

THE TAMILS OF SRI LANKA



'a warning.....' - The Guardian



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- To secure justice for minority or majority groups suffering discrimination, by investigating their situation and publicising the facts as widely as possible, to educate and alert public opinion throughout the world.
- To help prevent, through publicity about violations of human rights, such problems from developing into dangerous and destructive conflicts which, when polarised, are very difficult to resolve; and
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THE TAMILS OF SRI LANKA

by Walter Schwarz

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THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from any fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if a man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interest.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

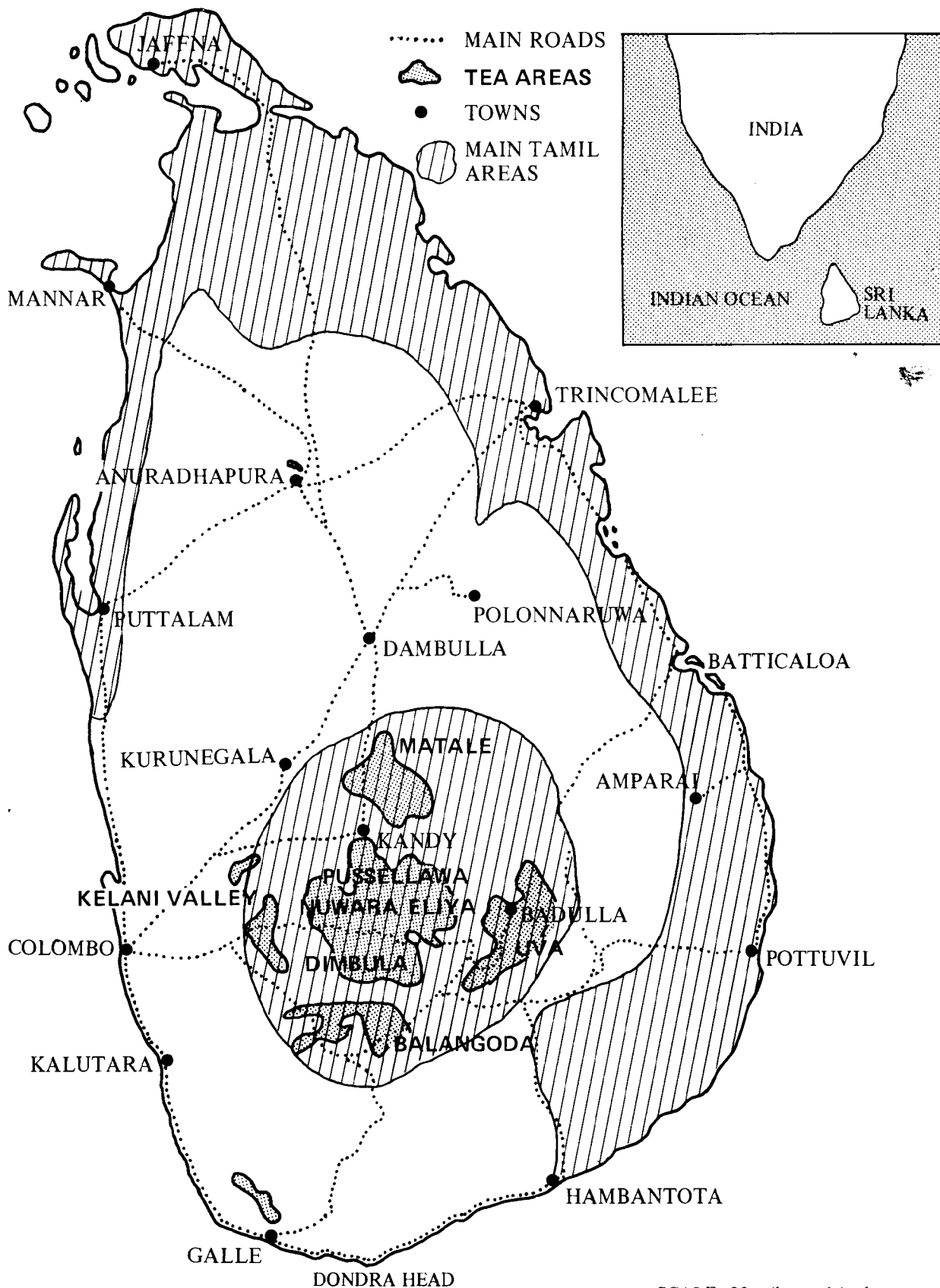
Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

