

The search for democratic rights - creating a new order:

A democratic state can exercise sovereign power only so long as it can command loyalty of all its people. To command this general loyalty, it must be capable of representing their general will, which in turn is a consensus that stretches across all its categories of people and incorporates all the nationalities constituting the state. When the general will becomes identified with trivial majorities, with the domination of one nation or category over others, the unity of the peoples within the state gives place to great divisive difference. When simple majorities are used to imperil minorities, the minority nation will exercise its right to self-determination and raise the issue of secession.

A Constitution is a country's fundamental law. It must reflect the socio-political and national reality of a country. Governments must abide by it and nations must prosper because of it. Does the constitution of 1978, even as interpreted and amended since its inception, meet these requirements? It does not - why not?

(1) The 1978 Constitution does not incorporate the most fundamental fact of Sri Lankan reality - that the nation state is constituted of two separate nations (nationalities or communities). The essence of stable and successful polity in Sri Lanka is the recognition of this reality and the provisions of a fundamental constitutional system which incorporates this realities. The present Constitution only notices this as passing aside, as for example, when it makes reference to the religious pre-eminence or the use of language - even here its provisions are discriminatory.

(2) The continuity of the condition of statelessness of the Tamil plantation people, for the two fold reason that as Tamils they are perceived to be the enemies of Sinhala-Buddhist chauvinism and that as workers they are indeed a threat to the Sinhala elite. The condition for the cessation of the general alienation of all of the peoples of Sri Lanka is the cessation of the particular condition of alienation of this most depressed and oppressed community of our people.

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Article 15 of the Universal Declaration of the Human Rights stipulates that:-

- (a) Every one has a right to nationality;
- (b) None shall be arbitrarily deprived of nationality or the right to change the nationality.

The deprivation of the citizenship of the plantation workers is a violation of a fundamental right is arbitrary and racist.

3. The Bonapartist Constitution, the authoritarian structures of power, the systematic assault on democracy, minority rights and trade unionism and the military-police reign of terror carries out for the most radical change.

4. The failure of the neo-capitalist, open-door, imperialist-inspired economic policy for whose protection the new constitution was necessary, the isolation of Sri Lanka from its most important neighbour and the scuttling of the country's non-aligned foreign policy foundations truly mark the present constitution as a gigantic failure.

5. The national question, as indeed the more general condition of wretchedness of the country as a whole, cannot be solved within the frame-work of the 1978 constitution. Firstly, the Tamils demand a most radical re-structuring of the principles of state power, secondly, the nation as a whole and the Tamils in particular as its most oppressed section, demand the right to breathe freely again, the restitution of democracy and the abolition of the present conditions of oppression.

Those who believe that the national question in Sri Lanka can be solved within the framework of the present constitution are the most naive of empiricists.

Sri Lanka is a nation incorporating the most intrinsic duality. It can survive as one nation state only if it can assimilate this intrinsic reality into its modes of practical existence. The duality consists of two peoples with long histories, developed cultures and different languages. Only a political order that recognises this reality and comes to terms with it can form the basis for mutual survival.

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The Tamils are an ancient people and even today a viable community as they were before 1833. They share one of the great cultures of Asia and speak an ancient language which is continuing to thrive. The Tamil people of Sri Lanka have shown themselves capable of unity and action when their survival as a national entity was threatened. It would be a great mistake for Sri Lanka to presume that the settlement of the national question can be achieved on the basis of the subjugation of the Tamil people. No doubt these lessons are not lost on the powers that be in Sri Lanka today. Now is the last chance for a settlement, for otherwise, the morrow will surely witness the dissolution of the nation state.

Thimpu (BHUTAN)  
12th July 1985

SHANKAR (EROS)

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