliations to which it subjected public servants, they now created seven 'finance committees' in the seven executive committees proposed; a number of public servants complained bitterly of the treatment meted out to them in these executive committees.

The chairmen of the executive committees (who became ministers) did not function as if they belonged to a single team of like-minded men collectively responsible for major matters of policy. Each went his own way, anxious to create an edifice for which he would be remembered; there was considerable overlapping and duplication of functions. The seven ministers and three Officers of State constituted the Board of Ministers, though without control of the overall budget; as Governor Caldecott wrote in 1938, the Board of Ministers merely wielded the blue pencil. Towards the last years of the Constitution, the Governor of Ceylon, Sir Henry Monck-Mason Moore, began to look on Don Stephen Senanayake, the Leader of the State Council and Vice-Chairman of the Board of Ministers (the Chief Secretary was Chairman of the Board, *ex officio*), as a kind of prime minister. These constitutional changes heralded a further accretion of power to Colombo, and meant that constituents who wanted things done in the departments of state had to make the journey there. It is true that members of the legislature nursed their constituencies, usually with weekend visits, but Colombo was where things could be done with reasonable speed.

The system of delimitation of constituencies gave the south-west quadrant, with its largest concentration of Sinhalese population, the most seats. The Donoughmore Commission recommended a re-demarcation of constituencies so as to make the population of a constituency between 70,000 and 90,000. This meant that the greatest cluster would be in and around the south-western quadrant. Once again the importance of Colombo – being, as it was, in this quadrant – was enhanced. What in effect was an internal colonialism had developed, in which the peripheral areas were increasingly exploited by the merchants and middlemen of Colombo. In other words the politically unitary importance of Colombo had not merely been stabilised, but the city's economic tentacles had spread so far and wide that it was difficult for any outside force to challenge it. No wonder the Donoughmore Commissioners remarked:

> The primitive character of the provincial government, as against the advanced system of central government, is very noteworthy . . . The great gulf fixed

between the rural worker and the educated and Westernised classes of Colombo forms a dramatic contrast.[22]

As a counter to this excessively centralised polity, the Donoughmore Commissioners suggested that attempts should be made to explore the possibility of creating coordinating bodies through the medium of Provincial Councils 'to which certain administrative functions of the Central Government could be delegated'. They stated that consideration should be given as to 'whether there should be *large* [my emphasis] powers with regard to public works and communications, irrigation and agriculture, medical and sanitary services, education and finance, and general administration'.

However, they noted that these powers should be subject to 'the Ordinances of the Island and the rules and regulations made by the Central Government under the authority of [those] Ordinances. They recommended, further, that the Centre should provide finances from the general revenue, while the Provincial Councils should also be given powers to raise 'a substantial part of their revenues by direct taxation'.

In addition, the Commissioners felt that it was desirable for the Ceylonese legislators to get acquainted with the physical and mental conditions of the various multi-ethnic groups in the country. For this purpose they proposed another federalising feature, namely that meetings of the legislature should be held in Kandy (the chief city of the up-country Kandyan Sinhalese) and Jaffna (the principal city of the northern Ceylon Tamils). This would enable members to keep in close contact with the people. Neither of these federalising suggestions – Provincial Councils or legislative sessions in Kandy and Jaffna – was implemented. They could have helped to mitigate the island's later ills.

The Sinhalese leadership, on the other hand, evinced no willingness to share power with the minority ethnic groups. The Donoughmore system, with its divisions into seven executive committees, was designed for the purpose of providing some opportunities for minority ethnic representatives to secure election to the Donoughmore executive, the Board of Ministers. After the first general election of 1931, two representatives of the ethnic minorities, an Indian Tamil and a Muslim, were elected to the Board of Ministers. The Tamils of the Northern Province had boycotted the general election of 1931; therefore, no candidates contested the four seats allocated to the Northern Province. The boycott was called off in 1934.

It is said that had the Northern Province Tamils participated, at least one Tamil from the Province might have found a place in the Board, but

this is open to question because the two Tamil seats in the Eastern Province returned members; there were therefore two Eastern Province Tamils available for election to the Board. Neither was elected as a minister.

The two minority ethnic representatives in the Board of Ministers were not cooperative with their Sinhalese colleagues in presenting to the Secretary of State for the Colonies a unanimous request for a further reform of the constitution. These two ministers wished to be certain that in any future reformed constitution proper safeguards for the minorities would be provided. To avoid such dissentient opinions, a Pan-Sinhalese Board of Ministers was elected after the general election of 1936, thus securing an artificial unanimity of opinion on constitutional reform. Furthermore, the Pan-Sinhalese Board obtained as much as it could of the limited available resources and public service appointments for the ethnic majority. For Whitehall these actions were not adequate evidence of partiality.

However, there was a more fundamental question at issue. Universal suffrage – and, with it, the rule of the Sinhalese ethnic majority *via* territorially-constituted electorates – had been introduced. How should the representatives of this ethnic majority satisfy their own constituents while at the same time reassuring and reconciling the ethnic minorities? This issue was not addressed in the formative years of universal franchise. Instead, the Sinhalese leaders justified their actions by claiming that they were endeavouring to redress an imbalance suffered by the Sinhalese majority due to oppression by colonising powers since the Portuguese, the first Westerners, arrived in 1505. A studied effort at 'consociationalism' between the élites of the two major ethnic groups could have prevented the frictions and bitterness that lay ahead, but on the contrary, every attempt in the direction of 'segmental autonomy' was fiercely resisted by the élite of the majority ethnic community.[23]

An unsuspecting and unimaginative governor, Sir Andrew Caldecott, did not demur when the Pan-Sinhalese Board of Ministers deplored the necessity which had led them to constitute an ethnically uniform team. The British Government, they said, had declined to concede the demands of the preceding Board of Ministers (1931–6) because of the absence of consensus and unanimity among them.

The Soulbury Commission stated that 'the action of the majority could be represented as indicating a policy on their part of using their power to the detriment of the minorities',[24] while Sir Frederick Rees, a member of the Commission, remarked some years later that 'the

minorities were naturally more convinced than ever that the Sinhalese aimed at domination'.[25] And Sir Ivor Jennings, who functioned as Don Stephen Senanayake's constitutional adviser, wrote: 'It is difficult to imagine anything less persuasive than the Pan-Sinhala Ministry of 1936.'[26] All of which makes it difficult for us not to accept Sir Ponnambalam Ramanathan's view, expressed when the Ceylon National Congress disintegrated in 1921:

> When these [Sinhalese] leaders saw the possibility of self-government with Ministries, plump salaries and abundant patronage, they attempted to exclude the minority communities from an adequate share of representation and administration.[27]

Sir Frederick Rees wrote accurately in 1954: 'The Donoughmore Commissioners decided in favour of territorial representation perhaps without fully realizing the effect of the impact of a Western idea on a traditional structure.'[28]

Despite the mass of evidence pointing to the impending upheaval in the proposed unitary state, the imperial arbiter preferred to maintain a cool indifference. Governor Caldecott had in November 1937 been requested by Ormsby Gore, Secretary of State for the Colonies, to look into (*a*) the special powers of the Governor with a view to their further clarification, (*b*) the Executive Committees and the State Council, (*c*) the minority communities and their representation and (*d*) the franchise – among other things.

Caldecott at this time had to face the full impact of the campaign for balanced representation ('fifty-fifty' as it was called)* launched by G.G. Ponnambalam and his Tamil supporters. Ponnambalam believed that this was the only way by which the 'fury' of the ethnic Sinhalese majority could be stemmed. Neither Caldecott nor the Soulbury Commissioners were impressed with the logic of the demand. Nor were these imperial arbiters willing to suggest a tangible way of holding in check the arrogance of power. A charter of freedoms and the maximum safeguards to maintain the independence of the judiciary could have been useful checks. But Caldecott and the Soulbury Commissioners thought differently. Caldecott recommended the replacement of the executive committee system with a modified form of cabinet government. He declared his total opposition to the demand for balanced representation.

*It implied 50 per cent of seats in the legislature being allocated to the Sinhalese majority and the remaining 50 per cent distributed among the minority communities.

Instead he was the first of the post-Donoughmore constitution-makers to come up with the idea of weightage in representation for the ethnic minorities as a compromise to replace the fifty-fifty demand. Caldecott's suggestion was taken up and modified by Sir Ivor Jennings when the Board of Ministers was asked to draw up a constitutional scheme. Britain had agreed to implement the scheme if it came within the framework set out in His Majesty's declaration of 26 May 1943, and if it obtained the support of 75 per cent of members of the State Council, excluding the Officers of State and the Speaker or other presiding officer.

The Pan-Sinhalese Board of Ministers had meanwhile undergone a change when Sir Don Baron Jayatilaka, Minister of Home Affairs and Leader of the State Council, resigned in 1943 to become the Ceylon Government's Representative in New Delhi. Arunachalam Mahadeva, a Ceylon Tamil (son of Sir Ponnambalam Arunachalam) and Member of the State Council for the premier Ceylon Tamil Jaffna constituency, was elected in his place. Mahadeva's election was no evidence of a change of heart. The Board was anxious to deflect the charge of racial homogeneity (see also below, p. 67).

The Board of Ministers now proceeded to frame a constitution within the parameters set by the Declaration of 26 May 1943. Sir Ivor Jennings functioned as adviser and draftsman. The significant features of the *Ministers' Draft Scheme*, as it came to be called (Sessional Paper XIV, 1944), are that it contained various safeguards for the minority communities by way of independent bodies responsible for the recruitment and appointment of public servants and judges, a rigid constitution which required a two-thirds majority for any amendment to the constitution to be enacted and a scheme of representation which provided weightage for the representation of ethnic minorities. The envisaged weightage would have given the Ceylon Tamils 12–14 seats, the Indian Tamils 10–8 and the Muslims 6–4 in a House of 101 members.

However, within a few months of independence, the government of Don Stephen Senanayake (1947–52) enacted the Citizenship Act of 1948 and the Indian and Pakistani Residents (Citizenship) Act of 1949, both of which completely changed the representational picture. The Sinhalese political scientist I.D.S. Weerawardena, in an article entitled 'The Minorities and the Citizenship Act', quite rightly observed that the disfranchisement of the Indians was 'a broken pledge to all the minorities'. And he added: 'The moral basis of the Soulbury Constitution has been wiped away.'[29] But this was only a beginning of the growing tentacles of the unitary state.

While this was Weerawardena's realistic assessment of the developing political situation, the Soulbury Commissioners themselves had been deceived into believing that with weightage in representation, the minority communities would fare even better. In paragraph 270 of their Report, they wrote:

> We were furnished with statistics to illustrate the working out of this scheme, and we investigated it with the assistance of a number of witnesses who came before us. Its advocates estimate that the result would be that, of the 95 elected seats, 58 would go to Sinhalese candidates, Ceylon Tamils 15, Indian Tamils 14, Muslims 8, making with the 6 nominated seats a minority representation of 43 in a House of 101.

Under such a scheme, it could certainly be argued that if legislation hurtful to minority interests was introduced, the minority groups could hang together and obstruct attempts by the ethnic majority to favour itself. It could then have been difficult for the Sinhalese majority to obtain the support of two-thirds of the membership of the legislature if the minorities decided to act in unison.

This, however, did not happen. In the decades since independence, there has been evidence of Sinhalese-oriented 'national' parties (by which we mean parties contesting seats in a majority of constituencies) winning majorities after disfranchising the Indian Tamil population, annexing the 8–14 seats that would have gone to them, and then enacting legislation that provided favoured treatment to the ethnic majority.

This was not the only method. The Soulbury Commission provided for prime ministerial government. A prime minister has patronage at his disposal including cabinet portfolios and important appointments to the public services and the public sector. He is also the fountain of honours and titles. There was no better way of co-opting leading members of the ethnic minority into the ranks of government.

The provision for additional seats for the minority ethnic groups went awry under the various acts against the Indian Tamils and disturbed the atmosphere of reconciliation that might have evolved with a harmonious working of the Constitution. There were also four other factors around which the Soulbury Commissioners hoped that the island would make a success of their adaptation of the Westminster model:

1. Section 29(2) of the Constitution was taken from the *Minister's Draft Scheme*, and reformulated by the Commissioners to provide additional protection to the minorities. Section 29(2) was, on the whole, an attenuated version of what a bill of rights should be. Broadly, it

prevented the Ceylon Parliament from enacting discriminatory legislation against a particular ethnic or religious group to which all other groups were not subjected. A powerful Buddhist pressure group, the *Bauddha Jatika Balavegaya*, alleged that the proviso to Section 29(2)(*d*) 'was slightly amended in the final drafting to meet the views of the Roman Catholics'.[30] Section 29(2) was finally removed in 1972 when a new republican autochthonous constitution was enacted. A statement of 'Fundamental Rights and Freedoms' was put in place in Chapter VI of the new Constitution, but its value was diminished by a blanket statement contained in Section 18(2):

The succeeding 1978 Constitution also vested the Supreme Court with similar powers (sections 120–6). The Court, in theory, is more free from political interference than the Constitutional Court of 1972–8. In substance, however, the decisions of the Court are left open to argument. In effect, the Supreme Court of the land has become politically controversial.*

2. The Soulbury Commissioners were hopeful that the leader of the majority group would act in an accommodating way towards the ethnic minorities. In fact they had reason to believe that Britain was planning to transfer power to Don Stephen Senanayake, and knew that he was a safe bet for British interests in Ceylon. They wrote thus in their report:

> We are . . . strongly of the opinion that, until parties develop in Ceylon on lines more akin to Western models, the leader of the majority group would be well advised, in forming a government, to offer a proportion of the portfolios to representatives of the minorities and, in selecting those representatives, to consult the elected members of the group or groups to which they belong.[31]

Not even Senanayake could find representative Ceylon Tamils to take their places in his Cabinet. He appointed two loners representing constituencies (Mannar and Vavuniya**) outside the Jaffna Peninsula which contains the majority of Ceylon Tamils, to take up portfolios. In 1948 he was successful in securing the services of the leader of the All-Ceylon Tamil Congress, G.G. Ponnambalam. But there has not been a single elected Ceylon Tamil from the Tamil-dominated Northern Province in any Ceylonese government from 1956 to the present day.†

*This matter is discussed further in Chapter 3.

**Both these Ceylon Tamils were mavericks, if not eccentrics.

†In the 1965–70 government, the Tamil Federal Party nominated M. Tiruchelvam to serve as Minister of Local Government when they entered into a coalition with the United National Party led by Dudley Senanayake. Tiruchelvam was not an elected M.P.; he was appointed to the Senate to enable him to take his place in the cabinet.

3. The Soulbury Commissioners hoped that 'the growth of left-wing opinion already constitutes a potential solvent of racial or religious solidarity.'[32] Nothing has helped towards the realisation of their hopes. Parties have tended to coalesce more on ethnic and religious lines – the best examples of this being the United National Party, the Sri Lanka Freedom Party, the Tamil Federal Party (now a component of the Tamil United Liberation Front), and the trade union–based Indian Tamil political organisation, the Ceylon Workers' Congress. There are many minor parties as well, all coloured by ethnocentricity. Even left-wing parties have adopted pro-Sinhalese Buddhist stances; these include the Trotskyist and Communist parties which were at one time liberal in their attitude to the ethnic question.

4. Finally, the Soulbury Commissioners expected that the Public Services Commission, the Judicial Services Commission and the second chamber, the Senate, would – given the discretionary powers assigned to the Governor (in a limited framework of internal self-government) – have appointees who could be relied on to be independent. But then Whitehall decided that Ceylon should have dominion status, and the Governor therefore became a constitutional head of state. He had to act on the advice of his prime minister, who came to be guided by political considerations.

Thus the unitary state envisaged by the Soulbury Commissioners, hemmed in by restrictions which could have contained the flood of attempts by the ethnic majority to claim rights for itself based on incorrect analogies from history, was stripped of its safeguards. In its place was substituted the dictatorship first of the Cabinet (1948–77) and later of the Executive President (1977–), placing the Ceylon Tamil ethnic minority in particular at the mercy of an ethnic majority unaccustomed to the exercise of power.

The historical origins of the unitary state are, at the social level, the supposed homogenisation of language and the recognition of religious majoritarianism. This was so when the unitary state emerged in Britain. But that concept has varied with time. The unitary state has in many instances adopted the secular idea and accommodated multilingualism instead of a single language or a state-recognised majoritarian religion. In fact the concept of the unitary state has in certain circumstances been transformed into the substance of the federal state. The primary objective that states have striven for is the maintenance of national unity.

For convenience of the imperial ruler, Ceylon was consolidated into a

centralised unitary entity. With its many 'races' and religions, such an entity could be held together under the supervision of an outsider such as a neutral imperial power, but once the imperial power withdrew, the primordial concepts of 'race', language and religion of distinct groups began to reassert themselves. Statesmanship and political accommodation would be essential if the superficial national unity left behind by the departing power were to be maintained. But instead the group to which power was transferred and its leaders preferred to go back in time to the days of the Sinhalese kings, using modern homogenised Britain as a model. Historical myths and legends were re-created to reinforce this idea. However, primordialism is many-faceted, and just as the Sinhalese Buddhist ethnic majority sought to revive the past in modern garments, so the Tamil minority in its turn began to take refuge in the fact that in Ceylon there had once been a separate Tamil kingdom.

As early as the time following the general elections of 1947, the All-Ceylon Tamil Congress sent a telegram to the Secretary of State for the Colonies demanding, among other things, the right of self-determination for the Tamil people.[33] The demand took a more articulate form in November 1947 when S.J.V. Chelvanayakam, the emerging leader of the nationalist wing of the Tamil Congress, stated that only under a federal form of constitution was it possible for the demands of the Tamil community to be satisfied.

The Tamil Federal Party was formally inaugurated in December 1949. At its first National Convention on 13, 14 and 15 April 1951 at Trincomalee, it was explicit in its demands, hardly three years after Ceylon had obtained independence. In its first resolution, the Convention drew attention to Canada, India, Switzerland and the Soviet Union as successful 'multinational and multilinguistic states' which had solved their 'complex problems' by the establishment of a federal system of government; it therefore stressed 'the Tamil people's unchallengeable title to nationhood and proclaims their right to political autonomy and desire for federal union with the Sinhalese'.[34] Don Stephen Senanayake had some twenty-seven months to live, and a new party, albeit influential, had emerged to challenge his concept of sovereign unitary statehood.

NOTES

1. Sir Ivor Jennings, 'Notes on the Constitutional Law of Colonial Ceylon, *Ceylon Branch of the Royal Asiatic Society*, New Series, vol. 1, p. 59.
2. This formula came into operation on 19 November 1805. The 'Proclamations' continued to be issued till 13 September 1804, but the latter since 23 June 1802 had the same wording, i.e. 'By Order of the Council' and 'By His Excellency's Command', tacked on to it.
3. ibid., p. 60.
4. Lennox Mills, *Ceylon Under British Rule, 1795–1832* (London, 1933), p. 47.
5. Colonial Office Despatch 55D62, Cooke to Maitland, 11 June 1807.
6. G.C. Mendis (ed.), *The Colebrooke-Cameron Papers: Documents on British Colonial Policy in Ceylon 1796–1833*, vol. 1 (London, 1956), p. 52.
7. V. Samaraweera, 'The Colebrooke–Cameron Reforms', in K.M. de Silva (ed.), *University History of Ceylon*, vol. 3: *From the beginning of the 19th century to 1948* (Colombo, 1973), p. 81.
8. See A.J. Wilson, 'The Crewe-McCallum Reforms, 1912–1921', *The Ceylon Journal of Historical and Social Studies*, vol. 2, no. 1 (January 1959), pp. 84–120.
9. A. Padmanabha, 'Reform of the Ceylon Legislative Council', *The Ceylon National Review*, Vol. II, No. 16, May 1908, p. 174.
10. *Ceylon: Report of the Special Commission on the Constitution*, referred to also as the *Donoughmore Report* (Colombo, 1928), p. 105.
11. M. Vythilingam, *Ramanathan of Ceylon: The Life of Sir Ponnambalam Ramanathan*, vol. II (Chunnakam, 1977) p. 538.
12. loc. cit., pp. 540–1.
13. D.E. Smith, 'The Sinhalese Buddhist Revolution' in D.E. Smith (ed.), *South Asian Politics and Religion* (Princeton, 1966), p. 460.
14. loc. cit. Emphasis added.
15. K.M. de Silva, *A History of Sri Lanka* (London, 1981), p. 397.
16. Sir Ponnambalam Ramanathan, *The Memorandum of Sir Ponnambalam Ramanathan, K.C., C.M.G., M.L.C., Ceylon, on the Recommendations of the Donoughmore Commissioners appointed by the Right Honourable the Secretary of State for the Colonies to Report upon the Reform of the Existing Constitution of the Government of Ceylon (1924–1930)* (London, 1930), p. 24.
17. op. cit., p. 20.
18. loc. cit., p. 47.
19. Vythilingam, op. cit., p. 533.
20. *Hansard* (debates of the Legislative Council of Ceylon) 1928, p. 2004.
21. *Donoughmore Report*, pp. 105–6; also the *Ceylon Independent*, 31 Jan. 1927, 17 Nov. 1927.
22. This and references immediately following: loc. cit., p. 105. See also Sir Frederick Rees, 'The Soulbury Commission (1944–45), *Ceylon Historical Journal*, vol. 5, nos 1–4 (July 1955–April 1956).
23. Arend Lijphart, in 'Conception and Federation: Conceptual and Empirical Links', *Canadian Journal of Political Science*, vol. XII (1979), p. 500, advocated federalism and consociational democracy as solutions to the problems of plural societies. He defined consociational democracy in terms of four principles – 'all of which', he

insisted, 'deviate from the Westminster model of majority rule: grand coalition, mutual veto, proportionality and segmental autonomy.' But for any of these principles to become operational, the political élites of the rival parties would have to cooperate, not compete. This did not happen.

24. Ceylon: Report of the Commission on Constitutional Reform (London, 1945); also referred to as *Command 6677* and more often as the *Soulbury Report*, para. 57.
25. *Ceylon Historical Journal*, vol. V (1955–6), nos 1–4, 'D.S. Senanayake Memorial Number'.
26. op. cit.
27. Ramanathan, op. cit., para. 61.
28. As quoted by Jane Russell, *Communal Politics under the Donoughmore Constitution 1931–1947* (Dehiwela, 1982), p. 18.
29. *Ceylon Historical Journal*, vol. 1, no. 3 (Jan. 1952).
30. The Bauddha Jatika Balavegaya, *Catholic Action: A Reply to the Catholic Union of Ceylon* (Colombo, 1963) p. 122.
31. *Soulbury Report*, para. 261.
32. op. cit., para. 262.
33. Ambalavanar Sivarajah, 'The Strategy of an Ethnic Minority Party in Government and in Opposition: The Tamil Federal Party of Sri Lanka (1956–1970)' (unpubl. M.A. thesis, University of New Brunswick, 1978), p. 34; the author quotes from Appapillai Amirthalingam, 'In the High Court: Trial At-Bar No. 1 of 1976', unpubl. typescript, 1976.
34. *The Case for a Federal Constitution for Ceylon: Resolutions Passed at the First National Convention of the Ilankai Tamil Arasu Kadchi* (Colombo, 1951).

2. The Unitary State and Sinhalese Political Buddhism

Political Buddhism is a recent phenomenon and, in the case of Ceylon, probably a Western invention. It is likely that the British wished to keep Ceylon independent of India, so that regardless of what happened in India, they would be able to keep naval and air bases in Ceylon, and thus dominate the vast expanse of ocean between Madagascar and Singapore. The Defence Agreement of 1947, which preceded the grant of independence in 1948, was therefore a *sine qua non* for Britain.

Our view is that Don Stephen Senanayake, Britain's favourite conservative leader to whom power was transferred, was made to understand that the offer of a defence agreement would facilitate and speed up the grant of independence. However, a likely obstacle to such an agreement was the Sinhalese Buddhist-oriented S.W.R.D. Bandaranaike. Oliver Goonetileke, the wily emissary of Don Stephen Senanayake, was requested to reassure Bandaranaike on this score. In the event, Goonetilleke did the obvious thing, telling Bandaranaike that once independence had been granted, a sovereign Ceylon could do as it pleased with the defence agreement – in effect, tear it up. But Bandaranaike was not told the other side of the equation: that if he proved recalcitrant in the cabinet of a sovereign Ceylon, he could be dismissed by its prime minister. So in a sense Senanayake and Goonetileke had it both ways.

If Ceylon had been associated with India in the struggle for independence, it would automatically have fallen within the Indian sphere of influence, and India would have insisted on a 'Finlandised' Ceylon.* In fact Sir Ponnambalam Arunachalam in 1918 had suggested, as a strategy to facilitate Ceylon's goal of independence, a federation with India. But Arunachalam's proposal did not meet with the approval of the Sinhalese 'constitutionalist' leaders,[1] which was still another reason why Whitehall had to ensure that Ceylon did not lag behind India in its progress toward further constitutional reform.

If there is any other parallel to the case of Ceylon, it is probably to be found in the West Indies. Delay in the granting of self-government there

*By 'Finlandised' we mean having limited manoeuvrability in foreign policy, in the same way that Finland cannot act contrarily to Soviet interests.

could have resulted in the various Caribbean islands looking to the United States for moral succour. Instead, Britain steered their course to independence.

How best could Ceylon be kept independent of India? To this end a racial myth had to be devised – though it is not our view that the racial myth and distinctness from Dravidian India were consciously manipulated for the objective in hand. There were the historically-established invasions of Ceylon from the Dravidian kingdoms of South India. What was significant was not that these were wars between Aryan and Dravidian peoples. Rival dynasties quarrelled with each other while they ruled the same people though in different kingdoms.

However, one of those quirks of history widened the rift. When Dravidian South India reconverted from Buddhism to Hinduism, such Tamil writings (religious commentaries) as the *Tiruvatavurar Puranam* and the *Periya Puranam* expressed strong hostility to Buddhism, as did the religious devotees and writers Tirunanacampantar (of the seventh century) and Manikkavacakar (of the ninth century). Thus R.A.L.H. Gunawardena, in his article 'People of the Lion', a path-breaking investigation of the Sinhalese Buddhist identity:

> While the Buddhist identity was one which linked the Buddhists of Sri Lanka with co-religionists in South India and other parts of the Indian subcontinent, it is only after about the seventh century that prerequisite conditions matured making it possible to link Sinhala identity with Buddhism and to present Tamils as opponents of Buddhism.[2]

Gunawardena in this study raises important questions which are relevant to our understanding of present-day Sinhalese-Tamil relations. The idea of 'race' – of Prince Vijaya (the legendary founder of the Sinhalese kingdom in Ceylon) finding a queen 'of his own Aryan race' – is, in Gunawardena's words, the presentation of 'a view of the past moulded by contemporary ideology'.[3] In particular L.D. Barnett in his chapter, 'The Early History of Ceylon', in the first volume of the *Cambridge History of India* (1921) and G.C. Mendis in *Our Heritage* (1943) are held to have given currency to these views. Although in an earlier work, *The Early History of Ceylon* (1935), Mendis stated that 'Aryan and Dravidian were not racial categories but merely groups of languages', others had blown a loud blast on the Aryan trumpet. Previously, L.E. Blaze in the 1931 revised edition of his *A History of Ceylon for Schools*, mentioned that the mythical founder of the Sinhalese, Vijaya, was 'believed to be of Aryan race', while H.W. Codrington, in his *Short*

History of Ceylon (1926), 'accepted the Aryan origin of the Sinhalese, but ventured to suggest that their original Aryan blood had been very much diluted through intermarriage. . . .'[4]

A second feature of significance in Gunawardena's study is his account of the way in which two foreign scholars divided the two communities into Dravidian and Aryan. Robert Caldwell, in his *A Comparative Grammar of the Dravidian South Indian Family of Languages* (1856), argued that there was 'no direct affinity' between the Sinhalese and Tamil languages, while the German, Max Müller, in his *Lectures on the Science of Language* (1861), declared that 'careful and minute comparison' had led him to 'class the idioms spoken in Iceland and Ceylon as cognate dialects of the Aryan family of languages'.[5]

The Aryanisation of the Sinhalese language and people were thus scholastically accomplished. However, Gunawardena's cautionary note that all this controversy occurred during the reign of Queen Victoria, when a different intellectual ethos prevailed, raises doubts as to the objectivity and accuracy of these conclusions. A reputed Sinhalese scholar, James D'Alwis, in his essay 'On the Origin of the Sinhalese Language' written in 1866, seized on the fact that both Caldwell and Max Müller sought to establish that Sinhalese belonged to 'the Aryan or Northern family, as contradistinguished from Dravidian or the Southern class of languages'. But Gunawardena's imprimatur on this argument should be noted:

> No Sinhalese kings have been referred to as Aryan and, interestingly enough, it was the dynasty which ruled over the Tamil kingdom in Jaffna who called themselves *Arya Cakravarti* or Arya emperors. It is an irony of history that in later times it was the Sinhalese who came to be associated with the term Arya and were, as such, distinguished from the Tamil-speakers.[6]

Nonetheless, but for Caldwell and Max Müller, the view of Christian Lassen, who in *Indisches Altherthumskunde* (1847) listed the Sinhalese language with those of the South Indians, might have held. James Emerson Tennent lent support to Lassen's thinking that there was 'unequivocal proof' of the affinity of Sinhalese with South Indian languages, although the Sinhalese language had also borrowed from Sanskrit. But by the end of the nineteenth century, the works of R.C. Childers (1874–6), Paul Goldschmidt (1875), Ernst Kuhn (1885), M.M. Kunte (lecture delivered in Ceylon in 1879), C.F. and P.B. Sarasin (1886) and Rudolph Virchow (1885, 1886) had had their positive impact on Sinhalese consciousness. As Gunawardena noted:

Linguistic groups were being given new definitions in terms of physical characteristics which were supposed to be specific to those groups. The Sinhala and Tamil identities acquired thereby a racial dimension.[7]

This generous sprinkling of imported British and German racism would doubtless have given the local Buddhist revival a considerable boost. And a further shot in the arm was administered with the arrival in 1880 of the theosophist Colonel H.S. Olcott and the controversial 'mystic' Madame Helena Petrovna Blavatsky, as well as the educationist C.W. Leadbeater in 1886. Olcott was the founder of the Theosophical Society in 1875 and a U.S. citizen. Leadbeater, an Englishman, founded Ananda College, a Buddhist denominational school in Colombo.

All this foreign interest in Sinhalese Buddhism gave it a racist tinge, especially the Aryanising aspect. However, the French Asianist Eric Meyer observed in 1984: 'Sinhalese-Tamil integration ended with the arrival in Sri Lanka of the British, from whom the Sinhalese borrowed the idea of race.' The impact, however, did not come exclusively from the British. It is likely that German scholars* had a more compelling case in looking for the 'cradle' of the Indo-European (which really meant Aryan) 'race'. Max Müller had led the way when he stated in 1883: 'Greece and India are indeed the two opposite poles in the historical development of the Aryan man', and 'The Indians are our nearest intellectual relatives.' The greatest of all students of Sinhalese culture was Wilhelm Geiger, whose German edition and translation of the great Sinhalese historical chronicle, the *Mahavamsa*, was completed in 1908; an English translation was completed in 1912. The dates are significant because they coincide and overlap with the Sinhalese nationalist Temperance Movement† and the nationalism of Aryan-oriented Sinhalese Buddhist monks of the genre of Migettuwatte Gunananda and Hikkaduwe Sri Sumangala as well as of Sinhalese laymen such as Anagarika Dharmapala, Piyadasa Sirisena and Walisinghe Harischandra.

*These pro-Aryan German scholars probably wished to establish ties with pro-Aryan Sinhalese nationalists, and this evoked British suspicions that the German battle-cruiser *Emden* had played a part in the Sinhalese-Muslim riots of 1915. The riots were construed more as directed against British rule.

†The Temperance Movement was intended to eliminate the consumption of foreign alcoholic liquor as well as its local production, the argument being that alcohol provided taxes to the imperial ruler, was against the tenets of Buddhism, and would enfeeble the Sinhalese 'race' if there were mass addiction. There are others who argue in undertones that the movement was organised by the Sinhalese *goigama* leaders to undermine the prosperity of their immediate challengers, the *karavas*, some among whom directed their entrepreneurial skills to developing distilleries which produced the local liquor, arrack.

The dates also coincide with the height of imperial Germany's expansionist phase, and its quest for 'a place in the sun' in competition with Britain.

When he arrived in Ceylon in December 1895, Wilhelm Geiger, in an interview with the *Ceylon Independent*, stated that 'the purpose of his visit was to study Sinhala for scientific purposes in order to see if the language came under the Aryan category, because in Europe there was controversy on this point.'[8] For Geiger this mission had something of the nature of a search for the holy grail. In 1960, in Sirima Kiribamune's words, Geiger wrote his own epitaph:

> In the course of a long life I even more become a sincere friend of the wider Indian world and its people and an admirer of its fascinating history. Now I can say that it is my mental home as it were, and my second fatherland.[9]

The fact that the Germans were involved in Sinhalese historical research led Sir Ponnambalam Ramanathan to allege:

> The civilians [i.e. civil servants] who flourished in 1927, including Governor Clifford, the Members of the Executive Council, and the agents of the Government who knew little or nothing of the measures of uplift which had been organised from the days of Lord Torrington, believed that the revival of Buddhism was mainly for political purposes and was hatched by *emissaries from Germany* [emphasis added].[10]

No wonder, therefore, that Sinhalese Buddhist militants such as Anagarika Dharmapala interspersed pro-Aryan opinions in their writings. Dharmapala wrote of 'the sweet, tender, gentle, Aryan children of an ancient historic race' (meaning the Sinhalese).[11] Another publication, D.C. Wijewardena's *The Revolt in the Temple: Composed to Commemorate 2500 Years of the Land, the Race and the Faith* (1953), is in the same vein; if anything, it is even more enthusiastically militant. These were attempts to provide an identity to the Sinhalese as distinct from the Dravidian Tamils. The term 'Aryan' also had a connotation of superiority.

Gunewardena's 'The People of the Lion' finally raises questions on the origins of the Sinhalese, their consciousness and identity, and the equation of the people with Buddhism. Gunawardena questions whether 'the social group brought together by the Sinhala consciousness' coincides 'with a linguistic grouping in the island' or whether it even 'represented a single physical type'.[12] He gives his opinion that only after about the seventh century could the social group 'have been linked with a religious grouping' and it was only in about the twelfth century

that 'the Sinhala grouping could have been considered identical with the linguistic grouping'.[13] Furthermore Gunawardena, while agreeing that a 'unified realm' would have been the ambition of many a potentate, pointed out that the objective was achieved only comparatively late, in the reign of Parakramabahu VI (1412–67). Despite his aim to bring the whole island under a 'unified realm' (Gunawardena has avoided modern terms such as 'sovereignty' or 'an all-island polity'), Parakramabahu VI, after his capture of the Jaffna Tamil kingdom in the middle of the fifteenth century, did not attempt to make Jaffna a part of his own territories. Instead he maintained a suzerainty and installed an adopted son on the throne of Jaffna, thus enabling it to continue its separate existence. And when Parakramabahu VI died, the new Sinhalese ruler of Jaffna decided to move to the Sinhalese kingdom of Kotte in the south-west of the island. Thereupon the Tamils re-established their kingdom and, according to the (Sinhalese) historian K.M. de Silva, developed 'a more distinct and confident Hindu culture'.[14]

Thus in the sixteenth century, at the time of the arrival of the Portuguese, Ceylon was divided into three major kingdoms, those of the Tamils of Jaffna, of the lowland Sinhalese in Kotte and of the highland Sinhalese in Kandy. In 1619, the Portuguese subjugated the kingdom of Jaffna in the same way as they took control of the lowland Sinhalese kingdom of Kotte. There is therefore a tradition, interrupted at times, of a separate kingdom of the Tamils in Ceylon.

However, a school of Sinhalese historians sought to establish that the island was the haven of the Sinhalese and nothing else, the Tamils and Muslims being interlopers. It is this motivation that drives the major competing Sinhalese political parties of the post-independence period to insist on the untenable concept of a unitary state. *The Revolt in the Temple* is full of references to the '2500 [sic] Years of the Land, the Race and the Faith'. More fancifully, the same book states, without historical evidence:

> In less than four generations, barren wastes were turned into fruitfulness by thousands of immigrants from Northern India . . . Most of these people were Sinhalese in heart and mind before they left their motherland. . . . And Aryan culture was bodily transported to create and enrich the virgin soil of Lanka. These Aryans dotted the country with settlements of farmers . . .[15]

K.M. de Silva follows this pseudo-tradition, although he has attempted to use modern methodology. He refers to King Dutthagamani (161–137BC) as engaged in a 'relentless quest for domination' of the

whole island, and that 'he accomplished what he set out to do, to establish control of the whole island'.[16] He adds: 'It was, in fact, the first significant success of centripetalism over centrifugalism in the island's history.'[17] We question the application of these modern concepts here; it could well be that Dutthagamani sought 'overlordship' of the island, and sought to bring it, in Gunawardena's well-chosen words, 'under one realm'.

Gunawardena argues in 'The People of the Lion', more persuasively, that of the various petty rulers, those at Anuradhapura acquired a certain pre-eminence. The conversion of King Tissa (of Anuradhapura) to Buddhism enabled him to claim the titles of *devanampiya* and *maharaja*. More pertinent is the observation that 'there is no evidence . . . to show that the other rulers acknowledged his [i.e. Devanampiyatissa's] suzerainty or that he was more than a mere aspirant to overlordship over the whole island.'[18] Nor is Gunawardena impressed by the feats of King Dutthagamani; he does not accept the view that his campaigns represented a Sinhalese-Tamil confrontation.

The historical view of an all-island polity or sovereignty and of 2,500 years of 'the land, the race and the faith' is therefore open to question. What is interesting is the legend and the myth. These have sustained the Sinhalese as an identity distinct from the South Indian mainland. The myth has encouraged the linking together of the Sinhalese people ('the race'), the religion of Buddhism and the Sinhalese language. However, propagandists, publicists and zealots, some in academic guise, have used the evidence to claim that the island in its entirety belongs to the Sinhalese people. Nevertheless their leading historian of the present day, K.M. de Silva, states that by the middle of the fourteenth century, 'the Jaffna i.e. Tamil kingdom had effective control over the north-west coast up to Puttalam'; between 1353 and 1373 Tamil naval forces had been dispatched to the west coast 'as far south as Panadura', and the Tamils 'seemed poised for the establishment of Tamil supremacy over Sri Lanka'.[19] About the same time, a Sinhalese anthropologist, G. Obeyesekere, raised fundamental questions as to whether the two communities – the Sinhalese and the Tamils – were really separate:

> Underlying the linguistic and religious differences . . . are strong cultural and racial similarities. Physically the Sinhalese and Tamils cannot be differentiated. Though the initial Sinhalese migrants were probably Indo-European language speakers who arrived over 2,500 years ago, practically all later arrivals were South Indians (mostly Tamil speakers) who were assimilated into the Sinhalese Buddhist community.[20]

And W.F. Gunawardhana, a distinguished Sinhalese scholar with a profound knowledge of the Sinhalese language, pronounced that there were affinities between the Sinhalese and Tamil languages. In a lecture at Ananda College on 28 September 1918, he stated that 'in grammatical structure Sinhalese was Dravidian, though its vocabulary was mainly Aryan'; he reiterated his views in a paper published in 1921, 'the Aryan Question in Relation to India'.[21]

The fact is that in modern Ceylon a strong Sinhalese Buddhist nationalist identity has been established. That identity seeks to lay the largest claim to all that is available in the state coffers. The claim is sustained by the Westminster-style, democratic system given to the island by Britain. This system, in the final instance, depends on the counting of numbers. The Sinhalese constitute the numerical majority.

The Sinhalese élites justify their claims on the national treasury by arguing that they were persecuted by foreign rulers over several centuries. The argument, therefore, is that they must now have it good. The surest way of obtaining access to the coffers is by tight, well-knit centralised government, and an internal colonialism which permits of no alternative centres of power.

The view that the creation of autonomy and autonomous regions marks the first steps leading to disintegration of a national polity are, from our point of view, excuses. It enables the Sinhalese élites, both westernised and indigenous, to run a national polity on the supposedly democratic value that the will of the numerical majority must prevail. Seen from this angle, the Westminster model, in the decades ending in the 1960s, ensured the concentration of power in the capital city, Colombo. In 1978 Ceylon passed from the Anglo-Saxon, Westminstertype unitary state to an adaptation of the French Fifth Republic's centralised presidentialism. We examine some of the problems in the following chapter. Our caveat is that those who utter the slogan about 'the land, the race and the faith' do not see that history has passed them by. Devolution has received serious consideration in Britain, and even in France, the home of the centralised state, regional government is being gradually introduced.

NOTES

1. Russell, op. cit., p. 42.
2. 'The People of the Lion: Sinhala Consciousness in History and Historiography', in *Ethnicity and Social Change in Sri Lanka*, papers presented at a Seminar organised by the Social Scientists Association, December 1979 (Colombo, 1984), p. 21. I acknowledge use of Gunewardena's material to sustain many of my viewpoints.
3. ibid., p. 2.
4. ibid., p. 40.
5. ibid., p. 10.
6. ibid.: Gunewardena also quotes James Emerson Tennent, *Ceylon, An Account of the Island: Physical, Historical and Topographical* (London, 1859), in support of the view that there was 'unequivocal proof' of the affinity of Sinhalese with South Indian languages.
7. ibid., p. 38; also *Report on Inscriptions Found in the North-Central Province and in the Hambantota District*, Sessional Paper 24 (Colombo, Government Printer, 1875).
8. Quoted by S. Kiribamune in her 'Geiger and the History of Sri Lanka', *The Ceylon Journal of Historical and Social Studies*, New Series (Jan.–June 1977) vol. VII, no. 1, p. 48; the *Ceylon Independent* issue from which Kiribamune quotes is that of 16 Dec. 1895.
9. Kiribamune, op. cit., p, 56.
10. Ramanathan, *The Memorandum*, pp. 7–8.
11. Ananda Guruge, *Anagarika Dharmapala: Return to Righteousness* (Colombo, 1965), p. 484.
12. Gunewardena, op. cit., p. 23.
13. ibid., pp. 23–4, 43.
14. K.M. de Silva, *A History of Sri Lanka*, p. 89.
15. *The Revolt in the Temple*, Colombo, 1953, p. 31. Although his name is not mentioned as such, it is widely known that D.C. Wijewardene was the author.
16. ibid., pp. 15–16.
17. ibid., p. 16.
18. Gunewardena, op. cit., p. 18.
19. K.M. de Silva, op. cit., p. 85.
20. In his 'The Origins and Institutionalisation of Political Violence' in James Manor (ed.), *Sri Lanka in Change and Crisis* (London, 1964), p. 154.
21. Gunewardena, op. cit., p. 39. The paper was published in Colombo.

3. The Competition for State Power

The Soulbury Constitution of 1947, with the adjustments made to fit it into an independent framework, had been predicated on definite safeguards for the minority ethnic and religious groups, and it survived longer (from 1947–8 to 1972) than any other constitution of Ceylon is likely to do. The unexpressed premise of the Soulbury Constitution was a consociational arrangement between the English-educated élites, of all the island's principal groups: communal (Sinhalese, Tamil, Muslim),* religious (Buddhist, Hindu, Muslim, Catholic, Protestant) and social (the various castes among the Sinhalese and Tamil communities). The more important safeguards provided for weightage in representation including Appointed Members (not exceeding six in number) in the popular House of Representatives, a second chamber (the Senate), a prohibition against legislation that discriminates against any of the groups (Section 29(2)(*b*)) and independent public services and judicial services commissions.

The Constitution had barely begun to take effect before these provisions began to be circumvented and defied, depending on Prime Ministers, the times and the circumstances. Thus the consociationalism that could have cemented the foundations of a pluralist democratic society disintegrated in stages, giving rise to dissatisfaction among the non-Buddhist Sinhalese communities. We shall examine the safeguards and the causes of their failure, and then investigate the ways in which ethnic discontent became a malaise in the island polity.

Weightage in representation was the response of the Sinhalese leadership to the Tamil 'fifty-fifty' demand. The balance was upset in two glaring policy-decisions. First, as we remarked, there was the disfranchisement of the Indian Tamil population by legislation enacted in

*The Muslims, *c.* 7 per cent of the population are the *solicited* minority: both Sinhalese and Tamils seek their support on political issues. Although they are mostly Tamil-speaking and have empathy for the Tamil political situation, they do not align themselves with the Tamils. This is because they (1) are interspersed among both Sinhalese and Tamils, (2) do not wish to be a minority within a minority (as in a separate Tamil homeland), and (3) are in competition with Tamils and Sinhalese, more sharply so with the Tamils because most of them are Tamil-speakers. The Muslims are also used by the Sinhalese leadership to divide the Tamil-speaking entity.

1948 and 1949. At one stroke of the legislative pen, nearly half the Tamil population of the island (i.e. the Indian Tamils) lost all their seven seats in the House of Representatives, and in fourteen other electorates they lost their ability to influence the outcome; ten of these returned Trotskyite candidates and four (Moscow) Communist at the general election of 1947. The disfranchisement reduced the total number of Indian Tamil seats in the House from seven to nil, and increased the Sinhalese seats by exactly the number of seats the Indian Tamils lost; the Sinhalese thereby increased their representation from 68 in 1947 to 75 at the 1952 general election.

Thereafter Sinhalese representation continued to increase at the expense of the major ethnic minority, the Tamils. The table below indicates the extent to which consociationalism was abandoned by the

ETHNIC DISTRIBUTION OF PARLIAMENTARY SEATS, 1947–77

		Sinhalese	*Ceylon Tamils*	*Muslims*	*Indian Tamils*	*Others*	*Total*
Seats due on the basis of population		66	12	6	10	1	95
	General Elections						
Seats obtained*	1947	68	13	6	7	1	95[a]
	1952	75	13	6	0	1	95
	1956	75	–	–	–	–	–
Seats due on the basis of population		106	17	10	18	–	151[b]
Seats obtained							
March	1960	123	18	9	–	1	151
July	1960	121	18	11	–	1	151
	1965	122	17	11	–	1	151
	1970	123	19	8	–	1	151
	1977	137	18	12	1	–	168[c]

[a] The total number of seats in the House was 101, 6 being reserved for 'Appointed M.P.s' by the Governor-General on prime ministerial advice.
[b] The total of number of seats had been increased to 157, 6 being reserved for 'Appointed M.P.s'.
[c] The total number of seats was 168; the class of 'Appointed M.P.' was abolished in the 1972 Republican Constitution.

Source: Based on A. Jeyaratnam Wilson, 'General Elections in Sri Lanka (Ceylon) 1947–1977', Table 1, pp. 99, in K.M. de Silva (ed.), *Universal Franchise, 1931–1981: The Sri Lanka Experience*, Colombo: Dept of Information, Ministry of State, Sri Lanka, 1981.

Sinhalese élites in the desperately important area of parliamentary representation.

Representation is of primary concern to the ethnic and religious minorities, especially the Tamils, because the Tamil voting strength in the House can, on occasion, block the passing of a measure if there is disagreement between the major parties. However, some questions were of direct and bi-partisan relevance to the major ethnic group. Such were the disfranchisement of the Indian Tamils (1948 and 1949);* making Sinhalese the one and only official language (1956); the nationalisation of schools, a matter of great importance to the minority Catholics† and Protestants who owned and ran many of them (the laws of 1960 and 1961); and special recognition for Buddhism as the religion of the majority (the constitutions of 1972 and 1978). On these the major political parties either united or were not overt in their opposition. For example, the United National Party in opposition opposed the nationalisation of the schools legislation of 1960 and 1961. In office, despite an earlier pledge to the Roman Catholic Church that relief would be provided to its schools, the prime minister Dudley Senanayake reneged, using the plea that he could 'not unscramble scrambled eggs'. However, both the Catholic and the Protestant Churches resigned themselves to accepting the changes as part of an inevitable process of social change.

The Tamils, for their part, came to place increasing reliance on Section 29(2), (3) and (4) of the 1947–72 Soulbury Constitution. Section 29(1) stated: 'Subject to the provisions of this Order, Parliament shall have power to make laws for the peace, order and good government of the Island.' However, Subsections (2), (3) and (4) contained the following inhibiting proviso:

(2) No such law shall –
(*a*) prohibit or restrict the free exercise of any religions; or
(*b*) make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable; or

*The Indian Tamil organisations conducted a *satyagraha* (peaceful protest) in 1949. Because there was then no support from the Ceylon Tamils, the campaign failed.
†The Catholic Church organised a 'sit-in' in all their schools; the Catholic Archbishop said they would resist the takeover of the Catholic schools 'even unto blood'. Felix Dias Bandaranaike compared the Catholic 'sit-in' and occupation of their schools to the 'Nazi occupation of Europe'. In the end the Indian Prime Minister, Nehru, sent Cardinal Valerian Gracias as intermediary. A settlement was worked out, and the Church withdrew from the schools. Then, as now, India was the mediatory factor.

(*c*) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions; or
(*d*) alter the constitution of any religious body except with the consent of the governing authority of that body;
Provided that, in any case where a religious body is incorporated by law, no such alteration shall be made except at the request of the governing authority of that body.
(3) Any law made in contravention of subsection (2) of this section shall, to the extent of such contravention, be void.
(4) In the exercise of its powers under this section, Parliament may amend or repeal any of the provisions of this Order, or of any other Order of His Majesty in Council in its application to the island:
Provided that no Bill for the amendment or repeal of any of the provisions of this Order shall be presented for the Royal Assent unless it has endorsed on it a certificate under the hand of the Speaker that the number of votes cast in favour thereof in the House of Representatives amounted to not less than two-thirds of the whole number of members of the House (including those not present).

For the last-mentioned proviso to have effect, the Tamils had to ensure that their voting strength remained constant in the House or increased by way of sympathetic MPs; they could do the latter by influencing the outcome in constituencies where the major Sinhalese parties were evenly divided.

The Tamils were not able to ensure the conservation of their voting strength. This was, first, because Don Stephen Senanayake (1947–52) chose to break the compact on representation by his enactments disfranchising the Indian Tamils and depriving them of their citizenship in 1948 and 1949. Secondly, the same prime minister had set in motion the process of land settlement in the areas traditionally and politically recognised as the 'traditional homelands of the Tamil-speaking people'. Irrigation schemes were launched in these Tamil territories, many parts of which were thinly populated or not populated. Sinhalese from the densely populated south-west quadrant of the island were settled in the newly-organised 'colonisation schemes', as these came to be called. This implied a decline in voting strength and a threat to what had hitherto been an unexpressed right of possession by the Tamils of the Northern and Eastern provinces as their homelands. Consequently, some traditional Tamil constituencies have had significant increases in their number of Sinhalese voters.

The Tamil political response was the Tamil Federal Party, launched in 1949. The party's name was clear when rendered in English, but its Tamil connotation left room for speculation. The Tamil translation of

the party's title meant 'the Ceylon Tamil state party'. But in spite of this, the party claimed in all honesty that it stood for a federal constitution in which the Northern and Eastern provinces would be units of a federal union. Thus the impolitic actions of Don Stephen Senanayake awoke Tamil nationalism.

Previously the All Ceylon Tamil Congress (formed in 1944), which had the lead in the two Tamil provinces, had agitated Tamil national feeling and Tamil consciousness. The Congress had been in the most politically advantageous position from 1947 to 1952. However, at the general election of 1956 and thereafter, the Tamil Federal Party swept the board.

The Indian Tamils were not the only group affected. Section 11(2) of the Constitution provided for the Governor-General (on the advice of the prime minister) to *appoint* not more than six members to the House if an 'important interest' was not represented or was inadequately represented. The intention was primarily to secure the representation of minority European, Burgher* and perhaps Muslim interests. That was the spirit of the Constitution, but, as Sir Ivor Jennings pointed out, it could also have been used to appoint an Indian, a Ceylon Tamil or a Kandyan Sinhalese to Parliament. In the 1952 Parliament an Indian Tamil was appointed, which seemed especially necessary since there was not a single Indian representative in the House. However, the Bandaranaikes (1956–65) made use of this provision to nominate 'depressed caste' Sinhalese, thus adding to the total number of the already over-represented Sinhalese in the House.† The Muslim community also had a representative appointed from time to time, but there was no complaint against such appointments because the Muslims did not always obtain representation in the House at general elections proportionate to their population. The once influential Burgher community, numbering some 33,000, realised that it had no future in Sri Lanka and most of them emigrated to Australia or Canada. Thus, fear of the oncoming trends forced one community to migrate to greener pastures within a few years of independence.

*Descendants of settlers, mainly Dutch but also Portuguese, they were a tiny minority of no more than 50,000. The Burghers occupied advantageous positions in the nineteenth and early twentieth centuries, but were generally replaced by Sinhalese and Ceylon Tamils. After independence, a sizeable proportion emigrated to Australia and (a smaller number) to Canada.

†Once only (1970–7), Mrs Bandaranaike appointed a Ceylon Tamil to Cabinet office in her government; he was co-opted, more or less as a showpiece, but was non-representative in that he did not have popular support.

The Ceylon Tamil political leaders, despite the record of broken compacts by their Sinhalese counterparts, were nevertheless willing to enter into consociational relationships but no longer in a centralised unitary set-up. The Sinhalese political élites could have accommodated what were, in context, moderate Tamil demands. But political competition between the Sinhalese political parties, united Sinhalese fronts and Sinhalese Buddhist movements prevented an easy solution to the Tamil demands. Instead, the anxiety to buy off electors in the expectation of protecting and increasing the gains of the Sinhalese élites paved the way to their ultimate discomfiture and the subsequent undermining of their stable survival.

There is an unstated law – that of escalation of demands when reconciliation between ethnic groups is delayed. The majority ethnic group's response is generally negative. If the minority ethnic groups show solidarity and inhabit contiguous territory, it becomes difficult to resist their demands. The better course then is to effect a compromise on the demands, but the general trend has been to deny concessions until they have lost their appeal, which results in a stepping-up of the minority ethnic group's demands. These demands take the form of separately carved-out communal electorates, and a measure of autonomy within a unitary or federal set-up. If these too fail, there is civil disobedience and non-violent non-cooperation from the minority ethnic leaders and their followers. If that strategy still fails to bring results, the politicised younger groups in the minority ethnic groups take up arms against a sea of troubles and win or lose in the resulting war. The stages are usually of this pattern. The Indian leadership was a case in point. Timely concessions to the Muslim leaders could have avoided the creation of Pakistan. And Pakistan could in like manner have avoided the creation of Bangladesh.

In Ceylon, the Indian and Pakistani pattern of separation is being more or less repeated. On 30 November 1943, J.R. Jayewardene, then a Member of the State Council (the legislature under the Donoughmore Constitution), moved a resolution that Sinhalese 'within a reasonable number of years' be made the official language of Ceylon. The rationale he advanced for this position was that there was a need 'to protect the Sinhalese language'. In the State Council debate on the resolution in 1944, Jayewardene stated:

I always envisaged that Tamil should be the official language in the Tamil-speaking provinces. But as two-thirds of the people of this island speak Sinhalese, I had the intention of proposing that only Sinhalese should be the

official language of the island, but it seems to me that the Tamil community and the Muslim community who speak Tamil wish that Tamil also should be on equal terms with Sinhalese. The great fear I had was that Sinhalese, being a language spoken by only 3 million people in the world, would suffer or may be lost entirely in time to come, if Tamil also is placed on an equal footing with it in this country. The influence of Tamil literature, a literature used in India by over 40 million, the influences of Tamil films and Tamil culture in this country I thought might be detrimental to the future of the Sinhalese language.[1]

Jayewardene's resolution was *amended* by the State Council to the effect that a commission be appointed 'to report on all steps that need to be taken to effect the transition from English into *Sinhalese and Tamil*' (emphasis added). S.W.R.D. Bandaranaike, Minister of Local Administration in the Board of Ministers under the Donoughmore Constitution, in giving his support for the Tamil language as opposed to J.R. Jayewardene (who nevertheless accepted the *amended* resolution), argued: 'I do not see that there would be any harm at all in recognising the Tamil language also as an official language. It is necessary to bring about that amity, that confidence among the various communities.'[2] Thus the pre-independence compact was to recognise the two languages as official. The situation changed dramatically within a few years of independence. On 23 May 1951, a National Languages Commission was appointed to report on adopting Sinhalese and Tamil as the national languages. The Commission was chaired by Sir Arthur Wijewardene, a former Chief Justice of the Supreme Court of Ceylon. The Commission reported in 1953. Its chairman was the dissentient, stating: 'The replacement of English by *swabasha* [one's own language] would have been very much easier if instead of *two swabasha* languages as Official Languages *one* had been accepted in terms of the motion introduced by Mr J.R. Jayewardene in the State Council on 22 June 1943.'[3]

The incipient conflict on language thus began to gain momentum. In 1955, the United National Party, now led by Sir John Kotelawala who was prime minister in 1953–6, at first declared for 'parity of status' for the two languages, but due to mounting public pressure the party changed its position at its annual conference in February 1956 to recognising Sinhalese as the only official language.