SRI LANKA



THE TAMILS OF SRI-LANKA

by Walter Schwarz

INTRODUCTION

The outbreak of communal violence in 1977 between the Sinhalese majority and the Tamil minority of Sri-Lanka (formerly Ceylon) attracted world attention once more to the ethnic problems of the island. Ironically, and tragically, the riots closely followed the election victory of Mr Junius Jayawardene's United National Party, which was determined to make concessions to the Tamils' aspirations for greater security and equality of educational and economic opportunity.

The result has been that, far from 'solving the Tamil problem once and for all', as one UNP leader had hoped, the new government is faced with a more explosive situation than ever before, in which the Tamil United Liberation Front, now the main parliamentary Opposition after winning the electoral support of the majority of Tamils in the Northern Province, is openly pledged to the division of Sri-Lanka into two separate states. Furthermore, a portion of Tamil youth appears to support underground groups which have begun assassinations of people they consider traitors, and acts of sabotage.

The 2.6 million Tamils of Sri-Lanka, who are about a fifth of the island's population of 12.7 million, form two more or less distinct communities — although recent events have tended to drive them together both physically and emotionally. The 1.2 million plantation workers, known as Indian Tamils, were brought over from India as indentured cheap labour in the last century, and their status has become increasingly uncertain in recent years. The 1.4 million indigenous, or 'Ceylon Tamils', regard themselves as a separate, predominantly Hindu nation, because they have been on the island for at least as long as the Buddhist Sinhalese.

The Ceylon Tamils live and cultivate land mainly in the Northern and Eastern provinces, but they also have a substantial stake in Colombo and other Southern cities. Unlike the Indian Tamils, they are a relatively prosperous and educationally advanced group. But many of their leaders and spokesmen, and many of their youth, feel they have an even bigger national problem than the Indian Tamils. Ever since Sri-Lanka's independence in 1948 they have seen signs that the Sinhalese majority was using its overwhelming parliamentary strength to deprive them of their economic position, destroy their separate national identity and, indeed, make them 'second class citizens'. Many of the Sinhalese, in their turn, have long felt that the Tamils have enjoyed disproportionate educational advantages and consequently 'unfair' prosperity. Moreover, the presence across the narrow straits of some fifty million fellow Tamils in the Indian State of Tamilnadu has given rise to fears that the Buddhist Sinhalese nation might somehow be overwhelmed by a much larger Hindu one.

The Tamils' fears were heightened by the passage of the 1972 republican Constitution, which made 'Sinhala Only' the basis of administration without giving specific status to Tamil, or to Hinduism. This situation created a new sense of unity among the Tamils of both communities and

introduced a new note of extremism — including demands for secession — into the ethnic politics of the island.

Mr Jayawardene's new government in 1978 attempted to remove some of these grievances. It abolished a form of discrimination in university selection known as 'standardization', which had blatantly favoured Sinhalese students, and the new Constitution promulgated in September 1978 for the first time recognized Tamil as a 'national language' alongside Sinhalese, which remained the 'official language'. However, by September 1978 these concessions appeared to have come too late. The Constitution was rejected by the TULF because it made no concessions to regional autonomy, and Front leaders felt there was no guarantee that formal language rights incorporated in the Constitution would be honoured in practice.

* * * *

'The fact that in the towns and villages, in business houses and in boutiques most of the work is in the hands of the 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 ...'

**Mr S W R D Bandaranaike in the
House of Representatives, October 1957**

* * * *

'From all this it would appear that the policy of Government, though not expressly stated, is the relegation of the Tamils to the status of second-class citizens, and the eventual liquidation of the Tamils as a racial minority, and their absorption into the Sinhalese community.'

**Document for the International Commission
of Jurists, prepared by the Ceylon
Institute of National and Tamil Affairs, 1974**

* * * *

'I went to the office of the Government Agent in Colombo in July 1973. In order to find my way to the officer whom I wanted to meet, I saw a board in Sinhala only. I enquired in English from the clerk who was seated behind the counter as to what it said. His reply in Sinhala was "don't you know how to read Sinhala?" I replied in English that I cannot understand what he said. He said in Sinhala: "Go and learn Sinhala and come back." A bystander then told me what the board conveyed.'

**Mr V Manicavasagar, former Supreme Court
Judge, quoted in document by CINTA for
the ICJ, 1974**

* * * *

'Two thousand four hundred and forty-six years ago a colony of Aryans from the city of Sinhapura in Bengal ... sailed in a vessel in search of fresh pastures ... The descendants of the Aryan colonists were called Sinhala after their city, Sinhapura, which was founded by Sinhabahu, the lion-armed king. The lion-armed descendants are the present Sinhalese, in whose veins no savage blood is found. Ethnologically, the Sinhalese are a unique race, inasmuch as they can boast that they have no slave blood in them, and were never conquered by either the pagan Tamils or European vandals who for three centuries devastated the land, destroyed ancient temples, burnt valuable libraries, and nearly annihilated the historic race ... This bright, beautiful island was made into a paradise by the Aryan Sinhalese before its destruction was brought about by the barbaric vandals ...'

**Anagarika Dharmapala,
History of an ancient civilisation, 1902**

* * * *

'From 1948 every child is taught in his or her mother tongue. This resulted in the segregation in schools of the two races, the Sinhalese and the Tamils. Differences of race are ingrained in the Sinhalese child's mind, and even playtime sees them grouping themselves according to race. It is not uncommon for Sinhalese children to speak of Tamil children as "those Demalas", and for Tamil children to speak of the Sinhalese as "Singalavar", both of which are derogatory terms.'

CINTA document for the ICJ, 1974

* * * *

'Our leaders in the past generation thought that a common nationhood had been evolved, but I am sorry to say that the events that have taken place in this country since 1948 more than anything else have demonstrated unmistakably that the two nations continue to live apart, and the only change that has been brought about in the name of freedom is that one nation, the majority nation, has been enthroned in the seat of power and the minority nation has been made a subject nation; and it had been our task in the last two decades or more to try and win back the rights that have been denied to us one after the other.'

Mr A Amirthalingham, leader of the Tamil United Liberation Front, in the debate on the Constitution in the National State Assembly, 3rd August 1978

A CLASSIC MINORITY PROBLEM

After deteriorating for some fifty years, relations between the Sinhalese majority and the Tamil minority in Sri-Lanka have reached a critical point. Until 1975 the demand for a separate state of Tamil Ealam was put forward rather as an extreme form of protest than as deliberate policy. Now it is the platform of the Tamil United Liberation Front, which has become the main Opposition party in parliament. The inter-communal riots of August 1977 followed a pattern of previous upheavals, but for the first time Tamil plantation workers in the South ('Indian Tamils') were among the targets of attack by Sinhalese. This led to an exodus to the North of thousands of families and thereby to a new solidarity between the two Tamil communities.

The riots, in which more than 150 people lost their lives and perhaps 20,000 peoples were made homeless, more than nullified the promise of the change of government in 1977, and of the new constitution, which recognizes Tamil as a national language for the first time. The Constitution also restores the functions of the Supreme Court which had been abrogated in the 1972 Constitution, thereby providing an important additional safeguard for the Tamil minority. Earlier, the abolition of 'standardization', a device for favouring Sinhalese rural peoples and Muslims in university admissions, had ended one of the Tamils' principal grievances.