S.W.R.D. Bandaranaike, who now led the Opposition in the House of Representatives and had formed his own Sri Lanka Freedom Party (S.L.F.P.) in 1951, had his party change to the policy that Sinhalese should be the only official language at its annual conference in December 1955. Speaking in the House of Representatives in October 1955,

Bandaranaike advanced the same arguments as Jayewardene had done in 1944 as to the reasons why Sinhalese should be made the only official language – the fear of South Indian Tamil influences. Bandaranaike had a further argument – the Tamil presence in the seven Sinhalese provinces:

'The Tamils in our country are not restricted to the Northern and Eastern provinces alone; there is a large number, I suppose over ten lakhs, in Sinhalese provinces. And what about the Indian labourers? . . . The fact that in the towns and villages, in business houses and in boutiques most of the work is in the hands of Tamil-speaking people will inevitably result in a fear, and I do not think an unjustified fear, of the inexorable shrinking of the Sinhalese language.'[4]

Thus in 1956, to the despair of those Tamils who had trusted in the reliability of the Sinhalese élites, Sinhalese was enacted as the one and only official language throughout the island. In later years, legislation such as the Tamil Language (Special Provisions) Act of 1958, the Tamil Regulations of 1966 and provisions for the use of the Tamil language in the 1972 and 1978 Constitutions were enacted, but these remain a dead letter. Furthermore, they were events after the fact, and failed to repair the damaged relationship between the two ethnic groups.

In 1970, a new pseudo-Marxist argument came to be added to the arsenal of 'Sinhala Only' (as the official language enactment came to be called). The Marxist parties had been relied on by some Tamils to put across to the Sinhalese electorate the need for granting 'parity of status' to the two languages. The influential Trotskyist *Lanka Sama Samaja* Party (L.S.S.P.) changed front. Its leading theoretician, Leslie Goonewardene,* who once explained to this writer that his party was also in pursuit of political power through the electoral process and could not therefore afford to ignore the wishes of the numerically superior

*Wealthy, intelligent and urbane, Goonewardene, like his fellow-Trotskyists among the leaders of the Sri Lanka Freedom Party, exemplified 'a good man fallen'. The S.L.F.P. took the Trotskyists for a long ride (1964, 1970–5) as their 'men with golden brains' and dropped them in 1975 when pressure built up against Marxists from among Sinhalese entrepreneurs who feared the trend towards increasing state control of enterprise. Other prominent Trotskyist leaders who lost their moorings were N.M. Perera and Colvin R. de Silva. The earliest to break ranks were Philip Gunawardene, who ended as a minister in the governments of S.W.R.D. Bandaranaike (1956–9, centre) and Dudley Senanayake (1965–70, right of centre). All were committed socialists, but grew tired of opposition and could not resist when opportunity beckoned.

Sinhalese community, had a Marxist-style perversion of a theory to support the reason why Sinhalese should be the only official language:

> In the same way as it is necessary to provide special assurance to the smaller nationalities in other countries for building national unity, it is necessary to provide special assurance to the Sinhalese people for the sake of building national unity in this country.[5]

In the view of this writer none of these arguments had a sure and honest foundation; the truth lay elsewhere. Underlying them was the electoral appeal of the myth of 'the land, the race and the faith'. But more pertinent was the fact that there had emerged the competition for a larger slice of the fixed national pie. How did this happen?

For one thing the island's population had almost doubled since the 1930s, and there were fewer jobs to go around. The Tamils had concentrated on government service. The Jaffna peninsula, where most of them come from, was arid and required time-consuming irrigation methods for the land to be made more productive. Consequently there were larger numbers of Tamils in the public service and the professions, not strictly in proportion to their numbers. The Sinhalese argument was that since the Tamils had it so good under Britain's 'divide and rule' policies, it was time for the Sinhalese to have their fair share. The argument was a spurious one. As Jane Russell remarked:

> There was a very comprehensive English school system in the peninsula. [. . .] Thus monies remitted from the 'El Dorado' of Malaya, and from Burma and India, whence many of the English-educated Jaffnese sought employment in government, the law or teaching professions, raised the general standard and style of living.[6]

She attributed the anxiety for government jobs to 'the scarcity of fertile land in the Northern region'.[7] And she wrote that at the turn of the century 'the large output of graduates from these schools [in the northern region] found renumerative posts not only in Ceylon but, especially, in government service in Malaya.'[8]

That the Jaffna Tamil is spurred by achievement and is model-oriented in relation to his successful Tamil fellows is not in doubt. But that the British deliberately discriminated in favour of the Tamils is refuted by Russell's findings. Success in the professions was a matter of proving skills and did not require imperial intervention. Recruitment to the civil service on the basis of merit was skewed in respect of the Jaffna Tamil. But the numbers were not so disproportionate as to create a crisis of confidence for the Sinhalese.

A Sinhalese official in the World Bank, writing in 1974, remarked that four low-country Sinhalese districts on the western and south-western seaboard 'have been the source and strength of the major political leaders and the permanent home of the senior bureaucracy'.[9] Even if it could be argued that up till 1956 and for a few years thereafter, the Tamils had a disproportionate share, the situation has now been decisively restored in favour of the Sinhalese. Since the 1960s the Sinhalese have had a preponderant share of appointments in the public services and in state-run corporations in the public sector.

The jobbery, nepotism and political favouritism enjoyed by the Sinhalese as against Tamils came about by conscious manipulation of the educational and political systems. The Sinhalese élites expected their Tamil competitors to accept with resignation their assigned position as second-class citizens; and the Indian Tamils constituted a helotry. The justification for this discrimination in favour of the majority was 'the land, the race and the faith'. On an academic basis, Sinhalese chauvinists sought their justification in the workings of democracy (the will of the numerically-superior Sinhalese majority) and the need to right the wrongs perpetrated on the Sinhalese by Western conquerors – the Portuguese, the Dutch and the British. There is no historical evidence that the Portuguese and Dutch discriminated in favour of the Tamil ethnic minority. The British did not follow any conscious policy; they had many Sinhalese willing to serve them in public administration and accordingly made ample use of these loyal servants. The allegation of favouritism to the Tamils is unfounded, and cannot be adduced as a valid reason for the discrimination against the present generation of educated Tamil youth. The inevitable reaction has been the growth of Tamil separatism and the increasing use of the gun in Ceylon politics.

The use of the mother-tongues as the media of instruction had its rationale in the fear of the Sinhalese that their language might die through disuse and neglect. There was also the argument that the majority of Sinhalese were not acquainted with English, and therefore had to be governed in a language which they could understand. But the Tamils claimed that what the Sinhalese language was to the Sinhalese, the Tamil language should be to them. This line of reasoning was not understood by the Sinhalese élites. Thus, when the Tamils demanded 'parity of status' for both languages, the concept was not understood by the Sinhalese masses; and Sinhalese politicians sought to distort the demand and mislead the Sinhalese people by making out that the Tamil claim meant that the Sinhalese population should become *bilingual*. The

Tamil demand for parity of status, which had not been carefully defined, required that the Tamil people should be governed in their own language and transact business with the state in that language. As one Tamil leader said, 'Parity of status for the two languages does not mean that every time a Sinhalese word was uttered a Tamil equivalent should accompany it.'

Furthermore with education in the mother-tongue, the state made no effort to build up national integration and thereby foster among the different peoples of Ceylon a sense of belonging to one state. Instead, the opposite processes were set in motion, processes which even at the time they were being implemented were considered with foreboding by anyone looking into the future. For the sum effect of education in the mother-tongue was compartmentalisation of the two major ethnic groups, the absence of a link-language with the phasing-out of English, and the practice of teaching the island's history of more than 2,000 years to Sinhalese and Tamil children respectively in an ethnically biased way. Thus Reggie Siriwardene, a Sinhalese man of letters, rightly comments in his piece 'National Unity or Communalism: The Textbooks our children read':

> The Council for Communal Harmony through the Media published last month a study *School textbooks and communal relations in Sri Lanka*, which contains a documented analysis of the textbooks used in schools down to the end of last year [1982], from the standpoint of the outlook and attitudes regarding communal relations which they are likely to foster in the school child. The study demonstrates in particular, that while the Tamil readers 'do seek to create an understanding of and respect for the way of life and cultures of non-Tamil and non-Hindu linguistic and religious groups, and do attempt to project a sense of a common national identity', the Sinhala books are exclusively mono-cultural in their content – that is, the way of life they present is not only solely Sinhala but also solely Sinhala Buddhist. [. . .] The Tamils are identified throughout the books as the traditional adversary. On the present occasion of the celebration of national independence, particular attention must be drawn here to the fact that in one of these readers, which still continues to be used in schools and copies of which may have been handed out by the President on January 31st (1983), the independence won in 1948 is described as having been gained and to be enjoyed solely by the Sinhalese![10]

Six factors contributed to additional recruitment to, and increase in the numbers of, the Sinhalese élites.

1. In 1945, the State Council accepted the free education scheme proposed by the Executive Committee of Education and presented by the

Minister of Education, C.W.W. Kannangara; the scheme provided for the abolition of tuition fees from kindergarten through to university. This resulted in numbers of Sinhalese and Tamil graduates being available for employment as white-collar workers from the 1950s onwards. Not all available positions required competitive recruitment or proven merit, for many were subject to political influence. Since the party of government had a majority of Sinhalese MPs, these positions came under their purview. Qualified Tamils fell by the wayside.

2. The Executive Committee of Education under the Donoughmore Constitution formed itself into a Special Committee to consider the media of instruction in the schools. The Committee's recommendation in 1943 was that education should be in the mother-tongue, that is Sinhalese for the Sinhalese and Tamil for the Tamils. This policy began to be enforced gradually at the primary and secondary school levels from 1953 onwards. Then in 1954 the Commission on the National Languages in Higher Education proposed as one of its prime recommendations the use of Sinhalese and Tamil in university education wherever possible, as opposed to English, thus ensuring the compartmentalisation of the Sinhalese and Tamil populations. The science, medical and engineering faculties retained English and thus delayed the use of the national languages till the 1970s. Furthermore, in the 1960s there was a proliferation of universities and expansion of university education. With a surplus of employable graduates in separate media, the state found it politically rewarding to employ graduates in the Sinhalese medium. Again the Tamil-medium graduates fell by the wayside.

Originally the moderate political leaders of the 'Sinhalese only' movement had planned to introduce the Sinhalese language in governmental affairs only, and had no plans to switch university education into Sinhalese and Tamil. But the forces of history that had been set in motion proved unstoppable, and one of the results was the relegation of the Tamil language to a kind of political limbo, producing in its turn an aggressive Tamil nationalism.

On the other hand, were the Tamils serious about parity of status for the two languages? Our view is that the Tamil language was far too entrenched and flourishing in Tamil Nad for it to require patronage by the state. Therefore the logical political quest of the Tamils, to safeguard their separate identity, was for a Tamil homeland in a federal system. Here the Tamil language would have its due place, but more important was the Tamil attachment to English. The Tamil élites were well aware that proficiency and fluency in English would give their professional and

technologically qualified people access to jobs throughout the English-speaking world. The English language would therefore have an important place in the educational system of the Tamil federated unit. Parity of status thus in the final instance implied a Tamil homeland federated to the rest of Sri Lanka, the freedom to use English as a vehicle of instruction and the right of Tamils to claim their due share in appointments to the public services and the public and private sectors.

3. The 'Sinhala Only' policy of the state – enacted in 1956, and implemented in part up to 1960 and thereafter rigorously – resulted in the exclusion of Tamil-medium graduates from the public services and in many cases even from the private sector. Those Tamils already in employment found it increasingly uncongenial to continue in service. Government service and employment in the private sector became virtually beyond the reach of educated Tamils.

4. The Tamils even found themselves done out of the very institutions which had given them their educational strength. In 1960 and 1961 nearly all schools which had previously been owned and maintained by Christian missions or by Buddhist and Hindu organisations were nationalised. A few schools remained outside the state system, but these were forbidden to levy fees. The maintenance of schools (especially their libraries and science laboratories), the selection of teachers and the recruitment of students now became political questions. The Tamil areas were worst affected, if not actively penalised, because the ministers responsible for education were not sympathetic to the Tamils. The situation was made more difficult because the leading party of the Ceylon Tamils, the Tamil Federal Party, and from 1972 the Tamil United Front (after 1976, the Tamil United Liberation Front) were opposed to governments from 1956 to the present day. The interlude 1965–8 brought few results because the Tamil Federal Party cooperated with Dudley Senanayake's United National Party 'national' government for the specific purpose of ensuring the introduction of a measure of regional autonomy for the Tamil areas; in this exercise too they failed.

5. There was a considerable expansion of the public sector, including nationalisation of various private undertakings, during the period 1956–77. Once again, appointments to the public sector were influenced by political pressures. The Sinhalese were given preference if not a near-monopoly in the vacancies for positions.

6. The last policy decision which compelled the Tamil élites to turn in despair to the concept of a separate state was the decision of Mrs Bandaranaike's 1970–7 government to give preference to Sinhalese-

medium students over Tamil-medium students in admissions to the universities. This scheme became operative from 1970. The (Sinhalese) historian C.R. de Silva wrote in 1977:

> The exceptionally good performance of Tamil-medium students in the sciences led to the adoption of a procedure known as 'standardisation'. [. . .] Its effect seemed to be that the Tamil-medium science students thenceforth needed to obtain higher 'raw' marks than their Sinhalese counterparts.[11]

To make matters worse, an 'area quota' system was introduced in 1973. Admissions to the universities were to be based on a quota determined by the population of the area. The Tamil-dominant Northern Province in 1969 obtained 27.5 per cent of the admissions to science-based courses on a merit system. On the quota basis, its share dropped to 7 per cent in 1974. C.R. de Silva wrote:

> While the Ministry defended this scheme as one that would ensure equality of opportunity to those in rural areas, it was interpreted by the Tamils of Jaffna as an attempt to deprive them of their lead in scientific and technological education by unfair weightage.[12]

Some modifications in these new policies were introduced in 1975, but they were of little consequence to the Tamils and did nothing to restore their confidence that any system would work equitably.

As a result, even the pacific policies introduced by the J.R. Jayewardene government in 1977 did little to restore confidence. K.M. de Silva remarked that when 'education facilities improve in the Sinhalese areas of the country . . . the advantages the Tamils have had will diminish rapidly in the face of the fierce competition they will face, not merely from the Sinhalese but from the Muslims and from Tamils outside the Jaffna peninsula.'[13] But de Silva misses the point that whatever the improvements in education, appointments will still be on the basis of political patronage, in which Sinhalese M.P.s would have a decisive say. What hope, then, have the Tamils in a unitary framework of government, with educational decisions being made on political grounds and the leading Tamil political party always continuing in opposition to the government of the day?

The overall picture is bleak. With generation after generation of Sinhalese and Tamils being educated in their respective compartmentalised mother-tongues, they have no common language linking them. There are people in both communities who know some English,

but this hardly makes up for the fluent communication that once prevailed. There are, and have been, ministers of cabinet rank as well as other ministers who have only a bare idea of what passes in cabinet when the business is transacted in English. The use of simultaneous translation helps in the conduct of parliamentary proceedings, but the common non-Sinhalese person is at a clear disadvantage especially when visiting government and corporation offices where signs and notices are often in Sinhalese only. Thus the lack of a link language aggravates the crisis.

Attempts at bilingualism have not been successful. In the past, before the enactment of Sinhalese as the only official language, there were secondary schools in the Tamil Jaffna peninsula which taught Tamil students Sinhalese as a second language. The communalisation of politics, the consequent polarising of the two communities and the realisation by the Tamils that jobs would not come their way even if they gained proficiency in Sinhalese has brought back to mind whether Ceylon in the final analysis is *one or two* nations.

The question arises as to whether Section 29 of the 1947–72 Constitution was invoked when the Indian Tamils were disfranchised or when Sinhalese was made the only official language. We raise this here before examining the favoured treatment accorded to Buddhism, because legislation to recognise Buddhism as the religion of the Sinhalese majority was enacted *only after* the abandonment of the 1947–72 Constitution and with the enactment of a republican constitution in 1972. We should also state that Section 29 did not provide safeguards against *administrative discrimination*, such as preferential treatment for Sinhalese and/or Buddhists in public appointments, the setting-up of state projects in Sinhalese areas, and the award of contracts to Sinhalese business people as against their Tamil counterparts. Section 29 was only concerned with *legislation*.

Part of the reason for the meagre protection against possible discrimination was the Anglo-Saxon scepticism as to the value of documents setting out the rights of the people. This was the view of Sir Ivor Jennings on bills of rights, coming as he did from Britain where rights were enshrined in tradition and convention and not in a legal framework. Nevertheless Sir Ivor expressed the opinion that the Official Language Act should have been challenged in the courts.

However, the legislation of 1948 and 1949 against the Indian Tamils was disputed on the ground that the relevant acts violated Section 29(2). But the highest tribunal at the time, the Judicial Committee of the Privy Council, approved the Supreme Court's decision in *Mudanayake* v. *Sivagnanasunderoun* (53 N.L.R. 25, 1952). The Supreme Court held that

the disputed acts were clear and unambiguous, that the disqualification of numbers of Indian Tamils in Ceylon was not necessarily the legal consequence of the Acts, in that these would disqualify members of any other community as well and they were therefore not specifically directed at the Indian Tamils. Jennings stated quite appropriately that 'neither side wished to challenge the Indian and Pakistani Residents (Citizenship) Act, no. 34 of 1949, under which members of the Indian community who satisfied certain conditions could in fact obtain citizenship and therefore, under Act no. 48 of 1949, the franchise.'[14] In effect, Act no. 34 of 1949 was directed at the Indian Tamil community.

The independence of the judiciary was one other pillar which supported the faith of minority ethnic groups in the legitimacy of the system. But here too that faith was increasingly undermined because of political appointments to the judiciary and the covert influencing of judges by those well placed in the political system.* The *coup de grace* came when the Sri Lanka Freedom Party and its Marxist allies in the United Front of 1970 pledged at the general election in that year to remove Section 29(2) and replace the 1947–72 Constitution if elected to power. This was accordingly implemented when the Republican Constitution of 1972 was adopted.

The immediate context in which the decision to abolish Section 29 was made arose from an *obiter dictum* in the decision of the Judicial Committee of the Privy Council in 1964 in *Bribery Commissioner* v. *Ranasinghe* (66 N.L.R. 73). The Committee stated that Section 29(2)(*b*) was unalterable because it 'entrenched religious and racial matters' and represented 'the solemn balance of rights between the citizens of Ceylon [and] the fundamental conditions on which *inter se* they accepted the Constitution . . . ' In our view this assumption of minority acceptance is not quite correct. At the 1947 general election the Ceylon Tamils had clearly expressed their verdict that the Constitution was unacceptable to them. The United Front led by Mrs Bandaranaike argued, for its part, that the Judicial Committee's pronouncement was yet another reason why the 'British-imposed' Ceylon Constitution should

*Chelvanayakam mentioned to me that D.S. Senanayake, as Prime Minister, phoned the then District Judge of Galle, V.E. Rajakarier, and requested him to acquit W. Dahanayake, M.P., against whom charges of criminal libel were pending. Chelvanayakam happened to be present because he was interviewing the Prime Minister on matters relating to his constituency. (Dahanayake, who had started in politics as a sympathiser of the Trotskyists, was briefly Prime Minister after S.W.R.D. Bandaranaike's assassination.)

be repealed and an autochthonous constitution framed. After the United Front victory at the 1970 general election, the Trotskyist Minister of Constitutional Affairs expatiated further on this viewpoint. In the course of a broadcast in September 1970 he stated that Section 29 was an infringement of the sovereignty of Parliament.

Neither the 1972 Constitution nor that of 1978 which replaced it succeeded in reassuring Tamil opinion, although both documents contained provisions for according rights to minority groups and dubious provisions for the use of the Tamil language.* These provisions were deprived of their utility since (*a*) Sinhalese was recognised as *the one and only official language* – both the 1972 and 1978 Constitutions (1972 more than 1978) provided for the use of Tamil, but in fact that language has been marginalised; and (*b*) the Ceylon Tamils refused to participate in the framing of either constitution, the argument being that the Tamils constituted a *state-nation* in their own right and therefore had no interest in the making of constitutions by Sinhalese political parties. Furthermore, the rights provided for in both Constitutions, though differing in certain textual details, had blanket clauses which entitled governments to violate constitutional rights in the *general and national interest*. Chapter VI, Section 18, of the 1972 Constitution contained the list of fundamental rights and freedoms. But Section 18(2) contained the following saving clause:

> The exercise and operation of the fundamental rights and freedoms provided in this chapter shall be subject to such restrictions as the law prescribes in the interests of national unity and integrity, national security, national economy, public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others or giving effect to the Principles of State Policy set out in Section 16.

In the name of this blanket provision, the state could, without difficulty, violate the rights of minority ethnic groups; to violate the rights of the *ethnic Buddhist majority* would be difficult because of governments' dependence for their sustenance on the Sinhalese Buddhist electors. Nevertheless, the political and human rights of radical and revolutionary groups among the Sinhalese have been eroded. Furthermore a Constitu-

*I have argued elsewhere that these Tamil language provisions do not provide for the recognition of Tamil as an official language; there is provision for translating into Tamil all legal communications framed in the one and only official language, Sinhalese; thus the valid document in a court of law is the Sinhalese one – thus creating the phenomenon of 'government by translation'. See my *The Gaullist System in Asia* (London, 1980).

tional Court of five appointed by the President of the 1972 Republic on prime ministerial advice for a term of four years pronounced on the constitutionality of legislation subject to certain specified conditions. Needless to say, the Court became a source of controversy, and some of the appointments to it were political.

Chapter III, sections 10 to 17, of the 1978 Constitution enumerated fundamental rights. But once again blanket provisos are inserted in Section 15 (1)–(7) in the interests of national security, racial and religious harmony, the national economy, public order and the protection of public health or morality 'or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the welfare of a democratic society' (Section 15(7)). However, there is no provision for a constitutional court as in the 1972 Constitution. The Supreme Court of Ceylon is declared the arbiter in matters under dispute, but it is subject to time constraints in giving decisions on constitutional questions, as in the 1972 Constitution. Furthermore, faith in the independence of the judiciary is undermined by what was done to judges under the 1978 Constitution: the Supreme Court of the 1972 Constitution was disbanded, and the President of the Republic was given the right to make appointments to the Supreme Court. He did not re-appoint all the judges of the Supreme Court under the 1972 Constitution. Instead, seven members of the 1972 Supreme Court whom the President did not regard as 'suitable' lost their offices. Paul Sieghart, chairman of the British branch of the organisation *Justice*, observed:

> I am not competent to make any judgement of the character, ability or qualification for office of any of the judges concerned, but many members of the Sri Lankan Bench and Bar who do have the competence saw at least some of those appointments and dismissals as politically motivated.[15]

The provisos contained in the 1972 and 1978 Constitutions were influenced by the restrictive provisos contained in the Constitution of the Federation of Malaysia. Clause 10 of that constitution guarantees freedom of speech, assembly and association, but Sub-clause 10(2) empowers the federal parliament to impose such restrictions as are necessary in the interest of the security of the federation, friendly relations with other countries, and public order or morality.

Finally, there is the subject of the 'faith', Sinhalese Buddhism. *The Revolt in the Temple* (1953) gives us the legendary interconnection of the 'land, the race and the faith':

The history of Lanka is the history of the Sinhalese race. [. . .] Buddhism is the golden thread running through the history of the race and the land. The *Mahavamsa*, that source book of Sinhalese history, synchronises the death of the Buddha at Kusinara in India with the founding of the Sinhalese race in Ceylon; and, therefore, in 1956 will occur the unique three-fold event – the completion of 2,500 years of Ceylon's history, of the life of the Sinhalese, and of Buddhism.[16]

Before the celebration of these 2,500 years (the *Buddha Jayanti*, as it was called), an unofficial Committee of Inquiry had been set up in February 1954 by the All-Ceylon Buddhist Congress to inquire into the state of Buddhism in the island. In 1951, the All-Ceylon Buddhist Congress unsuccessfully attempted to persuade the government of Don Stephen Senanayake (1947–52) to appoint a royal commission to examine the question of giving Buddhism its rightful place in the land. The unofficial Committee of 1954 worked over a period of eleven months and produced in February 1956 a 189-page report in Sinhalese. Its abridged English version of 124 pages had the politically eye-catching title *The Betrayal of Buddhism*. Among the Committee's more important recommendations were that Section 29 of the 1947–52 Constitution be repealed and that all assisted schools (the majority of which were owned and maintained by Christian missions) and teacher training colleges be nationalised. On the important question of Buddhism, the Committee rejected the proposal that the 'faith' be declared the state religion since there were many other religious groups in the state, and consequently non-Buddhists in the elected legislature. Instead the Committee recommended the creation of a *Buddha Sasana* Council which should be empowered to take the necessary steps to rehabilitate Buddhism.

The Committee's report was an important component of the election manifesto of the winning coalition headed by S.W.R.D. Bandaranaike at the 1956 general election. Bandaranaike pledged to restore Buddhism to its 'rightful place'. What this meant in practice was a matter for interpretation. The election nevertheless involved the *Sangha* (the Buddhist monks as a collectivity) in politics. Since 1956 the *Sangha* has been in the forefront of important political controversies and been utilised by most Sinhalese parties for parochial purposes. The sum result, as D.E. Smith observed in 1966, was that 'The progressive identification of Ceylonese nationality with the Buddhist religion and the Sinhalese language is a trend which can only be divisive and disruptive of national unity, whatever the short-run political advantages . . .'[17] In particular, influential sections of the *Sangha* opposed the prime ministerial pacts of

1957 and 1965 with the Tamil Federal Party and the granting of meaningful language concessions to the Tamil community. Prime Ministers from the major Sinhalese parties sought the advice of the *Sangha* on national issues, obviously for public political advantage. But the *Sangha* received a setback when one of its members was convicted of the assassination of S.W.R.D. Bandaranaike in 1959. However the monks staged a comeback shortly thereafter.

The primacy given to Buddhism goes back to the days of the Sinhalese kings. The king was the protector of the 'faith', which was the state religion; he was the recognised head of the *Sangha* and became 'the custodian of the two important relics of the Buddha, the bowl and the tooth relics which, in course of time, came to be regarded as palladiums'. In effect possession of these relics gave the king *legitimacy*. It did not necessarily imply overlordship of the whole island. (We have avoided the term *sovereignty* because the concept was not in use at the time.)

In recent times the two major Sinhalese political parties (the U.N.P. and the S.L.F.P.) have successfully sidetracked the Sinhalese public's demand that Buddhism be made the state religion. But what both inserted in their respective constitutions is tantamount to the assignment of a special recognition of Buddhism in the political affairs of Sri Lanka. And Sinhalese Buddhists in 1981 constituted no more than 69.3 per cent of the population.

Chapter II, section 6, of the 1972 Constitution, the handiwork of the Sri Lanka Freedom Party's majority in Parliament, declares:

> The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster Buddhism while assuring to all religions the rights granted by Section 18 (1)(*d*).

Chapter II, section 9, of the 1978 Constitution – passed by a Parliament of which five-sixths were United National Party M.P.s – is almost exactly the same as that of the 1972 constitution. Thus Hindus, Muslims, Christians and others have had their religions excluded from special recognition. The constitutional implications of these provisions, though seemingly innocuous, can, if interpreted by a perverse government, have far-reaching implications. As the historian K.M. de Silva pointed out, 'Sri Lanka had ceased to be a secular state pure and simple, even if it had not become a theocratic state which Buddhist pressure groups have liked it to be.'[18] Thus in the end, within thirty years after independence, 'the land, the race and the faith' were successfully linked by Buddhist protagonists and most Sinhalese political leaders who had ambitions of winning electoral majorities.

What have been the effects of these attempts at giving a privileged position to 'the land, the race and the faith' on the unitary structure of the state? The immediate answer was the formation of the Tamil Federal Party in 1949. We shall discuss this party in greater detail later, but suffice it to say here that the party hampered the grandiose designs of Sinhalese political parties and their leaders. The latter planned on evolving one nation, one language and a state-recognised religion. Had there been no resistance from the Ceylon Tamils, the traditional territories of the Tamils would have been rapidly 'Sinhalised'. Additionally, Sinhalese leaders simplistically believed that the Tamils would take to the Sinhalese language just as they had learned the neutral and internationally-spoken English language. Some Sinhalese leaders even talked of a 'melting pot'. They hoped that in due course the Indian Tamils would adopt Sinhalese as their mother-tongue because the only schools they would have access to would be Sinhalese-medium ones. Don Stephen Senanayake, the first prime minister, believed that, if left alone, the Ceylon Tamils too would in due time become bilingual and there would, in the end, be a unilingual state.

Thus the unitary state proclaimed in Section 2 of the 1972 Constitution and Section 2 of the 1978 Constitution would have become a reality with the passing of time. However, by 1972 and 1978 the Sinhalese leadership had come to realise that the Tamils were not willing to participate in such a transformation. Attempts in these directions at first met with parliamentary protest. When the ethnic majority arrogantly went on its electoral rampage of forcing Sinhalese as the *only official language*, protest took the form of civil disobedience and non-cooperation campaigns. The last straw was the attempt to limit the number of qualified Tamil students for admission to the institutions of higher learning. The Tamil campaign escalated to one of violent engagement with the armed forces of the Sinhalese Buddhist state. The inevitable consequence is a challenge to the concept of the unitary state. Since then, the Sinhalese leadership has given serious thought alternately to a military solution and to a Biafra-like splitting away of the Tamil areas; and at other times to a negotiated settlement. We will examine these responses. But our assessment meanwhile is that the unitary state for which Colebrooke, Donoughmore and Soulbury provided the structure, and which the British bequeathed to Don Stephen Senanayake in 1948, has ceased to be viable.

NOTES

1. *Hansard* (debates of the State Council) (1944), col. 748.
2. op cit., vol. 1, no. 30, col. 2374.
3. 'Rider' by E.A.L. (Sir Arthur) Wijeyewardene in *Final Report of the Commission on Higher Education in the National Languages (Sinhalese and Tamil)* (Colombo, 1956), also referred to as *Sessional Paper XXII*, pp. 26 and 217.
4. *Parliamentary Debates* (House of Representatives), vol. 23, col. 684.
5. In 'New Outlook of the LSSP', *Ceylon Daily News*, 21 Dec. 1970.
6. Russell, op. cit., p. 6.
7. ibid., p. 20.
8. ibid., pp. 22–3.
9. G. Uswatte-Aratchi, 'University Admissions in Ceylon: Their Economic and Social Background and Employment Expectations', *Modern Asian Studies*, vol. 8, no. 3 (1974), pp. 300–1.
10. *The Ceylon Churchman*, vol. LXXXI, no. 2 (March–April 1983), p. 38.
11. 'Education' in K.M. de Silva (ed.), *Sri Lanka: A Survey* (London, 1977), p. 429.
12. ibid.
13. Robert B. Goldmann and A. Jeyaratnam Wilson (eds), *From Independence to Statehood* (London, 1984), pp. 105–6.
14. In his *The Constitution of Ceylon* (London, 3rd edn, 1953), p. 202–3.
15. In *Sri Lanka: A Mounting Tragedy of Errors* (London, 1984), p. 57.
16. op. cit., p. 3.
17. In Donald E. Smith, 'In the Sinhalese Buddhist Revolution' in Donald E. Smith (ed.), loc. cit., p. 488.
18. In *A History of Sri Lanka*, p. 550.

4. Challenges to the Unitary State, I

In the last chapter we drew attention to various acts committed by successive governments in post-independence Ceylon – acts directed towards restoring to the Sinhalese ethnic majority what they had allegedly lost during the centuries of foreign occupation. The process was undertaken at considerable expense to the Tamil ethnic minority as well as to other ethnic and (non-Buddhist) religious groups. The reaction of the Ceylon Tamils was much rougher than expected. Wiser statesmanship on the part of Sinhalese Buddhist political leaders could have averted the crises that followed.[1]

But Westminster-style democracy as interpreted by Sinhalese élites meant rule by the ethnic majority. Thus the *Sinhala Mahajana Sabha*, the All-Ceylon Congress of Young Men's Buddhist Associations, the undermining of Sir Ponnambalam Arunachalam in the 1920s, the activities of Sinhalese Buddhist ethnocentrics such as Anagarika Dharmapala and Piyadasa Sirisena, and the inauguration of the *Sinhala Maha Sabha* by S.W.R.D. Bandaranaike in 1937 appear with hindsight as preludes to the Sinhalese Buddhist political offensive of the immediate post-independence phase. There were no doubt more defensively oriented counterparts to these majority ethnic organisations among the minority ethnic groups.

In effect the chief leaders of the Sinhalese political groupings were incapable of constructing the much-needed over-arching accommodation among the disparate groups of Ceylon's multi-group society. A re-reading of the history of the post-1912 (McCallum Reforms) phase indicates a concerted effort by the Sinhalese Buddhist leadership to downgrade their Ceylon Tamil and other minority ethnic counterparts. This becomes clearly evident when the experience of the Ponnambalam brothers (Sir Ponnambalam Ramanathan and Sir Ponnambalam Arunachalam) is re-examined.

Sir Ponnambalam Ramanathan (a Ceylon Tamil) was elected to the Educated Ceylonese Seat in the Legislative Council in 1911 with the aid of the educated Sinhalese *Goigama* caste votes. The latter disapproved of the supposedly inferior Sinhalese *Karava* caste candidate, a physician and a man of excellent reputation, Sir Marcus Fernando. Ramanathan committed his support to the Sinhalese Buddhists during the Sinhalese

Buddhist-Muslim riots of 1915 – a miscalculation, as it turned out, because Ramanathan, a 'Colombo' Tamil (as distinct from the more numerous 'Jaffna' Tamils of the Northern and Eastern Provinces), fancied himself a leader of 'Ceylonese nationalists', a term without validity in our view. He therefore took on himself the responsibility of correcting the wrongs perpetrated on the Sinhalese leaders, including Don Stephen Senanayake, later to become the first prime minister of the independent state (1947–52). For this purpose Ramanathan raised many questions in the Legislative Council, led a deputation to the Secretary of State for the Colonies, wrote a book on the riots and martial law in Ceylon,[2] and antagonised the minority community next in size to the Ceylon Tamils, the Tamil-speaking Ceylon Muslims.

Ramanathan was elected to the same seat a second time in 1917, this time against a Sinhalese *Goigama* candidate from a prominent family who had still to establish his reputation: Justus Sextus Jayewardene, an advocate practising in the town of Galle and a brother of one of Ramanathan's distinguished sponsors in the preceding election of 1911. Thereafter Ramanathan took on himself, in the latter part of his second term, the leadership of the Unofficial Members in the Legislative Council, until he was edged out by Don Stephen Senanayake. In his last years, at the time of the inauguration of the Donoughmore Constitution, he reverted to the role of defender of the Ceylon Tamil interests. He wrote his pamphlet *The Memorandum of Sir Ponnambalam Ramanathan*, denouncing the Donoughmore reforms, but to no effect. In desperation Ramanathan gave expression to ideas which, though not given serious consideration at the time, became the platforms of Tamil political organisations following independence. M. Vythiligam, Ramanathan's Boswell, refers to these straws in the wind in his monumental biography of his hero,[3] but unfortunately does not provide exact dates or references. In a speech to the Legislative Council in its debate on the Donoughmore reforms, Ramanathan appears the precursor of the Tamil secessionists:

> Why did the [Donoughmore] Commissioners not study Ireland which is next door to them? There are the Southern states [*sic* – presumably the Irish Free State] and the Northern states [Ulster?]; they could not agree. They said, 'We are one lot and you are another. We cannot work together. We must have separate governments' [. . .] The British Ministry said, 'We shall give you each a government which you can work yourselves according to the interests of each of the communities concerned. The Southern state and the Northern state were separated. . . Why did the [Donoughmore] Commissioners not think of that?[4]

In the same speech, Ramanathan articulated a federal solution:

> Then I ask what happened in the Dominion of Canada? [. . .]. The officials concerned . . . said, 'It is an impossible situation . . . Let us give these French descendants one form of Government and let us give the other people another form of Government – forms of Government suitable to the interests of each of these great, big communities.' Why did the Commissioners not think of that?[5]

The career of Sir Ponnambalam Arunachalam ran almost parallel to that of his brother Ramanathan. Arunachalam retired from the Ceylon Civil Service as Registrar General in 1913, after serving in 1906 as a nominated Official Member of the Legislative Council and in 1912 as an appointed Member of the Executive Council. He had been influenced by a British journalist, William Digby, who for a short time had worked with the *Ceylon Observer*. Digby wrote an interesting pamphlet on the island, *An Oriental Colony Ripe for Representative Government* (Calcutta, 1877). On his retirement, Arunachalam organised the movement for constitutional reform and was one of the founding fathers of the Ceylon National Congress (1919). His address to the Ceylon National Association on 2 April 1917, later published as a document entitled *Our Political Needs*, became a kind of textbook for all those involved in constitutional change.[6] However, shortly after the reformed constitution of 1920, differences of opinion developed between the Sinhalese and Tamil members of the National Congress.

The Sinhalese members went back on two pledges they had given the Tamils. First, two leaders of the Congress, James Peiris and E.J. Samarawickrema, supported the request of the Jaffna Association for adequate representation for the Tamils and for the lesser minorities in the legislature, provided these were not inconsistent with the territorial principle of representation. Specifically they gave a written undertaking in December 1918, Peiris as President of the Ceylon National Association and Samarawickrema as President of the Ceylon Reform League, supporting the request of the Jaffna Association for a special seat for the Tamils in the Western Province 'so long as the electorate remains territorial'. On the basis of this pledge, Arunachalam successfully persuaded the Jaffna Association to back the proposed Ceylon National Congress. The pledge was broken, as in many other instances later in the century. In a letter to the Governor of the time, Sir William Manning, Arunachalam stated: 'The sole reason for my withdrawing from the Congress was the subsequent breaking of the pledge.'[7] Arunachalam died in January 1924 a disappointed man; but he had already made his famous speech on

Tamil Eelam referred to in an earlier chapter. He also founded the Ceylon Tamil League in 1923 but the organisation had not taken off at the time of his death.

The second pledge – made after Arunachalam's death – that was not honoured came to be known as the Sinhala-Tamil Pact of 28 June 1925, signed by delegates from the Ceylon *Tamil Mahajana Sabhai* and the Ceylon National Congress.[8] The agreement provided mainly for representation on the existing ratio of one Ceylon Tamil – i.e. the people (mainly Ceylon Tamils) of the Northern and Eastern Provinces and the Ceylon Tamils of the Western Province – to two in the rest of the island (mainly Sinhalese with the possibility of one or two Muslims) on the basis of territorial representation. By December 1925 the President of the Ceylon National Congress, Francis de Zoysa (a leading member of the 'new class' of the *Salagama*), condemned 'pacts between the two largest communities in the island guaranteeing to each a certain proportion of the loaves and fishes' as 'revolting in the extreme' and based on 'communal selfishness'. The *Salagama* caste among the Sinhalese had advanced to a position where they feared that the Tamils would share the spoils with the *Goigama* Sinhalese at their expense.

There are possible explanations for this breakdown in consociational politics even during the 1920s when the politicisation of electors through universal suffrage had not yet taken place. An immediate reason is that the Sinhalese ethnic majority were determined not to sacrifice the numerical advantage that territorial representation would give them. This did not apply only to the highest caste Sinhalese *Goigamas*, who had not been successful in their attempts at maintaining a working relationship with their highest caste counterparts, the Ceylon Tamil *Vellalas*. The latter hoped that such an alliance could preserve for them the disproportionate advantages they enjoyed in the public services and the professional sector. (It is also probable that the brothers Ramanathan and Arunachalam envisaged for themselves a leading role in the country's Legislative and Executive councils. However, Buddhist Sinhalese leaders were not willing to countenance this.)

Another reason is that the prospects of a numerically stronger territorial representation opened vistas for the 'new class' among the non-*Goigama* Sinhalese, in particular the members of the *Karava*, *Salagama* and *Durawa* castes. Hence the attitudes of the leading members of the latter groups from the 1920s to the present day. James Peiris, P. de S. Kularatne, L.H. Mettananda (*Karavas*), Francis de Zoysa and C.P. de Silva (*Salagamas*) and Cyril Mathew (*Durawa*) are but a few examples of

Sinhalese chauvinism taking extreme positions. A Sinhalese *Goigama*/ Ceylon Tamil *Vellala* compact, even though reconsidered as late as 1945,* might have excluded the non-*Goigama arrivistes* from their share of the fixed pie. But this does not exculpate the more communally-minded of the Sinhalese *Goigama* Buddhists, who were equally strident and intransigent in their condemnation of Ceylon Tamil efforts to contain the situation through consociational arrangements.

The Sinhalese Buddhists envisaged for themselves a fulfilment of their historical destiny of strengthening 'the land, the race and the faith'. As examples of the racist thinking and Buddhist parochialism of this phase, we need only mention *The Return to Righteousness*, a compilation of Anagarika Dharmapala's speeches and writings,[9] the works of Piyadasa Sirisena, D.C. Wijewardena's *The Revolt in the Temple*, and the Buddhist Committee of Inquiry's *The Betrayal of Buddhism*.[10] The prospects of territorial representation would provide the needed opportunities for the pursuit of the goals that history had supposedly assigned to the Sinhalese people. Anagarika Dharmapala wrote of the Sinhalese in 1902 in such vein as:

> Ethnologically the Sinhalese are a unique race . . . This bright, beautiful island was made into a Paradise by the Aryan Sinhalese before its destruction was brought about by the barbaric vandals.[11]

E.T. de Silva, despite his Western-style constitutional reformism, wrote in 1917:

> With few exceptions to be found in every country, the blood of the Sinhalese race is as pure and unadulterated as it was in the times of their own kings . . .[12]

A final reason is that the Senanayake brothers – F.R., who died prematurely, and Don Stephen, the future prime minister – may well have wished to dislodge Ramanathan, Arunachalam and other Ceylon Tamil aspirants from seeking senior roles in a British-supervised political set-up. Don Stephen Senanayake proved successful in not only keeping the Ceylon Tamils 'in their place' but in ousting rival Sinhalese candidates for the premiership such as D.B. (Sir Baron) Jayatilaka, G.C.S. (Sir Claude) Corea, S.W.R.D. Bandaranaike, O.E. (Sir Oliver) Goonetileke, J.L. (Sir John) Kotelawala and J.R. Jayewardene. Don Stephen Senanayake not only secured the prize with the assistance of the press monopolist

*At a meeting in Colombo between the two groups, the possibility of such an alliance was seriously discussed.

D.R. Wijewardene, but made certain that the succession was assured for his son Dudley, who was duly appointed prime minister in 1952 by the Governor-General, Lord Soulbury. The latter is reported to have said that the prime minister had indicated to him during his last illness that his son should succeed him.

Further attempts at consociational arrangements were continued by Sinhalese and Ceylon Tamils during the period of the Donoughmore Constitution (1931–47). The dominating figure in Ceylon Tamil politics during this phase was G.G. Ponnambalam, a skilful criminal lawyer, a debater without equal in the State Council (this included S.W.R.D. Bandaranaike, who had considerable rhetorical skills) and a flamboyant personality on whom charisma suddenly descended. Ponnambalam did not possess the credentials valued by the Jaffna Tamils at the time of his entry into politics in 1934. He was not from a reputable family as Ramanathan and Arunachalam were, nor did he have wealth in his own right at the time of his political debut, although he acquired considerable wealth by marriage. He failed to establish rapport with, or gain the confidence of, the senior conservative Jaffna Tamils. In a way he needed as his chief lieutenant his later antagonist S.J.V. Chelvanayakam, whom the senior conservative strand of Jaffna opinion respected for his integrity. Although Ponnambalam was a clever political strategist, he was outclassed by Don Stephen Senanayake, who successfully made his way into the inner sanctum of Whitehall.

Ponnambalam was not a political engineer. The organisational skills which made his All-Ceylon Tamil Congress, formed in 1944, an all-Ceylon Tamil political instrument was largely due to the efforts of S.J.V. Chelvanayakam, Q.C.; the well-known Colombo Tamil physician E.M.V. Naganathan; the respected Colombo Tamil proctor (solicitor) S. Sivasubramaniam, and other dedicated individuals from the Jaffna peninsula. Ponnambalam, no doubt with the support of his political lieutenants, pitched his claims for Tamil rights too high; but he was supported in this campaign by the Ceylon Tamils and he hoped with good reason, but vainly, for a fair deal from the British rulers.

Ponnambalam won the hearts of the Tamils of Jaffna, of the rest of the Northern Province and to some extent of the Eastern Province because he was able with his forensic artistry, in the campaign arena and the State Council, to articulate the fears of the Ceylon Tamils and advocate the safeguards they needed. After Arunachalam's and Ramanathan's discomfiture and the erratic meanderings of the Jaffna Youth Congress, it became necessary for the Ceylon Tamils to re-establish their credibility

and political identity in Ceylon's multi-ethnic society. It was also necessary for the Ceylon Tamils to have a leader of stature and a political organisation which could stand its ground against the machinations not merely of the Sinhalese ethnocentrics but of the most skillful political leader the Sinhalese have had in recent times, Don Stephen Senanayake.

Ponnambalam succeeded to the extent that he became heir to the tradition of the unsuccessful Ceylon Tamil agitation of the 1920s; but though he could appreciate the art of the possible, he lacked the foresight to seize upon federal or secessionist solutions as the way out for the Ceylon Tamils. He cannot be wholly blamed because he was in various ways captive to the numerous Ceylon Tamils with vested interests in the Sinhalese provinces, in particular those who with time came to be referred to derogatorily as the Colombo Tamils. In a way G.G. Ponnambalam, S.J.V. Chelvanayakam, E.M.V. Naganathan and others were not exactly 'Colombo Tamils' but professional men in Colombo and family and property ties in Jaffna. In later times, the younger Tamils complained that the 'battle of Jaffna' was being fought in Colombo, in Parliament and in meetings of the policy-framing high command in the capital.

The Colombo Tamil was described in the correspondence columns of the *Hindu Organ* of 14 March 1938 in far from complimentary terms:

> He looks down upon the Tamil who is resident in Jaffna. The mentality is one of scorn. His conformity to the Colombo environment is commendable and even desirable from a get-along point of view. [. . .] He has no homeland [. . .] and is willing to barter away his Tamil birth-right for a mess of Sinhalese pottage.[13]

Even Arunachalam, a Colombo Tamil, was critical of this class of Tamils residing in the Sinhalese provinces as neither 'fish, fowl or red herring'; while the Colombo correspondent of *The Times* of London went so far as to dismiss Ramanathan in 1930 as representing 'an isolated community in the south-west of the island, which has little in common with the people of the main Tamil territory in the North'.[14] G.C.S. Corea on the other hand was sympathetic to their plight, and said, in a speech to the Ceylon National Congress in 1924:

> 'The Tamils in Colombo, cut off from their own community in the Tamil domain, were engaged in the struggle for existence among strangers, among those with whom they had no tie. They were certainly a minority in Colombo – a very important minority by reason of their high intellectuality, their enterprise and energy.'[15]

The interests of the Ceylon Tamils in the Sinhalese provinces inhibited

Tamil leaders from taking secessionist positions. Paradoxically it was the reason for Chelvanayakam's later advocacy of a federal solution instead of a straightforward partitioning of Ceylon into two separate states. However, the young Tamil militants of the 1970s and '80s decided deliberately to come off the fence and ignore the fact that the 'Colombo Tamils' were hostages in Sinhalese territory.

The Tamils of the Sinhalese provinces – the Colombo Tamils, in particular, and the Indian Tamil plantation population – were pressures on the leading Ceylon Tamil party of the time. Thus the All-Ceylon Tamil Congress and G.G. Ponnambalam could only function within defined parameters. For them to have taken the high road to a federal set-up or to agitate for an independent sovereign state at that time and in that context would have been premature. G.G. Ponnambalam therefore trod the beaten path and sought more vigorously, uncompromisingly and with his extraordinary charisma to force the pace of his version of how the Tamil demands of the 1920s should be interpreted in the changed context of the Donoughmore period (1931–47).

At a meeting on 2 January 1918 a Jaffna (Tamil) Association laid down its criteria for any scheme of territorial representation (later incorporated in a memorial to the Colonial Office). It insisted that 'under any system of election, territorial or communal, the existing proportion of Tamil representatives to Sinhalese representatives should, as far as possible, be maintained.'[16] In effect this meant parity of representation as between the two communities. For the Executive Council, it wanted one Councillor elected by the Unofficial Members of the Legislative Council, the other to be selected by the Governor from 'a different race to that of the elected member'.[17] As R.A. Ariyaratne, the (Sinhalese) historian, was quick to note: 'The underlying idea, it is clear, was to assure themselves of the presence of a Tamil Unofficial in the Executive Council and thereby maintain equal representation should the Unofficials elect a Sinhalese.'[18] The Jaffna Association went further. Whereas the Ceylon National Association, the Ceylon Reform League and the first Conference on Constitutional Reform proposed a scheme whereby the Sinhalese would have a clear territorial majority among the Unofficial Members of all communities, the Jaffna Association proposed a scheme of which the outcome, according to Ariyaratne, 'would be the establishment of parity between Sinhalese and non-Sinhalese Unofficials'.[19] Here the non-Sinhalese Unofficials would include all the representatives of the minority communities. This indeed was the seedbed of balanced representation or 'fifty-fifty' (half the seats to the majority, the other half to

be distributed among the minorities), of which G.G. Ponnambalam was to be the forceful exponent in the 1930s. The demand and the movement reached a climax with the arrival of the Soulbury Commissioners in 1944.

The Governor of Ceylon at the time of the Jaffna Association's agitation, Sir William Manning (1918–25), underlined the Association's proposals when on 1 March 1922, in the despatch to the Secretary of State for the Colonies which we have already referred to, he indicated that the ethnic composition of the legislature should be such that 'no single community can impose its will upon the other communities'. These considerations, then, were the bases of G.G. Ponnambalam's campaign for balanced representation. He was on safe ground.

At the beginning of his campaign, G.G. Ponnambalam received reasonable support from the lesser minorities – the local British, the Indian Tamils and the Muslims, specifically – and strong backing from the British-owned *Times of Ceylon*. But there were rifts in this camp. T.B. Jayah gave qualified support, but he was a Malay and was not encouraged by other leading Muslims such as A.R.A. Razik (President of the Moors' Association, later Sir Razik Fareed) and Sir Mohamed Macan Markar of the All-Ceylon Muslim League. The Indian Tamils proved the most consistent. One of their leaders, K. Natesa Aiyer, also a trade union organiser for the Indian Tamil plantation workers, proved a powerful force in the second State Council. He used his influence with the Tamil daily, the *Virakesari*, in support of Ponnambalam. Nor were the British interests far behind. British nominated members of the State Council, such as C.G.C. Kerr, M.J. Cary, H.E. Newnham, J.W. Qldfield and C.J. Black, were sympathetic to Ponnambalam's cause. In late 1938 and early 1939, J. Morrison, President of the European Association, accompanied Ponnambalam on his visit to London to canvass support from right-wing Conservative M.P.s against the Despatch written to the Secretary of State for the Colonies by Governor Sir Andrew Caldecott in 1938. In June 1937, when Caldecott received representations on constitutional reform, a secret conference of all minority communities agreed on the formulation of Ponnambalam's demand for fifty-fifty representation. A memorial was sent to the Governor, which was also signed by Arunachalam Mahadeva, then a back bench Member of the State Council for Jaffna, and later elected to the Board of Ministers.

But rifts soon developed in the ranks of the Ceylon Tamils, and the Muslims too withdrew their wholehearted support. Ponnambalam's major problems were E.R. Tambimuttu and V. Nalliah, leaders of the Eastern Province Batticaloa Tamils and the Member for Jaffna (Northern

Province), Arunachalam Mahadeva, the son of Sir Ponnambalam Arunachalam. All were members of the State Council. Tambimuttu – in addition to not being subject to any party discipline, being an independent member in his own right – was also representative of the fears and prejudices that middle-class Batticaloa Tamils nursed against the Jaffna Tamils (he vacated his seat in 1943). He further claimed to represent Muslim opinion in his electorate (Batticaloa South); in 1939, he stated that 'the Tamils have no mandate from the Muslims to ask for any seats for them in any form.'[21] V. Nalliah, the Member for Trincomalee and Batticaloa North, had decidedly nationalist views in relation to British rule, and stood for cooperation with the Sinhalese ruling élite. Like Tambimuttu he typified the isolationist posture of middle-class Eastern Province Tamils towards their Jaffna Tamil counterparts.

Arunachalam Mahadeva was the greater thorn in Ponnambalam's side. He had been signatory to the 1937 Memorial of the minorities in which balanced representation in a future legislature was one of the main demands. In 1942, Mahadeva broke the ranks of what appeared a solid phalanx of minority leaders bent on a fifty-fifty legislature when he was elected, in place of Sir Baron Jayatilake (who had become the Ceylon Government's Representative in New Delhi), to the hitherto pan-Sinhalese Board of Ministers. The Board had served as clear evidence of political greed on the part of the Sinhalese ethnic majority and a justification therefore of minority ethnic fears of Britain vesting power in a Sinhalese majority. To the accusation of betrayal, Mahadeva pleaded that on the subject of 'fifty-fifty' he had all along had 'mental reservations'. And he warned his Tamil colleagues in the State Council that 'fifty-fifty' was 'dead as the dodo'.

Nor was Mahadeva's election as Jayatilaka's successor as Minister of Home Affairs by the Executive Committee of Home Affairs without blemish. Sir John Kotelawala (prime minister, 1953–6) in an interview with this writer, said that the Pan-Sinhalese Ministry wished to diversify its ranks to indicate to Britain that its members were not bent on monopolising power for the Sinhalese; they were willing to share power with the other groups.

When Sir Baron opted for the New Delhi post, an opportunity presented itself. H.W. Amarasuriya, a Sinhalese of great wealth and considerable influence in southern Ceylon and a prominent member of the *Karava* community, presented himself as the alternative. Mahadeva was elected by five votes to three. Three Sinhalese and one British member

voted for Mahadeva (in addition, of course, to Mahadeva's own vote). But Kotelawala stated that one of the Sinhalese votes for Mahadeva was in doubt. Money, Sir John stated, changed hands at the Lunawa Buddhist Temple (in a southern suburb of Colombo) for the fulfilment of the promise to vote for Mahadeva. It is more intriguing still that the broker who brought about the satisfactory completion of the transaction, a prominent political leader (now dead), asked for his share in the booty and was paid a consideration.

Mahadeva's election to the Board took the edge off Ponnambalam's allegation of the Sinhalese homogeneity of the Board of Ministers. Whitehall would certainly have been relieved. But Mahadeva's election also strengthened the suspicions of the non-*Goigama* Sinhalese, especially the *Karavas*, of a possible return to the idea of a Sinhala-*Goigama* Tamil-*Vellala* alliance. As far as Whitehall was concerned, however, Mahadeva's election was proof that the Sinhalese élites were willing to share power with their Tamil counterparts. It was evidence of craft and guile being utilised to secure ends. On the other hand, Ceylon's Indian neighbour was engaged with Britain in a bitter struggle for independence.

It was all too late when Viscount Soulbury himself got wise to their ways. In 1963, in a foreword to B.H. Farmer's *Ceylon: A Divided Nation*, he wrote: 'The Commission [Soulbury] had of course a cursory knowledge of the age-long antagonism between these two communities, but might have been *less hopeful of a solution* [emphasis added] had Mr Farmer's book been available to underline the deplorable effect of centuries of troubled history upon the Ceylonese of today.'[22] Farmer thought that Ceylon was less fortunate than India, where 'traditional and forward-looking nationalism' was subsumed 'in one powerful movement' because of 'the relation between Gandhi and Nehru'. 'But if there is a moral here', he wisely observed, 'it is too late for Ceylon to profit from it.'[23] Jennings was equally critical: 'Communalism became dominant when S.W.R.D. Bandaranaike, who was a racialist, won the general election of 1956. [. . .] He . . . helped to destroy the foundation on which parliamentary institutions were built in Ceylon, the cooperation of the Sinhalese, the Tamils and the Muslims in non-communal parties.'[24]

The Sinhalese ministers found it difficult to explain the election; so their reasons were not always the same. Don Stephen Senanayake, according to a book by Jennings and Tambiah, hoped on one occasion that the Pan-Sinhalese election would enable the constitutional

reformists to convey to the British government that 'the lack of unanimity in the Board' could not be 'used as an excuse for delaying responsible government'.[25] The previous Board had two ministers from two minority ethnic groups, and they did not agree with all the demands presented by their Sinhalese colleagues. The artificial unanimity was therefore a transparent device to achieve a façade of unity. Another version is that Don Stephen Senanayake organised the election of 'the homogeneous Ministry'

> to demonstrate to the minority representatives, particularly the Ceylon Tamils, that the Committee system was in fact no safeguard for minority interests, as it could be effectively manipulated to prevent minority Members being elected to Ministerial positions. In [Professor] Suntheralingam's words it was intended 'to teach the Ceylon Tamil leaders a lesson concerning political mathematics' and thus wean them from their allegiance to the committee system.[26]

Professor Suntheralingam* often claimed for himself the role of architect of the permutations and combinations that brought the 'Pan-Sinhalese Ministry' into being. He stated that he was the first to note that a group or caucus could manipulate the electoral procedure.

It is a debatable question why if it were not advisable to construct such a 'Pan-Sinhalese Ministry', a ministry agreed on a common programme on matters that excluded the controversial question of constitutional reform could not have been constituted. It was also a mistaken assumption to insist that the purpose of the Executive Committee system was *only* to afford a chance to members of the minority ethnic group to have some of their number elected to ministerial office. With minority representatives in each of the Executive Committees, minority members were aware of what was taking place in the inner councils of government. It was not necessary for them to be ministers.

The scholarly Sir Baron Jayatilaka offered conflicting evidence to that of Professor Suntheralingam and Don Stephen Senanayake on the Executive Committee system. At a public meeting in a town a few miles from Colombo, he said:

> 'By deliberate planning and assisted by forty members, representatives of all communities, our party captured the Board, defeating and routing the intentions and builders of the Constitution.'[27]

*A man of integrity who acted according to his convictions, he was best described as a Ceylon Tamil who would neither lead nor follow.

The only person ingenuous enough to be taken in by the second thoughts of the architects of the Pan-Sinhalese Ministry was the Governor, Sir Andrew Caldecott. He stated in his Reforms Despatch of 1938 that within eighteen months of its election, the Board of Ministers had conveyed to him (he had just arrived and was new to his office) that 'they deeply regretted the course they had taken'.[28] However, as G.G. Ponnambalam observed, 'not one of the Ministers felt constrained by this regret to proffer his resignation.'[29]

The Board realised rather late that Mahadeva could not be manipulated. He declined to accept any scheme of representation that Don Stephen Senanayake wanted to foist on the minorities, although he was clear in his mind that G.G. Ponnambalam's fifty-fifty scheme was not viable. Mahadeva, notwithstanding his support for the Memorial of the Minorities in 1937 in which 'fifty-fifty' had been the main issue, tried other alternatives which did not bear fruit. In March 1938, Sir Baron and Mahadeva convened a round-table conference on the subject of reforms, but it was boycotted by Ponnambalam; the Kandyan Sinhalese Members also walked out. The other participants failed to reach agreement, and Mahadeva remarked that it was idle for anyone in the minority communities to 'join any endeavour with the Sinhalese to see the existing political bondage removed by joint action.[30]

Another conference between Jayatilaka and Mahadeva in 1940 met with a similar fate. It was Don Stephen Senanayake who scrapped the Jayatilaka-Mahadeva Accord of 1938, which had dealt with the distribution of seats – and was unacceptable to the minorities. In desperation, Mahadeva observed that the 1938 Round Table Conference had failed because Don Stephen Senanayake had played a role in undermining it: 'There is a reactionary small caucus which is anxious to keep all the power within its own clutches, and who pose as leaders of public life in Ceylon.'[31] In 1939, Mahadeva who seemed desperate to find a solution to the question of representation, complained that 'demands are placed high; demands are placed higher than one would feel justified.'[32]

One of the reasons for the appointment of the Soulbury Commission was the dissent recorded by Mahadeva in the Minister's *Draft Scheme* of 1944 (also Sessional Paper XIV – 1944). The Ministers stated in paragraph 10:

> The Hon. Mr Mahadeva, Minister of Home Affairs, wishes it to be stated that he is not in agreement with the proposals regarding the question of representation and is of the opinion that the entirety of this question, which is a matter of considerable controversy, should be settled by a Royal Commission.

The Ministers themselves seemed obliquely to agree with Mahadeva's viewpoint when they stated in the same paragraph (1) that if their proposals do not obtain the requisite three-fourths majority either for this or for any other alternative proposal, . . . the Ministers propose to move in the State Council that a Commission be appointed by Your Excellency to determine the distribution of electoral districts in the Island in accordance with principles, which will be set out in the motion.[33]

In the end Mahadeva had to pay the price for his constructive engagement with his Sinhalese counterparts, by losing his seat in the legislature. He was felt to have played 'traitor' in the demand for fifty-fifty. The view was that he should have allowed the Pan-Sinhalese ministry to continue instead of changing its composition by entering its ranks in 1942. The role he played in seeking an equitable minority representation in the legislature was construed as political malingering and ambivalence. At the 1947 general election, his rival, the founder-leader of the All-Ceylon Tamil Congress, G.G. Ponnambalam, moved from his safe seat in Point Pedro to contest the premier seat in the Jaffna peninsula, Jaffna constituency itself, in opposition to Mahadeva. Ponnambalam won a convincing majority against his opponent.

The reader will note that even in the 1930s, with universal franchise and a Pan-Sinhalese Board of Ministers, the Ceylon Tamils still hoped for a constitutional solution which would safeguard their rights. With all its attendant defects, the Donoughmore Constitution had not proved an unmitigated failure for the Ceylon Tamils or the lesser minorities. Under the Donoughmore Constitution there were seventeen classes of bills which the Governor was required 'to reserve for the signification of his Majesty's pleasure', the most important of which was

any bill whereby persons of any particular community or religion are liable to any disabilities or restrictions to which persons of other communities or religions are not also subjected or made liable, or are granted advantages not extended to persons of other communities or religions.[34]

In addition there were independent public and judicial service commissions, the three officers of state, and executive committees which kept minority community representatives well-informed. Even the Soulbury Commission's recommendations provided for the reservation of bills which stretched the safety net far and wide. Among these were bills relating to immigration and right of re-entry, the franchise and

any Bill any of the provisions of which have evoked serious opposition by any racial or religious community and which, in the opinion of the

Governor-General, is likely to involve oppression or serious injustice to any such community.[35]

Thus under these wide powers vested in the colonial Governor, the demand for balanced representation seemed extravagant. Besides, the minority groups lacked unity in their ranks. Society in Jaffna was divided on the question whether it must be weightage for the minorities in representation in the legislature or pure and simple 'fifty-fifty'. The issues of the leading Hindu newspaper, the *Hindu Organ*, of this period indicated the prevailing discord. So did various political organisations of the minority communities. S.W.R.D. Bandaranaike noted that the Tamils were 'lacking in unity'.[36] Mahadeva, after the failure of the 1938 Round Table Conference, suggested other ways of handling the question of representation.[37] Sir Andrew Caldecott himself wrote in his Reforms Despatch of 1938: 'If the minorities constituted a political party, if they possessed an identity of interest, or if they exhibited a constancy of cohesion and liaison, I might be impressed by their claims.'[38]

The Soulbury Commissioners for their part did not think a legislature constructed on the lines of 'fifty-fifty' workable. They looked on it as the reimposition of communal representation in a rigid form; it would produce 'static' rather than 'dynamic' results, and they would 'not expect to find in it the seeds of a healthy and progressive advance towards Parliamentary self-government'.[39] The Commissioners further noted that if the 'fifty-fifty' scheme were adopted, the Sinhalese ethnic majority might enter into an arrangement with one or other of the ethnic minority groups, 'and it might well be that the existing majority group, exacerbated by the statutory deprivation of its electoral predominance in the country, would be less inclined than it is at present to pay regard to minority interests.'[40]

Furthermore they stated that a stable government could not be formed, nor could any head of government under this scheme 'be able to frame a policy or carry it out in a legislature so constituted'.[41] At the same time, the Commissioners wisely remarked:

> When political issues arise, the populace as a whole tends to divide, not according to the economic and social issues which in the West would ordinarily unite individuals belonging to a particular class, but on communal lines. It is this factor more than any other which makes difficult the application of the principles of Western democracy to Ceylon.[42]

What was written in 1945 is even more true four decades later. The irony is that having stated the problem and the seriousness of its implica-

tions for a multiethnic society, the Commissioners were not able to find any appropriate solution other than to fit the island into a procrustean constitutional framework under the surveillance of the imperial power. The Commissioners nevertheless were not altogether without hope. They expected a party system based on socio-economic policies to emerge. In paragraph 237 of their Report they discerned

> unmistakable signs of a change in the attitude of the electorate, brought about partly by universal suffrage and the resultant attention demanded from and paid by candidates to the social needs of their constituents, partly by the great increase in the powers of self-government under the 1931 Constitution, and partly by the dissemination of a world-wide urge to provide a better standard of living for the poor and distressed. There are infinite indications of the growth of a left-wing movement more disposed to concentrate on social and economic than on communal issues.

They nevertheless were reluctant to expect 'any swift or immediate metamorphosis', and expressed the view that 'further development of the electoral conscience in this direction will depend largely upon the growth of education and general political experience.'[43] The fact is that despite the twin development of education (over 80 per cent literacy) and political experience (fifty years of universal franchise, nine general elections and one national referendum), the electors are none the wiser. And as the Commissioners foretold, failure to develop on the lines they expected would be 'fatal to the emergence of that unquestioning sense of nationhood'.[44]

The architect of the 'fifty-fifty' scheme of legislative representation anticipated the obvious bludgeoning of his proposal should the Sinhalese close their ranks and enter into a pact with one of the minorities. G.G. Ponnambalam therefore suggested a balanced executive as well. The Tamil Congress was quite emphatic on this aspect of its constitutional scheme, stating that 'a balanced Legislature with an Executive that leaves power in the hands of any one community would be a mere delusion and a snare'; their solution was that 'the Governor should choose the Council of Ministers in consultation with leaders of the various communities in the Legislature', but *less than half* the members of the Council of Ministers should be from any one community.[45] The Commissioners for their part felt that such an executive would reduce the Sinhalese to a minority, and it would not be conducive to the promotion of collective responsibility of the cabinet of ministers to the legislature. That they had made up their minds on who the prime

minister would be and to whom Britain was prepared to transfer power is clear in paragraph 262 of their Report:

> We have no reason to suppose that the head of the Ceylon Government would be devoid of the qualities and attributes of statesmanship, and indeed, if the scheme proposed in S.P. XIV for the delimitation of constituencies has the result which we understand it is intended to have, common political prudence, apart from statesmanship, will commend him the course we have suggested . . .

The situation would have altered had S.W.R.D. Bandaranaike or any other political leader emerged to assume the role carved out for Don Stephen Senanayake.* And indeed, Britain's policy would have changed if a left-centred government with Trotskyists and Moscow Communists had been elected. Britain's policy-makers acted differently in different situations. They altered the electoral system in Guyana when they feared that the Communist leader, Cheddi Jagan, could become prime minister with self-government.[46] In India, Lord Mountbatten intended to unfold his 'Plan Balkan' in the event of a collapse of a united India (without Pakistan) to whose leaders a safe transfer of power was planned.[47]

It was therefore evident that G.G. Ponnambalam was fighting against heavy odds. His inability to discern this weakness in his armour was his greatest disadvantage. He was acting, no doubt, on the advice of experienced colleagues. But he failed to provide innovative leadership. Ponnambalam had the gift to mesmerise people but lacked political instinct and intuition. Thus he placed his faith in the Soulbury Com-

*The papers on dominion status show that Britain was prepared to negotiate independence with a Ceylonese government after a general election and after concluding satisfactory agreements on defence, external affairs and the public services. After the general election of 1947, when Senanayake failed to secure an overall majority, there was discussion of an alternative government being formed. Various Opposition parties and several of the Independent members who had been returned participated in these talks. S.W.R.D. Bandaranaike himself, while agreeing to serve in Senanayake's government, conveyed to the Opposition that he was willing to lead an alternative government. This plan failed because the two Trotskyist Opposition parties in Parliament declined to participate, although they pledged support (their view was that the 'revolution' was 'round the corner'). The Independent members, who at first were willing to consider the proposition, changed course and supported Senanayake. Senanayake let it be known that if he were defeated in Parliament on the Throne Speech, he would ask the Governor, Sir Henry Monck-Mason Moore, for a dissolution of Parliament: it also became known that the Governor would accede to Senanayake's request. The Independents did not have the resources to contest another election; they were also not certain of the outcome, and therefore decided to back Senanayake, thereby providing the absolute majority he needed for a stable government.

mission when all the while Don Stephen Senanayake and O.E. Goonetileke were negotiating terms with the Commission, with the Governor Sir Henry Monck Mason Moore, the Commander-in-Chief Sir Geoffrey Layton and officials from the Colonial Office in Whitehall. Senanayake's constitutional adviser, Sir Ivor Jennings, was invaluable to him in his dealings with Whitehall. We shall trace later the activities of Don Stephen Senanayake, the Ceylonese version of Count Cavour (a Piedmontese and not an Italian just as Senanayake was a Sinhalese and not a Ceylonese). Now to return to G.G. Ponnambalam.

When Ponnambalam and the Tamil Congress failed in their bid for 'fifty-fifty', the Tamil Congress contested nine out of the thirteen Tamil constituencies in the Northern and Eastern provinces and won seven of them. On the basis of these results, the Congress claimed in a telegram to the Secretary of State for the Colonies that 'the Tamil people of Ceylon have rejected the Soulbury Constitution in as much as at the general election not one candidate of the U.N.P. was elected to Parliament.'[48] It proceeded to demand that, 'in the absence of a satisfactory alternative', the Tamil people should be granted the right of self-determination.

The two significant facts here are that (*a*) the Ceylon Tamil ethnic minority sought to establish that they were not going to be a party to the Soulbury Constitution, the implication of which was that they had the right to revert to their status before the advent of the Westerners in 1505, i.e. a kingdom of their own (in the modern context, a sovereign state); and (*b*) the Ceylon Tamils had a right of self-determination, a right in which was to be seen the future bid for a federal set-up, the failure of which resulted in the much later war for a separate state.

We are not certain that the future political trajectory of the Ceylon Tamil leadership was evident in this message – nor that Ponnambalam and his colleagues used the results merely as a bargaining counter for more concessions. Ponnambalam, in the bitter correspondence that followed his taking a portfolio in the cabinet of Don Stephen Senanayake, alleged that some of his lieutenants who disapproved of his action had chided him for not going to Colombo immediately after the election results and bargaining for portfolios in the Senanayake government that was in the making.

However, Ponnambalam and his Congress had fought the 1947 general election on the platform of the dangers of 'Sinhalese domination and the demise of Tamil rights and Tamil culture'.[49] On the other hand, as Jane Russell writes, Ponnambalam played 'a diplomatic game' during

the election and kept his options open by declaring that he was in favour of 'responsive cooperation' with any Sinhalese-dominated government sympathetic to their objectives, while 'the dour, sensitive Chelvanayakam' acted 'as guardian of the communalist wing' of the Tamil Congress.[50]

It is plain from all this evidence that Ponnambalam had been outmanoeuvred by Don Stephen Senanayake, not only at the stages of negotiations for independence but even in his post-general election strategy. Ponnambalam hoped that Senanayake – given the shakiness of his government at the time of its formation with 48 seats in a House of 101 – would invite him to participate in the construction of a coalition or national government. Instead Senanayake tried to detach Ponnambalam's chief lieutenant (Chelvanayakam) from the Tamil Congress party in Parliament. Chelvanayakam showed this writer a letter from one of Senanayake's close political collaborators, Edwin Aloysius Perera Wijeyeratne (appointed to the cabinet in July 1948) urging him to enter Senanayake's cabinet at the time it was being formed in September 1947. According to Chelvanayakam, Senanayake never operated directly, and could thus issue a categorical denial should an accusation be made. Chelvanayakam did not reply to this letter. About the same time, the then Chief Justice of Ceylon, Sir John Howard, tried to persuade Chelvanayakam (according to the latter's account to this writer) to accept a seat on the Supreme Court bench, an offer conferring prestige in the context of 1947. Chelvanayakam was twice offered the position and gracefully declined. Appointments to the Supreme Court were made, in independent Ceylon (1948), by the Governor-General on the *advice of the Prime Minister*.

In the end, it was left to Ponnambalam to negotiate with Senanayake for cabinet office and for admission of the Tamil Congress to the government parliamentary group. But this was in August 1948 and long past the opportune moment; by then, the Senanayake government had consolidated itself in Parliament. In answer to allegations of betrayal of the Tamil cause by deciding to join the Senanayake government, Ponnambalam alleged that he had asked Senanayake for an additional portfolio for his deputy, Chelvanayakam, and that Senanayake had refused. Chelvanayakam denied that he was ever interested in a portfolio and that he had in fact declined Ponnambalam's suggestion that he accept a portfolio for himself.

This writer's view is that Chelvanayakam's version is the correct one. For at that time fundamental issues such as the future of the Indian

Tamils, the question of the official languages of Ceylon and the ending of state-aided colonisation of the traditional homelands of the Tamil-speaking people, and indeed a national flag for independent Ceylon, had not yet been determined. It was Chelvanayakam's contention that these should be satisfactorily resolved before the Tamil Congress could decide whether or not it should join the Senanayake government. In the end, Ponnambalam paid dearly because he accepted office in the Senanayake government without adhering to Chelvanayakam's pleas to have these issues resolved. He and his section of the Tamil Congress failed to negotiate restoration to the Indian Tamils of the seats they had been deprived of by the legislation of 1948 and 1949. State-aided colonisation of the traditional Tamil-speaking homelands continued apace. A decision on the official languages was not made during Senanayake's lifetime. There had been a greater possibility of both Sinhalese and Tamil being accepted as the new state's official languages at the time of independence; the postponement resulted in the movement for Sinhalese to be the only official language. The enactment of Sinhalese as the only official language took place in 1956.

The verdict of political scientists and others on Ponnambalam has been harsh though accurate. Howard Wriggins noted that he 'was one of the more brilliant, if supple, Tamil politicians'.[51] Jane Russell described Ponnambalam as 'brilliant and shamelessly Machiavellian'.[52] Earlier Sir Andrew Caldecott had expressed lack of confidence in him in one of his confidential despatches to the Colonial Office in 1938–9.[53] The historian K.M. de Silva had described him as follows:

> For all his eloquence, his adroitness came through as perverse rather than skilful; and he alienated the one man whose sympathy, if not support, was vital to the success of his cause, the Governor of the island. Without Caldecott's support, Ponnambalam's occasional visits to England to lobby parliamentarians and officials in Whitehall were ineffective exercises in personal diplomacy.[54]

The one positive contribution that Ponnambalam made to the Tamil cause was that during the phase before his acceptance of cabinet office, he raised the national consciousness of the Ceylon Tamils. He was the first Ceylon Tamil in the British period of colonial rule to give his own people a sense of national awareness and persuade them that they should have a sense of patriotic pride. One of the popular slogans of Ponnambalam's Tamil Congress during the 1947 general election was that the Ceylon Tamils should 'walk the land with their heads erect'.

Ponnambalam was outclassed by Senanayake and his lieutenant,

O.E. Goonetileke. The cards were stacked against him, but he could to some extent have compensated for this if his public image had been beyond reproach. Unfortunately it was not – certainly in the view of many associates. His place was soon to be taken by S.J.V. Chelvanayakam, a man of unquestioned integrity and with an impeccable record. Ponnambalam tried by every means to coax Chelvanayakam into supporting his decision to join the Senanayake government, but Chelvanayakam was unmoved. The two men lived in different worlds, and indeed it was extraordinary that they ever came together. Chelvanayakam's explanation (to this writer) was that someone had to lead the Tamil people, and since Ponnambalam was prepared to undertake the onerous task, he, Chelvanayakam, was prepared to follow him as long as he remained faithful to the Tamil cause.

Jane Russell, who had lengthy interviews with both men, gives her own observations of the rarefied political atmosphere in which Chelvanayakam lived his political dreams:

> The emergence of S.J.V. Chelvanayakam, a Christian and a Colombo lawyer, as Ponnambalam's second-in-command was significant. Unlike Ponnambalam who was concerned largely in satisfying his personal ambitions for power, Chelvanayakam was seriously concerned with the political effect of the Sinhalese-Buddhist cultural resurgence on the future of the Ceylon Tamils. Chelvanayakam was a thoughtful man; as a politician he displayed the integrity which Ponnambalam lacked. His Tamil communalism was not the froth of an opportunist but a deeply-felt and considered judgment backed by an appreciation of Tamil culture which amounted to blind loyalty. Chelvanayakam's attachment to the Ceylon Tamil culture came much closer to a true Tamil nationalism, . . . Although S.J.V. Chelvanayakam did not present a differentiated policy to that of Ponnambalam in 1947, his political approach augured a radical change in the tone and demeanour of Ceylon Tamil politics in the post-independence period.[55]

For a time, from 1948 to around 1955 (before the general election of 1956), the Ceylon Tamils remained confused as to whether to support Ponnambalam's Tamil Congress or Chelvanayakam's newly-formed Tamil Federal Party. The élitist Ceylon Tamil argument of those times was that it was essential for the Tamil cause for both groups to be returned to Parliament, with the Tamil Congress having the edge over the Tamil Federal Party. The logic was that Ponnambalam could extract more concessions for the Ceylon Tamils from Sinhalese-dominated governments by exploiting the bogey of a possible Federalist takeover of the leadership from him. This Ponnambalam was unwilling to do. His self-

centredness and presumably his political acumen made him a determined opponent of the Federalists, and he seemed to have achieved his objective when the Tamil Federal Party secured only two of the seven seats it contested at the general election of 1952 while four of the seven Tamil Congress candidates were returned.

The years 1952–6 were a vacuum in Ceylon Tamil politics, with the electors unable to determine which of the two rival parties were giving them the correct leadership. The decision of the U.N.P. and S.L.F.P. in 1955 to shift from their position favouring Sinhalese and Tamil as official languages to one that would only accept Sinhalese as the official language dramatically changed the political landscape in the Ceylon Tamil areas. In the 1956 general election the Tamil Federal Party was the outright winner in the Tamil areas. S.W.R.D. Bandaranaike, uncertain whether he would win a clear majority, offered material assistance to Chelvanayakam and his party. The offer was declined, because the Federalists did not wish to compromise their goals.

There were several reasons for the failure of the Tamil Congress and the ethnic minorities to win through in their campaign for 'fifty-fifty'. For one thing, Ponnambalam and the Tamil Congress were maladroit in their handling of the representational question. Having secured a certain weightage in representation, Ponnambalam could at least have requested Whitehall to entrench the quantum for each of the communities in the Constitution. There could have been no meaning to the Soulbury Report if, in 1945, the Soulbury Commissioners could commend the *Ministers' Draft Scheme* (Sessional Paper XIV of 1944), leaving the immigration question open to a future Ceylon government, and expecting such a government to conserve the seven parliamentary seats to the Indian Tamils that the ministers had assigned to them as part of their overall compromise on the 'fifty-fifty' demand. With the laws of 1948 and 1949 disfranchising the Indian Tamils and depriving them of citizenship, the Sinhalese secured over-weightage in representation and the minorities became under-represented. This was clear in the general election results of 1952, when the Sinhalese, who according to the statistics of 1958 constituted around 70 per cent of the population, won approximately 77 per cent of the total of 95 elected seats; the Ceylon Tamils, with 11 per cent, secured 12 per cent of the seats; the Indian Tamils, who were 9.4 per cent, obtained none (one Indian Tamil was made an Appointed Member of Parliament); the Muslims, with their 6.4 per cent, won 8 per cent.

'Fifty-fifty', or something close to it, had thus disappeared from the political map of Ceylon. The Ceylon Tamils and the other ethnic minorities had failed in their political strategy.

Secondly, the terms of reference of the Soulbury Commission did not envisage complete independence for Ceylon. There was still a modicum of power vested in the Governor, which could have been called upon in the event of a communal abuse of constitutional powers. There were still a few more steps to be traversed on the road to independence. The interim would be a testing time for the Sinhalese ministers. Then the public and judicial services were vested in independent commissions, members of which were to be appointed by the Governor in his discretion and not on the advice of the Prime Minister. Both bodies were therefore insulated from political interference.

Finally, the situation for Ceylon changed entirely with the end of the Second World War. The Imperial government had envisaged a longer period before the island was to be granted independence. Now, with India, Pakistan and Burma obtaining sovereign statehood, there was no question of Ceylon remaining only partly self-governing. The claim for independence was reinforced by the Ceylonese ministers protesting that they had been loyal to the Crown and had collaborated totally in the war effort. In contrast, India had proved turbulent. The loyal and faithful obviously had to be rewarded.

Above all there was the phenomenon of the master-tactician Don Stephen Senanayake moulded in the clay of the Piedmontese Cavour. In his task he was aided by O.E. Goonetileke whose negotiating skills were superb, who was unsurpassed in the art of dissimulation but sometimes made undisguised offers of rewards to Englishmen who aided Ceylon in the path to independence. To this unrivalled duo should be added Sir Ivor Jennings, Vice-Chancellor of the University of Ceylon, 1942–55, and an internationally recognised constitutional expert. There was no way in which the Tamil Congress, G.G. Ponnambalam or the other ethnic minorities could have matched the triumvirate that had evolved, and which led Ceylon to independence. Sir Ivor Jennings stated in 1948: 'Some day I hope to explain in print how much Ceylon owes to Mr Senanayake and to Sir Oliver Goonetileke. But for them Ceylon would still be a colony.'[56]

The evolution and transformation of Don Stephen Senanayake from rebel to a conservative collaborator of the British makes an interesting study of Ceylonese statecraft. In July 1937, H.R. Cowell of the Colonial Office realised that 'Sir B. Jayatilaka is not physically strong' and that

the Colonial Office must expect Mr Senanayake, who would be his successor as leader of the State Council, to intensify 'these attacks on the Governor's reserve powers'; Governor Sir Edward Stubbs convinced the Colonial Office that Senanayake was 'a great danger' to British interests and was 'entirely anti-British'.[57] Stubbs had been Colonial Secretary during the Sinhalese Buddhist/Muslim riots of 1915 when the Senanayake brothers, F.R. and Don Stephen, were imprisoned by the British for suspected involvement.

What then were Britain's interests in retaining Ceylon as a dependency for as long as possible? H.R. Cowell's minute of 28 October 1932 provides a clue. His statement that 'it is clearly premature to abandon our interest in Ceylon to unfettered control'[58] meant in effect the safeguarding of British vested interests. At this time no figure had emerged who could replace Jayatilaka and inspire Britain with the necessary confidence. Secondly, Britain needed naval and air bases in Ceylon to maintain lines of communication with Southeast Asia and Australia. Was there any safe collaborator who could offer Britain such a guarantee? The intention became manifest from what Arthur Creech Jones, Secretary of State for the Colonies, and Sir Charles Jeffries said on the subject. On 18 June 1947, Creech Jones told the House of Commons:

> Clearly no further constitutional change can take place before a new government is in office and fully functioning. Agreements will then have to be negotiated on a number of subjects. When such agreements have been concluded on terms satisfactory to His Majesty's Government and the Ceylon Government, immediate steps will be taken to amend the constitution so as to confer upon Ceylon fully responsible status within the British Commonwealth of Nations.[59]

Don Stephen Senanayake had already realised that bases in Ceylon were vital to Britain's interests. In August 1945, while in London for negotiations with the Colonial Office, he offered Whitehall an agreement of this kind – according to K.M. de Silva, on the advice of Sir Ivor Jennings.[60] The offer had been lost sight of at that time, but in 1947 the question had assumed a larger importance. The reason Senanayake gave to the Ceylon public for the offer of the defence agreement and bases – fear of attack by India or by the Soviet Union* – was unconvincing.

Meanwhile, in the years that followed, O.E. Goonetileke functioned as Senanayake's emissary in London, going about his business in devious

*Britain would not have involved itself if either state had attacked Ceylon; at best it would have urged the UN to act.

ways. To the question of how confident Britain could be that the proposed defence agreement would be implemented, Goonetileke stated to the Colonial Office that 'it was really a matter of trust rather than of paper undertakings'. When he returned to Ceylon, he was requested by Senanayake to persuade S.W.R.D. Bandaranaike – who had decidedly anti-imperialist views – of the need for this agreement.[61] As stated earlier, Goonetileke opined that Ceylon need not be bound by the agreement once sovereign status had been achieved and that if necessary the agreement could be abrogated. Bandaranaike accepted this view. When he became Prime Minister in 1956, Britain complied with his request to vacate the military bases.

Goonetileke had gambled; his argument might not have seemed plausible at the time the agreements were signed but after Britain had gracefully accepted Bandaranaike's request, Goonetileke was triumphantically vindicated. The interpretation of the agreement by Sir Ivor Jennings was not quite the same as that of Sir Charles Jeffries, the Deputy Permanent Under-Secretary at the Colonial Office in 1948. Jennings' view was that 'the binding character of these Agreements [on Defence, External Affairs and the rights and retirement benefits of public servants] was based on the false premise that the legal situation was important'; he added that 'within the Commonwealth if obligations appear to one side to be onerous or undesirable it is open to that side to ask for modifications'.[62] Bandaranaike chose this route in 1956. On the other hand, the opinion of Jeffries left the question open to doubt. Probably his judgement would have applied if the Agreements had been repudiated soon after they were concluded, in which case the action would not have conformed with international practice. Jeffries writes:

> From the British point of view, it would have been nice if Ceylon could have given categorical undertakings about the Trincomalee base, military support in war, diplomatic support in international affairs and so on. But from the Ceylon point of view, such undertakings could be interpreted as derogatory to sovereign status. They could easily become a source of friction and there would be continual pressure to get rid of them. In the last resort, *the British would have no means, short of using force, of securing their implementation*.[63]

There is confusion here about the details of the Defence Agreement. Jeffries had avoided the central question. The probability of the use of force, he suggested, followed from the provisions of the Defence Agreement. Articles 1 and 2, among other things, provided that

1. The Government of the United Kingdom and the Government of Ceylon

will give to each other such military assistance for the security of their territories, for defence against external aggression and for the protection of essential communications as it may be in their mutual interest to provide. The Government of the United Kingdom may base such naval and air forces and maintain such land forces in Ceylon as may be required for these purposes and as may be mutually agreed.

2. The Government of Ceylon will grant to the Government of the United Kingdom all the necessary facilities for the objects mentioned in Article 1 as may be mutually agreed. These facilities will include the use of naval and air bases and ports and military establishments and the use of telecommunication facilities.[64]

The Government of Ceylon had thus agreed to permit Trincomalee harbour to be used by the British navy and Katunayake airport by the Royal Air Force.

The provisions of this Agreement were a reason why the Soviet Union consistently vetoed Ceylon's application for membership of the United Nations till 1955, when a package deal enabled Ceylon to enter the world body along with some East European Communist states. The Soviet delegation wished to have information on 'how sovereign was Ceylon' every time the application for membership was made. And probably Britain agreed to give up the bases because they were of no great consequence after the Suez war.

The question whether the Defence Agreement was still in operation came up during the inter-ethnic troubles that followed the rioting against Tamils in July 1983. President Jayewardene in public speeches insisted that the Agreement was still in force. The intention was presumably to reassure 'the land, the race and the faith' that Britain would come to Ceylon's assistance in the event of Indian intervention. Clearly Mrs Thatcher's government did not interpret the Agreement in that way. A request for British troops to help in peace keeping in the island was not acceded to by the British government; the British position was that financially this was not a viable proposition.[65]

Nor was Goonetileke all innocent when it came to dealing with Britain's officials and politicians. Sir John Kotelawala told this writer that Goonetileke had promised the Governor-Generalship to Sir Geoffrey Layton, Sir Henry Monck-Mason Moore and Lord Soulbury himself; he was reported as having told Lord Soulbury in emotional tones that 'a grateful people would make him the first Governor-General of independent Ceylon'.[66] Sir John also mentioned that he possessed copies of Lord Soulbury's correspondence with Don Stephen Senanayake

reminding him of the promise Goonetileke had made. This is confirmed by a well-informed columnist of the *Ceylon Observer* who had intimate knowledge of political developments in Ceylon in the period after 1947. The columnist J.L. Fernando, a friend of Don Stephen Senanayake, provided this revealing information:

> Later came even delicate hints that there would be under the setup of independent Sri Lanka an attractive job of a Governor-Generalship. The suggestions were delicately expressed but freely made to more than one person – to Sir Henry Moore, even to the fire-eating Sir Geoffrey Layton and my Lord Soulbury himself. D.S. Senanayake was not much good at putting these subtle magnetic appeals but he had a trained one-man brains trust to attend to such arrangements.[67]

Other members of the Soulbury Commission were also approached by Goonetileke, 'the one-man brains trust' referred to, with attractive offers. Sir Frederick Rees, a member of the Soulbury Commission writing of Goonetileke's methods some years later, stated that 'they were much more obvious than he himself realised'.[68]

Lastly, Whitehall had to be persuaded that the Ceylon Tamils were willing to participate in the Senanayake government. As stated earlier, two elected Tamil M.P.s outside the Jaffna peninsula were offered cabinet portfolios: C. Sittampalam, the M.P. for Mannar, accepted Posts and Telecommunications, and C. Suntheralingam, the M.P. for Vavuniya, Trade and Commerce. Sir Kantiah Vaithianathan, a Ceylon Tamil who at that time was Permanent Secretary to the Ministry of External Affairs (a portfolio held by the Prime Minister) and one of the Prime Minister's most able civil servants and a guiding member of his group of advisers, told this writer that a secret memorandum to Whitehall had been prepared by Goonetileke and Senanayake which he glanced at by accident. He read the line 'the Tamil lion Suntheralingam has joined our cabinet.' Suntheralingam, a loner twice defeated in by-elections, could hardly be described as representative of Tamil opinion. The question, therefore, was: to whom Britain should entrust power? Looked at from that angle, G.G. Ponnambalam – as leader of an ethnic minority of 11 per cent of the population – had no prospect of support from Britain, whose primary concern was to hand power to a reliable and trustworthy conservative leader. Senanayake was shrewd enough to have moved away from the position of the young rebel of 1915 to Britain's reliable collaborator in Ceylon in 1947. He was thus the obvious choice.

There were two strategies that Ponnambalam could have pursued. He

could have appealed to Britain's liberal conscience and pressed for a federal constitution: this might not have been lightly dismissed.* Alternatively, he could have insisted on the minority safeguards in the *Ministers' Draft Scheme* (S.P. XIV of 1944) being entrenched. He did neither.

The Federal Party's dilemma over designing a platform was difficult and at times impossible to achieve in the context of 'the land, the race and the faith'. The Party's principal activists and office-bearers, as well as Tamil employees in the state and private sectors, earned their livelihood in Colombo, and remitted some of their earnings to their less well-off relatives in the Northern and Eastern provinces. So much so that the Tamil Jaffna Peninsula is often referred to by left-wing critics as a 'money-order economy'. This, of course, is exaggerated, since many Tamils are engaged in farming, fishing and small-scale business activity in the north and east. The more visible of them are those who excite the envy of their Sinhalese counterparts. They are the successful lawyers, physicians, surgeons, dentists, engineers and other professionals, owners of large businesses and industries and smaller ones – in other words, the enterprising Tamils who have migrated to the seven Sinhalese provinces, developing a vested interest in staying there. There are also the one million Indian Tamil plantation workers living and working in central Ceylon, the heartland of the Sinhalese area.

The federal solution was a way of reconciling the claims of the well-to-do Tamils in the seven Sinhalese provinces and the Ceylon Tamils living in their traditional homelands in the north and east. The crux of the Federal Party's dilemma was how to reconcile the needs of the two sets of Tamils in times of crisis. Invariably, at the crucial hour, the Federal Party would retreat to its strongholds in the north and east where its political strength lay, but gnawing at its conscience all the while was fear for the fate of the Tamils in the seven Sinhalese provinces.

The Bandaranaike–Chelvanayakam Pact of 1957 could have resolved the dilemma in a way acceptable to Sinhalese and to all Tamils resident in and outside the Tamil provinces. The Pact provided for the preservation of the island as a single geographical entity. This was also true of the

*In the early 1930s, a memorandum for a federal constitution was submitted by a little-known Tamil from Jaffna; at that time the federal issue had not gained the support of Tamil opinion.

Dudley Senanayake/Chelvanayakam Pact of 1965. It was even true of President Jayewardene's legislation on district development councils in 1980.

However, the Provincial Councils that President Jayewardene has envisaged since 1985–6 have been proposed rather too late. Possibly the President could, with some adjustments, secure the agreement of the Government of India, but the indications are that the Tamil rebel organisations will not accept the settlement, and that the civil strife will continue even if Tamil rebel bases in India are closed down. The Tamil areas will not return to the civil polity they were in before President Jayewardene assumed office in 1977. To all intents and purposes, the island sovereign state is divided, and the appearance of yet another sovereign state as a member of the comity of states cannot be ruled out. Sophists might argue that 'the land, the race and the faith' will see the dangers and agree to a compromise. This again is unlikely given the extremist postures adopted by the leading party in Opposition, the S.L.F.P., and its chief supporters, sections of the Buddhist *Sangha*.

For our purposes and from the view of ethnicity and its potential, the change in position of the Tamil Federal Party from its original demand for a federal union of Ceylon to its present claim (as the major component of the Tamil United Liberation Front) for a separate sovereign state is an interesting lesson in the risks and dangers of the ethnocentric policies of the majority being allowed to continue unbridled and that of the minority unassuaged. At the 1952 General Election, while the Federal Party insisted on a federal constitution, the voters were not clear in their minds as to what was meant by this newly-introduced concept in their political vocabulary. The Tamil name of the party gave the impression, when translated, of a Ceylon Tamil state or a Ceylon Tamil government. Again, to the majority of uninitiated Tamil electors the implications were not clear. In translation, the name could imply a separate independent Tamil state, but such a demand was not yet in harmony with the times.

At the 1956 general election, the party articulated its demands in what seemed an impractical way. It was seeking to satisfy the demands of Tamils in all parts of the island in its quest to become the only party fighting for Tamil interests. The Federalists expatiated on a federal union based on the Swiss model. Accordingly, wherever there were sufficient concentrations of Tamils, as in Colombo city, the plantation areas or in other towns where they were in a majority, the party advocated the formation of cantons and demi-cantons on the Swiss

model. Mr Kadramer, an Independent candidate for Batticaloa, raised some interesting questions:

> The Swiss ideal of federation provides no judicial safeguards to the minorities because the Supreme Court has no power to declare laws unconstitutional. The Swiss methods of initiative and referendum, i.e. majority rule, are the very things which the Federalists oppose in a unitary constitution. Let the Federalists produce a map of Switzerland. Does it make as ridiculous a map as the one of Ceylon produced by them? Does not even common sense suggest to them that there should be geographical contiguity among the cantons of the various states?[69]

The candidate S. Natesan who stood against the F.P. leader, Chelvanayakam, in 1952 and defeated him raised the economic argument: 'Because the Tamil people are now under a unitary government, they are entitled to share all the amenities provided by a welfare state drawing most of its revenue from other than Tamil-speaking areas.'[70] While G.G. Ponnambalam, an exponent of responsive cooperation with progressive Sinhalese political parties, argued after accepting ministerial office in 1948 that 'federalism would confine Tamil employment to the two [Tamil] provinces to the exclusion of the vast-wealth-producing areas occupied by the Sinhalese and which now helped the economy of the Tamils.'[71] The Federal Party concentrated on the fact that the former U.N.P. Tamil members had failed the Tamil people on the language issue despite their blind faith in the U.N.P.'s assurances. The Tamils, they insisted, 'should return a well-organised and disciplined Tamil party to safeguard Tamil interests'.[72]

By the time of the 1965 general election, the F.P.'s strategy on the federal question had undergone a major change. While claiming to have united all the Tamil-speaking people in the island, the party enunciated in its manifesto the following proposition among others:

> If we are to preserve our identity and survive, we must preserve our language, *our lands*, our religions, our culture and our heritage. The one and only way . . . is to regain for us the right to be the rulers of ourselves in our own home.
>
> The only way to regain our right to decide for ourselves our own destinies, *without jeopardising the unity of Ceylon*, is the federal form of government. The object . . . is to work for the liberation of the Tamil-speaking people by the creation of a federal union of Ceylon, with a Tamil state and a Muslim state in our area as the federating units.[73]

The emphasis was still on a federal union, not on a separate state.

What the party stated in its manifesto at the 1970 general election was

evidence of patience taxed to the limit in the face of everything that could have inspired it with some confidence crumbling around it. Here was a party endeavouring to maintain the unity of the island state. For it, 'the land, the race and the faith' was not yet a serious issue, whereas after 1970 that triad pushed the Federal Party into a position where it challenged the sovereignty of the island state. In its 1970 manifesto, the Federal Party reiterated its belief in a federal solution to the ethnic problem. It even went so far as to state categorically:

> It is our firm conviction that *the division of the country* in any form would be beneficial neither to the country nor to the Tamil-speaking people. Hence we appeal to the Tamil-speaking people not to lend their support to any political movement that advocates the *bifurcation of the country*.[74]

Between 1970 and 1977, a serious and well-established political party, which had consistently stood for the unity of Ceylon as a single island sovereign state, sensed a change in the mood of Tamil public opinion, and moved away from its previous stand for a united Ceylon. Mrs Bandaranaike's United Front government of 1970–7 was mainly responsible for this change. Although the move was reinforced by the actions of the Jayewardene government after 1977, it was Mrs Bandaranaike who was the catalyst of the concept of a separate Tamil state. Her government had introduced the system of admitting students to all universities in Sri Lanka no longer on the basis of merit, as it used to be, but with built-in advantages for those from the Sinhalese ethnic majority. Tamil students with higher marks were kept out in favour of Sinhalese students with lower marks. To compound matters, a district quota system was added; because most of the backward districts were in the Sinhalese areas, Sinhalese students benefited. A few Tamil districts gained, but their numbers were inconsiderable. The Tamil-dominated Jaffna district was the worst affected, along with the districts of the Western Province which has low-country Sinhalese and Colombo Tamils.

From this time onwards, Tamil secessionism became an active phenomenon, fuelled by regular pogroms and acts of cultural aggression – book and library burnings – conducted by the Jayewardene government's military forces. Even if it is possible for President Jayewardene to persuade the government of India to pressure the civilian leaders of the T.U.L.F. to accept his formulas for a political settlement, history suggests that this will not last. At best there will be a temporary truce; at worst the stalemate will continue. The Sinhalese army will not want to fight in the Tamil areas, but at the same time it will have to divert some of its

resources to the southern parts of the island where growing economic unrest caused by inflation, unemployment and the collapse of foreign investment due to the country's unstable political climate, is likely to stir up major upheaval among the Sinhalese.

What took place in the interim, between 1970 and 1972, is of relevance. These were the years when an autochthonous republican constitution was framed for Ceylon. A leading Trotskyist, Dr Colvin R. de Silva, was Minister of Constitutional Affairs. Being in alliance with the ultra-chauvinist S.L.F.P. of Mrs Bandaranaike's party of 'the land, the race, and the faith', Dr de Silva compromised his Trotskyist principles for the riband of office. He permitted the insertion of Sinhalese into the Constitution as the only official language. Tamil was not entrenched in the Constitution and was relegated to a secondary status. Tamil transactions with the public were to be conducted by means of translations into the official Sinhalese language; so, if there was any discrepancy, the Sinhalese version would be regarded as the official document for judicial arbitration. A bill of rights was substituted for Section 29 of the 1947–72 Constitution, but its protective clauses were nullified by the blanket provision, Section 18(2).

Of greater significance were the indirect attempts to obtain the participation of the Federal Party in this task of autochthonous constitution-making. M. Tiruchelvam, Q.C., the principal strategist of the Federal Party was requested by S.L.F.P. constitution-makers to approach Chelvanayakam. If there were Tamil participation, it would then be argued that the Tamils were bound in a Hobbesian contract. There were hopes held out of entrenching the Tamil language and of district councils being provided with autonomous power on the lines of the Bandaranaike–Chelvanayakam Pact of 1957. However, Chelvanayakam was unmoved; he was not to be deceived any more, whatever pressures might be put on him by emissaries and interlocutors. All that his party did was submit to the Steering Committee of the Constituent Assembly the main provisions of a model constitution for a federal republic of Ceylon. Principally, the document asked for a federal scheme 'with an autonomous Tamil state and an autonomous Muslim state joined together in a federal compact with three Sinhalese states'. The party claimed that its demands were 'turned down by the Assembly even before being examined'; nor did any person or group come forward 'to discuss or offer any alternative scheme that could meet with the aspirations of the Tamil nation'. Accordingly, the meeting of the Constituent Assembly summoned on 22 May 1972 to pass the Constitution

was boycotted by fifteen out of the nineteen Tamil representatives in Parliament. The Federal Party added that of the four Tamils who voted for the Constitution, two lost their 'representative character' through having been expelled from the party to which they belonged (the All-Ceylon Tamil Congress), one was expelled from the Federal Party and 'lost his right of representation', while the fourth contested on an anti-government platform and won as an Independent member of Parliament. Hence the Federal Party observed that 'it is obvious that this constitution was rejected 100 per cent by the Tamil people.' If a majority of the Tamil representatives had voted for the 1972 Constitution, then the Sinhalese leadership could have argued that the Tamils had accepted the concept of a one-island sovereign state – that they were thereafter bound by a Hobbesian contract from which they could not withdraw. This explains the attempts to draw the Federal Party and its chief, Chelvanayakam, into the exercise.

Instead the F.P. and Chelvanayakam chose a dramatic way to denounce this unilateral Sinhalese imposition of a constitution on the Tamil people. In 1972 Chelvanayakam resigned his seat in Parliament and challenged the government to contest him on the validity of the 1972 Constitution in so far as the Tamil people were concerned. Mrs Bandaranaike, for political reasons, did not hold a by-election until 6 February 1975, more than two years after the seat had been declared vacant. At the by-election which then took place, a C.P. (pro-Moscow) supporter of Mrs Bandaranaike's government, V. Ponnambalam, was put forward to contest the seat. He lost to Chelvanayakam, who won back his seat by the largest majority he had ever obtained since entering politics in 1947. In his victory address to the voters, Chelvanayakam, a man noted for his 'icy, precise mind and a translucent personal integrity',[75] stated:

'Throughout the ages the Sinhalese and Tamils in the country lived as distinct sovereign people till they were brought under foreign domination. [. . .] We have for the last twenty-five years made every effort to secure our political rights on the basis of equality with the Sinhalese in a united Ceylon. It is a regrettable fact that successive Sinhalese governments have used the power that flows from independence to deny us our fundamental rights and reduce us to the position of a subject people. [. . .] I wish to announce to my people and to the country that I consider the verdict at this election as a mandate that the Tamil Eelam nation should exercise the sovereignty already vested in the Tamil people and become free. On behalf of the Tamil United Liberation Front, I give you my solemn assurance that we will carry out this mandate.'[76]

Little more than a year later, on 14 May 1976, various organisations

representing the Ceylon Tamils, the Indian Tamils and the Tamil-speaking Muslims, as well as the leaders of the Tamil United Front, met at Pannakam in Vaddukoddai, a Tamil constituency in northern Ceylon, and formed themselves into the Tamil United Liberation Front. This historic and momentous meeting was presided over by Chelvanayakam, by now regarded as the 'Father' of his people. Calling itself a convention, the meeting resolved that

> the restoration and reconstitution of the Free, Sovereign, Secular, Socialist State of Tamil Eelam based on the right of self-determination inherent in every nation has become inevitable in order to safeguard the very existence of the Tamil nation in this country.

Since the Northern and Eastern Provinces were to be the territories of the proposed sovereign state, the Pannakam Convention (as it came to be called) took note of the reservations of the Ceylon Workers' Congress, representing the Indian Tamil plantation workers. The latter were resident in areas outside the envisaged new state.

The Pannakam Resolution was significant because for the first time the Ceylon Tamils had decided to sever their links with the Ceylon Tamils living outside the boundaries of the suggested new state. The conservative and thoughtful Chelvanayakam was supportive of what the resolution stated. When asked some months later by a correspondent of the (London) *Guardian* how he planned to achieve his objective, he said, 'We will make such a nuisance of ourselves that they [i.e. 'the land, the race and the faith'] will want to throw us out.'*

The second aspect of the Pannakam Resolution, which Chelvanayakam was not aware of, and – dedicated as he was to Gandhian methods of achieving the objectives of the Tamils – would have strongly disapproved, was that the Tamil Freedom Movement rapidly transformed itself into a violent war of national liberation. The youth of the Ceylon Tamils came to the forefront of the struggle, told their elders that they had failed in the pledges and pacts they had obtained from the Sinhalese

*After the Resolution, a public rally was held. Amirthalingam and other members of the T.U.L.F. were arrested for distributing pamphlets, and charged with sedition. Amirthalingam *et al.* were ranged before a bench of the Supreme Court and, instead of the normal trial by jury, there began a trial-at-bar, which was permitted in exceptional circumstances. Tamil consciousness was manifested when, with few exceptions, all the Tamil lawyers of the law courts in Hulftsdorf (Colombo), the seat of the Supreme Court, appeared on behalf of the defendants – who were acquitted.

political leadership from 1920 to 1980, and that they themselves were now committed to the use of methods of war to achieve their objectives. S. Kathiravelupillai, M.P. for the Tamil constituency of Kopay and Secretary of the Federal Party, put the position squarely in his *A Statement on Eelam: Co-existence not Confrontation*:

> The Sinhalese would not really desire to rule over and run an empire over the unwilling Tamils and be guilty of neo-colonialism and aggression. The restoration of the Tamil state by mutual agreement will be a triumph for both people and for human values. On the other hand a confrontation between the two nations can defeat the very security and therefore the existence and identity of the Sinhalese nation, particularly as foreign intervention in such confrontation will become inevitable. *A restored and reconstituted Sinhala state which excludes the Tamil presence is the best guarantee of the existence, identity and security of the Sinhala nation.* So also of the Tamil nation. [. . .] In short, the Sinhala ideal of one country, one nation, one language etc. can only be realised in a restored and reconstituted Sinhala state. So also by the restoration and reconstitution of the Tamil state will the Tamil nation survive. . . .[77]

Chelvanayakam died in April 1977 and was not able to steer the Tamil people to their Promised Land. But he was hopeful. He despaired of Mrs Bandaranaike's attitude, towards first the Federal Party and later the Tamil United Liberation Front. She answered none of their letters. The sensitive Chelvanayakam was outraged by the behaviour of the Sinhalese army in the Tamil Jaffna peninsula. At a certain stage, he contemplated visiting New Delhi with Appapillai Amirthalingam, his successor as leader of the T.U.L.F., and appealing to Mrs Indira Gandhi to send troops to Sri Lanka to stop the reign of terror.

His death marked the end of an era in Tamil politics. He was the cautionary voice, the safety valve that contained the emerging violence. His authority enabled him to chide the Tamil youth to desist from violence. His death saw the beginning of the orgy of violence that characterises President Jayewardene's war against the north and east of Ceylon.

The third aspect of the Pannakam Resolution was the decision of the T.U.L.F. to seek a mandate at the general election of July 1977 for the establishment of a separate sovereign Tamil state of Eelam:

> The Tamil United Liberation Front seeks in the General Election [of 1977] the mandate of the Tamil nation to establish an independent sovereign secular socialist State of Tamil Eelam that includes all the geographically contiguous areas that have been the traditional homeland of the Tamil-speaking people in the country.

Despite the doubts of a leading Sinhalese Catholic priest (Father Tissa Balasuriya) and other Sinhalese of various political beliefs about the validity of the mandate, the T.U.L.F. did obtain the confidence and support of the Ceylon Tamils of the Northern and Eastern Provinces to proceed with the task of securing the 'lost sovereign state' of the Ceylon Tamils. That confidence in the T.U.L.F. was confirmed at the elections to the District Development Councils in 1981 and reconfirmed at the national referendum in December 1982 held to postpone the general elections to Parliament for a further term of six years. At the bidding of the T.U.L.F., the majority of Tamil voters in the two Tamil provinces voted against postponement.

The T.U.L.F. did not participate in the presidential election of October 1982. This was because the President and the Prime Minister requested support to enable Jayewardene to be certain of victory. Amirthalingam's decision was to abstain from entering the presidential contest; he said that if he contested, it would mean that they were party to a constitution in the establishment of which they had taken no part. Had he presented himself as a candidate, the majority of Ceylon Tamils would have voted for him, and President Jayewardene's victory would have been imperilled.

This record of Ceylon's Sinhalese leadership is unimpressive. In the course of 39 years, the island had nine prime ministers (one of whom served three terms) and one executive president (before he assumed the office of president, he was prime minister for a short while, July 23, 1977, to February 3, 1978). Neighbouring India had passed through the convulsions of partition. An attempt was made to impose Hindi as the only official language, which Jawaharlal Nehru resisted. In 1955 riots and violence compelled Nehru, much against his will, to create the separate Telugu-speaking state of Andhra Pradesh; the next year he constituted a States Reorganisation Commission to redraw the linguistic map of India. India during this period was threatened by secessionist movements (e.g. the D.M.K.) and plagued by internal strife. Yet the country's rulers were able to stabilise the polity and keep it unified. If there was a model Ceylon could have emulated, it was neighbouring India. The Indians worked their parliamentary system on the Westminster model; Pakistan, on the other hand, experienced instability, chaos and military dictatorship which ended in the country dividing into two states. In Ceylon, Sinhalese politicians and prime ministers could not discern the dangerous possibilities of the future. The ethnic problem could have been avoided if handled with statemanship. Oliver Goonetileke claimed with pride that

the island was 'a little bit of England', so India or Pakistan were not examples to be emulated. But there is the tendency to be insular in outlook.

The pre-Independence struggle in India left Sinhalese leaders unaffected. The deliberations of India's constituent assembly; the fast to death of Potti Sri Ramulu and the subsequent creation of the linguistic Telugu state of Andra Pradesh; the appointment of the States Reorganisation Commission in 1955 – all these virtually went unnoticed in the local press. Indian national leaders such as Gandhi and Nehru did not excite admiration among the Sinhalese bourgeoisie or Sinhalese rural households. Most Ceylon Tamils looked on India's national heroes as household gods. The Sinhalese therefore were an island to themselves; they depended on Don Stephen Senanayake and his followers. Many Sinhalese and Tamils of the English-speaking middle class at the time cared little whether Ceylon became independent or remained a dependent colony.

Britain decided in 1947–8 that Don Stephen Senanayake – the man imprisoned for his role in the Sinhalese–Muslim riots of 1915, a plumbago merchant by trade, with no English education beyond high school, but accustomed to political intrigue since the premature death in 1926 of his elder brother Francis Richard who would have become prime minister had he lived – was the person to whom power could safely be transferred. Senanayake collaborated with the British in the war effort while a great number of Indians in the neighbouring subcontinent were imprisoned for their opposition. That in itself was claimed as a qualification.

Senanayake narrowly obtained the prime ministership after the general election of 1947. Had the left wing been less doctrinaire and more united, the office might have gone to S.W.R.D. Bandaranaike. Senanayake's United National Party won only 42 seats in a House of Representatives of 101 members.

The Senanayake government could have become transformed into a government of national reconciliation after the bitterness of the pre-independence campaign for 'fifty-fifty' and weightage in representation for minorities. Instead Senanayake proceeded on the opposite path. More than half the Tamil population were disfranchised and deprived of citizenship. The consequence was the inauguration in December 1949, hardly two years after independence, of the Tamil Federal Party.

Senanayake could also have placated S.W.R.D. Bandaranaike, who wished to succeed him; he requested to be made deputy prime minister. Senanayake's response was that there was no provision in the Constitu-

tion to make him deputy prime minister – an unacceptable alibi, because the Constitution did not specifically forbid any minister being appointed deputy prime minister. There was speculation that Senanayake might become Governor-General; Bandaranaike would then have succeeded him as prime minister. Had this happened, Ceylon would have been spared much; Bandaranaike would have realised his ambition, and Senanayake, in the style of Mountbatten and Mohamed Ali Jinnah, could have guided the ship of state. Instead Senanayake was engaged in a tangled political intrigue to make certain (as recent records have revealed) that his son Dudley would succeed him. As a result, there were rivalries in his cabinet: Sir John Kotelawala was made to understand that if S.W.R.D. Bandaranaike resigned and crossed the floor of the house, he (Sir John) would be the choice; records reveal that from the very beginning Dudley Senanayake was to be the successor.

Don Stephen Senanayake persisted in his plans of settling state-aided Sinhalese colonists in the traditional homelands of the Tamils; this was one reason for the emergence of the Tamil Federal Party, and the eventual demand for a separate state. Senanayake appointed his son Dudley as Minister of Agriculture and Lands. He undermined the All-Ceylon Tamil Congress when his offer of cabinet office to its leader G.G. Ponnambalam was accepted; a few junior members of the Congress became placemen in the government. Ponnambalam informed Senanayake shortly after accepting office that he would hold a public rally in the northern Tamil city of Jaffna and invite the Prime Minister to it. The understanding was that the rally would approve of the Tamil Congress becoming part of Senanayake's United National Party. But at the rally itself Ponnambalam hesitated. When asked by Senanayake why he had not put the question, Ponnambalam is reported (by Senanayake) to have said that it had 'escaped his memory'.*

Dudley Senanayake, in his turn, pursued policies divisive of the state in the same way as his father. At the general election of 1952, held immediately after his father's death, Dudley indulged in communal speeches against the Indian Tamils. He alleged that they were a threat to the Kandyan Sinhalese and that left-wing M.P.s in the 1947–52 Parliament had been traitors to 'the Sinhalese race' because they had voted against legislation depriving the Indian Tamils of their citizenship rights (1948 and 1949). There was no attempt to educate 'the land, the race and

*Sir Arunachalam Mahadeva related this story to the writer, and added that Senanayake gave this as evidence of his lack of confidence in Ponnambalam.

the faith' that Ceylon was a multi-ethnic state. The descent had already begun.

Dudley Senanayake was unequal to his task, and after an illness handed over the reins of office to Sir John Kotelawala – although he had thought that J.R. Jayewardene would succeed him. Sir John's premiership failed to arrest the growing conflict between Sinhalese and Tamils. His promise of parity of status for the Sinhalese and Tamil languages was not in harmony with the times. There followed protest from ultra-chauvinist Sinhalese groups. The United National Party then performed a *volte face*; it decided in February 1956 to make Sinhalese the only official language, to the exclusion of any other language. S.W.R.D. Bandaranaike's Sri Lanka Freedom Party had already, in December 1955, declared for Sinhalese as the only official language – with the difference that it would make provision in its legislation for 'the reasonable use of the Tamil language'. The electorate preferred to accept the bona fides of Bandaranaike and his S.L.F.P. at the general election of 1956.

If ever, since independence, there was a Sinhalese political leader with foresight, it was the Oxford-educated Bandaranaike. He was able to understand the problems of Ceylon's multi-ethnic society. His formula for language (Sinhalese as the only official language with provision for the reasonable use of Tamil) and his solution to federalism (regional councils with devolved powers) could have consolidated the island state. Unfortunately the Prime Minister was trapped by the forces he had unleashed; he was compelled to abandon his Pact of 1957 with the Tamil Federal Party.

Bandaranaike's successor Wijayananda Dahanayake, a secondary school teacher by training and politically an autodidact, served as prime minister for some six months only. His successor Sirimavo Bandaranaike failed in both her phases as prime minister, 1960–5 and 1970–7, to deal with the Tamil problem. Her long and fateful period of rule set in motion the forces of Tamil secessionism.

Dudley Senanayake's third term as prime minister, 1965–70, helped temporarily to reconcile Sinhalese and Tamils. The District Councils Bill, which his backbenchers compelled him to withdraw in 1968, might have provided the much-needed testing time for Sinhalese–Tamil relations. The prime minister explained his difficulties to the Federal Party leaders; the latter understood his difficulties and gave him qualified support from the Opposition benches.

President Junius Jayewardene attempted a solution by enacting legislation in 1980 and 1981, but he was overtaken by forces on both sides of

the ethnic divide. His fault lay in his timing. Had he acted with greater expedition, the civil war conditions that followed could possibly have been averted.

NOTES

1. S.J.R. Noel, 'Consociational Democracy and Canadian Federalism', *Canadian Journal of Political Science*, Vol. IV, 1971, p. 16.
2. *Riots and Martial Law in Ceylon: 1915*(London, 1916).
3. M. Vythilingam, op. cit. (2 vols).
4. Vythilingam, vol. II, p. 700.
5. ibid., pp. 700–1.
6. Reproduced in S.W.R.D. Bandaranaike (ed.), *The Handbook of the Ceylon National Congress 1919–1928* (Colombo, 1928), pp. 70–97.
7. See K.M. de Silva, 'The Ceylon National Congress in Disarray, 1920–1: Sir Ponnambalam Arunachalam leaves the Congress', *Ceylon Journal of Historical and Social Studies*, new series, vol. II, no. 2 (July–Dec. 1972) pp. 97–117.
8. R.A. Ariyaratne (Ceylonese, Sinhalese), 'Communal Conflict and the Formation of the Ceylon National Congress', in op. cit., vol. VII, no. 1 (Jan.–June 1977), pp. 57–82, in particular p. 69.
9. Ananda Guruge (ed.), op. cit.
10. The Report (Balangoda, 1956) states on p. 31: 'Over Ceylon, Christianity sits enthroned, and Ceylon bound hand and foot has been delivered at the foot of the Cross'; quoted by D.E. Smith in his 'The Sinhalese Buddhist Revolution' in D.E. Smith (ed.), op. cit., p. 466.
11. Quoted by Michael Roberts in 'Problems of Collective Identity in a Multi-Ethnic Society: Sectional Nationalism vs. Ceylonese Nationalism 1900–1940' in Michael Roberts (ed.), *Collective Identities Nationalisms and Protest in Modern Sri Lanka* (Colombo, 1979), p. 343.
12. ibid., p. 350.
13. Quoted in Russell, op. cit., p. 79.
14. ibid., p. 80.
15. ibid.
16. Ariyaratne, op. cit., p. 65.
17. ibid.
18. ibid.
19. ibid.
20. Russell, op. cit., p. 264.
21. ibid., p. 246.
22. B.H. Farmer, *Ceylon: A Divided Nation* (London, 1963), first page of 'Foreword'.
23. ibid., p. 72.
24. In *The British Commonwealth of Nations* (London, 1967, first pub. 1948; 4th rev. edn 1961, when Jennings set down his views on Bandaranaike). I do not agree that Bandaranaike was the only racialist; D.S. Senanayake was more subtle. Jennings died in 1965.

25. *The Dominion of Ceylon* (London, 1952).
26. Russell, op. cit., p. 206, footnote 1; Russell stated that according to Prof. C. Suntheralingam's evidence: 'The *éminence grise* behind the manipulation was D.S. Senanayake' (pp. 203, 205).
27. ibid., p. 203.
28. As quoted by the Soulbury Commissioners in their *Report*, para. 66.
29. Russell, op. cit., p. 206.
30. ibid., p. 261.
31. ibid.
32. ibid., p. 266.
33. *Soulbury Report*, p. 121.
34. *Donoughmore Report*, p. 74.
35. *Soulbury Report*, para. 332.
36. Russell, op. cit., 261.
37. ibid.
38. ibid., p. 267.
39. *Soulbury Report*, para. 256.
40. ibid., para. 257.
41. ibid., para. 256.
42. ibid., para. 135.
43. ibid., para. 267.
44. ibid.
45. ibid., para. 258.
46. See Thomas J. Spinner, Jr., *A Political and Social History of Guyana, 1945–1983*, especially Chapter 7, and the observations of Anthony Verrier, defence correspondent of the London *Observer*, p. 121.
47. In Robin J. Moore, 'India in 1947: The Limits of Unity' in A. Jeyaratnam Wilson and Dennis Dalton, *The States of South Asia: Problems of National Integration* (London, 1982), pp. 48, 49.
48. *Sivarajah*, op. cit., p. 34.
49. W. Howard Wriggins, *Ceylon: Dilemmas of a New Nation* (Princeton, 1960), p. 146.
50. Russell, op. cit., p. 326.
51. Wriggins, op. cit., p. 144.
52. Russell, op. cit., p. 326.
53. As related to me by a Ceylonese (Sinhalese) historian who had read the communications of Sir Andrew Caldecott to the Colonial Office made available at the Public Record Office (U.K.). Caldecott in fact had used harsher language.
54. K.M. de Silva, *A History of Sri Lanka*, p. 447.
55. Russell, op. cit., pp. 321–2.
56. Jennings, op. cit., p. x; because Jennings died in 1965, he could not write his piece.
57. K.M. de Silva, 'The History and Politics of the Transfer of Power' in *University of Ceylon, History of Ceylon*, vol. 3, etc., p. 512; note: de Silva was quoting H.R. Cowell of the British Colonial Office.
58. ibid., p. 503.
59. Sir Charles Jeffries, *Ceylon: The Path to Independence* (London, 1982), p. 118.
60. In his ' "The Model Colony": Reflections on the Transfer of Power in Sri Lanka' in A. Jeyaratnam Wilson and Dennis Dalton, op. cit., p. 82.

61. Sir Charles Jeffries, *'O.E.G.': A Biography of Sir Oliver Ernest Goonetileke, GCMG KCVO KBE* (London, 1969), p. 95.
62. Jennings, op. cit., p. 138.
63. Jeffries, *Ceylon: The Path to Independence* (London, 1962), pp. 120–1. Emphasis added.
64. Jennings, *op. cit.*, 253.
65. Private information.
66. Interview with Sir John Kotelawala, Prime Minister, 1953–6.
67. By a columnist in the *Ceylon Observer* (Sunday Edition), 1 Feb. 1959 under the *nom de guerre* 'Now Then' (J.L. Fernando, confidant of D.S. Senanayake and friend of many politicians in his weekly column, 'Then and Now').
68. *Ceylon Historical Journal*, April 1956.
69. I.D.S. Weerawardana, *Ceylon General Election 1956* (Colombo, 1960), p. 200.
70. ibid., p. 201.
71. ibid.
72. ibid., p. 204.
73. *Ceylon Daily News Parliament of Ceylon 1965* (Colombo, n.d.), p. 176. Emphasis added.
74. *Ceylon Daily News Seventh Parliament of Ceylon 1970* (Colombo, n.d.), p. 193. Emphasis added.
75. Mervyn de Silva in 'The Ascetic Outsider' in 'Political Portfolios', *The Ceylon Observer Pictorial 1963* (Colombo, n.d.).
76. The text of Chelvanayakam's speech is reproduced in Satchi Ponnambalam, *Sri Lanka: The National Question and the Tamil Liberation Struggle* (London, 1983), p. 184.
77. Nallur, n.d. See also pp. 187–8, below.

5. Challenges to the Unitary State, II

The first challenge to an alternative to the unitary state came not from the Ceylon Tamils but from Kandyan Sinhalese chiefs. They put forward the case for a federal set-up when the Donoughmore Commissioners visited Ceylon in 1927–8. They stated, with good reason: 'The fundamental error of British statesmanship has been to treat the subject of political advancement of the people of Ceylon as one of a homogeneous Ceylonese race.'[1]

The Donoughmore Commissioners devoted Chapter VII of their Report 'Local Administration' to what they considered to be the 'Kandyan Claim'. The Commissioners opined that 'for almost two hundred years, or three-quarters of the whole period of British rule in Ceylon, the Kandyan Provinces have been merged for all administrative purposes with the remainder of the island', and that the time had long passed for an experiment of granting separate governments to each of the three largest communities 'without the certainty of inflicting hardship on one or all of them'.[2] As a compromise the Commissioners suggested Provincial Councils, which they thought would promise 'the best results'.[3] Co-ordinating bodies could be created, to which some of the administrative functions of the Central Government could be delegated. They stated that serious consideration should be given to whether the Central Government should delegate 'large powers with regard to public works and communications, irrigation and agriculture, medical and sanitary services, education and finance and general administration. . . . .'

The Soulbury Commissioners also had a chapter on 'The Kandyan Problem'. In their Report of 1945, they echoed more positive views on the subject of Provincial Councils. They took cognisance of the fact that the Ceylon Government had already proposed Provincial Councils 'under whose direction many administrative, social service and development activities now carried on by the Central Government would be locally controlled within provincial areas'.[4] Such a system would provide the Kandyan Provinces with the opportunity to undertake 'programmes of rehabilitation and development work which are required to enable them to regain their ancient prosperity'.

These claims emanated from feudal sources, and with other serious political problems such as the Indian Tamil question requiring resolu-

tion, the Kandyan M.P.s returned after the General Election of 1947, who were now members of the United National Party (U.N.P.) of Don Stephen Senanayake, were in no frame of mind to press any claim for a separate government. They also belonged to a middle class which separated them from their feudal predecessors. The two major Sinhalese parties (the United National Party and the Sri Lanka Freedom Party – S.L.F.P.) made certain that a sufficient number of Kandyan Sinhalese candidates contested seats, and that as a consequence there was adequate Kandyan Sinhalese representation in the House. Further, the disfranchisement of Indian Tamils gave the Kandyan Sinhalese a representation in excess of their numerical strength at the general election of 1952, as compared with 1947 and at every general election thereafter. Prime Ministers made certain that Kandyan Sinhalese interests were adequately represented in their cabinets. Thus with independence and the Kandyan Sinhalese interests secured, the demand for a separate government in a federal set-up ceased to be an issue with the Kandyan Sinhalese élites.

The main proponents of federalism then became the dissidents in the All-Ceylon Tamil Congress who had disapproved of G.G. Ponnambalam's decision to join the Senanayake government. The substance of the federal platform was contained in three demands from Chelvanayakam and his breakaway group from the Tamil Congress. These related to the question of the undecided future of the Indian Tamils (Chelvanayakam's Tamil Federal Party refused to refer to these people as 'Indian Tamils', calling them instead 'hill country Tamils'); the ending of state-aided colonisation of the traditional homelands of the Ceylon Tamils; and the need to have both Sinhalese and Tamil recognised as the official languages of Ceylon. Chelvanayakam had the gift of being able to see what lay ahead for his people. In a speech on one of the citizenship bills in the House on 10 December 1948, he said:

> The only communities which are large enough like the Tamils, the Indians and the Muslims cause fear. It is such bodies that the Honourable Prime Minister wants to hit. He is not hitting us now directly. But when the language question comes up, which will be the next one to follow in this series of legislation, we will know where we stand. *Perhaps that will not be the end of it.*[. . .] I oppose it firstly on that ground.[5]

Chelvanayakam was speaking in 1948 when the movement to make Sinhalese the only official language lay well in the future, in 1954–5. The persistent pogromisation of the Ceylon Tamils after Junius Jayewardene's government took office and the virtual disfranchisement of the Ceylon

Tamils by the same government's enactment of the Sixth Amendment* to the Constitution in 1983, thereby depriving the majority of Ceylon Tamil M.P.s of their seats in Parliament, lay decades ahead. It seems that Chelvanayakam sensed that these disasters lay further down the road that Don Stephen Senanayake's government was treading soon after independence.

The Tamil Federal Party was formally launched on 18 December 1949. In his presidential address, Chelvanayakam warned of the dangers of the systematic state-aided colonisation of the traditional homelands of the Tamil-speaking people with Sinhalese settlers. At the Party's first National Convention in 1951, the Ceylon Tamils were reminded of their historic past as a separate kingdom till its conquest by the Portuguese in 1619, and that they, the Tamils, satisfied the test of nationhood on account of their 'ancient' and 'glorious historical past', their distinctiveness from the Sinhalese as a linguistic entity, and 'their territorial habitation of definite areas which constitute over one-third of this island'. Chelvanayakam always insisted on the link between language and territory. The need for as many Tamils as possible to be on the electoral registers was urgent because, as he said to me, 'democracy is a matter of numbers'. Those who did not agitate for the re-enfranchisement of the Indian Tamils were therefore 'traitors' who paved the way for the diminution of the Tamils as a political force.[6]

The formation of the Tamil Federal Party indicated yet another significant change in the line of thinking of some of the Tamil élites. The ruling Sinhalese political élite was aware of this, but did nothing to compromise on the federal issue. Sir Arthur Wijewardene, a retired Chief Justice and later chairman of the National Languages Commission, who was to record a dissenting opinion in its Report to the effect that the Sinhalese language should be the only official language, told Chelvanayakam that 'the government's latest headache was the Federal Party'. Instead of seeking a compromise on an issue which was going to mushroom, it became standard policy for the ruling United National Party to win over prominent Ceylon Tamils to their side and *co-opt* them to their government. As Chelvanayakam scornfully remarked, those co-opted were 'showpieces'. But the government's exercise failed to resolve the basic problems facing the Ceylon Tamils.

The Tamil Federal Party, for its part, had come to realise that the

*This required all M.P.s to take the oath to the 1978 Unitary Constitution. T.U.L.F. Members had been elected on a mandate to create a separate state of Tamil Eelam.

change in rulers, from Britain to the Sinhalese, boded ill for the Tamils, that no impartial and independent arbiter was any longer available, and that the Tamil people therefore had to change their habits of thinking. They must give up the craze for secure positions in government service, and reconcile themselves to live in the territories they claimed as their homeland and develop them. This the Federalists were convinced could be done peaceably and constitutionally once they received a mandate from the Tamil people.

As early as the general election of 1952, Chelvanayakam expected 'to reap the harvest' (as one of his close supporters reported him as saying) arising from the Tamil voters' realisation that G.G. Ponnambalam 'had let them down'. The question thereafter, from Chelvanayakam's point of view, was how to partition the Ceylon Tamil areas from the Sinhalese areas. The thought had not occurred to him in 1952 that the Sinhalese would fight to the bitter end rather than give up claims to the 'land', when doing so would have adverse effects on their race and their faith.

Thus for the first time in Sinhalese–Tamil relations, there had emerged a school of political thought among the Ceylon Tamils which believed that their future lay not in government service or in the exploitation of the country's economic resources by Sinhalese and Tamils in common, but in the preservation and development in isolation of a Tamil homeland. What would then happen to the Tamils in the Sinhalese areas – the government servants, the well-to-do, the prosperous professionals and, most important, the Indian Tamils? There was no single answer to this question. Chelvanayakam's thinking was that of a lawyer functioning in a normal federal set-up. He reckoned that the Tamils in the Sinhalese areas would be allowed to carry on their trading and activities in government. He was cautioned that the Sinhalese would look on the existence of a separate Tamil state in a federation as a first step towards union with India. Nothing was further from Chelvanayakam's mind, for he had many close friends among the Sinhalese, and interests in the Sinhalese areas.

It was about this time that Chelvanayakam made a more careful study than he had done previously of K.C. Wheare's *Federal Government* (Oxford University Press, 1951). And in his own mind he conceived of the re-constituted federal state of Ceylon as being accomplished in a peaceful transition. He expected that the results of the 1952 general election would give his party the mandate, but its performance was disastrous. The Tamil Federal Party polled 45,331 votes – winning only two out of the seven seats they contested, and Chelvanayakam himself lost his seat. Their arch-rival, Ponnambalam's Tamil Congress, secured

four of the seven seats, and polled 64,512 votes. The Ceylon Tamil voter was entering a political vacuum, and it was impossible for hard decisions to be made at that time.

The great debate in the 1950s was whether 'responsive cooperation' with Sinhalese governments would provide a better return to the Tamils than their economic development of the Tamil homelands in isolation, and as the major component in the Tamil effort towards self-advancement. One of Ponnambalam's candidates in the 1952 election alleged that the train from Colombo to Jaffna which transported the hundreds of Ceylon Tamils to towns in the Tamil Jaffna peninsula would not run beyond Elephant Pass, the narrowest point in the isthmus connecting the Jaffna Peninsula to the rest of the island. This caused fear in the minds of some sections of the Tamils. From every platform Ponnambalam scoffed at Chelvanayakam as a man unfit to lead a people, because of his 'lean and hungry' look and the handicap of his deafness.

In 1951, when S.W.R.D. Bandaranaike resigned from the U.N.P. and crossed the floor, the Tamil Congress party had debated the proposition whether it should remain with Senanayake's government or further destabilise the government and even help bring it down by reverting to the Opposition.[7] The decision was that apart from receiving a positive response of cooperation from the Senanayake government, the Ceylon Tamils should not give the impression of lacking in loyalty to the Prime Minister. In 1951, Ramalinkam told me that Chelvanayakam was a 'fanatic'. On the other hand, the Sinhalese academic I.D.S. Weerawardena explained Chelvanayakam's defeat in 1952 on two counts: the allegation that high-caste Tamils might dominate the lower castes in the event of federalism, and the fact that the federal issue had not been 'explicitly expounded', so that 'federalism was often confused with secession or separate statehood.'[8]

In opposition, the Tamil Federal Party invested its time in building a network of local organisations which were joined by persons of standing in the villages, in revamping its daily newspaper *Suthanthiran** (meaning 'freedom'), in holding public meetings in the Northern and Eastern provinces, and in fighting legal battles in the form of election petitions to unseat both Chelvanayakam's rival in his constituency (the erudite S. Natesan, who was the son-in-law of the revered Sir Ponnambalam Ramanathan) and G.G. Ponnambalam. The petitions which were tried by judges whom the F.P. alleged were biased against them, both failed,

*Almost the entire cost of running the newspaper 'at a loss' and organising the meetings and campaigns of the party were borne from Chelvanayakam's earnings as a lawyer.

and in Chelvanayakam's case there were attempts to interfere with the legal processes. Chelvanayakam had filed his own case and was called upon by the judge to pay crippling costs to Natesan's lawyers.* This did not arise in the case of Ponnambalam, because the case had been filed by two ordinary voters with little or nothing in the way of assets. But the failure of the cases undermined the value of the unitary state in the eyes of the Federalists, who lost their faith in its judiciary.

Earlier Chelvanayakam's case was listed before a different judge. That judge (the late Mr Justice V.L. St Clair Swan, a Ceylonese, Burgher of Dutch descent) had suggested to Chelvanayakam on a social occasion that he drop the case. Chelvanayakam got the message and requested a change of judges. Thereafter the Federal Party resolved never to incur expense by seeking redress from the courts in Ceylon. There was a third case, the appeal to the Judical Committee of the Privy Council on the Indian Citizenship case, in which some hope was pinned. The decision on *Mudanayake* v. *Sivagnanasundaram* (1952), 53 N.L.R. 25, was unfavourable. The view in sections of Ceylonese legal circles at the time was that the Judicial Committee had not wished to embarrass the laws of a young dominion.

The propaganda meetings of the party during 1952–6 were aimed at explaining to the electors the dangers of Sinhalese colonisation, the woes that had befallen the community by the disfranchisement of the Indian Tamils, and the dangers of 'responsive cooperation' – cooperation which, the Federalists explained, would have its price in the form of further Sinhalese inroads into Tamil territory. Chelvanayakam's advice to Ceylon Tamil engineers was that they should not in any way help the Sinhalese-dominated governments to develop the ruined irrigation systems in the Tamil areas, because Sinhalese settlers would be brought in to reap the resulting benefits .

The more difficult task for the Federalists was to bring the Tamil-speaking people under a single political organisation so that they could

*The costs were abnormally high. Chelvanayakam found it hard to raise the money, but he received a large gift from members of his family, and a sizeable loan from his friend, the (Sinhalese) retired Chief Justice, Sir Edward Jayetileke. Jayetileke chided him for filing his case personally, rather than asking two voters without assets to undertake the task. Chelvanayakam said that such a course would not have been in keeping with his notions of honesty. Jayetileke also rebuked him for entering politics and 'wasting' his money, which he could have retained by staying in legal practice. Chelvanayakam replied that he had not 'entered politics', but had felt that he had to stand up for a cause, especially when his leader (Ponnambalam) joined the government of D.S. Senanayake. Chelvanayakam often told me that the 'trousered Tamils' of Batticaloa were not generally with his party; the majority of people were supportive.

face the Sinhalese 'threat' united. In this they were highly successful in the Northern and Eastern provinces. At the general election of 1956, the party won six of the nine seats it contested in the Northern Province and four of the seven in the Eastern Province. Of the four, two were Tamil-speaking Muslims who soon left the party to join the government. Chelvanayakam thus failed in his attempt to bring the Muslims into the Federal fold, but the Federalist campaign among the Eastern Province Tamils brought rewards.

The Eastern Province Tamils had previously been suspicious of the Jaffna Tamils. Now, faced with the common danger of Sinhalese linguistic domination and state-sponsored colonisation of their traditional territories with Sinhalese settlers, the Eastern Province Tamils closed their ranks and joined with the Northern Province Tamils. The one common factor for them all was the charisma of Chelvanayakam. The people of the Eastern Province came to rely on him increasingly as a man who would not let them down. The Tamil Federal Party at once availed itself of the opportunity to establish a network of branch organisations in the Eastern Province. The party encouraged growth from the grass roots, and propelled local talent to the party's high command. It made a point of holding its important meetings and annual conventions from time to time in towns in the Eastern Province. Two of the Presidents of the Federal Party were from there. On the premature and unexpected death of C. Vanniasingham, the deputy leader of the Party, in 1959,* I asked Chelvanayakam, who was in poor health at the time, which of his lieutenants would help him to win again in the Eastern Province. His answer was that Vanniasingham, the other members of his party and he himself had successfully 'indoctrinated' the Eastern Province Tamils on the dangers of Sinhalese domination. Thus there was no compelling need to drive home the message again. Election results after 1956 showed that this was a correct assessment.

With the Indian Tamils, the Federal Party was aware that there was a convergence of interests over the question of regaining their lost voting

*Vanniasingham came from a highly respected Hindu family in Jaffna. He died aged about forty-eight from the effects of high blood-pressure, which his detention during 1958–9 by S.W.R.D. Bandaranaike's government did not improve. Chelvanayakam looked on Vanniasingham as his successor, and because of the confidence he reposed in the younger man, felt reassured when, because of declining health (he had Parkinson's disease), he contemplated his own retirement. Vanniasingham's early death left Chelvanayakam distraught.

and citizenship rights. Chelvanayakam and his lieutenants worked in consultation with Thondaman, the leader of the Ceylon Workers' Congress. They also kept in touch with Abdul Aziz, who managed the relatively minor Democratic Indian Workers' Congress, which had more in common with the Opposition's Marxist-oriented parties. Chelvanayakam kept close to Thondaman and Aziz during the whole phase of the negotiations with the Prime Minister, S.W.R.D. Bandaranaike, which culminated in the Bandaranaike–Chelvanayakam Pact of July 1957. The Pact had the approval of both Indian leaders especially that part which stated:

> Regarding the question of Ceylon citizenship for people of Indian descent and the revision of the Citizenship Act, the representatives of the Federal Party put forward their views to the Prime Minister and pressed for an early settlement. The Prime Minister indicated that the problem would receive early consideration.[9]

The Party relied on four devices to publicise and achieve its objectives. We should note that the Federalists were basically middle-class in orientation. They therefore sought peaceful and constitutional methods to reach their goals. Parliament was one forum; 'extra-parliamentary agitation in the form of non-violent civil disobedience protests and non-co-operation campaigns based on Gandhian concepts was another; a third was to conduct talks and negotiations in the belief that the governing party would honour and implement the agreements arrived at; and lastly the Party expected that at various stages governments with precarious majorities would seek their parliamentary support, in which event it could press its demands and expect to obtain some degree of satisfaction. The leadership was aware that Sinhalese ruling parties would not be able to grant all their demands, for the Sinhalese rivals of the ruling party were in a position electorally to undermine the ruling party. A pragmatic approach, therefore, was to obtain 'a little now and more later'. The assumption was that political transactions could be conducted in a constitutional ethos, and that Lijphart's consociationalism could thus operate even in highly volatile pluralistic societies, provided élites and counter-élites performed their respective roles in an atmosphere of mutual trust. The system suffered a setback when the Ceylon Tamil élites learned that their Sinhalese counterparts could and would not deliver on their promises – in fact, that they were not prepared to share power.

First, Parliament was the electoral means by which the Federalists

sought to establish their dominance, if not their near-monopoly, of Ceylon Tamil politics. They achieved this objective at every general election from 1956 to 1977. In 1972 the Federalists joined with rival Tamil political groupings and with sympathisers and changed their party name to The Tamil United Front, which in 1976 became the Tamil United Liberation Front. The Tamil Federal Party was the largest component of the Front, and had secured the confidence of the electors of the Northern and Eastern provinces from 1956 onwards. In Parliament, the Federalists sat in opposition, missed no opportunity to question the ministerial benches on Tamil grievances, and on every occasion when the speech from the Throne or the Government's Statement of Policy was read, they moved amendments referring to their principal demands, in particular a federal set-up, parity of status for the Sinhalese and Tamil languages, citizenship rights for Indian Tamils who had made Ceylon their home, and immediate cessation of state-aided colonisation of the Tamil homelands with Sinhalese settlers.

There were occasions, as in 1956, when the Federal Party could have secured the leadership of the Opposition, since it was one of the major Opposition parties. Such an opportunity, one Independent Tamil M.P. thought, would have provided maximum publicity for the Tamil cause in the international media. However, Chelvanayakam declined to claim or contest the position. When I later pointed out to him that in the Westminster system the leader of the Opposition can at times be called upon to form an alternative government, and that it was not within the realms of practicality for a Ceylon Tamil to function as prime minister, he surprised me by replying that this was possible. His vain belief was that Ceylon still had a tolerant multi-ethnic society, and that the electors would not be opposed to a Ceylon Tamil as prime minister of a coalition government, in which there would be a majority of Sinhalese ministers supported by a majority of Sinhalese M.P.s. This indeed was an unlikely situation, and even if it were so, the Prime Minister would be a prisoner of the Sinhalese ethnic majority.

What I said to Chelvanayakam in 1956 had some tangential bearing on the events after the general election of 1977. The largest party in Opposition was the Tamil United Liberation Front, and Appapillai Amirthalingam, its leader, became leader of the Opposition since the Sinhalese Buddhist-oriented Opposition Sri Lanka Freedom Party had obtained fewer seats. A new constitution based on the Executive Presidential model was promulgated in 1978. Therefore, the question of whether the leader of the Opposition might be called on to form an

alternative government by a nominal head of state, if he so desired, would not necessarily arise. For it was within the Executive President's right to dissolve Parliament or call upon any other M.P., minister or Opposition leader to form an alternative government; such a person need not necessarily be the leader of the Opposition.

But, despite the improbability, there was animosity and even hostility to a Ceylon Tamil being leader of the Opposition in 'the land, the race and the faith'. President Jayewardene mentioned to me several times that members of his parliamentary group were opposed, for communal reasons, to Amirthalingam (a Hindu Tamil) functioning as leader of the Opposition in a Sinhalese Buddhist state. In 1982, unprecedentedly, a member of the government parliamentary group moved a vote of no-confidence against the leader of the Opposition, which was passed by a large majority in the National State Assembly. I appealed to President Jayewardene (at the time I was intermediary between him and the Tamil United Liberation Front) to persuade the mover to withdraw the motion, explaining to him that the debate in Parliament would only exacerbate inter-ethnic bitterness. President Jayewardene responded that this would be an opportunity for his M.P.s 'to let off steam'. What was said in the course of the debate by the government's M.P.s was alarmingly racist. The President told me later that there was hostile feeling among the Sinhalese electors against a Ceylon Tamil being leader of the Opposition. There was a hint that, in order to ease the situation, I should persuade the leader to step down. This I did not do.

Secondly, the Tamil Federal Party's extra-parliamentary, extra-constitutional agitation was the first evidence of a political force – in this instance the Ceylon Tamil ethnic minority – challenging the authenticity and therefore the credibility of a new state's sovereignty. When Parliament was debating the bill to make Sinhalese the only official language in June 1956, the Federalists planned a *satyagraha* (on this occasion a sit-down protest of all Tamil M.P.s) within the precincts of Parliament. They were forbidden by the government to proceed with preparations within the grounds of Parliament, and then chose instead the Galle Face Green, a public park close to Parliament, to stage their protest. All Tamil M.P.s participated, and they were joined by Tamil volunteers from the Northern and Eastern provinces. They carried placards with slogans expressing their antipathy to the unilateral imposition of one language. One of the slogans was ironically prophetic. It had been Chelvanayakam's contention that it would be the Sinhalese who would help them to achieve their goal, and that 'they [the Sinhalese] are not a

people whose leadership is large-hearted enough to rule the Tamils'. The placard in question carried the message 'The Sinhalese are our friends; the Constitution is our enemy.'

The *satyagraha* on the Green was, according to Chelvanayakam, a 'complete success'. There were provocations from Sinhalese language extremists, but the *satyagrahis* insisted on remaining pacific and non-violent. The campaign had repercussions in the city of Colombo, in some of the outskirts, and in the giant irrigation project at Gal Oya in the Eastern province, among other places. Sinhalese language extremists assaulted Tamil civilians and looted their homes and their places of business, and the government had difficulty in maintaining order. Bandaranaike had not expected such widespread protest from the Ceylon Tamils, but rather submission. Soon after this, he left to attend a conference of Commonwealth Prime Ministers in London. On a visit to Britain he remarked to an acquaintance that he had 'bitten off more than he could chew'. This was with reference to the Official Language Act (Sinhalese) and the language riots.

On the whole, the Federalists failed to secure any changes in the Act to make Sinhalese the only official language, but their demonstration served other purposes. They were able to persuade the Tamils in general and those of the Northern and Eastern provinces in particular of the dangers of 'Sinhalese linguistic imperialism'. A greater unity of the people of the two provinces was thus forged. The Sinhalese Language Act brought to the attention of the Tamil people of the Eastern Province what Chelvanayakam (now looked upon as 'the prophet') had said at the inaugural meeting of his party on 18 December 1949:

> Even more dangerous to the Tamil-speaking people is the government's colonisation policy. We have only the beginning of it in Gal-Oya. The land to be irrigated . . . lies in the Eastern Province. [. . .] There is evidence that the government intends planting a Sinhalese population in this purely a Tamil-speaking area.[10]

Amparai was the central location of this new irrigation project, and at the general elections of 1947, 1952 and 1956, it was part of the Tamil-speaking Muslim constituency of Pottuvil. But when a fresh demarcation of constituencies took place in September 1959, Amparai was carved out as a separate constituency; since then it has returned a Sinhalese member to Parliament because it has a majority of Sinhalese electors. Again, under a new delimitation made effective on 25 May 1976, a second new constituency, Seruwila, was demarcated (for the Sinhalese) in the

Tamil-speaking Eastern Province. A Sinhalese was elected to this seat at the general election of 1977.

In 1958, after the Prime Minister, Bandaranaike, abrogated his Pact of July 1957 with Chelvanayakam on language, regional devolution and colonisation, the Federalists launched their third *satyagraha* campaign. Their second *satyagraha* campaign was the organised political 'Pilgrimage' (referred to in the English-language press as 'the March') from significant starting points in the Tamil-speaking areas of the Northern and Eastern provinces to the historic town and strategic naval port of Trincomalee during July–August 1956. At selected points on the route of the 'Pilgrimage', Federal Party M.P.s who were leading the processions stopped and held public meetings at which they explained their party's objectives. The purpose was to alert the Tamil-speaking people to the dangers confronting them, making them aware that they belonged to a separate nation and uniting them for a non-violent direct action struggle against the government to obtain their basic goal of a Tamil state in a federal union. These processions converged on Trincomalee to participate in the party's National Convention on 19 August. At this Convention the party reiterated its demands for parity of the two ethnic languages, the cessation of Sinhalese expansion into the Tamil-speaking territories, the repeal of the citizenship laws against the Indian Tamils, and the conversion of the existing unitary state into a federal union. The Convention resolved that if these demands were not acceded to by Bandaranaike's government within one year, the party would 'launch direct action by non-violent means' to achieve these goals.

The party began preparations in recruiting centres established in the sixteen constituencies in the Northern and Eastern provinces. Volunteers were enrolled and classes began on the forms of non-violent campaign to be launched. Meanwhile, the national English-medium press, which in any case was not favourably disposed towards Bandaranaike's government, urged the government to negotiate a settlement with the Tamil Federal Party because of the mounting inter-ethnic tensions. Two of the Prime Minister's friends – a retired Chief Justice, Sir Edward Jayetileke, Q.C. (a Sinhalese), and P. Navaratnarajah, Q.C. (a Ceylon Tamil), both of whom were also close friends of Chelvanayakam – urged Bandaranaike to attempt a negotiated settlement. Another friend of Bandaranaike, Wilmot Perera, a M.P. and a national figure, also approached the Prime Minister, whose response on this occasion was more subdued than his earlier belligerent utterances. A noted Roman

Catholic priest and scholar patriot, Dr Stanislaus Xavier Thaninayagam,* a Ceylon Tamil, had met Bandaranaike in June 1956 when the Act to make Sinhalese the only official language was being debated in Parliament. On that occasion, the Prime Minister responded: 'Father, I would rather have this issue decided by the sword.' To Wilmot Perera, however, the Prime Minister appeared chastened and characteristically remarked 'Step on it lightly – my solution to the Federal Party's demands on language and federalism is legislation providing for the reasonable use of the Tamil language and regional councils!' Eventually the Prime Minister invited the Federal Party to the negotiating table, and the outcome was what that Party insisted on calling 'an interim adjustment', which could have been a compromise settlement if the Prime Minister had not been harassed by his own backbenchers and the Opposition United National Party. We shall discuss the details of the 'interim adjustment' (also referred to as the 'Bandaranaike–Chelvanayakam Pact'), signed on 27 July 1957, when we examine the Federal Party's *third* mode of achieving its goals in the form of talks and negotiations.

Although the much-troubled Prime Minister described his agreement as a 'triumph for sanity', inter-ethnic tensions and agitation organised by his political opponents, especially the United National Party, and opposition from elements within the governing party led to the Pact being abrogated in May 1958. But before the abrogation, the prelude to the Federal Party's announced 1958 *satyagraha* campaign was the 'anti-*Sri*'† campaign which the party was compelled to launch in early 1958. The Minister of Transport at the time, Maithripala Senanayake, sent state-owned Ceylon Transport Board buses to the Tamil districts (the Bandaranaike government had nationalised bus transport) with the word '*Sri*' on the number-plate, written in Sinhalese. The party's leading M.P.s, including Chelvanayakam, endeavoured to persuade the minister to send older buses with English lettered number-plates.

While the minister agreed to the compromise, his officials had already

*Thaninayagam was an extraordinary person. A convinced Tamil nationalist, he taught at the University of Peradeniya till the early 1960s, and then accepted the chair of Indian Studies at the University of Malaysia and organised the first World Tamil Conference at Kuala Lumpur in 1968. Although cautioned by the Catholic hierarchy, he persisted with his nationalist activities, and died in the early 1980s.

†'*Sri*' is an honorific (male), the female being *Srimati*; the objection was not to the honorific but that it was written in Sinhalese letters, thus bringing home to the Tamil people that Sinhalese was the one official language for the whole island. 'Sri' could equally well have been written in Tamil, but that would not have achieved the intended effect for the government.

sent the buses, and indeed it is possible that large sections of the Sinhalese bureaucracy were opposed to any compromises with the Federal Party. The Party's leadership then proceeded to remove the offending Sinhalese letter on the state-operated buses in all the leading towns in the Ceylon Tamil areas.‡ There were retaliatory moves in the Sinhalese areas, including major outbreaks of mob violence. In May 1958, Buddhist monks staged a mass sit-down protest in the gardens of the Prime Minister's private residence in Colombo and demanded the repudiation of the Pact. The Prime Minister yielded, and at the request of the monks provided them with a written assurance that in view of the Federal Party's activities, the Pact was 'no more'.

On 25 May 1958, the Federal Party held its Convention in the Northern Province town of Vavuniya, and resolved to launch a campaign of non-violent direct action. On that day and the three days following, there was widespread violence against Ceylon Tamils resident in the Sinhalese areas, and on 28 May 1958, before the Party could begin its campaign, the government declared an island-wide state of emergency. The Party and a Sinhalese ginger-group called the J.V.P. (Sinhalese National Liberation Front) were proscribed, and all the Party's M.P.s were placed under preventive detention. In August 1958 Bandaranaike had Parliament enact the Tamil Language (Special Provisions) Act under which regulations for the ('reasonable') use of Tamil for prescribed administrative purposes in the Northern and Eastern provinces were to be enacted. The Act also provided for the use of Tamil for all educational purposes and for public examinations for Tamil students. However, it was rejected by the Federal Party as well as other Tamil parties, and by a representative group of Ceylon Tamil university academics. The state of emergency was eventually ended on 13 March 1959, but the Prime Minister was assassinated in September the same year by a Buddhist monk who was the instrument of a conspiracy of disgruntled political opponents within his government. His successor, W. Dahanayake,* was a maverick politician who had floated across the

‡Chelvanayakam was charged with the offence of tarring the number-plate of a state bus in the Magistrate's Court at Batticaloa, the principal town of the Tamil-speaking Eastern Province. He told me that the magistrate, B.G.S. David, a Ceylon Tamil, could have warned and discharged him, but instead he was sentenced to a week's imprisonment, which he duly served. This had the expected effect on the Tamil-speaking people, and an enormous popular rally was held in Batticaloa to honour him on his release.

*Dahanayake led a 'strike' of Cabinet ministers against S.W.R.D. Bandaranaike in 1959. These ministers, who were in a majority, refused to attend meetings of the Cabinet

political spectrum from left to right. He remained at the head of a shaky government till 19 March 1960, the date of the general election, having dissolved Parliament on 5 December 1959.

The Federal Party's fourth *satyagraha* campaign was launched on 20 February 1961. Behind this campaign was the betrayal, once again, of promises by the leaders of the Sri Lanka Freedom Party government. The immediate pretext was the enactment of the Language of the Courts Act in January 1961 by the new government (elected in July 1960) headed by Sirimavo Bandaranaike, S.W.R.D. Bandaranaike's widow. Her government also brought into full operation the Official Language Act of 1956. S.W.R.D. Bandaranaike had allowed for a transitional period of five years, with January 1961 as the date when the Act would be implemented in all its rigour. Mrs Bandaranaike's government went ahead inspite of requests by the Federal Party for a postponement of the implementation, for relief to Tamil public servants already in service who were not proficient in Sinhalese, and for provisions to be made for the Tamil public to transact business with, and receive responses from, public institutions in Tamil. The possibility of a major ethnic crisis was ignored.

Mrs Bandaranaike's chief adviser and a senior minister in her government was Felix Dias Bandaranaike,† a nephew of the late Prime Minister, and assisting him was the Minister of Justice, Sam P.C. Fernando. Both were members of the Anglican Church and were therefore known to Chelvanayakam, who belonged to it too. Felix Dias Bandaranaike had been actively involved in negotiations with Chelvanayakam before the parliamentary defeat of Dudley Senanayake's minority government on 22 April 1960. The Sri Lanka Freedom Party and the Federal Party had voted against the government on the basis of an agreement on the lines of the Bandaranaike–Chelvanayakam Pact of July 1957; Felix Dias

until Bandaranaike dismissed his Trotskyist ministers, in particular Philip Gunewardene. The Prime Minister resisted at first, then re-shuffled his Cabinet, giving Gunewardene the same portfolio but with reduced responsibilities. Gunewardene resigned. The 'striking' ministers feared Gunewardene's Marxist policies.

†During 1962–3, his political opponents in the U.N.P. discomfited him greatly. He once told Chelvanayakam that 'parliamentary politics' was 'much dirtier than the gossip of the Law Library' (he had practised law before entering politics). He viewed with disdain the many new M.P.s (1960–5) from rural constituencies, saying that quite a number of them had 'never seen a cheque book in their lives'. It was mainly he and Sam Fernando (both Christians) who obstructed attempts to find a compromise on the Tamil Federal Party's demands.

Bandaranaike had been the principal negotiator of this agreement, but did not honour undertakings he had given on behalf of his party when it was in opposition. Now his party had obtained an outright victory in July 1960, and neither he, Sam Fernando nor the cabinet were willing to concede the Federal Party's requests. Chelvanayakam's reaction to me was that Felix Dias Bandaranaike had 'no standards'. Ironically, Sam Fernando visited Chelvanayakam a few years later, shortly after resigning as Minister of Justice, and urged him to continue with the Tamil agitation because, he said, the cabinet was 'divided on what should be done to resolve the problem'. He had been edged out of office owing to differences with some of his colleagues.

In mid-January 1961, the Federal Party held a mammoth meeting in the Town Hall in Jaffna, at which Chelvanayakam announced the Party's decision to launch direct action on 30 January. On 30 January the overwhelming majority of Tamil public servants in the Northern and Eastern Provinces ceased working in the official language in response to a letter appealing to each of them to boycott its implementation. On 20 February the Party began its *satyagraha* campaign by obstructing government offices in Jaffna. The campaign was thereafter extended to every town in the two Tamil provinces. It received extensive public support despite a violent reaction from the police. Chelvanayakam, with his strong charismatic appeal, was able to conceive and execute the campaign. There were a few Federal Party members who thought that the campaign would not take off, but despite his poor health, Chelvanayakam was determined that it should be inaugurated by him personally and then extended throughout the Tamil provinces.

In April 1961 the party decided that the campaign should turn to civil disobedience. Chelvanayakam inaugurated a Federal Party postal service; the Party appointed a Postmaster-General. Plans were made to distribute Crown lands and organise a police force. On 18 April the government declared a state of emergency, the Party was proscribed, and all its leading members including its Members of Parliament were placed in preventive detention. On 2 March, before the declaration of emergency, the Prime minister, in answer to a question in the second chamber, the Senate, stated: 'There is no government in the Northern and Eastern provinces.' An attempt was made by the Prime Minister in a broadcast on 4 March, the day before her departure for the Commonwealth Conference in London, to urge the Federal Party to give up its campaign; she declared that no discussions could be held unless the *satyagraha* were called off. On her return from the Conference on 25 March – the *satyagraha*

campaign was still in progress – she made another broadcast which was far from conciliatory: 'Should the government be compelled to restore law and order by other means at its disposal, the supporters of the *satyagraha* movement must take full responsibility for the consequences that must necessarily follow.'[11] In a later interview with a *Sunday Observer* (Ceylon) journalist, Mrs Bandaranaike said she had planned to use the police and the military. She added that this would have involved a difficult decision because she expected some 500 *satyagrahis* to be killed. However, despite having refused to negotiate with the Party, the government deputed the Minister of Justice, Sam Fernando, to hold discussions with Chelvanayakam. These talks were held on 5 April, and Chelvanayakam reiterated his Party's demands; he requested that Tamil should be made the language of the courts in the Tamil-speaking areas. The talks failed.

After the declaration of the state of emergency, a grave crisis threatened to engulf the country when the (Indian Tamil) Ceylon Workers' Congress declared its sympathy for the Federal Party's objectives, except for Regional Councils which it stated could be dealt with at a later date. Indian Tamil political groupings have always been ambivalent on the Federal question, because the demarcation of the two Tamil provinces in the North and East from the rest of Ceylon would leave the Indian Tamils exposed to Sinhalese violence in an ethnic crisis. However, except over this matter, Indian Tamils participated in the *satyagraha* campaign in the North and East. S. Thondaman, President of the Ceylon Workers' Congress and an Appointed M.P., urged the government to obtain a solution or else Tamil workers in the tea and rubber plantations would go on strike. On 17 April 1961 the Government published a *Gazette* notification declaring work in the plantations an essential service; any strike would therefore be illegal. The Governor-General Sir Oliver Goonetilleke, presumably on advice, invited the leaders of the two Indian Tamil organisations to his official residence and warned them of dire consequences should their organisations become involved. A strike of plantation workers occurred on 25 April 1961, but the Government undertook to consider the memorandum submitted by the Ceylon Workers' Congress and the strike was called off. This was typical of government policy towards the Tamils: a promise of discussions and apparent willingness to consider demands, followed by inaction.

The Indian Tamil participation was significant. Previously, after the Tamil Congress joined the government of D.S. Senanayake in 1948 (after the disfranchisement and deprivation of citizenship of Indian

Tamils), political relationships between the two communities cooled. Chelvanayakam proved a patient and considerate political friend to the Indian Tamil leaders; in his dealings with the government, he consulted with them and sought their advice. In 1961 for the first time there were indications that a united Tamil leadership was being forged.

The Indian Tamil leaders did not act forcefully on this occasion for a variety of reasons. First, there were the veiled threats of the Governor-General. Troops had been sent to the plantation areas and there had been instances of violence between plantation workers and soldiers. The Government had laid emergency plans to seize the plantations and have them managed by public servants and other officials sympathetic to it, a more from which the plantation workers could well have emerged as losers. I was told by Indian Tamil leaders that a deliberate decision was made by them not to persist with a general strike; this would have had a crippling effect on the economy, and spelt economic losses for the Indian Tamil workers far outweighing any likely gains. One Indian Tamil leader told me: 'The Indian plantation community is like a nuclear bomb; we may never have to use it; the threat itself is enough.'

The last of the Party's non-violent campaigns was the 'Tamil Only' letter-writing campaign of 1964. The Federal Party leaders had been released from detention in October 1961, and in early 1964 the Party launched this campaign. The Tamil public were exhorted to correspond and transact business with the state only in their language. This would embarrass the government, slow down the bureaucratic machine, and force the retention of as many Tamil state employees as possible. The campaign was successful insofar as the majority of Sinhalese public servants had no knowledge of Tamil. Then in mid-1964, the Party announced plans for a non-violent direct action campaign, but the government was beginning to disintegrate, and it was therefore not necessary to start yet another campaign. Meanwhile Wilmot Perera, who had earlier advised S.W.R.D. Bandaranaike, cautioned Sirimavo Bandaranaike on the unwisdom of her policies. Wilmot Perera told me that she asked him to visit her at times when he would not be recognised. Thus 1964 saw the last non-violent campaign. Thereafter Tamil agitation took a violent turn.

The *third* tactic of the Party was through talks and negotiations with governments in office to seek compromise agreements or interim adjustments. None of the agreements concluded between 1957 and 1980 was

implemented. Sinhalese chauvinistic pressure groups, Buddhist monks used by competing political parties, and the failure of the major parties to arrive at a consensus impeded resolution. Each of the major Sinhalese parties tried to outbid the others in their anti-Tamil or anti-Federal Party postures. The first of the post-independence agreements was reached on 27 July 1957.[12] It was negotiated between the representatives of the Federal Party and the Prime Minister, S.W.R.D. Bandaranaike, with a few of his senior ministers. Philip Gunawardene was among the ministers present on the day when the Pact was signed.* The Pact was a response by the two parties after the crisis engendered by the Federal Party's Trincomalee Convention of 19 August 1956. There were four demands.

The most important was the federal demand. The document embodying the Pact stated, among other things:

> The Prime Minister suggested an examination of the Government's draft Regional Councils Bill to see whether provision could be made under it to meet, reasonably, some of the matters in this regard which the Federal Party had in view.[13]

In a separate document called 'Part B', fundamentals to which the Federal Party was committed were modified by negotiation. The points were:

1. The Northern Province would have one Regional Council while the Eastern Province would be divided into two or more regional areas. This was with a view to satisfying the Sinhalese and the Muslim concentrations in the Eastern Province.

2. Parliament would delegate powers and specify them in the Act. Powers over subjects would include agriculture, co-operatives, lands and land development, *colonisation* (emphasis ours), education, health, industries, fisheries, housing and social services, electricity, water schemes and roads. Requisite definition of powers would be made in the Bill.

3. It was agreed that in the matter of colonisation schemes the powers of the regional councils should include the power to select allottees to whom lands within their area of authority would be alienated and also power to select personnel to be employed for work on such schemes. The position regarding the area at present administered by the

*In a later interview with Philip Gunawardene, I asked for his views on the agreement. He said that the Tamil people could not be governed in any language but their own. He added that because they inhabited the Northern and Eastern Provinces, the Prime Minister was justified in providing for autonomy for those provinces.

Gal Oya Board (the major irrigation project in the Eastern Province) in this matter required consideration.

4. The powers in regard to the regional council vested in the Minister of Local Government in the draft bill *to be revised with a view to vesting control in Parliament wherever necessary* (emphasis added).

Furthermore, on 16 August 1957 the Prime Minister stated that 'the instrument of colonisation should not be used to convert the Northern and Eastern Provinces into Sinhalese majority areas or in any other manner to the detriment of the Tamil-speaking people of these areas.'[14]

Some thirty years later, in a letter to President Jayewardene protesting at his plans to accommodate Tamil demands (it was printed in the *Lanka Guardian* on 15 July 1986), Mrs Bandaranaike made an incorrect statement:

> . . . . The Pact was intended only to make certain adjustments in the Draft Regional Council Bill of 1957 mentioned here (i.e. in the Government's document of 1986), and within its policy, to accommodate some of the wishes of the minorities. The Bandaranaike–Chelvanayakam Pact was not creating Indian-type States in Sri Lanka as proposed now . . .

As perhaps the only person living today who was provided with a detailed account of what transpired between S.W.R.D. Bandaranaike and the Federal Party's representatives led by Chelvanayakam, I would say that Mrs Bandaranaike did not reflect Mr Bandaranaike's assumptions. The provincial or regional units envisaged in the Pact were to be delegated with the stated powers, including the alienation of land, except for the Gal Oya area. It was to be Parliament, not an ordinary minister, as in the case of local bodies, that was to delegate these powers. More important, the powers of the Minister of Local Government over regional councils were to be 'revised with a view to vesting control in Parliament wherever necessary'. These Councils were then going to be special types of regional units and not mere local bodies. As I understood the trend of the discussions from Chelvanayakam, and from V. Navaratnam (the then M.P. for Kayts) who had also taken an active part in the discussions, it was the sovereign legislature which would hand over power. Some of the powers of the councils would come within Parliament's purview. The latter statement meant that changes regarding the extent of power devolved would require sanction by Parliament.

Nevertheless Chelvanayakam told me that he was not happy with the final agreement, because their demand had been for one single linguistic Tamil unit comprising the Northern and Eastern Provinces. When I

mentioned to him that, according to the terms of the Pact, two regional councils could amalgamate, he said he did not like local parochialisms which could be revived by the initial separation.

On the language aspect of the Pact

> . . . . It was agreed that the proposed legislation should contain recognition of Tamil as the language of a national minority of Ceylon, and that . . . should include provision, that without infringing on the position of the official language as such, the language of administration of the Northern and Eastern Provinces be Tamil, and that any necessary provision be made for the non-Tamil speaking minorities in the Northern and Eastern Provinces [this in obvious reference to the Sinhalese colonists in these areas].[15]

On the problem of the stateless Indians, the Federal Party's representatives 'pressed for an early settlement'. From personal knowledge I am aware that the representatives of the Indian Tamils wished to negotiate their own agreement with the Prime Minister.

The Pact was, as it stated, an 'interim adjustment'. But the views expressed in the Federal Party's document, *Ceylon Faces Crisis*, are significant:

> . . . If implemented in the spirit in which it was entered, it will certainly help to arrest the unfortunate tendency which gave the Tamil-speaking people cause for concern about their future. Unfortunately, the Prime Minister was pressured into annulling the Pact. In addition, he did not implement his promises on language in his Tamil Language (Special Provisions) Act of 1958. The Act contained no reference to Tamil being 'a language of a national minority' as pledged in the Pact. No regulations were framed under the Act, as provided for, for the use of Tamil in the Tamil provinces.[16]

The Prime Minister had been frustrated and outmanoeuvred by his opponents. When the agreement was signed, he was euphoric. He had been conscious of being recognised as prime minister only for the Sinhalese ethnic majority, and told Chelvanayakam that, once the preliminaries were cleared, the two of them together should visit Jaffna by helicopter as a demonstration of amity. When the Pact was declared 'no more', the two leaders were both distressed. Instinctively they sensed what would happen next. Chelvanayakam was in the depths of despair, but when I asked him what his party planned to do, he said: 'We are prepared for any eventuality.' The Prime Minister for his part invited Chelvanayakam and his senior lieutenant Dr E.M.V. Naganathan to his official residence in Colombo. He appeared so distraught that he did not even care to change from his night clothes (this Sinhalese

nationalist prime minister, who wore nationalist clothes by day, wore a Westerner's pyjama suit at night!). The Prime Minister was in tears and pondered on inter-ethnic rioting that was certain to follow. Notwithstanding his skills, he had no idea how to handle the situation.

The second event was the agreement forged during March–April 1960 between the leaders of the Sri Lanka Freedom Party, headed by C.P. de Silva the leader of the Opposition at the time, Felix Dias Bandaranaike and Senator A.P. Jayasuriya on the S.L.F.P. side, and Chelvanayakam and his followers on the F.P. side. In the Parliament elected at the general election of 19 March 1960, none of the parties obtained an overall majority. The United National Party secured 50 of the 151 elective seats, and the S.L.F.P., of which C.P. de Silva was leader, 46. The Governor-General commissioned the leader of the United National Party, Dudley Senanayake, to form a government. Just before this, C.P. de Silva conferred with the Governor-General. Some Opposition leaders believed that in the event of Senanayake suffering a defeat in Parliament, C.P. de Silva would be summoned to form an alternative government. This was not the constitutional position. The Trotskyite leader, Dr N.M. Perera, told me that the main problem for Goonetileke, the Governor-General, was to appoint a non-*Goigama* man (C.P. de Silva), evidence of caste problems among the Sinhalese. Chelvanayakam thought that Goonetileke owed a great deal to the Senanayakes and would not let Dudley Senanayake down. There was truth in both these assumptions.

When Chelvanayakam arrived in Colombo from his constituency in the north, he was approached by Sir John Kotelawala on behalf of the United National Party and Felix Dias Bandaranaike for the S.L.F.P., the latter trading on the fact that his father (Justice R.F. Dias Bandaranaike) and Chelvanayakam had been great friends. Sir John was unable to make much headway. He had no real idea of the Federal demands and thought that the party leadership would be satisfied with cabinet portfolios. Chelvanayakam consulted the leaders (Thondaman and Aziz) of the Indian Tamils. He was leaving the office of one of them when the S.L.F.P. Muslim leader, B. Mahmud, stopped him and said: 'Thanks to you, the Governor-General has appointed Senanayake prime minister.' Questioned further, Mahmud said that Senanayake had informed the Governor-General that he had the support of the Federal Party, such support being vital because the party had 15 M.P.s with 5 Independents supporting it in the newly-elected House. Chelvanayakam replied to Mahmud that he had not pledged any such support. Mahmud said that

he would inform Mrs Bandaranaike accordingly, and that she would bring it to the attention of the Governor-General.[17]

The new minority Prime Minister, Dudley Senanayake (he functioned from 20 March to 21 July 1960), wished for a meeting with Chelvanayakam, and this took place at the residence of a common friend, Sir Edward Jayetileke. I am the only survivor of those who met on that occasion. Chelvanayakam's lieutenant Dr E.M.V. Naganathan* asked Senanayake whether it was correct that he had assured the Governor-General of F.P. support; Senanayake replied that he had not said it. However, he added that the Governor-General had advised him, after appointing him as prime minister, to 'discuss matters' with the F.P.

Senanayake requested support from Chelvanayakam, pledging that his government would do nothing prejudicial to the interests of the Tamil people. Chelvanayakam replied that that was what was expected of any democratic government, and added that his party would consider supporting Senanayake only if its minimum demand – basically, the implementation of the Bandaranaike–Chelvanayakam Pact – were met. The new Prime Minister agreed to consider the matter. Chelvanayakam informed me of what passed. The Prime Minister explained that he could not do what had been requested of him because the basis of his campaign had been his declared opposition to the Pact. The discussions thus came to nothing.

From 20 March till 23 April 1960 (from the appointment of the Senanayake government to its parliamentary defeat), Chelvanayakam was under tremendous pressure by phone and from deputations of Ceylon Tamils residing in the seven Sinhalese provinces, in particular the Colombo Tamils, to give his support to the Senanayake government. But he remained adamant, and insisted that his party's demands must be met. These Ceylon Tamils were understandably fearful of their future if a S.L.F.P. government were appointed by the Governor-General or elected at a general election. Ironically, Senanayake campaigned at the ensuing general election for a clear majority for one of the 'national' parties, appealing to the electors in the Sinhalese provinces to vote for the U.N.P. or the S.L.F.P.: they must make certain that neither party should have to fall back on the F.P. for support. On election day the voters

*Naganathan was thinker, pamphleteer and frontline soldier in the Tamil Federal Party. During the police assault on the Party's *satyagrahis* at the Jaffna *kachcheri* (the chief administrative office for the district), Naganathan received several body blows from police batons.

responded by giving Senanayake's opponents, the S.L.F.P., an absolute majority.

What then followed is of interest. Can an ethnic minority political grouping have a decisive say in the making and unmaking of the government of an ethnic majority's political party? The answer is 'no', both in this instance and, as I shall indicate later, even when the ethnic minority actively supports the winning candidate in a presidential election. The evidence is relevant especially in the island of 'the land, the race and the faith', where the ethnic minority does not count politically; even if it does count temporarily, as happened in the case of the Tamil Federal Party, it is of little consequence.

Felix Dias Bandaranaike was a frequent visitor to Chelvanayakam at his Colombo residence during March–April 1960. The intention was to persuade Chelvanayakam to support a S.L.F.P. government, which was anticipated if Senanayake should suffer defeat in Parliament in the vote on the Address on the Speech from the Throne. I participated in their conversations. Dias Bandaranaike assured Chelvanayakam that the S.L.F.P. government that might be commissioned by the Governor-General would follow the policies of the late S.W.R.D. Bandaranaike. This, he said, would specifically include the implementation in its entirety of the Bandaranaike–Chelvanayakam Pact of July 1957. Time and again he gave Chelvanayakam this assurance, and he even went further and added that if a statement to this effect were not included in the Statement of Policy of the S.L.F.P. government, the F.P. could vote it out of office. He preferred not to have any written agreement, since there would then be charges of secret pacts and a sell-out of the Sinhalese Buddhists.

The day after Senanayake was defeated, the Governor-General went through the motions of summoning the leaders of the Opposition parties. He wished to explore the possibilities of an alternative stable government. Before Chelvanayakam was summoned by the Governor-General, he visited the residence of Felix Dias Bandaranaike where C.P. de Silva, Senator A.P. Jayasuriya and Dias Bandaranaike himself were present. During the discussions that took place, which I witnessed, Chelvanayakam repeated the assurances Dias Bandaranaike had given him to the others present, who all nodded assent. Chelvanayakam then said that on that basis he would give the Governor-General his word that he would support a S.L.F.P. government headed by C.P. de Silva. He then asked C.P. de Silva how he (Chelvanayakam) could be sure that the assurances would be honoured, to which de Silva responded: 'I drive a hard bargain, and when I've made it, I keep it.' A short while later

Chelvanayakam went to the Governor-General's residence. Sir Oliver Goonetileke, the Governor-General, asked Chelvanayakam whether he would support a S.L.F.P. government for a minimum period of two years. Chelvanayakam replied that he and his party had come to an understanding with the S.L.F.P., and they would therefore support a S.L.F.P. government not merely for two years but till the end of Parliament's term. Within an hour of this interview, Parliament was dissolved. Reports had it that the Governor-General did not feel assured that a stable government could endure because Chelvanayakam's support was 'conditional'. I asked Chelvanayakam whether, if the S.L.F.P. were returned with a clear majority at the coming general election, they would still honour their promises. He replied that it was 'a gentleman's undertaking', and mentioned that he and some of the principal leaders of his party had visited Mrs Bandaranaike to receive her confirmation of the agreement. She had replied that she was not acquainted with the specifics of the agreement, but she had confidence in the leaders of her party and she would honour what they had promised. The S.L.F.P. obtained an absolute majority at the general election of July 1960, and failed to live up to its promises. What happened thereafter has already been related; the political fact was that reliance could not be placed on the undertakings of the Sinhalese Buddhist leadership.

A third occasion was about a few weeks before the parliamentary defeat of Mrs Bandaranaike's S.L.F.P. government on 3 December 1964. She was reduced to a minority of one in Parliament owing to a large-scale defection led by her deputy, C.P. de Silva (in the voting the Opposition had successfully secured the support of 74 M.P.s to Mrs Bandaranaike's S.L.F.P. government's 73). On that occasion in November 1964, a request for support made by Mrs Bandaranaike's coalition partners to some of the younger members of the F.P. was turned down.

A fourth opportunity arose when the future of Mrs Bandaranaike's government was in the balance after the general election of 22 March 1965. Her S.L.F.P. and its allies won 55 seats, and the U.N.P. and its allies 76. The party commissioned to form a government had the constitutional right to appoint six M.P.s. The F.P. obtained 14 seats. A few M.P.s from the U.N.P. might have crossed over. Despite all the wicked acts perpetrated against the Tamil people by Mrs Bandaranaike's S.L.F.P. government, the incidents that followed are indicative of the short memories of politicians in power. I was on sabbatical leave in England from the University of Sri Lanka, Peradeniya, and Chelvanayakam wrote to me on 30 March 1965. The relevant sections of his letter, describing

the understanding that came to be known as the Dudley Senanayake–Chelvanayakam Pact of 24 March 1965, are given below:

> . . . When we were at Dudley's [Senanayake] house from 10 p.m. to 12 midnight reports came that the last Prime Minister was at Queen's House [the Governor-General's residence] taking up the position that she could, with the assistance of the Federal Party, form a Government. [. . .] As we were there to give our support to the formation of a Government by Dudley Senanayake on condition that he gave us the assurances on certain subjects that affect the Tamil-speaking people and which subject we had discussed with him last year, at Mr J.R. Jayewardene's suggestion, we put down in writing the terms of our agreement, which was signed by both of us. Immediately we gave Mr Senanayake a writing signed by me addressed to the Governor-General that we were supporting Mr Senanayake forming a new Government. [. . .] *Next morning, that is on Thursday morning, Dr N.M. Perera and Mr Anil Moonesinghe* [ministers in Mrs Bandaranaike's government] *met me in my house and were informed that my position was unlikely to change*. [Emphasis added]. I do not think our troubles are over. A lot depends on the implementation of our terms of agreement and already the Sinhalese newspapers have started an attack on Dudley [Senanayake] as having sold the pass to the Tamils, though the terms of the agreement have not been made public yet. [. . .] The moment Mr Senanayake was informed about our willingness to enter the Cabinet he offered us two places therein, but we were prepared to accept only one for the purpose of implementing our agreement. . . .

It seemed as if Chelvanayakam had been short-changed even as he had signed the agreement. The key to the implementation of the district councils scheme was the portfolio of home affairs. When Senanayake was asked by the F.P. for this portfolio, he said that since it was a senior position, he had given it to a former prime minister, W. Dahanayake, who had joined his government; the portfolio of local government, he said, would bring the F.P. nominee as close to responsibility for district councils as was possible. M. Tiruchelvam, Q.C., was requested by Chelvanayakam to take this office. Tiruchelvam was also made responsible for framing the Tamil Language Regulations of July 1966; because of his exceptional forensic skills, he effectively transformed Tamil into the official language of the Northern and Eastern Provinces. His reasoning was that since the Tamil Language (Special Provisions) Act, 1957 of S.W.R.D. Bandaranaike stated that Tamil could be used for 'prescribed administrative purposes', the latter could subsume every administrative purpose in the Tamil provinces; in effect, he argued, Tamil could be a language of administration for the Tamil provinces along with the official

language, Sinhalese. But as in all other cases, the Regulations were not implemented by the government.

Tiruchelvam framed a District Councils scheme which came within the parameters of the Prime Minister's directive–that these must be under the control and direction of the central government.[18] The scheme provided for (1) an indirectly constituted Council comprising the elected M.P.s for the area, (2) relevant appointed M.P.s in the House of Representatives, (3) mayors and chairmen of local bodies within the district and (4) and three nominated Councillors. The Council would have an Executive Committee of not more than seven, elected by the Council. The Chairman was to be elected by the Council. The Executive Committee was required to (1) formulate the programme of development and have it approved by the Council, (2) conduct the administration of the Council, and (3) carry out powers and duties delegated to it by the Council. The Council's powers were not extensive. It could (1) formulate and recommend to the central government development schemes relating to the Council, (2) raise loans with the approval of the Minister of Finance, and (3) perform the functions and responsibilities provided for in the schedule to the Bill. These related to agriculture and food, animal husbandry, industries and fisheries, rural development, works, housing and regional planning, education of specified types, cultural affairs, *ayurveda* (native medicine), social welfare and health services. However, their powers were circumscribed to the extent that these 'would be vested (in the councils) by the Ministers in charge of the functions, and the Ministers will have the power to direct and control the Councils'.

Furthermore a kind of dyarchy was envisaged in that

> The appropriate minister may, from time to time, issue general or special directions to the Commissioner to carry out such directions, and the Council shall be bound to adopt such action as may be necessary to comply with such directions, notwithstanding anything in any other provision of this Act.[19]

The Act provided for the Government Agent of the district to be, in addition to his own duties, Commissioner for each Council and its chief executive officer. The Council had power to levy taxes and raise loans as might be prescribed by the Minister of Finance. The proposed District Councils had no power to amalgamate with each other. The proposals were to be enacted as law in 1968, but this did not happen, for reasons we shall explain below.

The other aspects of the agreement were that the controversial

Language of the Courts Act was to be amended to enable legal proceedings to be conducted and recorded in the Tamil language in the Northern and Eastern Provinces. On the disputed question of land, it was agreed that land in the two Tamil provinces would in the first instance be granted (1) to landless persons in the district, (2) to Tamil-speaking persons resident in the two Tamil provinces, and (3) to other citizens of Ceylon, preference being given to Tamils resident in the rest of the island. The question of land and territory was the crux of the F.P. demand, and on this Chelvanayakam had won his point. Besides, there was a definite understanding that the overflow of the Indian Tamil population from the plantations should be permitted to move to these areas. Hence the reference to '*persons*' and not '*citizens*'.

The question relating to Indian Tamils was settled in a separate agreement between Senanayake and the Indian Tamil leaders. The important points here were Senanayake's willingness to abandon the intention to (1) link the conferment of citizenship on Indian Tamils to their physical repatriation as provided for in the Indo-Ceylon Agreement of 1964,* and (2) forcibly repatriate Indian Tamils who had chosen to become citizens of India by making them give up their trades and professions forthwith.

The Dudley Senanayake–Chelvanayakam Pact of March 1965 proved an embarrassment to the Prime Minister. In the first place, he had not divulged its contents to most of his cabinet colleagues. In one of several meetings between Senanayake and the F.P. leaders, the Prime Minister was accompanied by two senior colleagues (the Ministers of Education and of Agriculture), who had not hitherto been told of the contents of the Pact. They were resisting Chelvanayakam's insistence that the terms of the Pact be conformed with. Chelvanayakam then read the various clauses of the Pact, at which the ministers desisted from their opposition.

Senanayake, questioned in Parliament by the Opposition, denied that he had signed the agreement *after* becoming Prime Minister; any agreement, he insisted, was arrived at before he was commissioned to form his government. This was a fine distinction because he could not have formed a government if he had not agreed to Chelvanayakam's terms.

In the end, Senanayake could not get sufficient support from his

*The Agreement is also referred to as the Sirima–Shastri Pact – after Mrs Bandaranaike and the then Indian Prime Minister.

backbenchers for the District Councils scheme to be enacted into law.* At the time the Pact was signed, Chelvanayakam had asked Senanayake how certain he could be that he would honour his word. Senanayake replied that he had been thirty years in politics, that he had never gone back on any of his promises, and that it would be the same in the present case. But now, faced with a threatened revolt inside his own ranks, the Prime Minister invited the leaders of the F.P. and explained his difficulties to them. He offered to resign his position as Prime Minister; the F.P. leaders said they appreciated his difficulties and did not wish him to resign. They would withdraw from his government and give it qualified support while in Opposition.†

Senanayake was also persuaded in his belief that the F.P. would not insist on the District Council's scheme owing to a miscalculation of his own. His thought processes explain one of the underlying causes of the rift between the two communities. By 1965, when he took office, there had ceased to be *a Ceylon Tamil sub-nationalism*. The Ceylon Tamils had come to realise, mainly because of the policies of Bandaranaike (1956–9) and his wife (1960–5), that they were a nation in their own right with a language, culture and territory they could call their own. The Tamils had also come to realise that holding office in the Cabinet was not an adequate means of developing their territories; they no longer wished to be wholly dependent on Colombo. It was necessary for the Sinhalese political élites to recognise this fact. Instead, by co-opting Tamil politicians, they persisted in a policy of 'divide and rule'. In so doing they misinterpreted Tamil aspirations. Their unwillingness to share power at the periphery finally led the Ceylon Tamils to demand a separate sovereign state. Senanayake, for all his political experience, was unaware of this developing strand in Tamil thinking. At one of their meetings, he told Chelvanayakam: 'I thought, Mr Chelvanayakam, that after some months of working with our government, you will not insist on your demands.' A reluctant Prime Minister agreed with the F.P. leaders to work out the details of the district councils scheme. M. Tiruchelvam, Q.C., the Minister of Local Government, mentioned

*The Opposition – comprising the S.L.F.P., the Trotskyist L.S.S.P. and Moscow-oriented C.P. – campaigned bitterly against the Pact. The Pact's contents were first divulged in the L.S.S.P. newspaper *Janadina*, thereby adding fuel to the Sinhalese Buddhist chauvinist opposition.

†Further problems arose when M. Tiruchelvam, the F.P. minister, declared the Konesar Temple precincts in Trincomalee a sacred area; the Prime Minister revoked this order because of Sinhalese Buddhist pressure. At this, Tiruchelvam resigned in 1968.

to me that concessions had to be wrung from the Prime Minister, adding: 'It was like holding a revolver to his forehead.'* Nevertheless, the period of the self-styled 'National Government' of Dudley Senanayake was one of relative reconciliation between the two major communities. Senanayake treated the Federalists with tact. But his failure to institute District Councils was a serious disillusionment for the Ceylon Tamil political élites; and Tamil youth gradually moved towards violent forms of agitation.

Dudley Senanayake's 'National Government' lost the General Election of May 1970 to Sirimavo Bandaranaike and her United Front comprising her own S.L.F.P. (the largest component), the Trotskyist L.S.S.P. and the pro-Moscow C.P. The expectation was that the two junior Marxist partners would act as a moderating influence on the Tamil question, but this was not to be. Felix Dias Bandaranaike was once more in a senior position and the trusted confidant and adviser to Mrs Bandaranaike. He continued to be feared by the Marxists, but it is doubtful whether his absence would have made any difference. The Marxists had tired of opposition, and the prospect of power led them to change their strategy. They also had an opportunity to reward their faithful through patronage. There were four Marxist ministers in Mrs Bandaranaike's U.F. government.

The first test for the Ceylon Tamils, especially their political élites, was the proposed new autochthonous republican constitution of 1972. Before the Constituent Assembly was convened, feelers were sent to the F.P. through Tiruchelvam (as stated earlier), who was made to understand that in return for F.P. participation and involvement, various concessions could be made to the Tamil community. This information was conveyed to Chelvanayakam, but after his experience in the 1960–5 period, he could only express scepticism. Tiruchelvam made no progress, and reported accordingly to his principals.

However, the F.P.'s refusal to be involved had a further meaning. It held to the theory, supported by Tamil academics and jurists, that the Tamil people had not been party to the British-imposed Constitution of

*Chelvanayakam and Tiruchelvam told me that in the discussions on the District Councils Bill, they were continuously obstructed by a bitter G.G. Ponnambalam, who, they said, feared that if the Federalists gained their objective, his political standing among the Tamils would be undermined. Ponnambalam's position was that the councils were 'bad for Ceylon and worse for the Tamils'. The discussions went on for several weeks, often lasting till 2 or 3 a.m., leaving Chelvanayakam and Tiruchelvam – who were both in poor health – exhausted.

1947–72. The Tamil electors had decisively rejected the Soulbury Constitution at the general election of 1947, and were not going to be party to the 1972 Constitution either. They wished to return to the *status quo ante* – in other words, what Ceylon had been when the Portuguese arrived in 1505 when they had had their own separate kingdom. Thus as long as they did not become party to a social contract based on any new constitution, they could legitimately claim that they had not surrendered their sovereignty.

The architect of the new constitution was the U.F. Minister of Constitutional Affairs, Dr Colvin R. de Silva, a Trotskyist. In the 1950s the Trotskyists had been ardent advocates of parity of status for the Sinhalese and Tamil languages, as had been the Moscow Communists. Now they had to fall in line with the views of the largest component of the United Front, the S.L.F.P., led by the Prime Minister and assisted by her nephew, the right-inclined Felix Dias Bandaranaike. The inevitable casualty was the Tamil language. In addition, Buddhism was given an entrenched position in a multi-religious society with sizeable segments of Hindus, Muslims and Christians.

Chapter III of the new Republican Constitution, dealing with language, guaranteed pre-eminence to the Sinhalese language. This was no longer a question of simple legislation, but part of the *basic* law. Section 7 declared Sinhalese to be the official language, Section 9(1) made it obligatory for all laws to be enacted in Sinhalese, and Section 9(3) required that the law, as published in Sinhalese only, was to be definitive, while Section 11(1) stated that the language of the courts and other related institutions should be Sinhalese throughout the island.

Section 8(1) of the Constitution provided for the limited use of Tamil in accordance with the Tamil Language (Special Provisions) Act of 1958. However, this subsection stated that Regulations framed under that Act should be treated as *subordinate legislation*, not as part of the Constitution. These Regulations were not framed during the lifetime of the U.F. government owing to the stalemate between the leadership of the two communities. Tensions were further exacerbated when Dr Colvin de Silva stated that the Tamil Regulations of January 1966 were *ultra vires*. Chelvanayakam had said of those Regulations in the National State Assembly when they were enacted in 1966:

> . . . The Sinhala Only Act deprived the Tamil-speaking people of their self-respect in this country. By passing these Regulations and thereby implementing the Tamil Language (Special Provisions) Act, this lost self-respect is restored in some measure.[20]

Under the new Constitution, it was to be only the Sinhalese version of any legislation that was valid in law, although Section 9(2) required that a Tamil translation should be made of every law enacted in Sinhalese. In other words, a Tamil litigant ignorant of Sinhalese could not plead that he had relied on the Tamil translation.

For legal and quasi-legal proceedings, the Constitution made detailed provision for translations in Sinhalese or Tamil in court proceedings. In 1973, legislation was enacted for the use of Tamil in the original courts and in legal and quasi-legal institutions in the two Tamil provinces. All in all, these provisions affronted Tamil sensibilities and gave Tamil youth a further spur to challenge the unitary state.

More disconcerting for the Tamils was the provision in Chapter II of the Constitution for favoured treatment for Buddhism – in a country which comprised sizeable minorities of Hindus, Muslims and Christians. Section 6 of the Constitution stated:

> The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster Buddhism while assuring to all religions the rights granted by Section 18(1)(*d*).

Chapter VI, Section 18(1), contains the usual catalogue of rights, but Section 18(2) could be interpreted as favouring reverse discrimination for the Sinhalese Buddhist majority (we quoted this clause earlier in a different context, and do so here, with emphasis added to indicate to the reader its implications for the Buddhists and its potential disadvantages to the minority ethnic group):

> The exercise and operation of the fundamental rights and freedoms provided in this Chapter shall be subject to such restrictions as the law prescribes *in the interests of national unity and integrity, national security, national economy, public safety, public order*, the protection of public health or morals or the protection of the rights and freedoms of others or giving effect to the Principles of State Policy set out in Section 16.

Mrs Bandaranaike was leading the country into an ever-worsening crisis. Her own understanding of political behaviour was deficient, but one could ask what her Marxist ministers were doing at this point. Why did they not try to dissuade her from such suicidally chauvinistic policies? There can be many explanations. But one I have heard from those close to them was that they too were inebriated with power and wished to exploit the access to patronage denied them during many years in opposition.

There followed other incidents in the next few years which were

landmarks on the way to the reckless disintegration of the unitary state that had been fashioned unilaterally. In December 1972, S.J.V. Chelvanayakam resigned his seat at the request of his party in protest against the new unitary constitution. Mrs Bandaranaike did not hold a by-election for the seat until more than two years later, in January 1975. On that occasion, Chelvanayakam won by a majority of 16,000 votes, his biggest ever since first entering electoral politics in 1947. His victory speech (referred to earlier) was significant because it mapped out the route the Ceylon Tamils had decided to take.

Before this election victory, Mrs Bandaranaike had hoped to win the Tamil people to her side. Two Ceylon Tamil politicians (pro-S.L.F.P.) were appointed to the powerful patronage disposing positions of District Political Authorities, in which they were responsible for the disbursement of funds. Alfred Durayappah, a former Mayor of Jaffna and a defeated candidate, was appointed S.L.F.P. organiser for Jaffna and was assassinated in 1974. C. Kumarasuriar, a Ceylon Tamil cabinet minister (an appointed M.P.), was asked by her to visit Jaffna and was met with a protest demonstration of black flags. There were demonstrations against the Marxist ministers P.G.B. Kenneman and Dr N.M. Perera when they went to Jaffna in March 1973. In 1974 Mrs Bandaranaike opened the new campus in Jaffna, as part of the University of Sri Lanka. The well-loved Jaffna College, an American institution, had been taken over for the purpose. These visits were undertaken against a background of increasing violence and youth militancy. All these unpopular actions were brought to a head when there was a clash between the police and the public at the International Tamil Research Conference held in Jaffna in 1974; nine Tamils died and several were injured. Mrs Bandaranaike misjudged Tamil feeling, her Marxist ministers having misled her into the belief that she had a fund of support in the Jaffna peninsula. However, she and her Cabinet were indifferent to Tamil protests over language and educational discrimination. They failed to understand that the Ceylon Tamils had begun to contemplate statehood as the way out of their miseries, and were no longer thinking of non-violent methods of achieving their goals. Mrs Bandaranaike's premiership set in motion the rise of the Tamil Resistance in which the civilian population sympathised broadly with the objectives of the young militants now committed to violence to achieve secession.

Two other factors aggravated the situation. The Department of Education was staffed in the higher echelons with the worst kind of short-sighted, ethnocentric Sinhalese bureaucrats, some of whom I

knew personally. One of them claimed to head the Buddhist public servants in the entire public service, and when Dudley Senanayake was prime minister in 1960–5 he had expressed his fears of this man to M. Tiruchelvam. In my opinion he was less powerful than appeared to be the case, and was of convenience to the Prime Minister when occasion demanded. S.W.R.D. Bandaranaike had followed the same pattern. Chelvanayakam visited him in his office from time to time with a catalogue of complaints concerning the maltreatment of Tamil public servants and the absence of response to the grievances of the Tamil public. The Sinhalese head of the civil service was in attendance and recorded the information, but nothing was done. It naturally seemed as if the due processes were merely gone through as a matter of form.

The Department of Education in Mrs Bandaranaike's time had its quota of Sinhalese Buddhist bigots. They were without qualms, because they were sure that whatever they did to advance the interests of the overwhelming majority of Sinhalese Buddhists, the Cabinet would give them full backing. They devised two schemes that had an inflammatory effect. In 1971, a system of standardisation of marks was introduced for admissions to the universities, obviously directed against Tamil-medium students (referred to earlier). K.M. de Silva describes it as follows:

> The qualifying mark for admission to the medical faculties was 250 (out of 400) for Tamil students, whereas it was only 229 for the Sinhalese. Worse still, this same pattern of a lower qualifying mark applied even when Sinhalese and Tamil students sat for the examination in English. In short, students sitting for examinations in the same language, but belonging to two ethnic groups, had different qualifying marks.

He observes that by doing this in such an obviously discriminatory way, 'the United Front Government of the 1970s caused enormous harm to ethnic relations.'

This was not the end; in 1972 the 'district quota system' was introduced, again to the detriment of the Ceylon Tamils. The (Sinhalese) historian C.R. de Silva wrote:

> By 1977 the issue of university admissions had become a focal point of the conflict between the government and Tamil leaders. Tamil youth, embittered by what they considered discrimination against them, formed the radical wing of the Tamil United Liberation Front. Many advocated the use of violence to establish a separate Tamil state of Eelam. It was an object lesson of how inept policy measures and insensitivity to minority interests can exacerbate ethnic tensions.[21]

There were changes and modifications of an inconsequential character made to these systems of admission. However, the damage had been done, and it was irreparable.

There was a repetition of this pattern in the public employment sector, as the (Sinhalese) economist S.W.R. de A. Samarasinghe explained: 'If the present recruitment patterns, which often offer less than 10 per cent of the places to the Tamils, is continued, it will almost certainly aggravate inter-ethnic tension. . . .'[22] This is a mild way of describing a highly charged situation. On 14 May 1972, the main Tamil political parties met in Trincomalee along with a number of Tamil youth and student organisations. They formed the Tamil United Front (T.U.F.), of which the Ceylon Workers' Congress, led by S. Thondaman, became a part; among other things, the Front called for a decentralisation of the administration. The situation for the Tamils continued to deteriorate, and in December 1975 Chelvanayakam made the rejection of the 1972 Republican Constitution an issue in the by-election at which he won an unprecedented victory. In the following year, events moved to a climax. On 14 May 1976, the Tamil United Front became the Tamil United Liberation Front. Its convention at Pannakam in the Vaddukoddai constituency demanded a separate Tamil state. The Ceylon Workers' Congress, while acknowledging the fact of Ceylon Tamil grievances dissociated themselves from the demand; nevertheless, they were a component of the Front.

Towards the end of its constitutional term of five years fixed under the Constitution of 1972, the Government began to suffer from slow political asphyxia. It had already been alleged that it had used questionable methods to obtain an extra two years in office. Normally the Government's term should have ended some time in 1975, but the framers of the new Constitution argued that since it had come into effect in 1972 and Parliament's term had been fixed for five years, the current Parliament, although elected in 1970, should only terminate in 1977. Between 1975 and 1977, Mrs Bandaranaike's government began riding a crisis course. In 1975, she expelled the Trotskyists from her government; and in 1976 various M.P.s left it. Early in 1977, the pro-Moscow Communist Party withdrew support. Left in these parlous straits, Mrs Bandaranaike sought a further extension of Parliament's term. To this end, she invited the Federal Party for talks with a view to addressing their grievances, but the party's leaders decided to deny her their support. A critical Tamil public queried why they were refusing an opportunity to make their grievances known; Chelvanayakam therefore reluctantly

entered into discussions. But the exercise was short-lived. In March he fell ill, and died in April 1977. The talks were not resumed thereafter. Parliament was dissolved on 18 May 1977.

NOTES

1. K.M. de Silva, 'The History and Politics of the Transfer of Power' in University of Ceylon, *History of Ceylon*, vol. 3, etc., p. 494. K.M. de Silva quoted from a document from the Kandyan (Sinhalese) National Association, *The Rights and Claims of the Kandyan People* (Kandy, n.d., probably 1927) published by the Kandyan National Assembly, p. 37.
2. *Donoughmore Report*, pp. 103–8.
3. ibid., p. 118.
4. *Soulbury Report*, para. 184.
5. *Parliamentary Debates* (House of Representatives), 10 Dec. 1948.
6. *The Case for a Federal Constitution for Ceylon: Resolutions Passed at the First National Convention of the Ilankai Tamil Arasu Kadchi* (Colombo, 1951), p. 1. I.T.A.K. is the Tamil translation of 'Federal Freedom Party of the Tamils'.
7. Information supplied by T. Ramalinkam, M.P. for Point Pedro and Deputy Speaker of the House in 1951.
8. In his 'The General Elections in Ceylon 1952', *The Ceylon Historical Journal*, vol. II, nos 1 and 2 (July and Oct. 1952), p. 124.
9. Federal Party of Ceylon, *Ceylon Faces Crisis* (Colombo, 1957), p. 34.
10. In his *Presidential Address Delivered at the Inaugural and First Business Meeting of the Ilankai Tamil Arasu Kadchi on 18 December 1949* (Colombo, n.d.).
11. Quoted by S. Ponniah in his *Satyagraha: The Freedom Movement of the Tamils in Ceylon* (Jaffna, 1963), p. 131.
12. The terms of the Pact are in *Ceylon Faces Crisis*, pp. 33–6.
13. ibid., p. 33.
14. *Ceylon Faces Crisis*, p. 18.
15. ibid., p. 34.
16. ibid., pp. 27–8.
17. I was present when Mahmud gave Chelvanayakam the information, and Chelvanayakam assured Mahmud that he had given no such assurance.
18. See *Proposals for the Establishment of District Councils under the Direction and Control of the Central Government* (Colombo, 1968).
19. *Parliamentary Debates* (House of Representatives), vol. 64, col. 132; quoted by A. Sivarajah, op. cit., p. 147.
20. Quoted in Satchi Ponnambalam, op. cit., p. 184.
21. 'Sinhala–Tamil Relations and Education in Sri Lanka: The University Admissions Issue – The First Phase, 1971–7', in Goldmann and Wilson (eds), op. cit., pp. 133–4.
22. In 'Ethnic Representation in Central Government Employment and Sinhala-Tamil Relations in Sri Lanka: 1948–81', in Goldmann and Wilson (eds), op. cit., p. 182.

6. Before the Civil War

The 1972 Republican Constitution was superseded by the Constitution of 1978, based on the model of the Fifth French Republic. It has an Executive President, a diminished role for Parliament, a supposedly improved bill of rights which in many respects is honoured in the breach, representation based on proportional representation which contains the seeds of its own destruction because it eliminates the left-wing opposition; and an independent judiciary, which still finds itself buffeted by strong political winds.[1] The Constitution also has provision in it for such an ultra-democratic device as the referendum. Some of the provisions of this Constitution had to be revised by me at the eleventh hour because of unworkable sections it contained.

The 12½ per cent cut-off point in proportional representation was not satisfactory; the usual norm is 5 per cent. The President had an unconvincing alibi. He insisted that the T.U.L.F. wanted it so that it could be rid of its Tamil Congress rivals. The real reason, in my view, was to eliminate left-wing groupings in the Sinhalese areas *or* compel them to merge with the social democratic S.L.F.P. If it was the former, opposition parties comprising Marxists and ultra-Marxists were going to be forced to operate underground; if the latter, the U.N.P. was permitting its democratic alternative to be infiltrated by Marxists and radicals in a united front or merger, a prospect which in the long run could not be helpful to the U.N.P.

Parliament was not going to permit itself to be strangulated. In the Prime Minister, Ranasinghe Premadasa, President Jayewardene had a formidable political leader who claimed to be heir apparent, but who with the lapse of time began to find himself outflanked by other ministers in the government who thought they had strong claims. While functioning as chief of the government's majority, Premadasa takes care of his constituents in the government parliamentary group. His influence as the parliamentary leader is offset by an excess of placemen in the government parliamentary group, some 91 of the government's 146 members. And they owe their appointments to the Executive President, not to the Prime Minister.

However, the Constitution – Section 40(1)(*a*) – stipulates that in the event of a vacancy in the office of President, Parliament will elect his

successor. A prime minister who has shepherded his flock as caringly as Premadasa will have a lead notwithstanding the presence of eligibles within the Cabinet; Premadasa also guards his rights and precedence in regard to protocol and foreign visits. A President who is advanced in years realises that all power cannot be concentrated in him alone. This would not be possible even with a younger incumbent, but an older president is in a hurry; he must accomplish his goals. One way in which he achieves these is by delegating his routine functions and other responsibilities, not of great consequence, to the Prime Minister. A future president on the other hand will need to share his power with rivals, given the way in which Jayewardene has operated the system. He does not function as an omnipotent executive but frequently consults with his cabinet, sharing the blame with his ministers if decisions taken go awry.

There is still another factor that needs consideration. The island state has not been used to sole executive power being vested in the President, nor has the President himself emphasised this fact. The Cabinet retains a collective responsibility to Parliament. Ministers are answerable to Parliament for their departments and for their actions just as in cabinet government. It is the Prime Minister and not the President who must come to their defence. In other words, ministers are agents of the President executing policy. They are his ministers but not his equals. In effect the island state has a strange mix of the Fifth French Republican and Westminster systems. The situation is compounded by the fact that the higher bureaucracy, in particular, obtains its directives from ministers and the Prime Minister, and not always from the President. This is because the political system is neither wholly Presidential nor entirely Westminster-oriented. Thus in the executive dual leadership prevails. This might be better in the long run for the political ethos. An omnipotent executive president may pave the way for a Bonapartist state.

There is one other aspect of the executive presidential system that must be taken account of. Given the new model, there was hope (as with Mr B.K. Nehru*) that the system would lend itself to one strong personality ordering affairs, steering the state in the direction of development, while the day-to-day business of governing, and accountability to Parliament could be entrusted to the prime minister.[2] However, two essential features were missing.

First, the Executive President must rule a state that has reached

*A former diplomat, governor of an Indian state and close relative of Jawaharlal Nehru.

nationhood where fissures between, especially, ethnic groups are not marked. In the case of President Jayewardene, there was hope among sections of the Tamil élites that as an executive president he could now resist the pressures of chauvinistic Sinhalese groups. Being also separated from the dust and controversy of Parliament, he could give his undivided attention to healing the rifts between the two major ethnic groups, and devote more of his time to improving the country's economy. Economic development would provide more opportunities to all groups. For a variety of reasons, these hopes did not materialise.

The President insisted that he must protect his base (Sinhalese Buddhist) and that therefore he must have some of the more extreme Tamil-baiters in his cabinet lest the latter carve out niches for themselves in the S.L.F.P. of Mrs Bandaranaike, now in Opposition. A national Executive President of a sovereign state must give all the people the impression that he is the guardian of their collective interests, not the spokesman of a majority ethnic interest. For this reason, the presidential model is not suited to a polarised multi-ethnic state such as Ceylon. This could have been avoided had Jayewardene been more astute. The system of electing a president, as constitutionally provided, ensured that support from minority ethnic groups, particularly the Tamils, was necessary. Proportional representation would have made it obligatory for the major Sinhalese parties to secure the support of the ethnic and religious minorities. Instead, Jayewardene altered the constitution he tailor-made for himself, with the result that presidential government is no more than government by the Sinhalese Buddhists. Jayewardene's enactment of the Sixth Amendment makes it difficult for the Tamils to participate in a national political process. Even if it were withdrawn, damage would have been done.

In a parliamentary system there is a distinct advantage. The ceremonial head is also nominally commander-in-chief of the armed forces. For example, during the critical phase of inter-ethnic rioting in the crisis of May 1958, the Governor-General, Sir Oliver Goonetilleke, took the role literally; he virtually directed the armed forces and brought peace and calm to the island.[3] In a sense, he could do this because, as ceremonial head of the state, he stood above the political conflict and was presumed to be neutral. The Prime Minister of the time, S.W.R.D. Bandaranaike, did not have to become involved, although naturally there was frequent contact and consultation between him and the Governor-General.

The Executive President in a multi-ethnic society like that of Ceylon should be above the political conflict, in so far as that can be separated

from the ethnic conflict; the more so because he is insulated from Parliament and does not have to answer for his actions. But this role was ignored by President Jayewardene; Ceylon had a head of state who campaigned at an election to a local body (the District Development Council of Trincomalee) where he called upon the electors to cast their votes for his party's candidate for the chairmanship of the Council for no other reason than that the candidate belonged to the Sinhalese majority ethnic group. The same President, four days after the arson and pogroms committed against Ceylon Tamils on 23 July 1983, tried to calm the Sinhalese majority with the plea that he was introducing legislation, the Sixth Amendment, to make it unconstitutional for any political party to agitate for a separate state. In a television broadcast on 26 July, he said that he was introducing the enactment in order to 'appease the natural desire and request of the Sinhala people'. With that statement, according to many Ceylon Tamils, President Jayewardene forfeited whatever rights he had to lead the Tamil people, many of whom, with complete trust, had voted for him at the election for an executive president in October 1982. Nor were other statements of his encouraging. In an interview with the London *Daily Telegraph*, which appeared in its issue of 11 July 1983, President Jayewardene made this statement: 'I am not worried about the opinion of the Jaffna people . . . Now we can't think of them. Not about their lives or of their opinions about us.' This was shortly before the actual civil strife began; twelve days later thirteen Sinhalese soldiers were killed in an ambush in Jaffna, and this triggered the holocaust against the Tamils in the weeks that followed.

The Supreme Court of the island state, when it was set up, was venerated for its traditional independence. But the independence of judges, who were trying to uphold the traditions and virtues of a lost era, displeased certain Cabinet ministers. A minister said to me that it would be 'no difficult task' to 'shape' the Supreme Court judges. 'Give them new cars, new houses and better salaries,' he said in my presence, and the expected verdicts would readily be forthcoming; while another minister brazenly said that he would speak to the Chief Justice on a political issue of crucial importance.

There was no attempt to hold a presidential inquiry into the mangling and murder of Tamil political prisioners on 23 July 1983 at the maximum security gaol in Welikade prison in Colombo.* Only some two

*I had reason to believe that the massacre had been planned. I left Sri Lanka for Canada two days later, and felt physically and mentally exhausted for many days thereafter.

months previously, President Jayewardene had been considering commuting to a life term the death sentence passed on Kuttimani,* who had been convicted on the basis of evidence extracted by torture of himself and some of his associates. The President stated to me that as a 'practising Buddhist' he did not believe in hanging. He even talked of an amnesty, should a settlement be worked out.

Little emphasis is given to cabinet government and collective responsibility in the 1978 Constitution. Ministers speak as they please in public; they criticise each other freely, and some are openly critical even of presidential policy. On one occasion, the President told me: 'I am surrounded by anti-Tamil ministers, but I can jump out of the circle if the T.U.L.F. and I can come to a mutually acceptable arrangement.' In the context of a statement such as this and many others, can the Executive President fulfil the role defined for him in the 1978 Constitution? It is probable that President Jayewardene had come to a position where he preferred a larger body to take the responsibility in case things should go wrong.

One minister, Thondaman, who was pivotal to national coalition-building explained how he was recruited. He is a Tamil and the government had to give the world the impression that it was 'national'. First he was offered a post as a district minister, which he turned down with contempt. He demanded a Cabinet portfolio, and this was given to him with alacrity. But in Cabinet, he was powerless: he could never obtain confirmation for his projects, being all the time outvoted, and soon found his position invidious. Two or three ministers enjoyed special status; they formed an inner circle and were frequently consulted.

Another minister wrote to the President that he was 'bending over backwards to please the Tamils and would fall flat on his face' (quite an acrobatic feat). He (the minister) was so forthright because he felt that the President would not dismiss him; he belonged to a caste that was important electorally, and it was impolitic to dismiss him straight away. He was in fact dismissed some months later, but meanwhile he had been let loose on the Ceylon Tamils.

The position of the Prime Minister needs some explanation. He keeps his distance from the President, but because he has a strong power-base,

*Kuttimani was a leader of the Tamil Eelam Liberation Organisation (T.E.L.O.); he was convicted of a political murder and sentenced to death. President Jayewardene commuted the sentence to life imprisonment. Meanwhile, the T.U.L.F. leadership was pressured by its extreme wing to nominate Kuttimani to a vacant seat in Parliament. Parliament refused to allow him to take his seat.

he cannot simply be dispensed with. Nonetheless, he is effectively isolated and is seldom taken into the President's confidence even on certain important matters. In Parliament, the Prime Minister defends government policy where it impinges on his interests, but in matters that do not concern him, he is seen to step aside at the appropriate moment.

The device of a referendum, as employed in Ceylon, does not fulfill its democratic purposes. Supposedly it is an instrument to prevent a government from over-extending its term of office without the consent of the electors. It was inserted because the previous government headed by Mrs Bandaranaike tried to extend its term by an amending constitutional act. This was the President's explanation when I questioned its utility. I explained to him the dangers of a Bonapartist ruler functioning without the support of Parliament and using referenda to get his measures enacted. The President's answer was that the referendum would prevent governments abusing their majorities. He said he would have no purpose in using this device, adding: 'If I can get a majority in a referendum, I might as well obtain that majority in a general election.' I now think that he had this objective of using a referendum for his own purposes – extending Parliament's term. Lalith Athulathmudali, Minister of National Security and a member of the parliamentary constitutional committee which framed the referendum proposal, was ingenuous in his explanation when he stated in 1984, six years after the 1978 Constitution was promulgated:

> The December 1982 referendum gave the people of Sri Lanka the option of avoiding a crisis in the country as well as in the Constitution – a means of avoiding a situation *where the President was of one party and Parliament of another.*[4]

This is unacceptble. As recently as October 1982, President Jayewardene had been elected President with 52 per cent of the votes polled. Athulathmudali knew very well that contradictory majorities would compel power sharing, as he had told me this in an interview. He could also have anticipated that if the President won in October, his party could win in December. (The politics of cohabitation was currently being debated in France.) The explanation of the President was even more strange:

> If I dissolved Parliament and held the general election, according to the 20 October voting [i.e. the Presidential election], my party, the United National Party, would have obtained 120 seats out of 196. The S.L.F.P. would have obtained 68 seats. I don't mind that but I do mind if the Opposition is an anti-democratic, violent and Naxalite [anarchist] opposition. [. . .] I decided to

change my mind and call for a referendum and not a general election for this reason and this reason alone.*

As G. Obeyesekere points out,

> It is more likely that the real reason for the change was the fear that if the S.L.F.P. obtained 68 seats, the government would not have the two-thirds majority it required to continue the pattern of successive amendments such as it had introduced. It would also create an effective Opposition that might be critical of the Executive Presidency.[5]

Apart from all this, the referendum was conducted in an atmosphere which left much to be desired.[6] More to the point, if the Opposition secured the election of some of their leading critics, the misdeeds – acts of commission and omission of many of the government's 91 placemen – would be exposed.

The bureaucracy was not effective. Many of the best civil servants had vacated the public sector for the private sector or for positions in international agencies. Some of those who remained indulged in conspicuous consumption on a scale clearly beyond their visible means. No one in the legislature seemed capable of criticising the massive corruption that enveloped the body politic. The Tamil United Liberation Front, as the main Opposition group, focussed most of its attention on the grievances of the Tamil people, and were anxious to avoid offence because of the many benefits promised them. As for the Sinhalese groups, especially the S.L.F.P., the President exploited an apple of discord in their midst. There was a rift between Mrs Bandaranaike and her son. The President succeeded in luring for a while the deputy leader of Mrs Bandaranaike's own party. Patronage appointments won over many a S.L.F.P. stalwart. But while skilfully creating dissension in the ranks of the Opposition, the President found it difficult to maintain order in his own government parliamentary group when important legislative proposals were up for consideration.

It was partly against this background that I volunteered to act as an intermediary between the President of Sri Lanka and the leaders of the Tamil United Liberation Front. The two parties were locked in mortal

*Jayewardene expressed his anxiety at the possibility of a 'Naxalite contingent' in parliament making the transaction of business difficult if not impossible. I believe he feared that a powerful Opposition would expose some members of his government for various misdoings.

combat. On the whole they refrained from referring to the contempt they felt for each other, but on occasions they would speak out. The President described the T.U.L.F. leaders to me as 'small minds, small people'. He said he had a great deal of respect for the old guard of the T.U.L.F. – men like S.J.V. Chelvanayakam, Dr E.M.V. Naganathan and M. Tiruchelvam, all of them deceased. He spoke glowingly of Sir Ponnambalam Ramanathan and Sir Ponnambalam Arunachalam. He asked me why the Tamils could not have leaders such as the retired Supreme Court judge, V. Manicavasagar, but this was hardly realistic. The judge, who lived close to the President's private residence in Colombo, had no interest in active politics, and operated on the fringes. Politics, for him, extended to his sympathy for the miserable state of the Jaffna Tamils and concern for the vested interests of the Colombo Tamils.

The leaders of the T.U.L.F. viewed President Jayewardene with mistrust. They had not forgotten that it was he who had torpedoed the Bandaranaike-Chelvanayakam Pact of July 1957, and they reminded me that he had made a belligerent speech against the Tamils soon after his election victory in July 1977.

I arranged a meeting attended by five eminent Colombo Tamils – V. Manicavasagar and Dr H.W. Tambiah (retired Supreme Court judges), M. Rajendra (a retired senior civil servant), C. Renganathan, Q.C., and C. Loganathan a retired banker. This meeting was to enumerate Tamil grievances and was not attended by the President. The T.U.L.F. leader, Appapillai Amirthalingam, was invited to listen to their views and their requests. At first he stated emphatically what he and his party stood for, and that, come what may, he and his colleagues would lead the Tamil people to their destined goal. In this context, it was difficult to persuade President Jayewardene to negotiate with the accredited leaders of the Ceylon Tamil community. However, I had access to the President, and explained to him the consequences of deadlock and continuing strife between his government and the island state's principal minority. I also impressed on him that history would have a place for him if he should succeed in persuading the T.U.L.F. leaders to arrive at a compromise that gave them what, essentially, they were demanding – a separate state. He was a man with a knowledge and sense of history, and this made him reflect, and since he was given to introspection and self-criticism, persuasion and patience were not uselessly expended on him. Above all he was the keenest of political artists. He knew that despite all the vituperation he had suffered in the speeches of T.U.L.F leaders, he could usefully descend from his Himalayan heights

in the grand manner. And so in July 1979 I went into this exercise, which, with hindsight, appears one where angels would have feared to tread.

At first, the discussions centred on the question of District Ministerships. In a White Paper tabled in the National State Assembly on 22 June 1978, the President and his government had outlined a scheme under which a range of fifteen subjects should be assigned to a District Minister for each of the island's twenty-four districts. The District Minister would, in effect, be advised by a District Development Council comprising M.P.s of the District and no more than ten others (representatives of local bodies and presidential nominees). That this device lacked substance was clear from the following:

(1) District ministers would be presidential appointees and M.P.s from the Government Parliamentary Group; this would mean that even in a district where the T.U.L.F. had obtained a majority, the District Minister would be a member of the ruling party – a mockery of parliamentary democracy.

(2) Presumably to make doubly certain that the governing party would be in control in all districts in the T.U.L.F.-monopolised Northern Province, provision was made for the District Minister to be appointed from 'outside the District in which his electorate lies, wherever possible'.

(3) There was no provision for decentralisation or devolution; the District Minister, the White Paper stated, 'will serve as a link between the District and the Centre'. In effect the District Minister would merely carry out the orders of the 'line' ministers in charge of the departments in Colombo from which they had to obtain directives. That is, powers had to be delegated, as and when necessary, by ministers in Colombo on matters concerning the area, by *Gazette* notification, and withdrawn in the same way when the task was completed. In effect, the District Minister would be a Government political agent.

(4) The Councils were appendages which would exercise no independent powers of their own; the White Paper made certain of this when it stated that the District Minister will be the sole authority coordinating developmental activities, formulating the development plan for the district and controlling all its resources.

Despite its unattractiveness, the T.U.L.F. was willing to test the scheme with a view to securing improvements on it in the future. Appapillai Amirthalingam wanted the President to understand that his Front would need the government to enact legislation on the details of

the White Paper and a statement from the President that his government would not change the demographic structure of the two Tamil-speaking provinces. The President subsequently made such a statement, but his Minister responsible for the Mahaweli River Development Scheme paid no heed to the guarantee, and it would seem that the President turned a blind eye. There was also some bargaining on the number of District Ministerships that the T.U.L.F. would require if the scheme were put into operation, and again, presumably after consultation with a group of his senior ministers, the President was ungenerous: instead of letting the T.U.L.F. have the five District Ministerships in each of the five Tamil districts where M.P.s from the T.U.L.F. had been returned (with one exception), he stated that he was prepared to appoint three T.U.L.F. District Ministers and *consider* (not promise) a formula under which 'two joint District Ministers' would be appointed for each of the two Tamil-speaking districts in the Eastern Province (Trincomalee and Batticaloa). Under the 'joint minister plan', one minister could veto the other minister; the President remarked that the ancient Roman consuls had had such an arrangement. But, even here, the President kept shifting his ground until the T.U.L.F. decided not to have anything to do with the scheme. It was after this failure that the concept of District Development Councils with subordinate law-making powers was suggested by me.

The President requested me to prepare a short paper on the subject for himself and his Cabinet. In it I pointed out that his government had committed itself to a unitary constitution. The way to surmount this obstacle was to adapt the system of provincial councils, embodied in the original constitution of the Union (and subsequently the Republic) of South Africa, to Ceylon's needs. According to the textbooks of the time, South Africa was a unitary state with markedly quasi-federal characteristics.

I handed the President this paper in June 1979. He read it and gave it to five members of his cabinet who, he told me a few days later, were satisfied with it. There were two alternatives possible: (*a*) a Select Committee of the National State Assembly, which could co-opt representatives from political parties not represented in Parliament, or (*b*) a Presidential Commission comprising experts on the deconcentration of central government powers, as well as political party nominees, some of whom might represent ethnic and religious interests. The Commission should be jointly chaired by a Sinhalese and a Tamil. This would spike attempts by both sides to accuse the Commission's chairman of ethnic bias. I submitted possible names for membership of the Commission.

The President and his cabinet accepted a few in the list, but the others were *non grata*. Since speed was of the essence in this exercise, and there was awareness of Tamil grievances across the spectrum of political opinion in the country, it would not be necessary to seek public evidence; a report could therefore be produced in three weeks. Decisions of the Commission should be by consensus, not by majority vote.

The Commission's terms of reference, after much negotiation between the President and the T.U.L.F. parliamentary group*, were not carefully defined, but were broadly (*a*) to determine how activities of local bodies could be coordinated, planned and controlled by a district development council; (*b*) to examine the structure of finances, including the possibilities of local and foreign loans being raised by councils; (*c*) to provide for the councils to plan for the economic development of their respective areas; (*d*) to decide on a basis for the composition of the councils (it was agreed that the District Minister, like the Administrator of a Provincial Council in South Africa, would be the agent of the central government, but it would be more acceptable to the T.U.L.F. if the Minister were elected from among the district's M.P.s rather than be the President's nominee); and (*e*), draw up in detail the functions to be devolved on the councils, for on such a devolution would the T.U.L.F. be persuaded that regionally autonomous councils might serve as an 'interim adjustment' to their demand for a separate state. Drafting these terms in legal form came later.

Since the President insisted on supervision of the councils by the central government, I suggested that any controls should, by constitutional amendment, be invested in the Executive President rather than in a legislature which would be subject to Sinhalese Buddhist pressures. The President's argument for central supervision was that the councils in the Tamil areas 'could be trusted to concentrate on their economic advancement'. Problems with the councils in the Sinhalese areas could develop if any of these had majorities from Opposition parties. The entire exercise was based on the assumption that President Jayewardene would act as a nationally acceptable chief executive, and not as the functionary of the ethnic Sinhalese Buddhist majority.

The T.U.L.F. – especially the leader of its 'purist' wing, the late S. Kathiravelupillai, M.P. – was insistent on the Northern and Eastern provinces being amalgamated into a single regional council. My sug-

*The negotiations were conducted through me as intermediary, because the T.U.L.F. leaders were unwilling to meet with the President.

gestion to President Jayewardene (who was unwilling at the time to make compromises in this matter) and the T.U.L.F. parliamentary group was that district councils should have powers to form interlocking committees to deal with problems of common concern or issues that might give rise to conflict. This formula was not enthusiastically received by the T.U.L.F. I suggested a consultative (not legislative or executive) body based on the pattern of India's zonal councils. The President did not accept my compromise proposal. His response (a delaying strategy) was that zonal councils could evolve or be legislated for once the district development councils began functioning satisfactorily.

I believed that a move in this direction would go some way towards meeting the Eelam demand and defusing a dangerous situation. I did not agree that a ban on the use of secessionist epithets could solve the problem; human ingenuity can get round such a difficulty with words like 'confederation', 'sovereignty-association' or a 'European Common Market-type situation'. Nor do I think that promises and undertakings obtained under duress can be regarded as binding. A face-saving formula acceptable to both sides might be a way out – for example, useful compromises could be found in wordings such as 'without abandoning our goals' (not mentioning 'Eelam'), 'an interim adjustment' or an agreement to call a moratorium for 3 or 4 years on the Eelam question while the new arrangements work.

The South African model was attractive because, in its earlier form before the 'Bantustans' came into being, it had distinctive quasi-federal features, although in theory South Africa is a unitary state.

The second significant feature of the scheme was the emphasis on economic development. If the device of district development councils could be used to generate economic progress in the Tamil areas, it would be one way of containing Tamil political nationalism set aflame during Mrs Bandaranaike's period of office. Ceylon Tamil political nationalism had come to stay, but it could be channelled into the development effort.

I therefore tried persuading President Jayewardene to accept a scheme in which I had persuaded the Harvard Institute of International Development to interest itself. Dr Joseph Stern, the chief of Harvard's advisory economic mission in Ceylon, had discussions with President Jayewardene, the Minister of Finance Ronnie de Mel, and senior bureaucrats in the Ministry of Finance; the Minister did not give Dr Stern much of his time, and the bureaucrats looked on him and the members of his mission as intruders. Dr Stern had also been requested by President Jayewardene to discuss his plan with officials in the Ministry of Plan

Implementation. These officials were cooperative at first, and described the success of the integrated rural development programme in the district of Kurunagala. The idea was to attract a Western country to sponsor a district and help it to get on its feet economically. The plan was to try out a district in the Northern, Eastern and Southern provinces – which would surely have given a fillip to the District Development Council concept.

But a few weeks later, a senior official in the Ministry of Plan Implementation informed me that he had been asked not to 'intrude' into the 'territory' of the Ministry of Finance. Indeed, he said that he would not dare to do so for fear of the consequences. Here was one more failure of the Executive Presidency. There was a lack of drive at the hard core of the political apparatus combined with an inability of the incumbent to compel his ministers and bureaucrats to implement policies which would reinforce the success of attempts at ethnic reconciliation. The presidential system was built on shifting sands. In this context, the government has to bear much of the responsibility for the ethnic war.

With hindsight one can see that President Jayewardene was not the grand builder I had imagined him to be. Nevertheless he had a strategy that was more in the nature of a stratagem. The councils would be given a minimum of finances, and this would provide a temptation to the councillors to disburse the limited patronage available, thus encouraging corruption (I learned of this from one of the President's close friends later). Members of such bodies would therefore be at the mercy of the government in the event of their corruption being exposed. At the same time the President planned and vainly hoped that some of his own party could find places in the councils in the Tamil areas. These councillors would in effect become the ruling party's patronage-dispensing agencies. Thus in the most insensitive way, instead of letting the Tamil political groups fight out the issues relating to the Tamil areas, the President indulged in the promotion of candidates of his party. I wrote to him requesting that he leave the Tamil areas alone, but he would not listen.

The arrival of the ruling party's candidates on Tamil political platforms gave the opportunity the Tamil militants were looking for, and they were successful in outmanoeuvring the grand master of the political game. There was violence, and several of the candidates and supporters of the ruling party were assassinated. The President agreed with me on the phone that he should not have put forward candidates, and added that his own minister, the Indian Tamil leader S. Thondaman, had

warned him of the danger. These candidatures were a contributory factor in the collapse of the District Development Councils scheme, but the main reason was the government's failure to provide the councils with the finances they needed. There were other reasons, and these will be detailed later.

The next question was how to constitute the Presidential Commission comprising representatives of the mainstream political parties. As already stated, some of the individuals I had suggested were acceptable to the President and his ministers; others were not.* Those who were acceptable to the Government were enthusiastic or at least interested, subject to the approval of their respective political parties. But I was again to be disappointed; a few days later they apologetically told me that their parties would not allow them to take part in the exercise. Nevertheless the main political party concerned, the T.U.L.F., was willing after studying my proposal, to give it a try. The President was eager that I should chair the commission. He was also confident that his thinking on this subject coincided with mine. We knew that neither he nor I would let each other or our respective communities down, but seek a compromise that would be honestly implemented.

I convinced the President that a round table conference, which had been mooted earlier, would be impractical. It would provide opportunities for parties to posture, rather than work out reasonable solutions. In any case, the Opposition parties were not prepared to do the President's work for him.

I cautioned the President that he would have a political problem on his hands if I were to chair the commission, given my family relationships and the prevailing climate of racial suspicion. I had already proposed that there be two co-chairpersons, a Sinhalese and a Ceylon Tamil (myself). He was amenable, though at first he was interested only in my chairing such a commission.

When however the President presented the proposal to his Cabinet, a member rejected me on the grounds that I could academically 'overpower' the other chairperson. Another minister said that the Commissions of Inquiry Act did not provide for two persons to chair a commission. The member who rejected me, despite the President's affirmation that I was appropriate, proposed instead a senior civil servant,

*Those acceptable were Stanley Tillekeratne of the S.L.F.P., Hector Abeyavardhana (L.S.S.P.), Professor K.M. de Silva, Dr Neelan Tiruchelvam and Dr J.A.L. Cooray. Those not acceptable were the Rt Revd C.L. Wickremasinghe, Father S.L. Balasuriya and Professor W.A. Wiswa Warnapala.

who was present at this Cabinet meeting, and this proposal was confirmed by the cabinet. The President told me the next day of his disappointment. I was not surprised, and expressed my willingness to serve on the commission if that was acceptable to the T.U.L.F. But because the T.U.L.F. had been informed that I would chair the commission, which was one reason for their decision to enter the exercise, they refused to participate when told of the alternative choice. They explained to me that this civil servant had caused problems to the late M. Tiruchelvam, the T.U.L.F. (then F.P.) representative in the 1965–70 administration of Dudley Senanayake. I conveyed this information to the President, and he said he would think about an alternative but that I should not visit him at his private residence for the next two weeks or so, obviously for political reasons. After that lapse of time, he got in touch with me and said that his recommendation would be Victor Tennekoon, a retired Chief Justice, who, he was confident, would be acceptable. The President's reasoning was that in addition to Tennekoon having been appointed Chief Justice by Mrs Bandaranaike, Mrs Tennekoon was his own first cousin. He was therefore optimistic that Tennekoon would go along with a compromise which would be acceptable both to him (the President) and the T.U.L.F. leadership. The T.U.L.F. agreed to Tennekoon.

With hindsight, there were two matters that concerned the President which should have been pursued. He was anxious that the Commission should be chaired by me, and had this been insisted upon, a speedier and more workable arrangement could have been devised which might have avoided the later anarchy and bloodshed. Just one day after the Commission had its sittings, I explained to the President my misgivings about Victor Tennekoon, and he fully appreciated my reasoning. In his own mind, however, he thought of me as the architect of the design, and he therefore expected me to work out the details. He told me on the phone that I must 'sit at it night and day' and have a scheme ready for him when he returned after three weeks from the Havana Summit of Non-Aligned States. Something, however, intervened in the interim. In answer to a question from the editor of the news weekly, *Tribune*, the President said:

> The recommendations [of the Commission] will be considered by the Cabinet. *Two to three months* at the most, perhaps. *Not three weeks* as we had hoped; we have changed that because I am going away, and I do not want to hurry them. When I come back they will sit again. Professor Wilson is also going to America in ten days' time. Then comes back. Once the recommendations are

received by the Parliamentary Group, we put it to Parliament. Once it is passed we will implement it.[7]

The groundwork for drawing up the Commission's terms of reference took some time. Exact agreement could not at first be reached because the T.U.L.F.'s expectations differed from those of the President. Amirthalingam wished to be certain of the wording and had the assistance of Neelan Tiruchelvam. My task, as intermediary, was to steer towards a middle ground between the President and the T.U.L.F. The Commission was eventually appointed on 10 August 1979, to report on the following:

(1) the existing structure of Local Government with a view to ascertaining the manner in which economic development activity in a District could be planned and coordinated at the level of the District through District Ministers and Development Councils;

(2) the constitution and composition of such Councils including the method by which representatives to such Councils may be elected;

(3) the powers, functions and duties that such Councils may exercise, discharge and perform;

(4) the determination of the subjects that shall devolve on such Councils having regard to the proposals dated 22 June 1978, relating to District Ministers and such Councils;

(5) the appointment of officers and servants to such Councils;

(6) the manner in which such Councils shall direct and supervise the activities of local authorities in respect of sanitation, health, education, road construction, co-operatives, village irrigation schemes and settlement under major irrigation schemes;

(7) the financial structure and the methods of taxation in relation to such Councils;

(8) the relationship between –

(*a*) the District Ministers and such Councils;

(*b*) the District Ministers and the Central Government;

(*c*) such Councils and the Central Government; and

(*d*) one such Council and another such Council.

Of central importance were the third, fourth and eighth terms of reference. The report on these would determine whether the envisaged councils would obtain substantial autonomy, which would damp down the immediate urgency of the T.U.L.F.'s demand for a separate sovereign state. In particular, the T.U.L.F. pinned its hopes on the third and fourth terms of reference. These referred to the powers, functions and duties of the councils and the determination of the subjects to be *devolved* on the

councils. From the T.U.L.F.'s understanding of that term, which was the same as mine, the intention was to devolve subordinate law-making powers subject to some kind of generalised supervision by the President. This would ensure that not every law enacted by the councils would have to be subjected to a thorough investigation by a Sinhalese-dominated Parliament. There was an understanding on this between the President and myself. I therefore assured the T.U.L.F. that the ultimate scheme would satisfy their requirements. The eighth term of reference was also important to the extent that it would determine the ambit of autonomy that district development councils would exercise. Within that ambit, I was optimistic that a constitutional structure could be framed. However, a number of factors intervened which ensured that the attempt would fail even before the Commission's work began.

First, N.G.P. Panditharatne, Chairman of the ruling United National Party, and G.V.P. Samarasinghe, Secretary of the Cabinet, attempted at the time to undermine the proposed reconciliation.[8] It was obvious to me that the attitude of the two was such that, given the opportunity, they would not concede an inch to the T.U.L.F. Panditharatne suggested the appointment by the President of a quota of nominated councillors, presumably to make certain that a number of the ruling U.N.P.'s members would find places in these councils, especially those that were T.U.L.F.-dominated. I argued against this because it was a denial of the democratic principle, and the President agreed, saying that nominated councillors would be labelled *pandankarayas* (torch-bearers) of the government. Panditharatne was a nuisance during the sittings of the Commission, and I wrote him a letter of rebuke, sending a copy to the President. I doubt that it had much effect on Panditharatne, who raised the question of elections to local bodies including rural councils, claiming that the ruling party's cadres were straining at the leash to contest these elections, and that it would be a let-down if they were now told that the elections would have to be postponed till the district development councils were set in place. This ploy, I knew, could set the President thinking, and I therefore suggested to him that the work of all local bodies within a district could be taken over by subcommittees of district development councils and that the existing local bodies could be abolished except for the municipal and urban councils. The President held with me.

G.V.P. Samarasinghe argued against district development councils on the score that the government had already planned rural councils and that the functions of the two tiers of councils would overlap. He claimed to argue as a civil servant versed in public administration. My response

was that rural councils could be abandoned and their work taken over by the proposed district development councils. To this the President readily agreed. He was somewhat disturbed by the opposition he was encountering from two personages so close to him. At one point in the arguments between me and the two men, he rose from his seat and said reflectively, 'Long after we are dead and gone this [the Tamil] problem will be with us; we had better solve it here and now.' The two men fell silent.

Secondly, I was not very happy with the composition of the Commission, in particular the appointment of A.C.M. Ameer, Q.C. The President assured me that Ameer was a friend of his, who would not obstruct a settlement, but that is exactly what Ameer did. His 'note of reservation' to the Commission's report, which was signed by another Muslim member of the Commission, M.A. Azeez, was highly critical of the Ceylon Tamils.[9] To my knowledge neither the President nor members of his government took Ameer's note seriously. The third Muslim member of the Commission, M.R. Thassim, was constructive and in many ways helped to iron out problems and difficulties.

The gravest problem lay with the chairman of the Commission, Victor Tennekoon. On the first day that the Commission was convened, I realised that it was he who would be the stumbling block. The Commission's rationale was to help generate a plan that would provide the T.U.L.F. with a fair compromise which they could persuade the Ceylon Tamil electors to accept. As mentioned earlier, the key to the exercise was the principle of *devolution*. But instead, when the Commission convened, Tennekoon successfully persuaded the members to accept the short title 'The Presidential Commission on Development Councils', which could be interpreted differently from what was intended, namely 'The Presidential Commission for Devolution of Subordinate Law Making Power and for the Decentralisation of the Administration'. The next evening I visited the President at his private residence and explained to him what I considered to be diversionary tactics by Tennekoon. The President was displeased at Tennekoon's attitude, but was not surprised. He explained to me the unfortunate relationship between Tennekoon and the 1965–70 U.N.P. administration of Dudley Senanayake. The President said that Tennekoon had let it down over a number of crucial matters while he served in the office of Attorney-General. The President presumably had hoped to influence Tennekoon now that he was retired. This did not happen.

I had that morning made a statement on Tennekoon's proposal for

naming the Commission in the way he proposed to. I said I did not agree with the short title. My view was that the Commission's task was to devolve powers to the units and decentralise the administration. The short title would give the public and even the commissioners the impression that the Commission was not seriously concerned with providing regional self-government, which to my mind was the most urgent question to be dealt with. I added that if the Commission did not wish to address its mind to this important problem, there would be no purpose in my continuing to serve on it.

I explained to the President that self-respect now precluded me from participating in the work of the Commission and that I would, with respect to him, submit my resignation. He was very reassuring, asked me not to worry and emphasised that what we had agreed (the basics) he would implement; I did not need to have any fears. On that undertaking I agreed to participate, and indicated to the President that I would pay no attention to Tennekoon.

What surprised me most was the silence of *all* the members of the Commission when I read out my statement. Not one of them said a word in support of me. I gathered, from what two of them told me later, that they were overawed by the august ex-Chief Justice. J.A.L. Cooray, an acknowledged authority on the constitutional law of Ceylon, chided me, adding that in the presence of an eminent judge such as Tennekoon I should have built up my presentation and not criticised him. Panditharatne's view was that the former Chief Justice should be approached with due respect and 'humble prayers'. My guess was that Panditharatne was totally at one with Tennekoon.

As difficult a hurdle was the President's handling of Tennekoon. He kept me informed of Tennekoon's visits to him and repeated those parts of their discussion which he thought were relevant to me. What distressed me, however, was the President's disinclination to tell Tennekoon exactly what was required. The constant theme of their talk was that Tennekoon should endeavour to 'marry the concept of the District Minister with that of the District Development Council', an easy enough exercise for a student of political science such as myself. With Tennekoon the question was a legal one, and all the while that the Commission was sitting, he devoted much time in seeking legal literature on the subject. What was to be a 2–3 months' exercise thus in the end lasted close to eight months. Those months of delay were fatal where the Tamil militants were concerned, and intensified their fears that the T.U.L.F. and I were being hoodwinked by the President.

To aggravate matters, the President had declared a state of emergency just a few weeks before the Commission began its sittings – a most unwise and impolitic act. As an excuse, he told me that he had to act in order that his 'political base be not eroded'. To worsen matters, two youths were missing in the Tamil Jaffna peninsula shortly after the emergency. The T.U.L.F leaders pressed me to bring this information to the President's attention, and when I did, he acted. But the police chiefs of the area lied to him, for in the end it was discovered that the police had murdered the two boys. The President claimed to be indignant that he had been 'lied to'. To me it was further evidence that the men around him were acting as if, given his age (seventy-two), he would soon have left the scene. I was also taken aback by the President's cool attitude to the loss of these two lives.

During the fateful month of August when the Commission's terms of reference were being discussed, I had several meetings with the parliamentary members of the T.U.L.F. The inexperienced ones did not question me or seek clarification, but there were three senior members who doubted the viability of the exercise. One of them took me aside and cautioned me not to place any faith in the President, 'given his record of political Machiavellianism'. Another was cynical about the President's promises, which he did not think would be fulfilled. At various meetings of the T.U.L.F. Parliamentary Group he insisted on airing his doubts, and I did not contradict him because of the obvious difficulty in doing so. He refused to believe that a President who harboured a noted Tamil-baiter in his Cabinet could ever deliver on his promises. I was aware of the validity of this charge; also that the Cabinet did not include only this one minister, but that the majority of its members were little better. But I had convinced myself – wrongly, as it turned out – that the President was an Executive President in the style of De Gaulle and that his will would therefore prevail in the end.

Another senior T.U.L.F. member told me that his special 'astrologer royal' (a not uncommon fact of Ceylonese political life) had warned him that the President was governed by the planet Neptune; this planet he said, is a receding one and persons under its influence were given to dissimulation. His astrologer had therefore suggested that the T.U.L.F. leaders should have no personal contact with the President. An intermediary such as myself would be in order because if matters went wrong, the T.U.L.F. leaders would not be blamed. For my own satisfaction, and without mentioning any of this to him, I asked the President if he knew anything about the planets that governed his destiny. He

claimed that he was ruled by Jupiter, and added that this planet ensured victory for him against all foes. He added that he had asked an eminent Sinhalese astro-scientist employed in an American university for information on Jupiter.

There were other distinguished personages in public life, Sinhalese and Tamil, who told me over and over again that I should place no faith in Jayewardene. One close relative said that my father-in-law, S.J.V. Chelvanayakam, had told him that the Tamils should be 'wary' of him. My own faith remained unshaken for as long as the exercise lasted. However, on further reflection and after assessing President Jayewardene's unprincipled manner of handling relations with India, the foreign state which has worked hardest to help him, I can only conclude that he did not intend to implement the district councils legislation in the way he promised. There was a calculated strategy. The T.U.L.F. was involved in what was called the 'Five Party Alliance'. Had this continued, the U.N.P. he led would have suffered defeat at the next general election, and perhaps even at the presidential election. It was necessary to detach the T.U.L.F. from the 'Alliance'. There was a need to placate the T.U.L.F. lest the latter's youth wing should take up arms and put paid to Jayewardene's open economy by frightening foreign investors away. The tourist industry and its ancillaries would also have suffered.

It is not my contention that the District Development Councils were therefore a stratagem. They embodied an opportunity for an amicable beginning to the ending of the Sinhalese-Tamil imbroglio. I believe that Jayewardene was hurt by his poor showing in the Jaffna peninsula at the presidential election of October 1982. His response was to ignore the councils. He failed to take into account the violent reaction of the Tamil freedom fighters. Further, as if to reinforce his convictions, the President kept receiving reports from police officers about the activities of T.U.L.F. M.P.s. However, much of the information given him was false. Some of these officers were proven liars who had been rebuked as such by judicial officials. Others, as is customary in Ceylon, were trying to ingratiate themselves.

One police official had related to the President a story about the murder of a U.N.P. candidate and the T.U.L.F. leader's reaction to it, which, knowing Amirthalingam as I did, I knew could not be correct. Amirthalingam denied all knowledge of the incident to me. There were also fabricated reports of telephone conversations, supposedly tapped by the police special branch. One, allegedly between Amirthalingam and

Sirimavo Bandaranaike, was quite alien to their way of speaking. Yet the President was ready to believe this and other lies, and felt that no good would come of his efforts at reconciliation.

However, two high-level diplomats were urging the President to act with speed. The U.S. ambassador, Professor Howard Wriggins, indicated to him more than once that time was the essence of the enterprise. The Indian High Commissioner, Thomas Abraham, was persistent in telling the President to act decisively. But probably President Jayewardene was influenced by the politics of the question. He was keen to know how the Sinhalese electors would react. For example in a speech in a town in South Ceylon, he explained his plan on district development councils, and for a week he waited to see how political parties would respond. When nothing happened, he told one of his senior ministers, in my presence, that he was hopeful because the Sinhalese electors had not reacted adversely to his plan. But at the back of his mind was the police information he had been given by anti-Tamil and ambitious officers.

I had to leave for my University towards the end of August, but the President requested that I return in October for four weeks to help finalise the report of the Commission on Development Councils and formulate legislative proposals to give effect to the understanding he had reached with the T.U.L.F. He himself wrote to my University requesting my release. It seemed that for him Tennekoon was chairman in name only!

When I came back on 1 October, the President requested me not to see him for some ten days or so. I found this exasperating. Not only had I had to cancel my lectures, but I also knew that time was running out, while apparently the President was taking things so easily. I phoned Ambassador Howard Wriggins, an old friend, to keep him abreast of events and the delay. When I called on him at his office, he counselled patience; he said that sometimes lobbyists in Washington had to kick their heels for weeks, waiting merely to spend a little time with a senator. I should therefore not complain about a President who had a busy schedule. He also gave me a vague impression of a political problem the President had to deal with. All the same, I was not satisfied; I was aware of the rumblings of Tamil militants waiting and wishing for the negotiations to collapse. This time, win or lose, they were determined to fight their war of national liberation. On two occasions, once on the phone and the second time in a handwritten note, I was requested to call off the negotiations or else face assassination. I mentioned all this to Howard Wriggins. He asked whether his secretary could note down what I told

him – which was very much a correct anticipation of the war of liberation after 23 July 1983. Howard Wriggins promised to let the President know of the seriousness of the situation. He did as he promised and it had some effect.

I also several times visited Thomas Abraham, the Indian High Commissioner, and he too spoke with the President. The ambassador of the People's Republic of China made a date with me for dinner, and I asked him what was his country's attitude to the Tamil demand for a separate state. He replied that his government would provide all possible assistance to help the disputants reach a settlement, short of the creation of a separate Tamil state. His argument was that such a state could fall prey to the Soviet Union, and that his country's access to the friendly states of Africa and to the Gulf oil states would be threatened. He also complained that the government of Ceylon had paid no attention to him and his embassy.

At the end of the first week of October, the President asked me to see him at his private residence, and we then met almost every other day. He asked me to prepare a paper of 4–5 pages on how the councils should be organised and on the powers they should be given. I did this readily. He read through it and wanted some unimportant sections removed. Amirthalingam and his parliamentary colleagues were satisfied with the proposals, and the only dissentient was the late S. Kathiravelupillai, M.P., who wanted a merger of the two Tamil provinces or a zonal council. Because he was also anxious about the demographic composition of the Tamil homelands, he advocated an exchange of populations. My view was that the existing *status quo* be maintained but that, given the powers the councils would exercise, future incursions could be avoided. A merger, I thought, would come later if there were genuine evidence that secessionist politics were laid aside for the time being.

My brother-in-law, S.C. Chandrahasan,* showed interest in the exercise – much to my relief, because there was a fringe of 'all or nothing' secessionists who wanted him to lead their wing. Chandrahasan did not think it prudent to go all the way at that time, but nevertheless he cautioned me that time was running out and the young men of Jaffna were straining at the leash. He requested his wife, Nirmala Naganathan,

*Samuel Chelvanayakam Chandrahasan was considered to be his father S.J.V. Chelvanayakam's political heir. He at first supported me in my mediatory efforts, but the President's delays convinced him that the latter would not be able to deliver. Chandrahasan married Nirmala Naganathan, daughter of Dr E.M.V. Naganathan, one of the founders of the Tamil Federal Party.

to visit Sirimavo Bandaranaike and seek her support. Nirmala's family are friends of the Bandaranaike family, and Mrs Bandaranaike readily agreed to see her. She told Nirmala that the Tamil problem was getting out of hand and that a solution must be found, but she did not indicate support for the President's efforts. She wanted Nirmala to speak to her son Anura, and because Nirmala was a legal expert with some knowledge of constitutional law, and had been acquainted with the details of my design, it was no problem for her to explain it all to Anura. The young man listened but was non-committal. I did not mention any of this to the President, preferring him to approach Sirimavo Bandaranaike on his own terms.

Once the scheme was accepted by the T.U.L.F. and the President, the next question was to formulate it as a legislative bill. Here again the President was helpful, asking the acting legal draftsman to put my scheme into legal form. The officer and I sat through the whole of one Saturday working on it, and I was provided with the draft bill on the following Monday.

With the bill now prepared, I requested the President to have the Attorney-General look into it to ensure that no provisions of the Constitution clashed with the provisions of the bill. Once again he acted straight away, and two days later the Attorney-General pronounced on the bill's constitutionality. He had a few inconsequential changes made in the text. Before the end of October, everything was ready. At my suggestion, the President asked J.A.L. Cooray, the constitutional expert, to look through the bill. This he did, and after much contemplation pronounced it satisfactory. The bill was then presented to the President and accepted. I left Ceylon as scheduled with the feeling that my task had been accomplished. The President suggested that I come back during my Christmas vacation to ensure that everything was in order.

When I arrived in December 1979, the Commission was still deliberating, and Tennekoon and his fellow-commissioners were examining witnesses. But even before they had reported, a bill had been prepared and the Cabinet was informed of it. Around the third week of December, the President invited me for lunch at his private residence at which Lalith Athulathmudali, Minister of Trade and Commerce and his 'unofficial chief policy adviser', was present. Athulathmudali hurriedly read through the text of the bill and pronounced that it was a workable proposition. He went so far as to say that the annual budget debate, which was then in progress, should be suspended and the bill debated in all its stages and enacted as law by Parliament. The President was hesitant about acting

with such speed, and suggested some dates in January 1980. He also pledged to me that he would have the law proclaimed in April 1980 on the day of the Sinhalese and Tamil New Year – a gift, as it were, to the people of the country. I found all this encouraging, and I reassured the T.U.L.F. parliamentary group of the President's decision.

But now the T.U.L.F.'s patience was running out. They complained bitterly of the conduct of the army and its violation of human rights during the state of emergency, which ended on 31 December 1979. They claimed that promises had been made to them on a one-to-one basis by the President and his ministers but never honoured. As parliamentarians, neither they nor their constituents had received any of the benefits received by members of the Government Parliamentary Group. The President's answer was that the T.U.L.F. was not in the Government Parliamentary Group and was therefore not entitled to the advantages that accrued to its members. The T.U.L.F. leaders were undoubtedly under pressure from their extreme wing. There was evidence that the younger Tamils could no longer endure the discriminatory effects of the Jayewardene government's modifications of Sirimavo Bandaranaike racial policies. Many of these young people had been treated by the army in ways that were described to me, and I was told the names of the army officers concerned and of the prison doctor whose duty was to relax torture at the point when the prisoner was likely to die. I mentioned all this to the President, who said he was not aware of it, and agreed to appoint a commission of inquiry – which again turned out to be a pledge written on water.

At one stage – and it was a crucial point in the negotiations – intuition told me that, given all the protests by the T.U.L.F. and the President's pledges, nothing material would emerge. I therefore urged Amirthalingam to hurry back to square one and start his campaign for a separate state. I said that no government seeking the goodwill of the Tamil people could possibly allow its soldiers to commit such acts of savagery. However, Neelan Tiruchelvam did not agree with my line of thinking, and Amirthalingam, whom he persuaded to accept his views, requested me to continue with the negotiations.

I left Ceylon in early January 1980 in time for the second term at the University of New Brunswick, and was kept informed of the work of the Commission. The promised legislation was not presented to Parliament in January 1980 as had been agreed. In late January, the President convened the Commission and stressed the need for an early report and indicated his line of thinking to the members – not quite explicitly, I

believe, because of the political sensitivity of the subject. Predictably, this had no impact on Tennekoon. Towards the last days of the Commission, Tennekoon imprudently indicated that he would write the report himself on the basis of the evidence presented and the views expressed by the members of the Commission. There was strong objection to this from some of the more articulate members, and in the end he was prevailed upon to agree to presenting a report that represented the maximum consensus. There was no possibility that Neelan Tiruchelvam or I would go along with the findings. The majority of members, including the three Muslim members, insisted on an attenuated form of district council.

In essence the report stated that the District Minister would be the political equivalent of the chief administrative officer of the district, the Government Agent, and that the members of the District Development Council would function as his advisory body. Neelan Tiruchelvam wrote his dissent, which was similar to the text of the bill which the legal draftsman and I had prepared. That some of the other members agreed to the contents of the report surprised me, since at least one was a person of considerable intellect, and they certainly could have dissented from an ex-Chief Justice, had they so wished. I guessed that Tennekoon's views coincided with theirs, much to my disappointment.

When I learned of the outcome, I called Tennekoon and the President, and insisted on having a copy of the report before it was presented, and that Tennekoon should await my dissent before submitting it. I was promised that the report would reach me in good time by the diplomatic bag. One day in late February or early March 1980, before the report was submitted, I received a phone call from the President. From the way he talked, it was obvious he wished me to sign the report; but he did not actually ask me to do so, although his message was quite clear. He told me that he would do everything as he had promised. I said that in the context of the report, his cabinet of ministers would want the bill changed. His answer was: 'My cabinet is with me.' I was nevertheless stubborn in stating that I would write my dissent. In exasperation, he requested me to send it directly to him, as there was no need to send it to the chairman of the Commission. I agreed, and did as he asked. (In the end it was not published, being retained by the President.)

The report was submitted in early March 1980. No legislation had been enacted, and it probably no longer made political sense to present a bill which went counter to the Commission's recommendations. I awaited developments. On the day of the Sinhalese and Tamil New Year

(13 April 1980), much to my astonishment, the President phoned me at my home in Canada from his official holiday residence in the hill station of Nuwara Eliya. He inquired after me and my family, and said that he and Mrs Jayewardene were enjoying a restful time in Nuwara Eliya. Only later did the possible reason for the call occur to me: namely, that the President was apologetic for not delivering on the pledge he had given me in late December 1979 that he would present the bill in April 1980.

None the less, the bill was presented to Parliament rather too late, in August, and enacted as law, but not exactly in its original form. By this time the Tamil militants were convinced that the President was not sincere in his intentions. I also learned that significant parts of the original bill had been removed at a cabinet meeting. I was also informed that when the President presented the bill to his parliamentary group the storm of protest was so loud that his voice could not be heard. One of the ministers loyal to him then took control, some semblance of order was restored, and the group came round to adopting it. When the bill was presented in Parliament, members of the T.U.L.F. parliamentary group were stunned by the opposition to it from members of the Sri Lanka Freedom Party. Apparently that party had promised support to the T.U.L.F. At the crucial hour, the S.L.F.P. went back on its undertaking. The President was happy with the outcome in Parliament, and sent me a priority cable on 22 August 1980 in which he congratulated and thanked me.

He thought his troubles were over, little anticipating the problems that were to pursue him in the days ahead. Some inkling of them was already discernible. The President had shown me a letter written to him by a minister in his cabinet, who was a notorious Tamil-baiter. He was justly indignant and indicated to me that he planned to dismiss this minister forthwith, but this did not happen because the minister wrote him a letter of apology. The President's explanation for retaining this minister was that he was a useful counter to Mrs Bandaranaike's attempts to mobilise Sinhalese extremist opposition against his attempts to appease the T.U.L.F.

Despite the limited success of the exercise hitherto, I had doubts as to how it would work out in the end. In a way I satisfied myself with the belief that bridges could be crossed when we came to them, but the T.U.L.F. had joined with four other Opposition political parties, including the Sri Lanka Freedom Party, in a 'Five Party Alliance' to campaign against the President and his government, and this Alliance was gathering momentum. Sirimavo Bandaranaike had visited the premier Tamil city of Jaffna and been given the warmest reception in

recent times by Ceylon Tamils to a Sinhalese leader. Part of the reason was that Ceylon Tamil farmers had greatly benefited from her government's restrictive import policies. President Jayewardene's open economy had caused prices to plummet, much to the detriment of the farming community. Also there was the fact of the army's atrocities, which had kindled Ceylon Tamil nationalism, and the milling crowds that greeted Sirimavo Bandaranaike were not so much expressing solidarity with the Five Party Alliance led by her as indicating their resentment and horror at what the army had done. Now, however, the T.U.L.F. had been successfully drawn into the District Development Councils exercise, and to that extent the President had confounded his political opposition.

What would happen if the exercise got under way? The President had pledged not to disturb the demographic composition of the traditional Tamil homelands, but there was Gamini Dissanayake, Minister for the Mahaweli River Development scheme, who was at variance with the President and going his own way, settling Sinhalese colonists in these traditional Tamil areas notwithstanding the President's undertakings. An Indian Tamil cabinet minister bitterly complained to me of Dissanayake's actions.

Apart from the state-aided Sinhalese colonists, there was the question of the spreading tentacles of the expanding open economy. In the nineteenth and early twentieth centuries, low-country Sinhalese entrepreneurs had extended their activities on their own, without assistance from the state, into the traditional territories of the Kandyan Sinhalese. This was one reason why the obsolescent Kandyan Sinhalese feudalists were intent on a federal constitution. These differences eventually receded in the face of the emerging challenge of Ceylon Tamil nationalism. Another reason was that it had become customary at the élite level for low-country and up-country Kandyan Sinhalese families to intermarry, thus lessening Kandyan Sinhalese opposition to the intrusion of low-country Sinhalese entrepreneurs into their traditional territories. This could not happen with the Ceylon Tamils, with whom there was the ever-present ethnic antagonism. Sinhalese expansionism into the Ceylon Tamil homelands could not be stemmed, because assistance was being provided by the state. Tourism, free trade zones and other opportunities that were being offered would attract numerous entrepreneurs. The only two ways such expansionism could be halted would be a total ban on Sinhalese immigration or resumption of the struggle for a separate state. To me, the latter appeared the only feasible alternative.

To provide reality to such a possibility were the opinions of the

President himself. President Jayewardene did not pay a great deal of attention to the myth of 'the land, the race and the faith'. But he was a politician who calculated only in terms of his own political base, which consisted of a goodly proportion of the Sinhalese Buddhist chauvinists. Since he had to depend on their votes, he openly expressed the view that all public appointments, recruitment to the state's services and admissions to the universities and other institutions of higher education must be on the basis of proportionality to population. Merit, in other words, would not count. For example, on education the President said in an interview with the news weekly *Tribune*:

> We have given up standardisation according to media and race. It's now standardisation according to districts, developed and underdeveloped. [What] these people [meaning the T.U.L.F.] say is unfair. But it is not fair not only to the Tamils but to the Sinhalese also . . . If you go only by pure marks, Colombo, Jaffna and Kandy will get all the places. *So I am wondering whether we can't go on a racial basis* [. . .] *Then employment. I want to go on a racial basis*. . . .[10]

Not only the President but his officials – like his (Permanent) Secretary for Higher Education (also Chairman of the University Grants Commission), Professor Stanley Kalpage – were advocating racial proportionality, not merely in higher education which was Kalpage's area of operation, but in all spheres of public and economic activity. Kalpage's evidence before 'Committee B' of the All Party Conference set up 'to consider measures that need be implemented with regard to equalisation of opportunities in education, employment and the exercise of language rights' (circa June 1984) is indicative of Sinhalese communalism. The Report of 'Committee B' stated:

> . . . . Dr Stanley Kalpage explained to the Committee the present procedure. Entry to universities was based on a 30 per cent purely all-island merit basis, 55 per cent distributed among the 24 districts on the basis of population and 15 per cent for educationally disadvantaged Districts. There were 13 such Districts. [. . .] *He also inquired whether ethnicity could be a criterion for only university admissions. What of other areas like employment, trade and business etc.? Was it to be a determining factor in all other fields? Would it be desirable and acceptable in the interests of an integrated Sri Lankan nation? In practice, on the present formula, he said, an ethnic balance had been achieved without so labelling it* . . .[11]

Equally provocative were statements made by the Minister of Finance (Ronnie de Mel) and the Minister of Trade and Commerce (Lalith Athulathmudali). De Mel complained that 'the Tamils have dominated the commanding heights of everything good in Sri Lanka' – a false

perception – and Lalith Athulathmudali stated that he had 'already reorganised rice wholesaling to break the Tamil grip'.[12] Politicians make such statements to please the mob. The reasons of officials such as Professor Kalpage can only be guessed at.

Notwithstanding these doubts, the legislation for elections to the District Development Councils was enacted in 1981. As mentioned earlier, the ruling United National Party contested in the Ceylon Tamil areas with disastrous consequences. Gamini Dissanayake and the government's notorious Tamil-baiting minister conducted the campaign in the Ceylon Tamil Jaffna peninsula. There were assassinations of government supporters and police personnel, and the police force, along with sections of the army, reacted with savagery. They burnt the Public Library of Jaffna, a repository of priceless documents. The President campaigned in the Eastern Province where one-third of the population were Ceylon Tamils, and violence erupted there too. Here was an Executive President of *all* Ceylon, not merely parts of it, making some of the most communal public statments against the T.U.L.F., and by implication the Ceylon Tamils, that were heard in the campaign. The President, in a letter to me, provided me with evidence of how he had miscalculated in his political strategy. His party was soundly defeated in the Ceylon Tamil Northern Province and in two-thirds of the Eastern Province where Ceylon Tamils and Tamil-speaking Muslims were the dominant elements in the population, and joined hands against the ruling party's candidates.

The terrible and fateful burning of the Jaffna Public Library is an eternal blot on the ruling United National Party. As to why the President permitted two ministers in his government, whose antipathy to the Ceylon Tamil demands was well known, to campaign in the Tamil areas remains inexplicable. One of them, Gamini Dissanayake, explained to me that the President had requested him 'to keep an eye' on the other minister, but neither of them could control or prevent the violence of the security forces. There also occurred large-scale impersonation and loss of ballot boxes at the end of the election day, but these attempts at cheating and intimidating the Ceylon Tamil electors failed to deprive the T.U.L.F. of a single seat in the Ceylon Tamil districts of the Northern and Eastern Provinces. The President was obviously conscious of the grave folly that had been committed, and wrote to me on 22 June 1981 that his government had 'now to re-build the fences that have been broken'.

I arrived in Ceylon in July. The T.U.L.F. had to be pacified. There were many Tamils, including the militants, who were angry and full of

righteous indignation that I had come. They knew the peace-making nature of my mission, and the militants would at that stage rather have fought it out with the government than countenance any attempt on my part to settle differences. Nevertheless, despite my gloomy forebodings, I was able to bring the President and the T.U.L.F. back to the negotiating table. One senior minister, who deplored the barbarism of the security personnel, thanked me for my efforts – he told me he had thought the two parties would never again meet after what had happened. The results of my negotiations with the President were acceptable to the Front's leadership.

The T.U.L.F. demanded satisfaction on three matters. First, it claimed compensation for the irreplaceable Jaffna Public Library and redress for the victims of state violence. A Committee headed by Lionel Fernando, a liberal-minded Sinhalese senior public servant serving as Government Agent of Trincomalee district, was proposed by the T.U.L.F. for the purpose of determining compensation and accepted by the President. But recommendations this Committee subsequently made were not fully implemented. The President pledged 10 million rupees towards the reconstruction of the library from a public fund he controlled, but in the end only a fraction of that sum was given. This was a personal undertaking, and its fulfilment could have demonstrated the government's regret over an unforgivable public outrage.

Secondly, the T.U.L.F. was insistent on a public (preferably judicial) inquiry into the incidents leading up to and following the elections. The problem solved itself when Professor Virginia A. Leary of the Faculty of Law and Jurisprudence, State University of New York at Buffalo, was requested by the International Commission of Jurists to inquire into the incidents. Professor Leary wrote a concise and comprehensive document on the misdemeanours of the state and its officials, which was particularly critical of the draconian provisions of the Prevention of Terrorism Act, enacted by the Parliament of Ceylon in 1979. Some of the report's observations should be recorded here:

> The Act contains a number of disturbing provisions from the human rights point of view. [. . .] The Act also provides that any confession made by a person orally or in writing at any time shall be admissible in evidence. [. . .] Thus, confessions made to police, possibly under duress, are admissible. [. . .] Under the Sri Lankan Act they [suspects] may be detained incommunicado up to 18 months. A number of the objectionable features of the Sri Lankan Act, are similar to the provisions of the widely criticised (South African) Terrorist Act of 1967. [. . .] The South African Act, like the Sri Lankan Act, is

retroactive. [. . .] The South African Terrorism Act has been called 'a piece of legislation which must shock the conscience of a lawyer'. Many of the provisions of the Sri Lankan Act are equally contrary to accepted principles of the Rule of Law.[13]

That the President had been a victim of deception when he accepted the Act as proper was indicated when he told me that his officials had said that they had incorporated in it the best features in British and Australian legislation! He had obviously not been told of the South African similarities.

The third complaint of the T.U.L.F. M.P.s, made in a much more serious way than ever before, was that the President showed an interest in the Tamil problem and the implementation of the District Development Act while I was in the island, but that the most pressing problems concerning the Tamil people were set aside as soon as I left for Canada. They were insistent that there should be continuous activity at all times. I discussed this with the President, and he agreed with my suggestion that a high-level committee comprising himself, his ministers concerned with problems as they arose, and the leaders of the T.U.L.F. should meet from time to time and seek peaceful means of resolving issues instead of raising these in Parliament on motions against the government by T.U.L.F. M.P.s. This compromise was acceptable to both sides. On that day, 31 August 1981, the President had me as his only guest at lunch with his wife. Mrs Jayewardene showed great interest in the peace exercise, and hoped that the high-level committee would end the feuding. The President himself was determined to sign the Accord. On critical occasions of this kind, I discerned a peculiar mannerism: he would mutter under his breath some important thoughts that were crossing his mind. On this occasion I caught the words: 'Whatever my ministers may have to say, whether they agree with me or not, I will sign the Accord.' What struck me, the outsider, was that he was reluctant to draw on the reservoir of powers vested in him, and that he operated the system as if it were cabinet-type government. Nonetheless, the terms of the Accord were approved by the Cabinet ministers present that same evening. The terms were:

The Leaders of the United National Party and the Tamil United Liberation Front who met under the Chairmanship of His Excellency the President discussed the unfortunate loss to life and damage to property in various parts of the country during the last few months and agreed in order to end racial tension and to restore peace and harmony

(1) to constitute a high-level committee under the Chairmanship of His

Excellency the President. The Committee will in addition comprise the Prime Minister, Ministers and the Leaders of the T.U.L.F. The committee will discuss all questions in dispute with a view to their peaceful resolution;

(2) persuade all political parties to co-operate and contribute to end all forms of violence throughout the country;

(3) in addition to other measures, bend their efforts towards the proper and satisfactory working of the District Development Councils.

(*signed*) J.R. JAYEWARDENE
President of Sri Lanka
31.8.1981

Shortly after the meeting of the Committee, the President's 'policy adviser', the Minister of Trade and Commerce, told me confidentially, much to my dismay, that there was pressure on the government to have a Muslim member of the governing United National Party appointed to each of the Executive Committees of the District Development Councils of Mannar and Vavuniya. I responded that in keeping with democratic principles, the leader of the party commanding a majority in a council had the unfettered discretion of inviting members to serve on executive committees, in the same way that an Executive President or Westminster-style Prime Minister had the right to choose members of a Cabinet. There was no principle that could compel the chairman of a council to include members from the opposition in his executive committee. I doubt whether the Minister had the President's permission to raise the matter, but this incident left me further convinced that the District Development Councils scheme was being 'pushed and pinched' by interested parties. In such circumstances, would it ever succeed?

At a breakfast organised by Bishop Lakshman Wickremasinghe at his family's house in Colombo, I had a long discussion with his elder brother Esmond, a close friend and unofficial senior adviser to the President. I had known Esmond for some thirty years, and could therefore speak freely with him. He told me that the political set-up was foundering, and a crisis point was not far away. There were senior ministers in constant touch with Sirimavo Bandaranaike, to ensure themselves a continuation of power should the ruling party be defeated at the forthcoming general election. On the District Development Councils issue he said he had impressed on the President the need to provide finances to at least the Tamil councils. 'Let them even print notes,' Esmond had added. The rivalry between senior ministers for the succession, Esmond told me, was appalling.

Thereafter I left for Canada on the understanding that I would return

sometime in July 1982. While away I received reports of meetings of the high-level committee. The discussions concerned petty details, while the larger design failed to receive proper attention. When I returned, there had been hardly any improvement in the situation. The T.U.L.F. M.P.s were critical of the government, and of the President in particular. The much-needed finances, a *sine qua non* for the success of the District Development Councils exercise, had not been provided. I kept reminding the President of the urgency of this matter, and that he was almost too late. He agreed to discuss it with his Minister of Finance (Ronnie de Mel), but I heard no more. How often could I warn the President that he was playing with fire and that the Ceylon Tamil areas would soon be aflame? It is probable that like most 'laid-back' Sinhalese élite leaders, he expected that nothing would happen. My warnings to him that a desperate war between the two communities would be fought to the bitter end went unheeded; in fact they were dismissed derisively.

Instead, President Jayewardene's mind kept going off in other directions without addressing itself to the central question. He and his senior ministers were planning how to obtain a system of proportional representation that would provide the maximum advantage to their United National Party. I was disconcerted to find my name being mentioned by a columnist of *The Sun* as the 'constitutional expert' advising the government on the possible methods of achieving this objective. At the same time two or three senior ministers were pressuring the President to have the Constitution amended so as to give the incumbent President the right to stand for election at any time after he had served four of the six years of his term. The ministers were aware that the President's popularity was way ahead of members of his party. Under the Constitution, the party would have to face the general election before the date of the presidential election, and its chances would be enhanced if the President won. The momentum of the President's victory would probably give the party a majority but not one big enough for it to have the necessary leverage to amend the Constitution. While members of his party were banking on the reversal of the election roles, the President, with his customary skill for taking his political enemies by surprise, planned to face the electors in October 1982, win the election and then proceed to a referendum two months later, in December, to have the general election postponed and Parliament extended for a further period of six years.

The sticking point was the T.U.L.F., who had to be persuaded not to contest the presidential election. President Jayewardene's electoral prospects would be seriously undermined if the T.U.L.F. were to present a

candidate. One day Appapillai Amirthalingam was summoned to a meeting with President Jayewardene and Prime Minister Premadasa, who both told him that the support of the T.U.L.F. was crucial for the President to decide whether or not to face a contest. It was hinted that the District Development Councils could take off if President Jayewardene were elected. Amirthalingam's position was that since the T.U.L.F. had not recognised the validity of the new Constitution, it was out of the question for it to contest or take any part in the election. He could not commit his party's support; it would remain neutral. The President found this position acceptable as a basis for him to face the electors. He obtained sizeable sections of the Ceylon Tamil vote in all the provinces except the Northern Province. There the Tamils refused to vote for President Jayewardene for two reasons. First, the barbarity of his army had not been forgotten, and secondly, the open economy had ruined the agricultural incomes of the Ceylon Tamil farmers who together provided a sheet anchor for the Tamil people of the Northern Province. There was no doubt that the T.U.L.F. was the dominant political force in the North and those sections of the Eastern Province where the Ceylon Tamils constituted a majority. The T.U.L.F. campaigned against the planned referendum. Consequently the Tamil vote went against the government in every Ceylon Tamil constituency, including those that had returned Cabinet ministers or were held by Ceylon Tamil ministers who had aligned themselves with the government after being elected as T.U.L.F. members.

President Jayewardene was jubilant. His victory made it clear that he had the support of a sizeable Sinhalese Buddhist vote and the overwhelming majority of the votes of the ethnic minorities. But the victory in the referendum was a different story. Had that been used for constructive nation-building and economic development, the national disaster of July 1983 could have been avoided. Instead it was a signal for the further institutionalisation of the anti-democratic authoritarian state through censorship, more stringent emergency regulations and arbitrary arrests.* The democratic and Marxist opposition were confounded. The only recourse was political violence, which burst like a thunderclap in July 1983 when thirteen Sinhalese soldiers were killed by Tamil militants. A wise foreign diplomat told me that he had written to the President when he read of the proposed referendum that it reminded him of the Weimar Republic in Germany from 1918 till the rise of Hitler. The

*The official *Gazettes* and newspapers of this period provide evidence of the increasing rigours of emergency rule.

conduct of the referendum in December 1982 left much to be desired.[14]

Many of the successes scored by the President up to that time must be attributed to his matchless skill at throwing the apple of discord among his opponents, particularly among the disunited family of his chief opponent, Sirimavo Bandaranaike. At one time her son was in touch with the President. There were disputes in the Sri Lanka Freedom Party over the ownership of its offices and over which warring faction should be given the coveted electoral symbol of the hand. There was none more consummate than the old master in disposing of these matters so as to create confusion in the ranks of the enemy. One senior leader in Sirimavo Bandaranaike's party, Punchi Banda Kalugalle, was persuaded to cross over to the ruling United National Party, and many others followed. Another, Maithripala Senanayake, Sirimavo Bandaranaike's most senior lieutenant, kept pondering whether or not to join the United National Party. He was told he would be welcome provided he crossed over with a sufficient number of his party's M.P.s – a task he failed to accomplish. Gamini Dissanayake promised the President confidently that he would handle my brother-in-law, S.C. Chandrahasan – they are close friends. He failed.

The objective was to fragment and destroy the Opposition. No attempt was made to encourage a constitutional democratic alternative to the ruling party – which could only encourage instead extra-constitutional mass movements. I cautioned the President that he would be confronted with labour unrest, student protest and ethnic revolt. This could end in a combined assault against the government.

I returned again in December 1982 and stayed on till early January 1983. My tasks were twofold. First, I was required to give my opinion on certain proposed constitutional changes. These were inconsequential and certainly not undemocratic. Looking into the technical details presented no problem. I worked with the President's brother, the distinguished lawyer H.W. Jayewardene, Q.C., with whom I had worked earlier on the final draft of the 1978 Constitution. In both exercises he was accommodating, quick to grasp, by no means dogmatic, and mainly concerned to produce structures that were workable. He did not think in terms of party or the preservation of the *status quo*. That was my experience of him. A brilliant young lawyer, Mark Fernando, also worked with me; he too was easy to work with. Still another, J.A.L. Cooray, was unsurpassed in the interpretation of Ceylonese constitutional law and practice, a local A.V. Dicey.

My second task was to handle the T.U.L.F. and the District

Development Council scheme. The President thought that the T.U.L.F. was looking a gift-horse in the mouth, but the T.U.L.F. rightly referred to the scheme as still being an 'empty shell' because the finances had not been provided. Nor had each of the line ministers at Cabinet level determined the quantum of powers they would devolve to the councils. A fair amount of negotiation had to precede the ultimate scheme of devolution, and in this Neelan Tiruchelvam was helpful. His father, the late M. Tiruchelvam, Q.C., had drafted the District Councils bill as Minister of Local Government in the Dudley Senanayake administration of 1965–70, and the patterns were not dissimilar. The ministers and their officials were not too parsimonious in parting with some powers, and thus a scheme acceptable to the T.U.L.F. was available.

The main point at issue concerned the District Minister. Even on this, the T.U.L.F. was daring in the extent to which it was prepared to sympathise with the President's political difficulties. It was for a compromise. The President, they said, should appoint District Ministers acceptable to them; they themselves were willing to participate as District Ministers but not to become part of the Government Parliamentary Group. As a second-best, the President, they said, must appoint District Ministers from his own party with whom they could work. With the political minefield that lay ahead of them, the T.U.L.F. was brave in trying to give the scheme a chance. It wanted 'Peace with honour', and they felt that the councils could make the Tamil areas economically viable. But this attitude was not shared by the President. To the compromise on District Ministers, the President said he preferred to wait till his party had faced the forthcoming local government elections in May 1983; 'let it simmer', he said, referring to the working of the District Development Councils and the T.U.L.F. compromise on the appointment of District Ministers. These words were his perpetual – and fatal – theme-song in answer to my constant importunings that the Councils should be made to work immediately with the active cooperation of the T.U.L.F.

In early January 1983, before I left for Canada, there was a meeting of the high-level committee (in terms of the August 1981 Accord). The President showed interest in the T.U.L.F.'s protest that the constitutional provisions relating to the Tamil language were not being implemented, but Minister Gamini Dissanayake explained that sections of the Sinhalese bureaucracy were sabotaging the implementation of the Tamil language provisions. The President thought that a determined and vigorous minister could enforce the provisions, and asked Amirthalingam

whether his T.U.L.F. could loan the services of the M.P. for Mannar, whom he would appoint as Minister for the Implementation of the Tamil Language. This M.P. was an accountant and a friend of N.G.P. Panditharatne; he could not have accomplished much because of Sinhalese bureaucratic obstruction, but his co-option might have helped the government persuade First World aid donors to provide aid. Amirthalingam's refusal was forthright and he quipped: 'Sir, it is like asking me to loan you my wife for a period of time.' With that response, the strategem to net in the M.P. for Mannar came to grief.

Between January 1983, when I returned to Canada, and July, the situation rapidly deteriorated. The Ceylon Tamil north was in a state near to civil war with assassinations, landmine explosions killing military and other security personnel, and army atrocities against the civil population. Lalith Athulathmudali conjectured that the situation could be contained with little effort, and that paid Ceylon Tamil informers (who, he claimed, would do everything for money) would betray the Tamil militants to the government.

By early July 1983, the situation was out of control. I received a phone call from the President: 'Your country needs you more than ever; please come at the earliest possible date.' I knew it was too late. The Tamil militants had clearly outflanked the T.U.L.F. However, Amirthalingam was still able to hold the middle ground. There had been a spate of assassinations of Ceylon Tamils who were not with the militants. I had my own misgivings. I phoned Amirthalingam and asked him whether it was advisable for me to make the journey, and he said that the President had requested him not to come to Colombo, since he could not guarantee his personal safety. I gathered from this that Amirthalingam himself realised that the situation was beyond repair. Nevertheless I made the journey.

I failed to persuade the T.U.L.F. to return to the negotiating table. Amirthalingam said that the T.U.L.F. would hold its convention in Mannar and that he and his parliamentary group would abide by its decisions. These M.P.s themselves, as well as other party stalwarts, told me that the decision would be to abandon the 'empty shell' of District Development Councils. The T.U.L.F. would be called upon instead to launch a Gandhian type of civil disobedience and non-cooperation campaign.

Shortly before the T.U.L.F. convention, a meeting of the high-level committee was held in the presidential secretariat, attended by some senior government ministers, a high-level civil servant and the Attorney-General. The meeting was purportedly to find ways and means of taking

immediate action to set the District Development Councils exercise in motion. To me it seemed that either the President was powerless to control the meeting and compel the participants to follow the agenda, or alternatively that the chaos in which the meeting ended was pre-planned. A civil servant who was high in the counsels of the government raised a constitutional question: could a District Minister, a member of Parliament, appointed and answerable to the Executive President, constitutionally delegate powers to the chairman of a District Development Council and to the members of the chairman's executive committee? The Attorney-General stated that this was a constitutional matter which needed careful examination and therefore could not be decided at this particular meeting. Chaos ensued and the President could not bring the meeting back to order. The path of compromise had been abandoned.

The Tamil militants were suspicious that the President would entice the T.U.L.F. to adopt his way of thinking. They therefore indicated to me in several ways that I should cease to perform my role. They were convinced that the President had not honoured his undertakings. It was in this context that the Liberation Tigers of Tamil Eelam – a group committed to establishing a sovereign Tamil state, led by an accomplished military commander, Velupillai Prabhakaran – detonated the land-mine which killed thirteen Sinhalese soldiers. There followed the retaliation against the Ceylon Tamils in the Sinhalese provinces, the beginning of the holocaust.

I indicated to the President that it was in his best interest and that of the T.U.L.F. and myself that I return to Canada. On the day of my departure, I spent some three hours with him at his private residence, and he related to me what had happened during the preceding two days, July 22 and 23. He was numbed with horror at the bestiality of the Sinhalese mobs. He had no able ministers to help him, and I had told him on the phone that morning that he had 'a cabinet of school children'. Temperamentally he is given to brooding and introspection, and he was more depressed that day than ever. His open economy and the prosperity it had generated had collapsed. I asked him pointedly why he had let things drift and he replied that the T.U.L.F. had 'not played the game' by him. I did not respond because I knew that this was his perception, no doubt based on misinformation and half-truths provided to him.

The President tended to keep matters of state compartmentalised, and even those closest to him did not know exactly how his mind worked. A relative close to him was unaware of his dealings with the T.U.L.F. and how conciliatory it had been. In my presence this person urged him to launch an all-out war against the Tamils, and blamed the T.U.L.F. for

the pass the country was in. I attempted to explain how cooperative the T.U.L.F. had been. Mrs Jayewardene on the other hand, understood the complexities of the situation, and did what she could to stem the tide.

The ship of state was virtually halted. Unlike in 1958, there was no one like Sir Oliver Goonetilleke to assist the President. The men I met on the evening of my departure at the President's residence struck me as people who imagined that the Ceylon Tamil Resistance could easily be overcome. Four senior ministers came and left; one of them kept worrying the President to speak to the (Sinhalese) nation on television. The same minister wanted him to restrain a leading Ceylon Workers' Congress figure, S. Sellasamy (also a leader of the Indian Tamils), from making statements; he felt that the C.W.C. was getting too troublesome. The President kept brooding, hardly uttering a word in response to the minister. In the end, he made his television appearance on Thursday, 26 July. His words did not discourage the murderous mob from continuing their rampage against the Tamils.

Was the anti-Tamil violence of July 1983 pre-planned? A simple answer is not readily available. The possibilities are that sections of the government were involved. My only evidence of government involvement is a letter I received from a U.S. citizen, unknown to me, who had worked in Sri Lanka in the late 1950s. This was George Immerwahr, a United Nations civil servant, who wrote the following to me on 13 February 1985:

> . . . the most shattering report came from a friend who was a civil servant; he told me that he had himself helped plan the riots at the orders of his superiors. When I heard him say this, I was so shocked I told him I simply couldn't believe him, but he insisted he was telling the truth, and in fact he justified the government's decision to stage the riots. When I heard this, I telephoned an official in our own State Department, and while he declined to discuss the matter, I got the impression that he already knew from our Embassy in Colombo what I was telling him.

A negotiator of the Government of India who was dealing at the time with the situation in Ceylon told me that after his meetings with Ceylonese government leaders, he obtained the impression that they themselves were party to the pogroms against the Tamils. A British academic friend wrote in a letter to me on 25 November 1983:

> I have naturally been thinking of you these recent months. [. . .] and wondering how you were reacting to the horrors in your country. Your letter seems on this point to be amazingly calm and cool but that must only disguise an inward storm. To say that the clock has been 'put back' is very sober; I was inclined to

wonder if the clock had been broken. But I suppose you are, as usual, right – there are no easy alternatives. On the other hand think of Cyprus.

He was right to conclude that 'the clock had been broken'.

NOTES

1. For an analytical description of the 1978 constitution, see A. Jeyaratnam Wilson, *The Gaullist System in Asia: The Constitution of Sri Lanka 1978* (London, 1980).
2. B.K. Nehru, 'Western Democracy and the Third World', *Third World Quarterly*, vol. 1, no. 2 (April 1979) pp. 53–70.
3. See A. Jeyaratnam Wilson, 'The Governor-General and the State of Emergency, May 1958–March 1959', *Ceylon Journal of Historical and Social Studies*, vol. 2, no. 2 (July 1959), pp. 160–81.
4. Lalith Athulathmudali, 'The Elections of 1982' in James Manor (ed.), op. cit., p. 81. Emphasis added.
5. From a manuscript, to be published in due course, sent to me by the author (Obeyesekere) for comments.
6. 'Priya Samarakone' (pseudonym), 'The Conduct of the Referendum' in James Manor (ed.), op. cit., pp. 84–117. See also note 14.
7. *Tribune*, 18 Aug. 1979, p. 12. Emphasis added.
8. See A. Jeyaratnam Wilson, 'Racial Strife in Sri Lanka: The Role of an Intermediary', *Conflict Quarterly*, vol. II, no. 4 (1982), pp. 53–64.
9. 'Note of Reservation by Mr A.C.M. Ameer, Q.C., and Mr M.A. Azeez' in *Report of the Presidential Commission on Development Councils* (Colombo, 1980) pp. 83–95.
10. *Tribune*, 18 Aug. 1979. Emphasis added.
11. K.W. Devanayagam (chairman), *The All Party Conference: Report of Committee B* (Colombo, n.d., probably 1984), p. 5. Emphasis added.
12. *The Economist* (London), 20 Aug. 1983.
13. Virginia A. Leary, *Ethnic Conflict and Violence in Sri Lanka: Report of a Mission to Sri Lanka in July–August 1981 on behalf of the International Commission of Jurists; with a Supplement by the ICJ Staff for the Period 1981–1983* (Genèva, 1983).
14. *Lanka Guardian*, vol. 9, no. 16 (15 Dec. 1986), in a piece entitled 'Poll Commissioner's Bombshell', quoted the following excerpt from the Report of the Commissioner of Elections on the 1982 Referendum: 'In some of the polling stations voters were displaying the marked ballot papers in a continuous manner . . . The displaying of marked ballot papers in this manner surprised and shocked everyone, because in the elections held in the post-1947 period no one had witnessed such a scandalous situation . . . When the secrecy of the vote has been so sacrificed, serious doubts will continue to remain whether the voter exercised the degree of freedom of voting as stipulated in the law.' David Selbourne was equally critical even before the Report of the Commissioner of Elections was published; see his 'The Sri Lankan Elections, Oct.–Dec. 1982', *Electoral Studies*, no. 2 (Aug. 1983). He had gathered data himself to arrive at the same conclusion.

7. India's Role

The late Indian Prime Minister, Mrs Indira Gandhi, had nothing good to say about President Jayewardene.* She had not forgotten or forgiven his undiplomatic references to her at a state banquet given in his honour by Morarji Desai during the relatively short period when he was Prime Minister of India and she was in opposition. In 1979 President Jayewardene sent a special peace mission to Mrs Gandhi which was instructed to tell her that the Jayewardene family had been friends of the Nehrus for the previous forty years and that he would like to maintain these links. This effort made no impression. In 1981 Mrs Gandhi and her son Rajiv happened to be in the same hotel in London as President Jayewardene to attend the wedding of Prince Charles and Lady Diana. Rajiv Gandhi, presumably at the bidding of his mother, visited the President in his suite and the President said to him: 'You can conquer us but you cannot conquer our spirit.' When Mrs Gandhi met Ceylon Tamil expatriates in New York in 1983, she in her turn made contemptuous references to President Jayewardene. She said that she would have ordered the Indian army to invade Ceylon, but had had reservations because of the defencelessness of the Indian plantation workers. It sounded a lame excuse, but it gave encouragement to the expatriate community. She provided V.I.P. treatment to Appapillai Amirthalingam when he chose self-exile in India. The President complained bitterly to a foreign academic of the 'step-motherly' treatment accorded to him by Mrs Gandhi.

To any Sinhalese political leader it should be clear that its neighbour Tamil Nad, with 52 million Tamil inhabitants, is an important factor in the Indian democratic system. Thus any attempt by the Sinhalese majority in Ceylon to organise a pogrom against the Tamils would present a problem to the Government of India. Yet for all that, President Jayewardene and Minister Gamini Dissanayake made public statements threatening the very existence of the Ceylon Tamils if India were to invade. An invasion was not even contemplated at the time. The dire consequences that President Jayewardene and his minister indicated were empty

*In conversations with Tamil leaders, she referred to President Jayewardene and Morarji Desai as the 'two old foxes'.

threats. Romesh Bhandari, who at one stage was in charge of Ceylonese affairs in New Delhi, once told Lalith Athulathmudali when they happened to meet in Oman that if the Ceylon government was looking for a military solution, that could not happen; the inference was that India would not allow it. None the less, after the calamity of July 1983, Mrs Gandhi offered her good offices to help resolve the imbroglio. With the Government of India in the picture, it was obvious that my role as an intermediary was at an end.

Mrs Gandhi appointed G. Parthasarathy, a South Indian Tamil brahmin and chairman of India's Policy Planning Committee, who had cabinet status in her government, as her special envoy to handle the Ceylonese problem. Parthasarathy met President Jayewardene in New Delhi in December 1983, and the two men drew up a document commonly referred to as 'Annexure C', which the President said he would submit for the consideration of an All Parties Conference to be convened in January 1984. The document had its roots in the previous district councils plans but was wider in scope and provided for a more extensive range of powers to the districts or provinces. 'Annexure C' was the best compromise that any Sinhalese government could ever have obtained given the determination of the Tamil militants to seek a military solution which would provide them with a sovereign state. President Jayewardene himself, conscious of the galloping crisis, was favourably disposed to it, and the T.U.L.F. could have sold it without difficulty to the Tamil electorate as 'Mrs Gandhi's solution'. But when the President returned from New Delhi with the document, the only one which could have saved the territorial integrity of Ceylon, his ministers would not accept it.

The All Parties Conference – the President's line of retreat – was convened for 10 January 1984, and only completed its sessions on 14 December 1984. To some extent its work was interrupted by the President's absence from the island on state visits to China, Japan, South Korea, the United States, Britain and India between 19 May and 2 July. While he was in London, he agreed to see me, and we discussed the situation of our native island. He often repeated that 'terrorism' should be wiped out before any progress could be made. How was I to convince him that today's 'terrorists' are tomorrows prime ministers – men like Menachem Begin and Yitzhak Shamir or leaders of recognised liberation organisations such as Yasser Arafat and Nelson Mandela – and that the United States itself countenanced terrorism in circumstances suitable to its national interests?

It was obvious that the situation in Ceylon had affected the President.

The optimism he used to radiate in his moments of elation was no longer to be seen. Instead his tendency to brood often overcame him, and the fact that he was constantly introspective and gloomy was all too noticeable to me who had worked so closely with him. He and Mrs Jayewardene went over with me the dreadful events of 1983–4 for a period of some two hours. The President discussed his thoughts on a second chamber and his plans for provincial councils. My view was that the constitutional problem of chief ministers and members of their executive committees being answerable to Parliament could be met by their being appointed to the second chamber or becoming *ex-officio* members of that body. On the question of merging of provinces, I suggested Indian-style zonal councils. He then asked me to prepare a confidential paper on these matters, which I did. He went through this with me at a second meeting. President Jayewardene is a leader who is highly intelligent and readily takes in concepts which are of political and constitutional use. He told me he thought my ideas were 'useful' and that he would try to fit them into his framework.

At a second meeting, which lasted about an hour and a half, and at which Mrs Jayewardene was present, I strongly advised the President to reach agreement with Mrs Gandhi on a political solution acceptable to his government and the T.U.L.F. The groundwork was already available in Parthasarathy's 'Annexure C'. I impressed on him and Mrs Jayewardene that delay would be fatal, but this did not seem to make an impression. The fact of the matter was that because of the President's long-standing dislike of Mrs Gandhi, he did not like the idea of bending to her will. I also think that he was encouraged in his talks with President Reagan and Mrs Thatcher. Soon after the President's visits, Israeli advisers and South African arms came on the scene, and deals with U.S. arms dealers followed. Already an Israeli Interests Section had been opened within the precincts of the U.S. embassy, shipments of arms from South Africa followed, and ex-S.A.S. mercenaries were supplied by a private firm in Britain. The President told me that he was prepared to disregard the opinion of some prominent Ceylonese Muslim leaders (Dr M.C.M. Kaleel and Badiudin Mahmud were mentioned by name) who opposed the Israeli connection. The President went to New Delhi, had a second meeting with Mrs Gandhi and her advisers, and returned to resume his All Parties Conference, which I believe was designed by the President to wreck 'Annexure C'.

One factor that failed to strike President Jayewardene was that he had no army to speak of. It could be armed, indeed overarmed, and it could

be trained, and ex-S.A.S. mercenaries could attack the civilian population of the Tamil Jaffna peninsula. But the President's army had no will to fight a war. The infantrymen were from peasant families, and the home guards were semi-trained and barely disciplined. The Tamil militants were able to cope with the army and the home guards. Mrs Gandhi would not permit her army, with its capability, to inflict a military solution; it was a non-winnable war. But this was a blind spot in the President's thinking, and thus he forfeited an opportunity to preserve the unity of the country and conclude an honourable peace. He failed to realise that the Tamil rebels were being supplied with arms by (among other suppliers) various Indian governmental organisations.

The Conference, as a political gathering, was one in which *political parties* should have been invited to participate. But instead it gathered together representatives of ethnic and religious groups from the All Ceylon Muslim League, the Council of Muslims, Sinhalese Muslim Associations (as distinct from the Muslim Tamils), the Supreme Council of the *Maha Sangha* (the Buddhist monkhood), the Sri Lanka Buddhist Congress, Hindu organisations, Christian groups and a large group of government ministers. (The presence of the religious groups negated the title *All Parties*, in the originally intended political sense.) To me such an exercise seemed a blueprint for chaos, and a deliberate design to renege from 'Annexure C' – as finally happened. The representatives of non-political organisations were not in the game of politics, and were manipulated; the most stubborn were the Buddhist clergy in their zeal to protect 'the land, the race and the faith'. My own assessment was that the Conference was a delaying device to enable the government to impose a military solution; the much-needed breather was for the arrival of military advisers, military hardware and crack combat mercenaries. In a way it was ironical that the country involved in providing advisers was Israel, to which some Tamil militants looked as their model state, while others had carefully studied Leon Uris's *Exodus*. My firsthand information was that the President distrusted Parthasarathy (because, he said, Parthasarathy maintained contacts with the 'Tamil terrorists') and was determined to go his own way, and that the Conference was designed to wreck his carefully thought-out scheme. The President found Parthasarathy a tough negotiator, and when I suggested to him on the phone that in the common interest Parthasarathy should be invited to visit him, his reaction was hostile.

The report of the Conference displayed contempt for the Tamil participants and the Government of India. The schemes that had been

worked out had only the most superficial resemblance to even the previously proposed legislation on District Councils, and indeed they appeared to be extremely efficient methods of undermining and destabilising the new plan for District Councils.

1. The ruling United National Party proposed 4,500 village-level local bodies (*gramodaya mandalayas*) for an island of 25,000 square miles. They would be voluntary organisations at the *grama sevaka* (i.e. village) level, and would be assigned duties in the villages by the elected authorities (*pradesheeya mandalayas*) – local bodies operating in the 250 areas covered by the Assistant Government Agent. More finances and powers were to be delegated to them by the Centre. The next unit would be Urban Councils and Municipal Councils. The third unit would be directly-elected district councils. This *proposal* was announced by President Jayewardene, as Chairman of the Committee of Leaders of Delegations. This grandiose scheme of local government, a species of grassroots democracy, was a device intended to undermine the integral unity of the District Council. 4,500 *gramodaya mandalayas* and 250 *pradeesheeya mandalayas* are best understood in the context of the political deviousness of the United National Party: the U.N.P. is well-organised and well funded, and the challenge of contesting such a large number of elections was one it could easily have taken up. But their significance lay deeper: (*a*) a few U.N.P. members elected to local bodies in the Tamil areas could have obtained the monopoly of distributing political largesse to schemes in need of funds, and (*b*) these U.N.P. members and even a few U.N.P.-controlled local bodies could have diminished the effectiveness of the larger District Council, which was the principal body for the devolution of legislative and executive powers. This was the principal reason why, when involved in the peace process, I suggested to the President that the proposed rural councils which would have come within the orbit of the District Councils should be abandoned.

2. On 14 December 1984, the Conference Secretariat put out a new document, 'Objects and Reasons of the proposed Legislation', presumably the result of negotiations between the contending Sinhalese political parties and of Indian Government intervention. The document contained a new proposal: to entrench the establishment of the Councils in the Constitution. It said, 'It is proposed to integrate them [the District Councils] into the national system of government and also to ensure that the main institutional framework is not changed by a simple majority.' This was hypocritical, because with 80 per cent of seats in Parliament belonging to the Sinhalese majority, the latter could tamper with this

legislation at any time it liked. It should be recalled that the two major Sinhalese political parties joined in making Sinhalese the only official language.

3. The same document referred to Provincial Councils, to be constituted if the district councils within a Province should resolve to amalgamate, and if such decisions were approved by a majority of the voters in the districts concerned. The District Councils concerned must collectively agree to delegate the same powers to the Provincial Council; no Council could separately delegate its own set of powers, for that could cause confusion. So the document stated: 'Unless there is agreement among the Councils as to the powers to be delegated, the Provincial Council will not come into being.' As to local government, the relevant functions already now exercised by Development Councils would in future be exercised by the proposed 250 *pradesheeya mandalayas*.

4. The Tenth Amendment to the Constitution released in December 1984 took almost all strength away from the proposed Provincial Councils. Chapter XVIIA, Article 154(4) stated: 'A District Council included in a Provincial Council constituted under Article 154(B) may decide, by resolution, to withdraw from such Provincial Council. Every such resolution shall be published in the *Gazette*.' Surely the Muslims in the Tamil areas and the non-Jaffna Tamils of the Tamil areas could at any time be tempted by the baits at the disposal of a ruling party in Colombo to withdraw. The Sinhalese political leadership in charge of the state apparatus has always offered such baits.

5. To add salt to the wound, Section 154(F), Subsections 2 and 3, amply indicated that the minor concessions made by the Sinhalese leadership were devoid of content. According to Subsection 2,

> The President may require a District or Provincial Council to amend and re-present any Ordinance presented to him by such Council under paragraph 1 on the ground that it is inconsistent with Chapter VI (i.e. the Directive Principles of State Policy enunciated in the Constitution). Where a District or Provincial Council amends and re-presents an Ordinance to the President in compliance with a requirement imposed on it by the President, that ordinance shall, for the purpose of paragraph 1, be deemed to have been presented on the date of such re-presentation.

Paragraph 1 stated that ordinances 'shall come into force on the expiration of three months from the date on which it is presented to the President'. But the reference to Chapter VI of the Constitution, headed 'Directive Principles of State Policy and Fundamental Duties', was

something out of the blue. These 'Principles' and 'Duties' are a catch-all statement of guidelines for Parliament, the President and the Cabinet of Ministers. The framers of the peace proposals were taken aback by this provision because in the general working of the Constitution, the Directive Principles served only as a yardstick of *constitutional morality* (Section 29 of the Constitution):

> The provisions of this Chapter *do not* confer or impose legal rights or obligations, and are *not enforceable* in any court or tribunal. No question of inconsistency with such provision shall be raised in any court or tribunal. [Emphasis added]

Thus the President has powers of enforcement in regard to devolutionary legislation that are denied to the judiciary. He is endowed with judicial powers, which is a violation of the separation of powers intended and implied in the Constitution of 1978. The latter contains titled sections on each branch of government; a judicial ruling which had been made earlier in respect of the 1947–72 Constitution stated that the different branches of government were sectioned separately, and this implied a separation of powers.

Worse was to follow. Section 154F(3) of the proposed Tenth Amendment to the Constitution stated:

> The President may, within three months of an Ordinance being presented to him under paragraph 1, disallow that Ordinance. Every Ordinance so disallowed shall be deemed to be rescinded from the date of such disallowance and notification of such disallowance shall be published in the *Gazette*.

The power of disallowance is an old colonial practice, and where it still exists, it has become obsolete through disuse. It has a resemblance to the veto power exercised by the U.S. President, but he operates under a system of checks and balances and his power of veto can be overruled by a two-thirds majority of Congress. In any case, the two systems of government are totally different. The only explanation is that this was a further political deceit.

Finally, the President's Report to the Plenary Sessions of the All Parties Conference contained an important announcement on the subject of 'The Stateless'.

> The *Maha Sangha* [the Buddhist monkhood] has stated as follows in regard to the resolution of the problem of statelessness: We should not have a category of persons who call themselves Indian. This can be easily achieved by sending back those who have to be sent to India as stated in the Sirima-Shastri Pact [of 1964]

and giving citizenship to the rest. Even though the numbers may be a little more, the Supreme *Sangha* Council declares that the Council is not opposed to their being given citizenship in order to arrive at a solution to this problem.*

There were some 94,000 Indian Tamils in this category and it was indeed a political feat to have achieved the consent of the Buddhist clergy. However, the *Sangha* had been hustled into agreeing to this solution. They had been told that the presence in Ceylon of Indian Tamils who were citizens of India could be a pretext for a direct intervention by India to protect her citizens from the murderous Sinhalese mobs. Such a pretext for intervening might be accepted by the international community. This kind of reasoning was effective with the Buddhist clergy!

The Government was anxious to appease Thondaman, the Indian Tamil leader in the cabinet. He had told me that his principal objective in remaining in a government which was so anti-Tamil was because he wanted to ensure the grant of citizenship to the 94,000 Indian Tamils before quitting the cabinet. He had no doubt accomplished the task he had set himself. However, the question is how long it will take the present Sinhalese government or its successors to grant these 94,000 Indians the rights of citizenship. Sabotage and delay from the Sinhalese bureaucracy are both likely. Thondaman raised very pertinent questions at the 28th Convention of his Ceylon Workers' Congress held in September 1984, at which President Jayewardene himself was the chief guest. He asked what good was citizenship if the people concerned were to continue to be exposed to loss of life, employment and property every two or three years. The arrests of numbers of young plantation workers as 'terrorist' suspects was adding to the sense of insecurity on the plantations.

In 1985 came the Thimpu talks in the kingdom of Bhutan arranged by Rajiv Gandhi's special envoy for Ceylon affairs, Romesh Bandhari, who had taken over from G. Parthasarathy, and who appeared more acceptable to the Sinhalese political élites; because he was of North Indian origin, they felt a mythical consanguinity with him.

At the end of the All Parties Conference, President Jayewardene claimed that he had 'discovered' the consensus of the year-long parleys, and then proceeded to have the draft Tenth Amendment to the Constitution prepared. As we have indicated, the entire piece of legislation was

*A Ceylon government immigration officer stated that it would take a month to process thirty applications. The stateless 94,000 would thus have to wait rather a long time before obtaining Sri Lanka citizenship.

meant for consumption by India and by the Sri Lanka Aid Consortium.* Amirthalingam did not rise to the bait. His statement after the Conference included the following:

> In the very first statement we made at the Conference, we indicated that though we were elected on a mandate to work for a separate state, if an acceptable and viable alternative is offered, we were willing to recommend it to our people. [. . .]
>
> We indicated that a solution based on a Tamil linguistic region, consisting of the Northern and Eastern Provinces, granting regional autonomy to the Tamil nation as contained in the proposals placed before this Conference by the Ceylon Workers' Congress may be one we could recommend to the Tamil people.
>
> We also said that the regional body should be empowered to enact laws and exercise thereto on certain specified listed subjects, including the maintenance of internal law and order in the region, the administration of justice, social and economic development, cultural matters and land policy.
>
> A careful study of the provisions of the draft bills placed before the Conference will convince anyone that they fall far short of the regional autonomy indicated above.
>
> When we accepted the scheme of District Development Councils in 1980, it was clearly understood that it was not meant to be an alternative to our demand for a separate state.[1]

In July 1985, the Indian Prime Minister, Rajiv Gandhi, said in a public statement that the Ceylon Tamils should not expect a separate state or a federal state but something similar to what India has. He was trying to shift the debate on the Tamil problem to a constructive plane rather than let the dialogue remain confined to one of protest and counterprotest between the two governments. Another reason for his pronouncement was his concern for the deteriorating situation in Ceylon, where civil war was threatening to envelop the island. On 14 May 1985, the Anuradhapura massacre took place in which 150 Sinhalese civilians were killed. No group claimed responsibility. These civilians were worshipping at the shrine of the world's oldest tree supposed to have been planted there by one of the Emperor Asoka's emissaries.

I was sceptical as to whether the Indian constitutional formula could work as intended in Ceylon. In the *Tamil Times* of July 1985 I wrote a piece entitled 'Why Rajiv Gandhi's Solution for Sri Lanka is

*A group of states, mainly Western but also including Japan, all of which pledged to provide aid to President Jayewardene's pro-west-oriented government.

Unworkable: The Alternative'. The substance of my argument was that President Jayewardene's government was not to be trusted – nor for that matter was any Sinhalese government. India works her political process according to the rules of the parliamentary game. The Ceylonese record, on the other hand, is one of scant respect for parliamentary rules. The alternative, given India's desire for a single Ceylonese entity, is therefore the sovereignty-association model applied by René Levesque in Québec. In such a set-up, currency and communications would be handled by the Colombo government, and foreign policy could be conducted by mutually agreed arrangements.

However the result of Gandhi's pronouncement was that Romesh Bhandari, anxious to end the blood-letting, organised a meeting between the Ceylon government and the Tamil Resistance organisations. He, like his predecessors on Tamil Ceylon and India, had taken the Sinhalese government at its word, presumably believing that it was keen to end the carnage. He was also the (Permanent) Foreign Secretary of the Government of India, and he had too many things in hand. David Selbourne's penetrating views on the Ceylon scenario are perhaps more appropriate at this point:

> It is evident that one of the most difficult points for commentators to grasp – and large numbers of Tamils also – is that the Sinhalese, as I have maintained since I first began to write on Sri Lanka, have no intention whatever of reaching a 'negotiated' settlement with the Tamils. [. . .]
>
> What, then, you may ask, is real in the situation? Three things: the need of Colombo to fill its begging bowl (for alms and arms) at the servants' back door of the Western mansion; the need of Colombo's bankrupt politicians to preserve their skins and their offices, and to keep their hands in the till of the island's exchequer; and, above all, the insatiable urge to *punish* [Selbourne's italics] the Tamils for their past and present 'misconduct'.[2]

Bhandari was new to Ceylonese affairs. His visits to Colombo and his meetings with the President and his Sinhalese colleagues had some impact. The President always puts on a very seductive act. He would surely have struck an answering chord in the minds of the Indian policy-makers when he declared, as he usually does in his opening gambit, that he is a professed Gandhian – notwithstanding the ghastly murders being perpetrated by his army. Neither Bhandari nor his Indian fellow policy-makers, nor for that matter foreign states, are aware of the propensity to violence of members of the Jayewardene government.

Bhandari went about his task in a businesslike way. His peace formula had four phases, to be activated within a clearly defined time-frame.

Phase I was to be effective from June 18 (1985). Essentially it meant lowering the tempo of the war. Phases II and III would last five weeks in all (three weeks in Phase II and two in Phase III), and ensure a virtual ceasefire. Phase IV would set the stage for the final rapprochement – proposals, counter-proposals, compromises and ultimate agreement. These would take place in secret, but if the secret talks showed signs of promise, open discussions between the parties could begin. The political solution must be accomplished within three months from 18 June, the date of the ceasefire.

The four phases agreed upon were not in the end adhered to. Instead, the two parties met at Thimpu on 8 July, a little more than five weeks after the ceasefire, and talks between them lasted till 12 July. For the purpose of the talks, four of the five militant groups – the Liberation Tigers of Tamil Eelam (L.T.T.E.), the Eelam People's Revolutionary Liberation Front (E.P.R.L.F.), the Tamil Eelam Liberation Organisation (T.E.L.O.) and the Eelam Revolutionary Organisation of Students (E.R.O.S.) – loosely banded themselves together in March 1985 as the Eelam National Liberation Front (E.N.L.F.). The People's Liberation Organisation of Tamil Eelam (P.L.O.T. or P.L.O.T.E.) acted on its own. Each of the five organisations sent its 'second eleven' for the talks. The T.U.L.F. was the only civilian political party with no paramilitary pretensions, and was led by Appapillai Amirthalingam, its Secretary-General, assisted by its President, M. Sivasithamparam, and others. The Ceylon government's team was headed by the President's brother H.W. Jayewardene, Q.C., and included G.V.P. Samarasinghe, who held the dual position of Secretary to the Cabinet and Presidential Secretary. H.W. Jayewardene knows little about constitutional law or comparative politics, and indeed there was doubt as to whether the Government was taking the talks seriously because there was not a single Cabinet minister in its delegation. In fact, government ministers were not willing to stick their necks out since some did not wish to get entangled in a sensitive political issue without open support at the presidential level, while others had their eyes on the presidential succession. The E.N.L.F. sent their 'second eleven' because they had nothing but contempt for Sinhalese governments and their record of broken promises. Probably the T.U.L.F. did not set much store by the outcome of the talks, but they had come to a stage where they were reposing a great deal of trust in Rajiv Gandhi. Obviously they did not want to be faulted for not sending their top negotiators.

The Tamil groups put forward four preliminary demands:

1. the Tamils to be recognised as a distinct nationality;
2. the recognition and guarantee of the territorial integrity of the traditional homelands of the Ceylon Tamils;
3. the right of self-determination of the Tamil nation; and
4. recognition of citizenship and fundamental rights of all Tamils who regard Ceylon as their home.[3]

These demands were rejected by H.W. Jayewardene – not, I assume, for fear of any adverse political consequences that might follow for the ruling party, but because he and the whole government delegation were unaware that the words 'nation' and 'nationality' do not necessarily imply statehood. A single state can comprise two nations like Canada or many nationalities like the Soviet Union. The right of self-determination is straightforward and negotiable, and its recognition need not be followed by sovereign statehood. Self-determination could mean that two contending nations agree to parley on equal terms, and the minority nation would not be treated as politically inferior. As for citizenship rights, the question had been disposed of by the Sirima-Shastri Pact of 1964, the legislation that followed during the Dudley Senanayake administration of 1965–70, the Indo-Ceylon agreement of 1974 between Mrs Bandaranaike and Mrs Gandhi during the United Front government of 1970–7 and, under President Jayewardene, by the decision of the All Parties Conference of 1984 to confer citizenship on 94,000 Indian Tamils and their natural increase. The citizenship question was therefore a non-issue. There are still supposed to be some 400,000 Indian Tamils without citizenship rights. Their future (if they really exist) is one that will have to be negotiated by an Indian and Ceylonese government in the future.

The Ceylonese government for its part rode a high horse. Lalith Athulathmudali, a contender for the presidency, laid down pre-conditions for a settlement. The Tamil Liberation organisations should accept without reservations:

(1) the Ceylonese Constitution (it is necessary to ask: which one?* The present Constitution is unlikely to last many more years);

(2) the unitary state structure (already eroded by the many concessions to the Ceylon Tamils made by Ceylonese governments);

(3) the national flag (a subject always open to re-negotiation – the flag was changed by the 1978 Constitution);

*The question is asked with each change of government. What form of words is suitable for the taking of the oath? Swearing allegiance to the Crown is different.

(4) the special status accorded to Buddhism (whether Buddhism is accorded a place or not, this has happened *de facto* since independence in 1948); and

(5) the democratic system (how exactly this is to be defined, and whether it has been respected by the present Ceylon government, can be debated at length).[4] Four of the Tamil militant groups – T.E.L.O., L.T.T.E., E.R.O.S. and E.P.R.L.F. – indignantly dismissed these needless and provocative preconditions, but they need not have given the minister's views serious consideration; President Jayewardene had uttered similar slogans from time to time, but with greater calculation. All this big talk was fodder for the consumption of the Sinhalese electorate.

The other-worldly H.W. Jayewardene was nonplussed by the demands of the Tamil groups. His response was more or less a total rejection when in fact there was ample room for negotiation. He represented the proposals of the All Parties Conference with a few extra frills, but the Conference package was by no means what the Tamil leaders wanted. One way in which the territorial integrity of Ceylon could have been salvaged was stated by Bishop Deogupillai, the respected Roman Catholic Bishop of Jaffna, on 7 August:

> The people want a single province. I doubt the T.U.L.F. and the boys [the local term for the Tamil militants] will accept the kind of provincial administration the government is proposing – separate northern and eastern provinces with the single strategic Trincomalee and Mannar islands as union territories. A single region is the minimum alternative to an independent Tamil Eelam. Even at this late stage, if the government makes Tamil also an official language [as only Sinhalese is] and gives citizenship rights to the Indian Tamils, it will help to defuse the situation. Then they can freely talk about provincial or regional autonomy. But without these two concessions any talk is useless.[5]

There was another voice at this conference, speaking as it were from the grave. It was that of the late S. Kathiravelupillai, a former M.P. for Kopay in the Jaffna Peninsula and also a former Secretary of the F.P. In the concluding statement of his *A Statement on Eelam: Co-existence not Confrontation*[6] (quoted in a different context on p. 90, above), he propounded a solution to the ethnic deadlock:

> The Sinhalese would not really desire to rule over and run an empire over the unwilling Tamils and be guilty of neo-colonialism and aggression. The restoration of the Tamil state by mutual agreement will be a triumph for both people and for human values. On the other hand a confrontation between the two nations can defeat the very security and therefore the existence and identity of

the Sinhalese nation, particularly as foreign intervention in such confrontation will become inevitable. A restored and reconstituted Sinhala state which excludes the Tamil presence is the best guarantee of the existence, identity and security of the Sinhala nation. So also of the Tamil nation. The Sinhalese will cease to have problems of illicit immigration, citizenship, language, religion, competition in employment, trade, industry, higher education etc. In short, the Sinhala ideal of one country, one nation, one language etc. can only be realised in a restored and reconstituted Sinhala state. So also, by the restoration and reconstitution of the Tamil state alone will the Tamil nation survive and preserve its identity and the Tamils secure their 'right to life, liberty and pursuit of happiness' and be masters of their own destiny. *Pancha Sila* or co-existence is thus the only solution to the problem of the two nations in Ceylon. It recognises not merely the facts of two thousand five hundred years of Sinhalese and Tamil history; but also the fundamental right of the Tamil people to self-determination; of Tamil Eelam to separate statehood. It unshackles the two nations and sets them both free.

The ever-optimistic, ebullient Romesh Bhandari (whom I had an opportunity of meeting when I was with an official delegation of Ceylon Tamil expatriates in London) arranged for a resumption of the nearly abandoned talks of Phase I of Thimpu. Phase II began on 12 August with H.W. Jayewardene's rejection of the four pre-conditions set by the Tamil groupings at the talks. H.W. Jayewardene's observation that the E.N.L.F., T.U.L.F. and P.L.O.T. were 'representing the interests of certain Tamil groups' led to debate in the two days following, and ended with Jayewardene acknowledging that the groupings provided 'sufficient' representation for a settlement to be arrived at. He then proceeded to unfold his plans, which *Frontline* accurately described as 'nothing but old proposals being repeated in hardly camouflaged form'.[7] There could be no question of these proposals, which had been rejected earlier by Amirthalingam in an interview with *Frontline*[8] for their lack of 'any genuine autonomy or devolution', providing a starting point for negotiations.

However before any progress could be made on H.W. Jayewardene's standstill posture, news came to the Tamil delegates in Thimpu of a massacre by the army of 200 Tamil civilians in the border town of Vavuniya. On 17 August, the Tamil delegates tabled a statement before a formal walkout where reference was made to the Jayewardene proposals and the Vavuniya massacre. As if to prove that the Tamils had acted correctly, news arrived shortly thereafter that the army had inflicted a similar massacre on Tamil civilians in Trincomalee. The agreed ceasefire had been disregarded.

The attempts of some government leaders in Colombo to sabotage or obfuscate the talks had been successful. H.W. Jayewardene would have carried out the President's instruction (a bogus package never to be implemented), the foremost objective of which was to give India and the Aid Ceylon Consortium of Western donor-states the impression that a serious peace effort was being made. The Government of India, presumably unaware of the treachery emanating from Colombo, was taken aback by the failure and tried to make scapegoats out of Anton Balasingham (who had advised the L.T.T.E. at the Conference), the lawyer, Nadesan Satyendra (who had advised the T.E.L.O.), and my brother-in-law S.C. Chandrahasan. All three were deported, but the orders were revoked when the Tamil Nad Tamil Eelam Supporters Organisation (T.E.S.O.), a coalition of Karunanidhi's D.M.K., the D.K. and the Kamaraj Congress which had been formed several months earlier, staged a massive protest demonstration in the state.

Rajiv Gandhi meanwhile sought to salvage the Thimpu fiasco with the assistance of Romesh Bhandari, despite the latter having his hands full with other foreign policy commitments. The new stage, referred to by some journalists as Thimpu II.5, provided for the Tamil delegates to meet the Indian Prime Minister on 21 August. Only the T.U.L.F. and P.L.O.T. responded; the other Tamil delegates remained in Madras, and the chiefs of the L.T.T.E. (V. Prabhakaran) and T.E.L.O. (Sri Sabaratnam) went underground. However, a 'working paper' was prepared for a fresh start after Thimpu II in consultation between Romesh Bhandari and H.W. Jayewardene. The latter was requested to remain in New Delhi for a while. The stage was set for Thimpu II.5, but the chief of P.L.O.T., Uma Maheswaran, voiced the fears and misgivings of most Tamils when he said:

> We can discuss our problems and fears with the officials and Prime Minister [of India] and we cannot offend them. At the same time we must tell the Prime Minister that in all the talks we have been the losers, and this time we cannot afford to lose. Our rights and interests must be protected. India has a role to play in ensuring the implementation of the accord if and when one is reached.[9]

The Bhandari-Jayewardene 'working paper' which marked Thimpu II.5 was, according to *Frontline*'s special correspondent, 'clearly an advance over the devolution of power proposals presented to the Tamils' at Thimpu I and II.[10] Reportedly the improvements lay in political and constitutional structures, in the unit of devolution, and in a limited increase in the powers to be devolved to the units. The unit was now to be a province and no longer a district. These Provincial Councils would

be constituted by a two-thirds majority of Parliament – a meaningless formula, as we have already pointed out, because over 75 per cent of M.P.s are Sinhalese, and they would unite, whatever their other political differences, over any question of Tamil rights. However, in addition to this provision, which really hangs by a thread (the Sinhalese majority), there could be provision for a committee consisting of all the Tamil-speaking M.P.s, without whose consent, or that of a percentage of its membership, legislation affecting the Tamils could not become law. Such an arrangement would have to be certified by the chairman of the 'Tamil-speaking committee' comprising Tamils and Tamil-speaking Muslims. This would still have respected the Sinhalese fetish for a unitary constitution.

Secondly, the limited but extended legislative and executive powers in the relevant lists were to be conferred by Parliament on the units by simple majority, but from the Tamil point of view this did not provide the necessary security, because Parliament could withdraw the powers alienated by simple majority.

Thirdly, as a dubious concession, the powers to be devolved would include law and order (severely limited by Colombo's overriding powers), land settlement (again limited), agriculture and industry (of no consequence because the amounts to be invested in both sectors would be limited and subject to Colombo's overriding policy guidelines), and education and culture. It was not surprising that the special correspondent of *Frontline* did not think that the powers relating to internal law and order were adequate.

Finally and most important, a report on the 'working paper' submitted by H.W. Jayewardene and Romesh Bhandari was subsequently confirmed in a document dated 30 August 1985, entitled 'Draft Framework of Terms of Accord and Understanding', and initialled by H.W. Jayewardene on behalf of the Ceylon government and by an official of the Government of India. The Ceylon government made the point that since India had initialled the document it had binding force, which would seem to have indicated either ignorance of international law or an attempt to coerce the Indian government into enforcing an instrument which had been rejected by the Tamil groups.

In addition, there was an attachment to the 'Draft Framework', called Annex 2, under the heading 'Subjects and Functions that should be exclusively reserved by the [Colombo] Government'. There was no reference in this document to the division of powers in the proposed Tenth Amendment to the Constitution; it seemed to have been intro-

duced by sleight of hand. The first line of Section 1.1 of this Annex stated that 'National Policy on all subjects and functions . . . should be exclusively reserved by the [Colombo] Government.' The proposed Tenth Amendment to the Constitution had not contained separate lists for the centre, for the units and for a concurrent list, and the acceptance of these lists would therefore have been tantamount to buying a pig in a poke. The 'Draft Framework' was more specific. Its Annex 1 contained the list of powers that the units could exercise, which more or less resembled the dyarchical exercise contained in the Government of India Act of 1919. Basically the powers handed out were small, and even then were subject to the Colombo government's countervailing supervision. This was a caricature of devolution. But with 'national policy on all subjects and functions' reserved exclusively to Colombo, coupled with a presidential power to disallow provincial ordinances etc., the proposals of H.W. Jayewardene were worth very little. The Tamil delegations (T.U.L.F. and E.N.L.F.) treated these proposals with contempt.

New Delhi was probably aware of the Sinhalese leadership's stratagem, but had to play the game till all options were exhausted. This was unfortunate, since it thereby became associated with the Ceylon government's inch-by-inch concessions, its pretence of talking peace and observing ceasefires while all the time training and preparing for war, all of which tended to isolate the very friend – Rajiv Gandhi – who had agreed to take on the thankless role of intermediary.

The next kite to be flown was the visit of P. Chidambaram, an Indian Union minister of state with a reputation for hard bargaining, and a delegation in May 1986. The Government of India had good reasons for this move. Given the desire of other powers that it should bring an end to a festering civil war taking place within its sphere of influence, India was anxious to avoid a stalemate. A revival of talks was also important to provide credibility to its role as a mediator which it had been delegated by Washington, London and Moscow.

At the end of the negotiations, a document dated 9 July 1986 called 'Proposals sent to the Government of India by the Government of Sri Lanka based on discussions with the Indian Delegation led by the Hon. P. Chidambaram, Minister of State' was published by the government of Ceylon. It contained a preamble referring to Provincial Councils, instead of District Councils, but there was no reference to the much-demanded merger between the Northern and Eastern Provinces. Instead

it proposed in subsection 2(1), 'Suitable institutional arrangements to provide for the Provincial Councils in the Island, especially in the Northern Province and the Eastern Province, to consult with each other and act in co-ordination on matters of mutual interest and concern'. I had suggested such interlocking devices to the President as a compromise during our negotiations in 1978–83, in response to the late S. Kathiravelupillai's insistence on a North-East merger. The President had then decided that these institutional devices could develop on their own once the exercise had begun to take effect. The President's thinking on the subject had not changed between 1979, a time of relative tranquillity, and 1986, three years after the holocaust against the Tamils in July 1983.

The President, in his statement to the Political Parties' Conference on 25 June 1986,* elaborated the Chidambaram proposals further. These proposals contained references to the local bodies we referred to above – devices which, we repeat, could nibble away at the powers of the Provincial Council. In the elections of 1981 to the District Development Councils, the President had hoped, as he wrote me in a letter, that his party would win a few seats, and presumably the Government's thinking after that time was that its party could still, despite the atrocities committed by the army, have one or two chances here and there. My solution for local authorities within the area of a District Development Council was that these should be a matter for the Council itself; the member of the Council's executive committee who would be in charge of local government affairs would take care of local bodies. The introduction of these local bodies, as per the new proposals, would have enabled them to be used by the government to manipulate minority ethnic groups such as the Muslims to subvert the smooth functioning of the Councils. The Tamils had already stated that they could reach amicable arrangements with the Muslims on autonomy for the Muslim-populated areas in the Tamil unit.

The Chidambaram proposals contained notes on law and order and on land settlements respectively. Law and order is not of any great significance, since in the end the Colombo Government's forces will establish peace and good government. The statistics-laden note on land settlements had little bearing on the demands of the militant organisations,

*A national conference of political parties was summoned by the President at which he would announce the Chidambaram proposals, but not all parties attended the conference. This was a national question and the President only wished parties represented in Parliament to be present. The conference failed because the principal Opposition party, the S.L.F.P., refused to participate.

which sought the restoration of the traditional Tamil homelands. The question of proportions of Sinhalese, Tamils and Muslims in these homelands was irrelevant; this could be disposed of by mutual agreements once the principle was conceded, which is exactly what the Sinhalese governments were seeking to avoid. The latter, as I see it, were engaged in a losing battle, better avoided. Even if they invested the Eastern Province or parts of it, irredentist movements would emerge and demand the return of the lost territories.

The President, in his Address to the Political Parties' Conference on 25 June 1986, appeared moved by a sense of urgency. He elaborated on the Chidambaram proposals, which in turn were an elaboration of the 'Draft Framework and Accord' initialled by his brother H.W. Jayewardene and an official of the Government of India on 30 August 1985. However, he made two pronouncements which had not been referred to in the Chidambaram proposals. First, and this was of much consequence, he stated what his government planned to do, notwithstanding differences between parties and pressure groups; he was not seeking a consensus on the question, as he had done during the All Parties' Conference of 1984.

But what was confusing was that shortly after this declaration, the President made public speeches which indicated the serious divisions within his own Cabinet.* He declared nevertheless that he would have Parliament enact the necessary legislation by 15 August, regardless of objections from any source – i.e. from the T.U.L.F., the Tamil militant groupings or Sinhalese opposition organisations – , but he later reneged on all this when in public speeches he declared that he would not make the promised enactments until all the Tamil militants had laid down their arms. Obviously the President sensed an erosion of his base.

These pronouncements were, however, of no consequence because Section 10(*a*) of the President's address stated:

> Executive power (including all matters in respect of which Provincial Councils have power to enact legislation) shall be delegated to the governor,† and shall be exercised by him either directly or through officers subordinate to him.

There was no purpose in a Provincial Council enacting ordinances on

*There were 'doves' and 'hawks' in the cabinet. However, ministers made their views known in public speeches and press statements, and the President did not seem able to exercise control, or order ministers to observe collective responsibility.

†Each province would have a governor appointed by the President. The governor would be the President's agent in each province and carry out his directives.

subjects devolved to it or to a functioning chief minister and a board of ministers, if the executive power was to be vested in a governor and in officers subordinate to him. In a meaningful devolved system the governor, as in the Indian Union, would have to act on the advice of the chief minister. He could have discretionary and/or a reserve of powers, the quantum of which was open to negotiation, but if he and his subordinate officers were to be empowered to execute or decline to execute provincial ordinances, he would then have powers of veto, and the activities of a democratically-constituted Provincial Council in the legislative sphere would have no relevance.

The President's excuse, as he expressed it to me when I was involved in the peace process, was that there would be District Development Councils which would return majorities hostile to the ruling party. (The question of executive power did not come up then because it was agreed that an acceptable District Minister would work with the Tamil District Development Councils.) It was therefore necessary to have an overseeing District Minister as the President's agent controlling the activities of Provincial Councils opposed to the government. The President was convinced that the Tamil District Development Councils would concentrate on economic development with a view to providing employment for the educated youth in their areas. However, after the July 1983 holocaust, the District Development Council concept had advanced to a different plane with the illusion that provinces and not districts would be endowed with a measure of real autonomy. But the principle of autonomy was nullified by the executive power of possible veto vested in a governor. The distinction between the executive and legislative powers had obviously been made by the President and his legal and constitutional advisers with the political purpose of keeping the Tamil councils reined in.

However, the distinction was unreal and presumably meant to confuse the democratic states interested in the peace process in Ceylon. There was always the possibility that the executive and legislative authorities might be mutually opposed and not in alliance – in which event the President, if confronted with a hostile majority, 'can either carry out the wishes of the legislative majority as defined by the cabinet of ministers. Or he can revert to the role of a constitutional head of state.' President Jayewardene had indicated to me that this was the 'Catch-22 question' in the 1978 Constitution. On an earlier occasion he had said that he would revert to being a constitutional head of state, and one of his senior ministers indicated to me that in the event of opposed

majorities, the executive and legislative authorities would have to 'learn to share power'. I did not agree with either view; my conjecture was that the ruling majority in Parliament would force the President to resign. There is provision in the 1978 Constitution for Parliament to elect a President in that event. Or if, for example, President Jayewardene's opponent, Hector Kobbekaduwe, had won the presidential election in October 1982, the evidence indicated that on his confirmation in office he would have dissolved Parliament.

However, there were other constitutional methods of handling contradictory executive and legislative situations. The U.S. President, the chief executive in a country which observes the separation of powers, is compelled on occasions to execute decisions of a Congress with which he may not be in agreement. He would have to do this even if the country did not have a federal system. It is therefore a false premise to contend that since the Ceylonese President is also the chief executive, his authority must prevail. The Swiss executive implements the will of the legislature even if it is at odds with the legislature, and Ceylon's own Donoughmore Constitution (1931–47) obliged ministers to execute those decisions of their executive committees with which they were not in agreement. Thus there was nothing unusual in a Ceylonese situation where the executive and legislative authorities were not in agreement.

The obvious way to design a parallel between the governor of a province and an executive President was to provide for the province to *elect* the governor, as in the United States. The governor would then appoint a chief minister and a board of ministers on the chief minister's advice. Harmonious co-existence between the governor and the chief minister and his board would then be possible. If the majorities were by chance contradictory, it could still be possible to work out a framework of political cohabitation such as existed in France between the Socialist President François Mitterand and his Conservative Prime Minister Jacques Chirac after the parliamentary election of 1985. Furthermore, as already indicated, the President's address to the Political Parties Conference stated, in Annex 2, that 'national policy on all subjects and functions' was exclusively reserved to the Colombo government. There was no reference to this in the published Chidambaram proposals, but to reserve such an all-encompassing power to Colombo would make nonsense of autonomy and devolution. Thus, if a hardline Sinhalese Buddhist government decided that it was national policy to provide all instruction in higher education in the Sinhalese language, the Tamil Provincial Councils would have no option but to obey.

Even these attenuated Provincial Councils which turned the exercise into a farce met with opposition from Sirimavo Bandaranaike and her Sri Lanka Freedom Party, which coalesced with an assortment of militant Sinhalese Buddhist groups opposed to what they alleged was an attempt to divide the land which belonged to 'the race and the faith'. The new coalition, which called itself the National Front, was formed on 9 August 1985, and Mrs Bandaranaike gave it a boost by making common cause with its objectives and bringing her Sri Lanka Freedom Party into it. The immediate demand of the Front was that the Thimpu talks should be postponed, or alternatively that there should be a referendum on their results in order – as in the late nineteenth century and throughout the twentieth – to 'protect country, race and religion'. Old organisations such as the All Ceylon Buddhist Congress and the Buddhist Theosophical Society, as well as an organisation named the *Sinhala Bala Mandalaya* (S.B.M. – it means Circle of Sinhalese Force/Authority)[11] and a collection of Sinhalese Buddhist militant groups, joined the National Front.

The S.B.M. was founded in 1982, with the Reverend Madihe Pannasiha (notorious for his anti-Tamil pronouncements[12]) as its religious patron and the Reverend Madoluvave Sobhita as chairman. The S.B.M. wishes to have a lion only on the national flag, and the stripes which represent the Muslims and the Tamils eliminated. It greets its members with the salutation '*Sinhala Jatiya Jayaveva*' ('Victory to the Sinhalese race') or with 'Hail to the Sinhalese race'. The S.B.M. comprises twenty-two Buddhist organisations, and accordingly is judged by outsiders to be important because of the skill of its leaders and its international connections.

The National Front insisted that all political parties should arrive at a 'broad Sinhala consensus' as a prerequisite for any deal or agreement with the Tamils, the argument being that the Sinhalese political position would consequently be considerably strengthened. In the latter part of 1986, the National Front became wider and more broadbased under the name 'Movement for the Defence of the Nation' (M.D.N.), also referred to as the Movement for the Defence of the Motherland (M.D.M.). Once again it had as its central figure Sirimavo Bandaranaike, and the support of her Sri Lanka Freedom Party and a variety of Sinhalese nationalist organisations. It also had the powerful backing of the Chief Prelate of the Asgiriya Chapter in Kandy and many members of the Buddhist monkhood (the *Sangha*). The Chief Prelate seemed to have no conception of nationalist Tamil opinion, since in discussions with Sirimavo Bandaranaike he attributed the current troubles with the Tamils to the open

economy of President Jayewardene's government. Under Sirimavo Bandaranaike's partially closed economy, the Tamil farmers of the Jaffna peninsula, he said, were financially better off and got better prices for their produce! Thus they had not needed Provincial Councils during Mrs Bandaranaike's regime.

The M.D.N. made a fervent appeal to all M.P.s to place nation and religion before party, and therefore to vote against the proposed Provincial Bill. It contended that President Jayewardene's peace proposals were 'too much of a concession [to the Tamils] in the eyes of a great many Sinhalese'.[13] Hence in October 1986 the Jayewardene government, apprehensive of extra-legal pressure being brought to bear on its M.P.s, had Parliament enact an amendment to the Special Presidential Commissions of Inquiry Act; in the words of Lalith Athulathmudali, Minister of National Security, this was to 'protect and strengthen the rights and privileges of M.P.s'.[14] There was the fear that agitators would urge people to 'surround the homes of M.P.s'[15] to prevent them from attending Parliament to cast their votes if and when the Provincial Councils Bill was taken up for debate. The amendment would add another ground for the imposition of a civic disability on the recommendation of a Presidential Commission. Sirimavo Bandaranaike, the focal point in the M.D.N., would necessarily be an immediate target and would risk forfeiting her civic rights for a further period of time.

The T.U.L.F.'s response to the Chidambaram proposals was reflected in the memo it submitted to Rajiv Gandhi on 1 December 1985, specifically on the subjects of law and order, on a single unified Tamil homeland comprising the Northern and Eastern provinces, and, more important, on the Ceylon government's policy on land settlement schemes. The T.U.L.F. memo also incorporated its own concept on the question of a separate state, the Tamil state of Eelam. It was, in a certain way, a response to President Jayewardene's proposals after the conclusion of the All Parties Conference in December 1984 and the 'Draft Framework of Terms of Accord and Understanding' of 30 August 1985. The T.U.L.F.'s proposals offered the best compromise possible over the question of a separate state. The crux of the matter was the one-unit Tamil homeland and land settlement policies.

The Ceylon government had introduced two new concepts: 'National Settlement Schemes' and the 'National Ethnic Ratio' regarding the distribution of land in the Tamil Northern and Eastern provinces. The sum effect would have been a further influx of Sinhalese colonists and the erosion of the demographic composition of the Tamil and

Muslim populations (both Tamil-speaking, and constituting about 65 per cent of the total) in the Eastern Province. The T.U.L.F. made the following contention in its memo to Rajiv Gandhi:

> Throughout the long history of the issue of colonisation the expression 'National Settlement Schemes' and the element of the 'National Ethnic Ratio' were never in usage. On the contrary, though not implemented, what was accepted was the principle of preference for Tamil-speaking persons in respect of land in the Northern and Eastern Provinces. [. . .] The implementation of this concept through whatever formula would in effect mean all land for the Sinhalese in the rest of the country and the 'National Ethnic Ratio', or at best some slight improvement thereon, in the Northern and Eastern Provinces. This is just not acceptable. [. . .] The Central Minister will have no powers in respect of a devolved subject, within the territorial limits of a state . . . There will be no reserved powers on the subject of land.[16]

This was the stalemate predicted by Romesh Bhandari at the time of his meeting with Lalith Athulathmudali, the Minister of National Security, in Oman.

The militant Eelam National Liberation Front (E.N.L.F.) – which, as we have seen, comprised four of the five main guerrilla groups – was inflexible and determined on its demand for a separate state. The memo it sent to the Indian Prime Minister in November 1985 included the following:

> The total negation of the very concept of a homeland of the Eelam Tamils and the proposed bifurcation aimed at undermining its territorial integrity and contiguity . . . clearly demonstrates the incapacity and the unwillingness of the J.R. Jayewardene regime to resolve the nationality problem in Sri Lanka.[17]

The E.N.L.F. indicated its determination to achieve its ultimate goal by stating that it viewed all the proposals of the Ceylon government as only an interim solution, and that even the argument posed to it that 'by joining the mainstream of the "democratic process" embodied in the existing constitutional framework, we could further our struggle in a more effective and peaceful manner . . . we do not see . . . as a viable option.'[18]

Sirimavo Bandaranaike led a delegation to President Jayewardene on 25 June 1986, after which she wrote the President a letter protesting against his efforts to meet the Tamil demands. We have dealt with her specious arguments earlier.

The Ceylon government made an amateurish attempt to establish

direct negotiations with the Tamil militants, in particular V. Prabhakaran's Liberation Tigers of Tamil Eelam (L.T.T.E.), the best trained and disciplined and most efficient Tamil fighting force. On a visit to the S.A.A.R.C. (South Asian Association of Regional Cooperation) meeting in Bangalore in November 1986, President Jayewardene expressed a willingness to meet Prabhakaran, and it was rumoured that he was willing to offer this highly effective military commander, virtually a Fidel Castro of the Tamil people, the chief ministership of the Northern Province Provincial Council. However, Prabhakaran declined to meet him. As he had often stated, his objective is ultimately a sovereign state for the Tamils – an all-or-nothing proposition. Later, President Jayewardene's government nominated its Minister of Parliamentary Affairs, Vincent Perera, to meet Prabhakaran's military commander in the Jaffna peninsula, but the mission was foredoomed because neither the L.T.T.E. nor the people of Jaffna were prepared to forgive the President for the cruelties inflicted on the Tamils by the army.

At the November 1986 S.A.A.R.C., President Jayewardene informed the Indian Prime Minister that he might consider 'trifurcating' the Eastern Province. Trincomalee would be deemed a Sinhalese district, although it has a majority of Tamils and Tamil-speaking Muslims. Batticaloa with its Tamil majority would be declared a Tamil district, and Amparai, where there is a large concentration of Muslims, a Muslim district. Thus if Trincomalee were declared a Sinhalese district, the Northern Province and the parts of the Eastern Province where the Tamils are in a majority would not be physically contiguous. Yet Trincomalee district has the largest grouping of Tamil-speaking people!

The last set of proposals on the negotiating table was referred to as the 'December 19 [1986] proposals', also as the 'Amparai proposals'. Under this scheme, the Amparai district in the Eastern Province, with its sizeable Sinhalese population, would be excised from that province and tacked on to the adjoining Uva Province. The new Eastern Province would thus have a population of Tamils and Tamil-speaking Muslims. There were suggestions that Muslim-speaking organisations should make their views on the subject known to New Delhi. One suggestion was that there should be rotating Tamil and Muslim chief ministers. However, there was no proposal to merge the two units – this being a basic Tamil demand. The matter went into abeyance after the Indian government decided to suspend its mediatory offices in protest against the wanton air bombing of civilians by hired mercenaries.

India wishes to be recognised as the major power in the South Asian region, and the Indo-Soviet Friendship Treaty of August 1971 was in a sense an acknowledgement of this role. The United States and Britain have both recognised India as the mediating power in the Ceylon imbroglio. The Indian journal *News Today* reported that 'U.S. policy is one of encouraging India and Sri Lanka to work jointly for a peaceful settlement.'[19] It also stated that 'the U.S.S.R. has also taken the stand that India should be in the picture and that the problem could be solved only through a political dialogue with the Tamils.' General Vernon Walters, according to *The Hindu*, stated that the United States wished for 'a solution . . . within the framework of a united Sri Lanka'.[20] The British government's attitude has been similar. According to *The Tamil Eelam Refugee Diary* (Madras), the British Foreign Secretary Sir Geoffrey Howe expressed the desire that the Sri Lanka government should make an urgent attempt to work out a reconciliation with the Tamils.[21] There were reports in the Indian and local press that Mrs Thatcher, the British Prime Minister, expected India to act as mediator in the crisis.

The only discordant note was sounded by the People's Republic of China, where the government has openly supported the government of Ceylon. China is opposed to the creation of a separate Tamil state. The Chinese Foreign Minister, on a visit to Ceylon in late 1984, stated that his country 'totally opposed the division of Sri Lanka and stood for its unity'. President Jayewardene visited Peking not long after his visit to Washington in June 1984, and China has supplied helicopter gunships. A few years earlier, in 1972–83, neither President Jayewardene nor his ministers had a good word to say about China, and, as mentioned above, the Chinese ambassador complained to me in 1979 of being cold-shouldered by his host-government.

Pakistan's position was predictable. President Jayewardene visited General Zia ul-Haq in April 1985, and the visit was reciprocated in December the same year. President Jayewardene raised the issue of Jammu and Kashmir during his visit to Pakistan, by way of a warning to India, and Rajiv Gandhi duly expressed his concern at this.[22] However, the exchange of goodwill paid dividends, since Pakistan has provided training to Ceylonese military personnel. The visit to Washington also proved rewarding. The United States has used Israel as a proxy to provide military aid, in return for the Jayewardene government granting limited diplomatic recognition to the Israeli state. An Israeli interest section has been established in Colombo, and Israeli military advisers have provided training to Ceylonese officers. Israeli secret service agencies, especially

Mossad, are present in the island. The local Muslim leaders have expressed abhorrence, but the President stated, at a meeting of the Working Committee of his party, that he 'did not care' for the views of the Muslims, the majority of whom had voted for his party at all elections since 1977. The United States also used the Republic of South Africa as a proxy, and South Africa shipped arms to Ceylon. However, in his own country's defence President Botha cited Ceylon as a country where the human rights of the Tamils are violated, while the international community pointed the finger of accusation only against South Africa.

The United States derived direct advantages in return for these various services. Its navy was permitted rest and recreation facilities in Ceylon's ports. The giant American aircraft carrier *Kittyhawk* visited Colombo harbour for four days in November 1985 to check on the installations available for large warships. The United States also obtained 1,000 acres of land north of Colombo to establish a Voice of America station, to be the largest of its size outside the United States. India has claimed that this station can broadcast low-frequency messages to U.S. nuclear submarines in the northern Indian Ocean.[23] American involvement in military facilities in Ceylon has had a predictably negative reaction in the Soviet Union. There is an expectation at the time of writing that Mikhail Gorbachev will meet the President in due time. He is reported to have said in a speech at Vladivostok that 'the Tamil problem in Sri Lanka is one of the examples to prove how the contemporary mechanism of imperialist intervention and diktat operates.'[24]

In addition to all this diplomatic activity, the President's brother H.W. Jayewardene was sent soon after the Tamil massacres in July 1983 on a nine-nation tour to India, South Korea, Japan, China, and the A.S.E.A.N. states to 'clarify the Sri Lanka government's position on the problem of the Tamils and obtain from Mrs Gandhi a clarification of India's attitude to the ethnic problems in Sri Lanka'. He added that his 'aim was to achieve a consensus of opinion amongst Asian leaders on the question of a claim of a separate state made by the T.U.L.F. and terrorists'.[25] But he failed to impresss Mrs Gandhi, and Singapore's Foreign Minister condemned Ceylon for its record of violation of human rights soon afterwards. These missions by the President and his brother did not produce the expected effect. At a news conference in Hong Kong, in a remarkable confession, President Jayewardene remarked: 'We haven't been able to get the United States, Britain and India to help us. We have to get help from somewhere. We can't be political waifs.'[26] He added that his government 'would accept help from the Devil himself to

break the back of the terrorists', and admitted that Mossad was among those helping his government.[27]

President Jayewardene's erratic foreign policy has isolated him from many countries. Saudi Arabia has refused to provide any further aid. Iran refused to permit a high-level Ceylonese delegation that was due there in November 1985 to enter the country. Iraq has shown its displeasure, and it is obvious that the Arab states are upset by the Israeli connection. President Jayewardene's transparent attempt to encircle India diplomatically by establishing closer ties with Pakistan, Bangladesh and China is obviously ill-advised. That India disapproves of non-Indian interference in the conflict has been made abundantly clear. Mr Sridath Ramphal, the Commonwealth Secretary-General, invited me in 1984 to join him in a peace and study mission to Sri Lanka along with a distinguished Sinhalese economist working in his Secretariat, Dr Nihal Kappagoda. But some two weeks later he informed me that the Indian High Commission in London had disapproved of this plan. Some Sinhalese in Canada wished a 'neutral power' – such as Canada – to offer its good offices, but again the view was that India would dislike foreign intervention. Thus it is India that is the power to be reckoned with.

The Indian government registered its protest when the President of Israel visited Ceylon on 20 November 1986. The editor of the *Lanka Guardian* reported that India's Minister of State for Foreign Affairs, Natwar Singh, 'conveyed nothing less than the clearest warning that Delhi has yet given to Colombo on the latter's foreign policy course'.[28] In effect Ceylon cannot expect India to be a mediator in the Sinhalese-Tamil conflict while at the same time it acts in a way that is hostile to Indian interests.

After the July 1983 massacres, President Jayewardene accepted Mrs Gandhi's good offices, and indeed at that critical stage the T.U.L.F. would accept no one else as mediator. For Mrs Gandhi the prospect presented an electoral opportunity, since aid to the Ceylon Tamils was bound to win support for her in Tamil Nad at the then forthcoming Indian general election. Mrs Gandhi sent her Foreign Minister to report on the situation in Ceylon just after the holocaust of 23–26 July 1983. The whole economy of the Ceylon Tamils, their stores, their factories, their offices and the residences of professional people were systematically destroyed by Sinhalese hoodlums while the state's security forces encouraged them or looked the other way. Nearly 120,000 Ceylon Tamils fled to South India, and many others fled to countries in the West.

The T.U.L.F. leaders expected Mrs Gandhi to intervene militarily in

Ceylon, emulating the Turkish invasion of northern Cyprus in 1974 – Amirthalingam was positive that there would be such an intervention despite Mrs Gandhi's official disclaimers – but in a statement to the Lok Sabha in August 1983 she unequivocally disappointed such expectations:

> India stands for the *independence, unity and integrity of Sri Lanka*. India does not interfere in the internal affairs of other countries. However, because of the historical, cultural and such other close ties between the peoples of the two countries, particularly between the Tamil community of Sri Lanka and us, India cannot remain unaffected by such events there.[29]

Mrs Gandhi thus sought to convey the view that she was compelled to take note of political opinion in Tamil Nad and that in the circumstances India was prepared to offer 'its good offices in whatever manner' they were needed.

Amirthalingam and the T.U.L.F. leadership had fervently hoped for an Indian military intervention. I met both Amirthalingam and G. Parthasarathy (separately) in New York in October–November 1983. I indicated to Amirthalingam that Indian intervention was more or less impossible, and that I had obtained confirmation of this in the course of discussions with Parthasarathy. Amirthalingam did not accept my views, and said that Mrs Gandhi had assured him that the Indian army was poised for an assault if any further anti-Tamil pogrom took place. She had accorded him several interviews and treated him as if he were the head of state of a neighbouring country. My view was that Mrs Gandhi, aided by her special envoy Parthasarathy, would do everything possible to compel President Jayewardene to deal fairly with the Tamils, but beyond such pressure India would not want to intervene militarily unless something happened that left it no choice. India had an image to preserve, especially in the non-aligned movement.

However, the Indian role was unclear. At various times, to my knowledge, Indian policy-makers had contemplated intervention, and plans had been drawn up to that end. This had given hope to the T.U.L.F. and the leaders of the Tamil militant groups. Whether this was done deliberately in order to mislead the Tamil leaders can only be conjectured, but the result of such aid being offered was that the Tamil leaders placed all their eggs in one basket – the Indian one. Had India not been so forthcoming, the Tamil Resistance would have become internationalised and other resistance organisations and anti-Western states would have offered support to the Tamil movement. But by offering hopes of India's possible military involvement, the Indian

government contained the Tamil movement within the frontiers of India, and pre-empted its becoming involved with other international terrorist organisations. The Research and Analysis Wing of the Indian government (known as R.A.W. the counterpart of the C.I.A. and K.G.B.) was active in promoting this view, and its agents infiltrated the Tamil groups. Apart from obtaining valuable and confidential information, these agents set Tamil groups against one another so as to create a balance and thus prevent any one group from obtaining dominance over the others. R.A.W. succeeded at first, but finally failed to prevent the L.T.T.E. from gaining the upper hand.

As the prospect of Indian intervention began to recede, the T.U.L.F. hoped that India would force President Jayewardene to make the necessary adjustments to enable a federal or confederal structure to be created in Ceylon. The President succeeded in playing a waiting game. Then, in 1984, Mrs Gandhi was assassinated. This was a severe blow to the Tamil Resistance leaders, who had to start all over again with her son Rajiv.

Within Tamil Nad, the most powerful of the Tamil militant groups, the Liberation Tigers of Tamil Eelam (L.T.T.E.) enjoys the patronage of the Chief Minister, M.G. Ramachandran. The second-most influential group, the Tamil Eelam Liberation Organisation (T.E.L.O.), was supported by the leader of the Opposition and potential chief minister, M. Karunanidhi, but the L.T.T.E. has militarily destroyed T.E.L.O., and Karunanidhi is left without a cause to defend, although it is possible that other militant groups will rally behind him. Velupillai Prabhakaran, L.T.T.E.'s leader, has emerged as the dominant figure in Ceylon Tamil politics. To date he refused to compromise over the merger of the Tamil-speaking Northern and Eastern Provinces, but if President Jayewardene were to concede this demand, he would be under pressure to accept a compromise short of the Tamil state.

The vital questions are: will the economy of Ceylon be unable to bear the burden of paying for a civil war? and will Prabhakaran and his L.T.T.E. escalate the civil war and let it envelop hitherto unaffected areas of Ceylon where there are heavy concentrations of Tamils, like the Indian Tamil planatation workers? Both are possibilities, and if either were to happen, Ceylon would cease to be a viable sovereign state. If the second possibility became reality, the government would be rocked to its foundations. There would indeed be mass killings of Tamils, and the question is whether Tamil Nad would remain unaffected and whether New Delhi could continue as a passive onlooker. At some stage India could intervene. Alternatively Prabhakaran would transfer his military

camps to the Tamil-populated Northern and Eastern Provinces and wage his war from within the island. The Ceylon government can ill afford to oppose a disciplined insurrection of such proportions. President Jayewardene is well aware of his options, and he has said publicly that his island state might be divided like Cyprus, or be partitioned with United Nations troops guarding the frontiers of the new states.[30]

Our brief examination of India's attitude towards Ceylon must make it plain that Ceylon cannot afford to adopt a course that will adversely affect India. India has endeavoured to establish itself as the major power in the South Asian region and is backed in this by the Soviet Union. The Indo-Soviet Friendship Treaty of 1971, further confirmed by the visit of Mikhail Gorbachev to New Delhi in January 1987, means that the Soviet Union will render all possible support to India in any war against friends of the United States in the region – such as Pakistan and the People's Republic of China. In 1961, when Prime Minister Sirimavo Bandaranaike was busy crushing the Tamil movement, the late Bishop of Kurunegala (an Anglican diocese in Ceylon), Lakshman Wickremasinghe, mentioned to me that he had cautioned her closest minister and relative, Felix Dias Bandaranaike, of the possibility of Indian intervention if the repression of the Tamils escalated. The latter had responded that Ceylon would in that event seek aid from the People's Republic of China, a possibility which receded when China chose not to intervene in 1972 when Mrs Gandhi attacked Pakistan to help transform East Pakistan into the independent state of Bangladesh.

At the end of 1986 the leader of the Opposition, Sirimavo Bandaranaike's son Anura, stated that if the Chinese army were to have its leave cancelled for a weekend, the ethnic strife in Ceylon would be ended whatever India's role in it might be. We cannot be certain whether there has been a change of circumstances which would make Chinese intervention possible. Such entanglements would also create an international crisis of major proportions in the region. The Chinese President remarked to President Jayewardene in 1986 that he had made a mistake in accepting India's mediatory role, which had resulted in India interfering in Ceylon's internal affairs. The Chinese President's view was that the Ceylon Government should have treated the Tamil question as an internal problem and Indian intervention, especially from Tamil Nad, as an international issue.

With the continuous violation of human rights in Ceylon, we cannot be certain that the international community would have condemned Tamil Nad (although it is a unit of the Indian federation) as a frontline

'state' providing a haven for Ceylon Tamil guerrilla groups. Even if the latter were compelled to leave India, they would transfer their camps to Ceylon itself and the civil war situation would be likely to escalate. In this sense India's role is to prevent civil war enveloping the island and thus destabilising both it and the whole South Asian region. India's indifference to President Jayewardene is in part due to the lack of credibility of himself and his government in Indian official circles. India also clearly disapproves of Ceylon's direct involvement with the West and consequently Ceylon's virtual withdrawal from the non-aligned movement. India therefore seeks to 'Finlandise' Ceylon – to compel it to recognise India as the major power in the region and not adopt hostile stances in its foreign policy.

NOTES

1. *Daily News*, 24 Dec. 1984.
2. *Tamil Times*, Aug. 1985.
3. V. Dharmalingam, 'Tamil Demands at Thimpu' in *Tamil Times*, Sept. 1985; also, for a first-hand account and interpretation see Nadesan Satyendra, 'Thimpu Declaration: The Path of Reason', *Tamil Times*, Feb. 1987.
4. *The Tamil Eelam Refugee Diary*, publication no. 19, 19–25 May 1985, pp. 20–1.
5. As reported in *The Tamil Eelam Refugee Diary*, no. 28, 4–15 Aug. 1985.
6. Shanmuga Pathippakam, Nallur, n.d.
7. *Frontline*, 7–20 Sept. 1985.
8. ibid., 10–23 Aug. 1985.
9. ibid., 7–20 Sept. 1985.
10. ibid.
11. Professor Peter Schalk (University of Uppsala), 'Contemporary Buddhism in Lanka: How a Foreigner Sees It', *Saturday Review*, 6 Dec. 1986.
12. See 'The Lies of Madihe Pannaseeha Mahanayaka Thera', *Tamil Times*, Oct. 1986.
13. Peter Schalk, op. cit.
14. ibid.
15. Mervyn de Silva, 'The Illusions of Power', *Lanka Guardian*, 1 Nov. 1986.
16. *Lanka Guardian*, 15 Sept. 1986.
17. ibid., 15 Dec. 1985.
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19. As quoted in *The Tamil Eelam Refugee Diary*, 22 June 1985.
20. ibid.
21. ibid., 26 Jan. 1985.
22. ibid., 27 Jan.–2 Feb. 1985.
23. ibid., 20–26 Jan. 1985.
24. ibid., 7–13 April 1985.
25. *Lanka Guardian*, 15 Oct. 1985.

26. *Sri Lanka News*, 7 June 1984.
27. *Tamil Times*, June 1984.
28. *Lanka Guardian*, 15 Dec. 1986.
29. *Saturday Review*, 3 Nov. 1984. Emphasis added.
30. Simon Winchester, 'Sri Lanka may become a Cyprus – J.R. [Jayewardene]', *Lanka Guardian*, 15 May 1986.

8. The Future of Ceylon

We have seen how events and developments in the island state in the preceding chapters have opened up the prospect of separation into two sovereign states. There are short-run and long-term implications.

President Jayewardene's little war could, for a while, result in the peace and quiet of the graveyard. But this is open to doubt because of the increasing capabilities of the guerrilla groups and the Sinhalese army's lack of drive. The Minister of National Security, Lalith Athulathmudali, talks flippantly of a 'Biafra-isation' of the Tamil-populated areas and implementation of the 'New Villages' policy used by General Templer in British-ruled Malaya, but he overlooked some important facts. Nigeria was able to reintegrate Biafra into the Nigerian federation, aided by an oil boom, and General Templer succeeded because sections of the Chinese population in Malaya cooperated with the state in defeating the Communist insurgency, whereas the Sinhalese government has mistreated the Tamil civilian population in the Tamil areas.[1] And it must not be forgotten that the British failed in Cyprus,[2] which is a more appropriate example than the 'New Villages' in Malaya. The factor of Tamil Nad as a 'frontline state' cannot be overlooked, nor can the political agitation there, with its consequences for the domestic polity of India. A third short-term possibility is a continuing stalemate, with dangerous consequences for both the Sinhalese and the Tamils. A fourth is a slide into a totalitarian-type authoritarianism: there is already evidence in local newspapers and habeas corpus actions before the courts of numbers of Sinhalese being detained for their defence of civil libertarian and other activities.

A fifth possibility is that of President Jayewardene giving up office after completing his second term as executive president. It is likely that the present government will want to continue on the score that the war against the Tamils must first be won. A battle for the succession is likely to expose the deep fissures that fragment the otherwise superficially united Sinhalese élite community. While the Prime Minister, Ranasinghe Premadasa, would probably be supported by the majority of the Government Parliamentary Group, his rivals exploit the fact that he does not belong to the majority *Goigama* caste, which is at the apex of

the Sinhalese social structure. Lalith Athulathmudali, a low-country *Goigama* Sinhalese Buddhist, enjoys less confidence than formerly. He is anxious to secure some kind of military victory over the Tamil freedom movement. Lalith Athulathmudali's father was a State Councillor in the 1930s, and my father-in-law S.J.V. Chelvanayakam, who was his close friend, regarded the father as a gentleman and never as someone motivated against the Tamils. I do not know how the Kandyan Sinhalese view Lalith Athulathmudali, but I am certain that in the inner sanctum of the prestigious Chief Prelate of the Asgiriya Chapter of Buddhist monks there used to be only one large poster, that of Gamini Dissanayake – who is a Kandyan Sinhalese, as is the Chief Prelate of Asgiriya.

The unknown factor is Sirimavo Bandaranaike who in a free and fair election would win. Like Zulfikar Ali Bhutto, she could well realise her ambition by becoming President, but like Bhutto, who could have worked out several compromises, Sirimavo Bandaranaike preaches 'the race, the land and the faith' and promises to maintain Ceylon one and indivisible. She could well end up presiding over the division of the Ceylonese polity into two sovereign units.

A sixth possibility is an uprising among the Sinhalese who are heartily sick of the debilitating economic consequences of the little war. President Jayewardene is insulated from opinion in the country; his inner cabinet comprises close relatives and a few loyal friends of long standing, none of whom wishes to listen to bad tidings. One of the members of this inner junta, whom I know, enjoys the paternal affection of the President, but is not cognisant of the daily turn of politics. The wisest person in the presidential circle is Mrs Jayewardene, but I am in no position to assess her influence over the President, or over political events in general.

Although in normal times short-term considerations count for much in a new state, the long-term ones are of greater consequence. In this context the Tamils of Ceylon have a formidable ally in Tamil Nad. There is the continuing myth that India will not permit the partitioning of Ceylon, and indeed this may be the honourable intention of Rajiv Gandhi and his government, but what of the longer term? Just as Rajiv Gandhi does not wish to interfere in the internal affairs of the neighbouring island state, neither he nor any foreseeable successor will want to invade it. Yet the Indian government would also not be prepared to compel the state of Eelam to re-join the Sinhalese Buddhist state. When partition does take place, it will be based on a unilateral declaration of independence and not with the consent of India. At the time of writing the Sinhalese army is well-armed and is highly trained by outsiders, but a

rejuvenated Tamil freedom movement, disciplined and well-armed, cannot be ruled out. In the past the Tamil community has united under charismatic leaders such as G.G. Ponnambalam or S.J.V. Chelvanayakam. Unification could occur again either with the emergence of a leader or under an umbrella organisation (such as a United Front or a Congress) or both.

Secondly, we cannot rule out the possibility of a confederal Tamil state emerging in India with special rights, like Quebec and New Brunswick in Canada. 'The land, the race and the faith' would then join this confederal union as two units. On the other hand, if there were a sincere reconciliation between the Sinhalese and Tamils, the island state could remain intact. But this is a remote possibility given the hysterical response of the Sinhalese electors to the appeals on behalf of 'the land, the race and the faith' made by Sinhalese political leaders covering the whole spectrum from extreme left to extreme right.

Thirdly, 'the island, the race and the faith' cannot be permanently an international breadbasket case seeking aid from an Aid Ceylon consortium, nor can the Sinhalese Buddhists, given the political divisions among them, unite in a *jihad*-style war against the Tamils. The Sinhalese no doubt have control of the state apparatus and therefore have greater confidence. They can afford a level of fragmentation which the storm-tossed Tamil community dare not permit themselves.

Fourthly, the possibilities of reconciliation and a 'return to normal' are nil. The lacerations are too deep to be healed. Confidence between the two groups does not exist. The present negotiations and optimistic expectations of a halt to the continuing enmity might provide a brief interlude for an interim armed truce, but this is no substitute for the permanent return to the halcyon days of pre-independence Ceylon. Sooner rather than later, the schisms will return and the island state will again be racked by violent domestic conflict, and we consider the antecedent history to point in this direction. There is no alternative to a new micro-state – for which there are precedents in the international community – and this one could be less of a burden on the comity of nations than most others. The Tamils are more likely to be self-reliant and to make a success of their new state.

President Jayewardene, or any Sinhalese president, is clearly out of his depth. They will be desperately anxious to cajole the militants to end the civil war, but they cannot persuade them to accept a compromise on the Tamil demands, when on the other side there is a total loss of faith by the Tamil leadership in their Sinhalese counterparts. President

Jayewardene and his Sinhalese successors will always be part of Tamil demonology. Why and how did this happen? An immediate answer is the bombings and massacres. The special task force (S.T.F.) which operates in the Eastern Province is reportedly led by ruthless foreign-trained personnel. Amnesty International and correspondents from the foreign press have provided accounts of the brutalities of this force against young Tamil boys in its 'search and destroy' operations. The detention camps and the main camp at Boosa in the south of the island use torture, although Article 4 of the 1978 Constitution states that 'torture is abolished'. Investigaton has so far been resisted.

Community has been set against community in the majority Tamil-speaking Eastern Province in that *agents provocateurs* from among the Sinhalese intelligence personnel have killed Tamil-speaking Muslims and the latter, despite pleadings by their leaders, have sought revenge on the Tamils. Looting, plunder and house-burning have become commonplace. The Sinhalese army is ill-disciplined, and its composition owes much to Sirimavo Bandaranaike and her colleagues when they were in office in 1960–5 and 1970–5, and were alleged to have concentrated their recruiting on a particular caste. President Jayewardene, then in Opposition, accused the permanent secretary to the Ministry of Defence of giving preference to 'our coastal brethren' the *Karava* caste, to which the permanent secretary himself belonged.

At the beginning of my peace mission, at the request of the T.U.L.F., I brought the murder of two Tamil youths by the police to the President's attention, and not wishing to sully the atmosphere, he made inquiries about the deaths. He reported to me that the police had lied to him, and that he had found it difficult to maintain discipline since the majority of personnel in the security forces had been recruited by Sirimavo Bandaranaike's government. But what was disturbing then, and has since received increasing confirmation, was the President's lack of concern; he thought I was being unduly 'soft'. On one occasion he told me that 'politics is a blood sport'. James Manor has written (concerning the early 1950s) of his 'aggressive instinct for the jugular in political quarrels'.[3] I once obtained an inkling of this when the President told me that he would not have been involved in the peace exercise had he obtained office ten years earlier – in the 1960s. I take this to mean that he would have dealt with the Tamil Resistance in a more forceful and violent way than he did ten years later. I do not believe that he ever anticipated that he would meet with stiff Tamil resistance.

Nevertheless in these late years of his long career, it seemed as if

President Jayewardene wished to obtain a place in history. He told Denzil Peiris, formerly editor of *South* magazine, that he had restored more irrigation tanks during his tenure than any other Prime Minister or king of the north-central Sinhalese kingdoms. Likewise, according to Peiris, he also hoped to develop a formula acceptable to the Tamils. President Jayewardene told me that one of the great ambitions of his life was for S. Thondaman, the Indian Tamil leader, and Appapillai Amirthalingam, the Ceylon Tamil leader of the T.U.L.F. to appear on the same platform with him. That opportunity eluded him because of his failure to implement the District Development Councils in the proper spirit. He did not provide the Councils with the necessary finances. In 1984, several months after the massacre of 23 July 1983, Peiris met the President at a reception in London, and urged him, even at that late hour, to finance the Councils. He was amazed at the indifference the President betrayed when he replied: 'Why cannot Amirthalingam wait for some more time till the finances are provided?' The answer also betrays distrust between the two men. It could also mean that the President was not serious in the exercise.

On 24 July 1983, the day after the worst anti-Tamil holocaust, I phoned the President and after discussing one or two urgent matters, asked him why he had let down the T.U.L.F. when their leaders had gone out of their way to honour the undertakings they had provided – something which I, as the intermediary, was certain they had done. The President's answer was unconvincing. My guess is that sycophants in his entourage had supplied him with false and one-sided intelligence. And having attained office ten years too late, he had come to depend on these elements to arm him with vital information.

The T.U.L.F. leaders for their part were disgusted by the President, feeling that they had kept their side of the bargain and been deliberately cheated. One of them wrote to me in this vein. Another said he could not even bear to see the President face to face. Sometime in 1984, G. Parthasarathy was doing what he could to repair the damage. The President was in London. It would have been useful for this T.U.L.F. leader, since he happened to be in the United States, to meet President Jayewardene and seek clarification on some points. When asked, he said he did not wish ever to talk to him again. He felt embittered that the T.U.L.F. had, up till then, given qualified cooperation to Jayewardene, only, as he put it, to be deceived in the end.

President Jayewardene's image among sections of the English-educated Sinhalese élites has not been particularly high. One reason

for this is that the Lake House group of newspapers has given him unfavourable publicity ever since he decided in 1943 to contest the Kelaniya seat against the veteran Reformist, E.W. Perera, and it was for this reason, among others, that it was difficult to find any public figures in the Tamil world willing to trust the President. They remembered too well that he had played a leading role in upsetting the Bandaranaike-Chelvanayakam Pact of 1957. He had undermined the Pact for his own political ends; this, as far as politics went, was fair game, but for the Tamils it was a matter of life and death.

The President had also been distrusted by the Senanayake family, who felt that he wanted to pluck the premiership from their clan. This would have been legitimate, provided it was effected by constitutional means. There was no evidence that he had any other devices in mind; nonetheless he gave the Senanayakes the impression that he lacked reliability. Jayewardene had served his party loyally because he felt that loyalty to party principles was consonant with the way of life in which he believed, and he continued to do so despite the serious problems he had with Dudley Senanayake during the latter's 1965–70 administration. The Prime Minister did not trust him, and took away areas of responsibility from his portfolio – which Jayewardene only learned of in the following day's morning newspapers.

I cannot, with any confidence, define Jayewardene's policy towards the Tamils before the holocaust of 23 July 1983. I know that he was seriously troubled by the random but regular assassinations of security personnel in Tamil north Ceylon during 1981 and 1982, and he was apologetic about the burning of the Jaffna Public Library in 1981. He claimed for a time to be 'depressed and downcast' during this turn of events. His gravest problem was that he did not have a single colleague whom he could trust and with whom he could freely discuss affairs of state. There was a wide age gap between him and his senior ministers. He had been a 'loner', if not a lonely person, since his youth, and politics required gregariousness. He was more the patriarch than a comrade-in-arms. Had his own generation of leading politicians survived with him, he might have been happier, but this had not happened.

President Jayewardene's actions against the Tamils after July 1983 defy straightforward explanation. One of his frequent excuses to me was that he did not want to erode his political base. This political base, which he shared with Sirimavo Bandaranaike, was 'the land, the race and the faith'. During 1978–83, my years as an intermediary, the President successfully kept the Buddhist monks and Buddhist pressure organisations

at bay. But the price of being able to resist them was that he had to reduce the substance of devolution that he had promised to me and the T.U.L.F.

After the events of July 1983, the President appeared to change completely. If one leans towards a charitable interpretation, it can be said that he was trying to protect what remained of his base, and he became engaged in an all-out local war over which he exercised a fair measure of control. He had also to handle the international community, especially the Aid Ceylon consortium. There was in addition the Tamil Nad factor. The members of the government were disunited and given to rivalry over the conduct of the war, and the President placed too great a reliance on Lalith Athulathmudali, the Minister of National Security – whose wings he succeeded only partly in clipping, but not to the extent wished by Athulathmudali's own colleagues. Whatever the methods used to conduct the war and at the same time seek a political settlement, the military solution took precedence. This was the government's fatal miscalculation. The Buddhist monks enjoyed unlimited freedom to dictate policy; they will in the end be responsible for the demise of the state. They have no conception of how the affairs of a modern state are managed.

It makes matters worse that the President's foreign policy exposes Ceylon as an unreliable member of the comity of nations, isolated, treated with indifference by the powers that provide it with advice and assistance, manipulated by the states that supply military aid, and now *actively* 'Finlandised' by India. I asked the President on the phone why, having made use of India's good offices, he had visited Pakistan, to which he tersely replied 'Why shouldn't I?' The idea of a code of honour seemed to be lacking somewhere.

The most disastrous effect is that an island state, which could have been consolidated into a national whole, today constitutes, psychologically and at the grass roots, two separate states. How long it will take for two separate states to take actual shape is not at present known to us. President Jayewardene and his minister Lalith Athulathmudali, by their reckless actions, have virtually presented the Tamil movement with the Tamil state that was always latent but which they have been forced to strive for actively. Yet the Jayewardene government was also the inheritor of the anti-Tamil policies so rigorously pursued by Sirimavo Bandaranaike's United Front government of 1970–7. The state of Eelam today, as the journalist S. Sivanayagam once remarked, is a state of mind. However, the territorial reality will demand a long-drawn-out

civil war which could envelop the whole island.

It has been indicated in earlier chapters that the disintegration of Ceylon began immediately after independence. The 'Ceylonese Cavour', Ceylon's first Prime Minister Don Stephen Senanayake (1947–52), set these forces in motion. The disfranchisement of the Indian Tamils and the settlement of Sinhalese colonists in the traditional Tamil areas gave a powerful impetus to Tamil nationalism. Senanayake did not live to witness the consequences of his political misdemeanours, the last of which was his virtual bequest of the premiership to his son Dudley as if it was something at his personal disposal.[4] In the process he set S.W.R.D. Bandaranaike and Sir John Kotelawala, who were also contenders for the office, against each other. Had Bandaranaike succeeded Don Stephen, some of the historical forces to which he gave leadership might have been mollified, or might not have developed till more composed times.

Neither of Don Stephen's two successors, his son Dudley (1952–3) or nephew Sir John Kotelawala (1953–56), was a state-builder. Rather, they promoted the idea of the *staatsvolk*, of *bhumiputra* (sons of the soil), who by right could enjoy primacy because they belonged to 'the land, the race and the faith'. When S.W.R.D. Bandaranaike (1956–9), the most far-seeing of Ceylon's statesmen, came to office, he was not given an opportunity. The Left (Trotskyists and Communists) plagued the country with frequent strikes, and the Tamils, led by S.J.V. Chelvanayakam, were by this time compelled to resort to extra-constitutional protests. The U.N.P., now experiencing opposition for the first time with considerable frustration, were unable to realise that Bandaranaike and his Sri Lanka Freedom Party should be encouraged to develop into a democratic alternative to itself; instead, they put every obstacle in his way. The Prime Minister gave a further boost to the concept of the Sinhalese Buddhists regarding Ceylon as their home bequeathed to them by the Buddha. He had an unfortunate reputation for seizing at political chances regardless of the consequences. But he understood the complexities of the Tamil problem and might have mitigated later conflicts had he been allowed to implement his policies. At the same time he developed a closer relationship with India by enunciating his concept of dynamic neutralism, an eclectic version of Nehru's non-alignment. This policy kept India at bay, and the Tamil question did not become an issue in Indian politics.

After the Prime Minister's assassination in September 1959, there ensued a short period of confusion which ended in his wife Sirimavo

Bandaranaike winning the July 1960 general election. Her 1960–5 term brought inter-ethnic relations to a nadir. She failed to honour a personal promise she had given Chelvanayakam in April 1960 – the Tamil leaders of the F.P. merely thought that she lacked political understanding. Of her ministers, C.P. de Silva, Minister of Lands and Irrigation, played a baleful role. In April 1960, the Tamil Federal Party supported him as an alternative Prime Minister on the defeat of Dudley Senanayake's minority government of March–April 1960, when he pledged that he would not meddle with the demographic composition of the majority Tamil-populated homelands. However, the Governor-General did not appoint C.P. de Silva as Prime Minister but dissolved Parliament instead. Now as a minister in the 1960–5 government of Sirimavo Bandaranaike, C.P. de Silva designed and implemented policies to undermine the Tamil-speaking majority in the Tamil traditional homelands.

Dudley Senanayake (1965–70) undertook to implement district councils in a modified form similar to those provided for in the Bandaranaike-Chelvanayakam Pact of 1957. A pledge was also given to provide for the official use of the Tamil language in prescribed spheres of administration. The Prime Minister failed to honour his promise on district councils, but kept to his undertaking on the Tamil language. All in all, the Senanayake government did not help alleviate the Tamil problem.

The succeeding Prime Minister, Sirimavo Bandaranaike (1970–7), now head of a coalition of her own Sri Lanka Freedom Party, the Moscow Communist Party and the Trotskyist L.S.S.P., led the Tamils to the point of claiming a separate state in 1976 and taking up arms. Certainly she had no concept of what is needed to manage a multiethnic society, but the responsibility for the disastrous developments has to be shared by the Trotskyists and Communists in her government who, as experienced Marxist-trained politicians, should have known the consequences of their policies.

The actions of the Jayewardene government have brought no credit to the country. The Commissioner of Elections in his Report indicated that the conduct of the referendum to extend the term of Parliament left much to be desired. This is only one aspect of the repression of democracy, but there is also a whole range of legislation which has struck terror, on behalf of the state, into Tamil people, although the legislation was supposed to eradicate so-called Tamil terrorism. The Sinhalese people are now witnessing what a two-edged sword this draconian law-making is; they too have seen what it is to lose life and liberty themselves.

It needed a strong quixotic streak in an Executive President to feel more secure because he carried in his pocket undated letters of resignation from all his party's M.P.s. It hardly needs special powers of intelligence in an experienced figure of authority to realise that a cabal could organise the wholesale withdrawal of these letters of resignation within a very short space of time. Even though recent pronouncements have indicated that these letters would be returned, such an action indicates contempt for democratic procedures.

What of the Tamils, the T.U.L.F. and the militant groups? One group of militants has come out on top by eliminating its rivals. The Liberation Tigers, under Velupillai Prabhakaran's skilled military leadership, have decimated the second-most powerful group, the Tamil Eelam Liberation Organisation (T.E.L.O.), led by Sri Sabaratnam, which had been engaging and harrassing the Sinhalese army. Rivalries resulted in internecine warfare between these two groups. A third, equally strong group, the People's Liberation Organisation of Tamil Eelam (P.L.O.T. or P.L.O.T.E.) under the leadership of Uma Maheswaran, has at the time of writing temporarily suspended its activities in the Tamil areas. Maheswaran had earlier been a surveyor in the Vavuniya district, and is very familiar with the terrain of the Northern Province. A fourth organisation, the Eelam Revolutionary Organisation of Students (E.R.O.S.), was established in 1975 by Rajanayagam in London and V. Balakumar who operates from Madras; it claims to include the largest number of intellectuals and specialises in economic warfare. In an interview with the pro-Tamil journal *Saturday Review* of 17 January 1987, Balakumar spoke perhaps for most Tamils:

> The time has come; India should clearly indicate to the world its definite political stand on the ethnic strife, instead of playing a mediatory role alone. [. . .] In the absence of a definite Indian stand on the ethnic strife there is a strong possibility that negotiations will drag on forever. We cannot forget history. If such a situation tends to develop we cannot but act in our own way.

He added that any solution must take into account the plantation Tamils (of recent Indian origin), and that in addition India would have to underwrite any settlement.

The last of the organisations is the Eelam Peoples' Revolutionary Liberation Front (E.P.R.L.F.), led by K.S. Padmanabha. It was formed in 1981 and comprises radical organisations such as the Revolutionary Fishermen's Front and the Revolutionary Women's Front. All five organisations are free of tradition-bound conservatism. They could have

their caste prejudices, but have united for a common purpose. They are the principal guerrilla organisations, although there are a host of others, at present of little consequence. As I write, Velupillai Prabhakaran's L.T.T.E. is seeking dominance over the other groups. It is inevitable that either a unified leadership or an umbrella organisation will have to emerge to fight the war of national liberation, since the groups cannot afford to feud among themselves in the face of a determined foe which is not too scrupulous about its methods. The most 'glamorous' and tactically dynamic of the groups has been the L.T.T.E., and Velupillai Prabhakaran can claim to be in the 'world class' as a charismatic guerrilla leader.

The majority of the Tamil people were denied representation in Parliament with the enactment of the Sixth Amendment in August 1983. Subsequently, the Jayewardene government realised its blunder and offered to withdraw the amendment as part of a package deal. However, it then stalled and proved itself unreliable in its negotiations with the civilian representatives of the Tamil people. On the one hand it negotiated unsuccessfully with the civilian politicians of the T.U.L.F., and on the other, it tried establishing contact with the militant leaders. In 1983 a representative of President Jayewardene named Subasinghe was holding secret talks with the T.E.L.O. leaders, Thangathurai and Kuttimani, both of whom were in prison, the first for a political bank robbery and the second for a political murder. Both were victims of the murder of Tamil political prisoners in the maximum security gaol at Welikade in the pogrom of July 1983.

In late 1986, the government was allegedly offering the chief ministership of Jaffna to the L.T.T.E. leader, Velupillai Prabhakaran (there is evidence here of confusion since it had already offered a Provincial Council for the Northern Province of which Jaffna is only one part). The voters of Jaffna were evidently not to be given a chance to elect their chief minister themselves! These 'divide and rule' tactics are indicative of the distorted understanding of the Tamil mind of Sinhalese leaders such as Lalith Athulathmudali, who believed that the Tamil Freedom Movement's 'terrorists' could easily be destroyed because of the Tamil man's 'love of cash'. This has yet to happen and perhaps never will.

The T.U.L.F. remains the bulwark of a civilian order that could fast be disappearing. Its three principal leaders – A. Amirthalingam, M. Sivasithamparam and R. Sambanthan (the first and second from constituencies in the Northern Province, the third from a constituency of the Tamils of the Eastern Province, all self-exiled in Madras, Tamil

Nad) – , are sandwiched between the Government of India, which has their interests at heart, and the Sinhalese government to which, despite its chicanery, they are obliged to show a semblance of trust. These three leaders have to depend on the services of intermediaries, but if they had any freedom of action, which at present they do not, it is likely that they would have exposed the Sinhalese government. Having won for their Front every election from the general election of 1977 to the elections to the District Development Councils in 1982 by a more than comfortable majority, they are separated from their constituents by the army's death threats. The most unhappy aspect is that they trusted President Jayewardene up to 1983, only to discover then that they were dealing with a totally unreliable leadership. The T.U.L.F. at no time severed its links with the leaders of the Tamil armed resistance, although the President's simplistic strategy was to divide it from the militants and then destroy both, the former politically and the latter by military action.

The sticking-point at the time of writing is the question of a contiguous Tamil homeland comprising the Northern and Eastern Provinces. The Jayewardene government is inflexible in its insistence that the mixed population of the Eastern Province – Tamils, Muslims and Sinhalese (in that order) – makes a one-unit merger impossible. The fact is that in the East the Sinhalese (colonists) are recent arrivals while the Tamils and Muslims have lived in harmony over the centuries.

At Oxford, England, in February 1986,[5] Neelan Tiruchelvam presented interesting facts on the disputed Eastern Province to which the Jayewardene government is seeking to establish a claim. In 1675 the Dutch Governor van Goens (Sr) confirmed that the Northern and Eastern districts were inhabited by Tamils. At the census of 1827 taken by the British, there were no Sinhalese (who at that time were counted as 'Buddhists') in the Batticaloa district, while there were 19,095 Hindus and 8,288 Moors (Muslims). In the same census, Trincomalee district only contained 250 Buddhists. The Tamils comprised 81.8 per cent and the Muslims 16.9 per cent.

British data indicate that in 1881 there were 5,012 Sinhalese in the Batticaloa district out of a total population of 105,358, or 4.8 per cent of the population. In 1891 the Sinhalese were 5.2 per cent, in 1901 5.2 per cent, in 1911 3.7 per cent, in 1921 4.6 per cent and in 1946, two years before independence, 5.8 per cent. In contrast, the Tamils in 1881 constituted 57.9 per cent, in 1891 56.7 per cent, in 1901 55.0 per cent, in 1911 54.5 per cent, in 1921 53.3 per cent and in 1946 50.3 per cent.

In the Trincomalee district the Sinhalese numbered 4.21 per cent in

1881, 4.3 per cent in 1891, 4.2 per cent in 1901, 3.8 per cent in 1911, 4.4 per cent in 1921 and 15.3 per cent in 1946. The total Sinhalese population here never exceeded 12,000 during the British period. It is equally noteworthy that in 1946, out of 279,000 persons in the whole of the Eastern Province, no more than 23,000 were Sinhalese. The demographic changes took place *after* independence, when the state apparatus came to be controlled by Sinhalese chauvinist politicians and bureaucrats. The multi-purpose river valley scheme in the Amparai district of the Eastern Province, created in 1963, brought in a flood of Sinhalese colonists. By 1981, 157,000 Sinhalese colonists had settled, not as the result of any spontaneous movement of population, but under pressure of various inducements offered by Sinhalese governments. The Tamils and Muslims were not given equal consideration. These Sinhalese colonists now constituted 21.8 per cent of the population. One way out of the problem would be an exchange of populations, but 'the land, the race and the faith' led by sections of the Sinhalese Buddhist clergy, Sirimavo Bandaranaike and the ruling United National Party would not countenance an amicable arrangement of that kind.

Should the Eastern Province be divided into two or three parts to allow the Tamils their one-unit homeland? Such an adjustment can only be temporary. President Jayewardene is right when he says that United Nations troops would have to be called in to guard the borders, but whether member-states will be willing to send peacekeeping forces while the Sinhalese leadership retains its unreasonable stance is another matter. The chances are that an irredentist Tamil movement will take control of the new state of Eelam. Because the Sinhalese are riven in terms of caste, religion, region and politics, Eelam will have a similar relationship to the Sinhalese (in this connection alone) as Israel to its divided Arab neighbours. The people of Eelam will be more united in the pursuit of their goals.

The Government of India has constantly reiterated that it respects Ceylon's territorial integrity. All that this means is that India itself will not invade Ceylon in a Cyprus-style operation, but it does not mean that the Government of India will prevent the emergence of two separate states if the question is decided in an internal civil war. The Indian Government will then not interfere with either of the two new states, if for no other reason than that India would not wish to be branded as an aggressor.

The solution in the short run is therefore one that is internal to the Tamils. External forces outside India cannot act. There are three reasons

for this. India will not brook any foreign intervention (e.g. the failures of Shridath Ramphal, Commonwealth Secretary-General, and Joe Clark, Foreign Minister of Canada). Secondly, the Ceylon Tamil leaders in India, civilian and military, have their hands tied and cannot act unilaterally; in the last resort, they will have to do New Delhi's bidding. And thirdly, the militant groups can use Tamil Nad as their base only for as long as the Tamil Nad government and New Delhi permit. If either government decides that Tamil Nad must cease to be a haven for the activities of the militant groups, the war of national liberation will cease to be conducted from Indian soil. However, the groups involved have put all their eggs in the Indian basket, and thus any settlement in the short run will call for India's mediatory role. And if India decides that 'the land, the race and the faith' are acting reasonably, the protagonists of Eelam will have to close their camps.

From a long-term point of view, the consequences for the Sinhalese are ominous. Tamil nationalism has come to stay, with ethnicity cutting across barriers of region and class. In time to come, the Tamil national identity will be consolidated; there will cease to be differences between the Northern Province, the Eastern Province and the Indian Tamils of the plantation districts, whose separate interests will merge in the face of the Sinhalese racism that threatens all of them. A united confrontation from 2½ million Tamils cannot be militarily contained. If it should happen that the Tamil leadership, civilian and military, were neutralised by their present host-country, India, a newly-emergent Tamil leadership will diversify its fall-back positions. Ceylon will become the hunting-ground of rival powers and external liberation movements.

The long-term politics of India cannot be predicted. A militant New Delhi, or a New Delhi dependent on Tamil Nad, can force a Cyprus-style situation. Further, the internal problems of Ceylon are already in crisis. Thus the increasing rigours of an authoritarian regime in Colombo could well be challenged by the Sinhalese themselves, and not by the Tamils alone. A weak and disintegrating centre in Colombo will set in motion the centrifugal forces of Tamil nationalism. Finally, there is the question of whether the two communities could ever now peacefully co-exist. The statements of dire consequences to the Tamils made by President Jayewardene, some of his ministers, leaders of the Buddhist clergy, Sirimavo Bandaranaike and stalwarts in her Sri Lanka Freedom Party provide evidence of a permanently unsettled state of affairs, and that Ceylon will sooner or later have to become two states. Alternative strategies of constitutional structures to ensure containment of the fierce

enmity between the two communities are no longer viable, since efforts to this end have failed over the last six decades and more.

Why is the Sinhalese-Tamil relationship not viable any more? Discrimination in employment, education and trade; the disfranchisement of whole sections of the Tamil population; Nazi-style repression and killing of Tamils; and the intense, quasi-mystical desire to make 'the land, the race and the faith' the sole proprietors of the island-state – these expose the pretence of negotiation and peaceful settlement of the conflict by the Sinhalese leadership. As Paul Sieghart has written, 'they are apt to think of themselves as belonging to the Aryan 'race' – although, outside the Nazi imagination of half a century ago, there is no such thing.'[6] Nor are the recent pronouncements of their leaders encouraging.

President Jayewardene, in an interview with *India Today* in 1984, said: 'The worst India can do is to invade us. If they invade us, that is the end of the Tamils in this country.'[7] On 28 July 1983, the same President appeared on national television and Paul Sieghart remarked:

> In the course of that address, the President did not see fit to utter one single word of sympathy for the victims of the violence and destruction which he lamented. If his concern was to re-establish communal harmony in the Island whose national unity he was so anxious to preserve by law, that was a misjudgement of monumental proportions: I have yet to meet a single Tamil at any level in Sri Lanka or out of it who does not remind me of this glaring omission at the first opportunity.[8]

Cyril Mathew, Minister of Industries and Scientific Affairs till his dismissal in 1986, stated at the 29th Annual Conference of the United National Party in December 1983: 'Sri Lanka is a Sinhala history and nothing else.'[9] On 5 September 1983, Gamini Dissanayake, Minister of Lands and land Development, had pronounced:

> They [Tamils] are bringing an army from India. It will take 14 hours to come from India. In 14 minutes, the blood of every Tamil in the country can be sacrificed to the land by us.
>
> Who attacked you [Tamils]? Sinhalese. Who protected you? Sinhalese. It is we who can attack you and protect you.[10]

In June 1957 J.R. Jayewardene, then a U.N.P. leader stated:

> The time has come for the whole Sinhala race which has existed for 2,500 years, jealously safeguarding their language and religion, to fight without giving any quarter to save their birthright.[. . .] I will lead the campaign. . . .[11]

Thirty years later, the chickens have come home to roost. The same J.R. Jayewardene in 1986 was full of gloomy forebodings about the future of his 'land, race and faith'; he spoke of its likely partition and had gone beyond the Pact against which he planned to lead his campaign; in his endeavours to make peace with the Tamils, as the journalist Mervyn de Silva remarked, he is acting like 'a daring old man on a flying trapeze', desperately attempting to prevent the disintegration of his island-state.

The alternative is a separate sovereign Tamil state. Its achievement would cost great human suffering, including the loss of many Tamil lives and much Tamil property in Sinhalese areas. Or else, the Tamils will have to undergo slow strangulation, being in the meanwhile an inferior class of citizens, if not a subject people. The question of the viability of micro-states will no doubt be raised, but in the world comity of nations there are many such states, and they survive although they may be dependent on other larger entities. The Tamil state can have a relationship with India. The Tamils themselves have proved that they are quite industrious and enterprising enough in various spheres to be able to maintain a separate state. It is not as if the present Sinhalese state covering the entire island is viable; it relies to a fair extent on Indian Tamil immigrant labour. The withdrawal of this helot labour force would cause it considerable hardship.

On the other hand, two mini-states (Sinhalese and Tamil), or associate statehood or sovereignty-association either with Tamil Nad (which, in effect, means with the Republic of India) or – a very remote possibility – with what is left of 'the land, the race and the faith', is the pattern of the future.

Thus the concept of Ceylon being the birthright of the Sinhalese Buddhists has ended less than forty years after the island obtained its independence from Britain in 1948. The argument of centuries of foreign oppression of the Sinhalese Buddhists – an exaggeration because the whole island was under British occupation only from 1815 to 1948, the Portuguese and the Dutch previously occupying parts of the maritime districts only – and that the Tamils received favoured treatment during Britain's rule cannot be the true reason for the present repression of the Tamil people. The argument that Tamil Nad and its many millions pose a threat to the Sinhalese cannot be an excuse for Sinhalese attempts to take for themselves a disproportionately large share of economic goods and employment. Nor is the view that the Sinhalese language is in danger of destruction as a result of culturally overwhelming forces from Tamil Nad any more convincing.

The real reason therefore lies elsewhere. A people, an élite and a leadership unaccustomed to the exercise of sovereign power (they had not even fought for it like the heroes of the Indian freedom struggle), believed that they could cut corners and use state power to exercise a monopoly of the polity and '*Sinhalise*' it. To an extent they succeeded in misleading and deceiving a trusting Tamil élitist leadership. That Tamil leadership has now been forced to share political power with radical youth from the Tamil community. The latter realised only too well that constitutional agitation and peaceful negotiation encouraged the Sinhalese leadership to pursue their designs of dismembering Tamil political and societal structures. The war of national liberation launched by the Tamil youth served to prove that there was a reservoir of hatred banked up against them by the Sinhalese community. My experience in the mediatory process (1978–83) and as an inside observer of Sinhalese political behaviour (1948–87) has convinced me that the Tamil militant groups now provide an alternative leadership to the Tamil people. In the eyes of the militant sections, the civilian leadership failed in its policies when it resorted to Parliament and negotiations.

The war may take several years for a final decision. The longer it takes, the more likely it is that a separate state will emerge. In the interim it is probable that patchwork compromises will be implemented, with New Delhi acting as the monitoring agent, but this cannot continue for ever. Compromise agreements will, as history has repeatedly shown, not be honoured on a permanent basis. The war will be resumed. The partition of Ceylon is already a fact of history.

Exactly which of the possible outcomes to the present conflict will actually take place it is obviously beyond my ability, or that of any analyst, to predict, and I will not attempt either to do so or to express a preference for any one solution as against others. My purpose has been to offer an explanation of how the situation in the country developed to its present tragic impasse.

NOTES

1. P. Raja Nayagam, *Sri Lanka: Sri Lanka File on Arrest and Detention; Torture and Inhuman Treatment; Arbitrary and Extrajudicial Killings: Also Prevention of Terrorism Act and Human Rights Covenants; Rule by Emergency Law; Inquest Procedures and 'Disposal of Bodies'* (London, 1986); L. Piyadasa, *Sri Lanka: The Holocaust and After* (London, 1984).
2. See John Cloake, *Templer: Tiger of Malaya: The Life of Field-Marshal Sir Gerald*

Templer (London, 1985); more appropriate is Nancy Crawshaw, *The Cyprus Revolt* (London, 1978).

3. In 'Breaching a Precedent: Lord Soulbury in Sri Lanka', *Round Table*, Oct. 1984.
4. Sir John Kotelawala, *An Asian Prime Minister's Story* (London, 1956), chs 9 and 10; also an anonymous pamphlet entitled *How I was led up the Garden Path* (also referred to as *The Premier Stakes*), attributed to Kotelawala (Colombo, 1952).
5. The facts relating to census figures in the Eastern Province are from Neelan Tiruchelvam's Oxford Union presentation, entitled 'Tamil Nationalism in a Multiethnic State', 22 Feb. 1986.
6. Paul Sieghart, op. cit., p. 4.
7. *Sri Lanka: Dear Mr. President, Will You Answer? Some Questions Relating to Discrimination and Violence Against Tamils and Violations of Human Rights in Sri Lanka* (London, 1984), p. 4.
8. Sieghart, op. cit., p. 20.
9. *Sri Lanka: Dear Mr. President, Will You Answer?*, op. cit., p. 2.
10. ibid., p. 3.
11. ibid.

9. Epilogue

After completing the text of this book, I met several foreigners and Ceylonese expatriates who had visited the island and returned abroad. Their view is that a divide between Sinhalese and Tamils has been created and that it is unbridgeable. The examples of enemies making peace as in the aftermath of the Second World War in Asia and Europe cannot apply to the Sinhalese-Tamil war in Ceylon. No Sinhalese military victory could ever be conclusive, because the war could be resumed at any time from Tamil Nad.

What if the Sinhalese obtained temporary military victory? My view is that this will not happen for the very reason just mentioned. Furthermore the quiet of the graveyard can in no way be a substitute for the reconciliation of the Tamils. The Tamil militants will persist in pursuing their objectives, although they will target their attacks sporadically rather than systematically as at present. There is still potential for destruction of what is left of the island. There is also the fact that the Indian Prime Minister, Rajiv Gandhi, warned President Jayewardene not to plan on a successful war against the Tamils; he implied (though he did not say it) that the Tamil Freedom Movement would be supported by Tamil Nad to maintain the military balance in the ethnic conflict.

The vital question, however, is where New Delhi stands in the imbroglio. The Government of India will only act in its own national interests, and not in order to protect and save the Tamils of Ceylon. In this there is continuity in Rajiv Gandhi's policies towards Ceylon from those of his mother and predecessor. The only difference is that Indira Gandhi and President Jayewardene had a personal dislike for each other. Rajiv Gandhi too has recently accused the Ceylonese government of being untrustworthy. Can another Ceylonese President and a different Indian Prime Minister find a way out of the maze?

The leaders of the two states are helplessly in thrall to domestic entanglements. An Indian prime minister must take into account pressures from the millions of Tamils in Tamil Nad who constitute 16 per cent of India's population. And the security angle is important for India, even if New Delhi can resist or control Tamil Nad. Ceylon has become involved with one of the superpowers, the United States, and its proxies. The Ceylonese President, on his side, has derailed the parlia-

mentary process by declaring that he will not hold elections until the Tamil insurrection is quelled. This will take an indefinite length of time, since Ceylon cannot succeed in that venture. At the same time, a left-wing or left-of-centre government, even if it were to bring Ceylon back into the non-aligned fold, would still regard India as a threat to the island's sovereignty.

There is the probability of India breaking up, unless its leaders take positive action to halt the process. Pakistan and the People's Republic of China would have every incentive to promote India's disintegration in a variant of Mountbatten's 'Plan Balkan' of 1947. A balkanised India might, in the short term, mitigate Soviet influence in the region, but it would also mean the end of India as the major regional power in South Asia, with grave consequences for regional and hence for world stability.

How can India prevent the threatening disaster? There have been precedents in the past, and the United Nations has not been able to place obstacles in the path of a sovereign state determined to protect its national interests. The only alternative available to India is to act swiftly before it is surrounded by hostile states seeking to dismantle its territorial integrity. This could result in an arrangement which would accommodate the adjacent areas of Tamil Ceylon as part of India's political system. It might take one of several forms: (*a*) outright annexation of Tamil Ceylon and provision for it being governed as an 'Indian Union Territory', although the Ceylon Tamils, given their high level of education and political consciousness, may however prefer a formal link which would recognise their singular Tamil quintessence; (*b*) Tamil Ceylon, as a unit of the Indian Federation; (*c*) Tamil Ceylon having special status in the Indian federation after the manner of Kashmir; or (*d*) a separate Tamil Eelam which would have a 'sovereignty-association' relationship with New Delhi, as the Parti Québecois demanded for Québec with Ottawa.

President Jayewardene already anticipated these eventualities when he complained that his country could be partitioned and United Nations troops might be summoned to guard the borders between the partitioned areas. However, as has already been mentioned, the President and his minister Gamini Dissanayake are also reported to have declared that 'no Tamil will be alive in Ceylon' if India were to invade the island (Dissanayake has also talked publicly of a 'Hiroshima-style bombing' of the Jaffna peninsula). This, of course, is a symbolic threat, but still not one that can be ignored. Widespread killing of Tamils in Ceylon by the Sinhalese would in any case be a two-edged weapon, since it would very

likely awaken a desire for vengeance among millions of Tamils in Tamil Nad.

The most practical solution therefore is for the Tamils in the Sinhalese areas to be transported to the Tamil areas from Colombo, as was done during the 1958 riots. In this way the Sinhalese could have their territory, their indentity and their religion. The Tamils could escape the calamity of being unwanted people in a Sinhalese Buddhist polity. And India can make certain that its southern flanks are protected from hostile encirclement by designing powers.

The alternative of association between Tamil Ceylon (Tamil Eelam) and the Sinhalese government was available before the civil war brought its harvest of bitterness. The only Tamil civilian political party, the Tamil United Liberation Front, could have negotiated the details of such an arrangement with a Sinhalese government. But the Sinhalese government committed the error of enacting the Sixth Amendment to the Constitution, making it unlawful for any party or person to advocate separation by peaceful methods, thus leading to the explusion of the T.U.L.F. from Parliament. By this action, the Jayewardene government handed over the Tamil political movement to the Tamil militants, and the militants place no credence in the undertakings of Sinhalese political leaders, given their dismal record and the outrages committed by the army. A military confrontation had already been planned by the extreme wing of President Jayewardene's government between 1977 and 1983, to go hand in hand with the expulsion of the T.U.L.F. When I asked the President in 1982 whether he intended to pursue such a path (of proscribing the T.U.L.F.) he replied: 'I turned it over in my mind and dreaded to think of the consequences.' How true – and how tragic, for his vacilliation and his strategy of undermining the T.U.L.F. have resulted in those very consequencs that he sought to avoid.

Concluding Note

While this book was going to press, an agreement was concluded on 29 July 1987 between President Jayewardene and Rajiv Gandhi, Prime Minister of India. Its terms provide, among other things, for recognition of the Northern and Eastern Provinces as areas traditionally inhabited by the Tamil-speaking people; for the devolution of powers to Provincial Councils (in the case of the two Tamil provinces a merger is provided for – however, a referendum within one year of the merger, among the

inhabitants of the Eastern Province where the Sinhalese and Muslims constitute a majority, will determine whether that province will continue as part of the merged unit or form a separate council); and for Tamil and English to be recognised as additional official languages. President Jayewardene, not surprisingly, expressed his confidence that he can win the referendum.

The scheme for the devolution of powers has yet to be clarified. In its present form, it is far from satisfactory since the government of Colombo would have ultimate supervision and control. A system such as the dyarchy that operated under the Government of India Act of 1919, but containing some improvements, is envisaged.

However, the Sinhalese mind is not prepared to accept even this limited framework. And the most critical questions of public sector employment and university education remain unresolved. It is my belief that the agreement will serve only as a temporary respite. There is thus no likelihood of a permanent solution, or of a solution that marks a genuine step towards lasting peace. What I have said in the foregoing text on the question of two states – especially in terms of *historical* time – remains valid.

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independence. A recurring theme in the book is the Sinhalese insistence on a centralised unitary state. This has now nearly collapsed.

The author provides insights into India's stake in the island's affairs both as the major power in South Asia and because of the Tamil minority's ties with the sizeable neighbouring unit of Tamil Nad in the Indian federation. Some clichés in political science have come true, with yesterday's heresies (the demand for federalism by the Tamil Federal Party) becoming today's orthodoxy. Quotations from letters and documents provide evidence of the Tamil leadership's endeavours to seek an accommodation, and the loss of perspective by the Sinhalese élites. The abandonment of constitutional designs to end a soluble internal civil conflict has resulted in cruelties perpetrated by the state. The author ends his analysis with the view that even if the state secures a victory over the forces of the Tamil freedom movement or a patchwork compromise underwritten and monitored by New Delhi, the end-result in the foreseeable future will be two sovereign states.

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