In the 1972 Republican Constitution, Sinhala had been reaffirmed as the single official language of legislation, the courts and administration, and specific minority safeguards written into previous Constitutions had been omitted. This marked the beginning of a new militancy among the Tamils. Its immediate effect was the birth of the Tamil United Front, comprising the militant Federal Party as well as the traditionally moderate Ceylon Workers Congress, the non-political trade union organization representing the estate workers. This was also the

beginning of the formulation of demands for independence, and youth leaders now began talking of a 'Bangladesh situation'. However most Tamil leaders, especially leaders of the Ceylon Workers Congress, gave only cautious lip-service to the independence idea, and the Bangladesh parallel was inexact. The Tamils of Sri-Lanka have no foreign army to fight for them, and as yet no mass support for secession. But they do have a geographically contiguous separate territory with the possibility of support from Tamils in India from whom they are separated by only twenty-two miles of sea. If political leaders on both sides are unwise enough to allow relations to continue to worsen at the present rate, the escalating terrorism of Northern Ireland or the periodic outbreaks of local violence of Cyprus may one day become more exact parallels. There is also reason to fear a recurrence of inter-communal killing of the kind which lost hundreds of lives in 1956, 1958 and 1977.

The Tamil problem is a classic case of a minority emerging at a heavy disadvantage from the relative impartiality of a colonial regime to the hazards of electioneering and demagogic democracy — a head-count in which they must always lose. The same problem was faced on a much vaster scale by the Moslems of India, and 'solved', if that is the word, by partition (and, 24 years later, by a further partition). The Ibos of Nigeria felt they faced the same problem, even though they had their own federal state from the beginning, and went through an abortive and disastrous war of secession. Decolonisation, where it involves an ethnic or religious minority, presents an insoluble problem. Where the British left a carefully-balanced federal system they have been criticized, as in Nigeria, for a cynical, divide and rule attitude. Where they left a unitary system, as in Sri-Lanka, they have been blamed for naivety, or irresponsibility, or a mixture of the two.

What was perhaps unique in Sri-Lanka's case was the extreme gentility of the transfer of power from the British to the tiny educated minority of English-speaking islanders who thought of themselves as carrying on government in a similar tradition. The system built up in this way was in effect a gentleman's agreement. Sinhalese leaders who stood to inherit a potential monopoly of communal power through the arithmetic of the ballot box, gave assurances, no doubt in all sincerity, that this position would never be abused. The British, and also the Tamils whose interests were vitally affected, accepted the assurances. It was not long before disappointment set in. Lord Soulbury, the main architect of the independence constitution, later attributed his disappointment to the death of the first Prime Minister, Mr D S Senanayake who, according to Soulbury, 'would have scorned the spurious electoral advantages that a less farsighted Sinhalese politician might expect to reap from exploiting the religious, linguistic and cultural differences between the two communities'¹. At the same time, Lord Soulbury thought his Constitution had 'entrenched in it all the protective provisions for minorities that the wit of man could devise'². But later he had to admit: 'Nevertheless — in the light of later happenings — I now think it is a pity that the Commission did not also recommend the entrenchment in the constitution of guarantees of fundamental rights, on the lines enacted in the constitutions of India, Pakistan, Malaya, Nigeria and elsewhere'³. Looking back, the Tamils also feel it was 'a pity' to have left so much on trust and many have now come to share the view of the United Front leader, Mr S J V Chelvanayakam, who told the present writer early in 1975: 'Our fundamental

mistake was not to ask for independence when the British left'. Many more share the original standpoint of Mr Chelvanayakam's Federal Party: regret that the system had not been federal from the outset and a wish even now to change to federalism.

There are two distinct Tamil communities in Sri-Lanka. The 1.4 million indigenous or 'Ceylon' Tamils live mainly in the Northern province, especially in the Jaffna peninsula where they are the overwhelming majority, in the Eastern province where even after deliberate attempts by the government to introduce significant numbers of Sinhalese settlers, they are still about half the population, and in Colombo where they predominate in certain suburbs.

The other community is that of the 1.2 million so-called 'Indian Tamils' – the plantation labourers descended from those imported by the British in the nineteenth and twentieth centuries under the indentured labour system. Traditionally the Indian Tamils have been separate and indeed isolated from the rest, resented because they were introduced by the colonizing power, and regarded as inferior. One of the earliest acts of the independent regime had been to deprive most of the estate labourers and their families of citizenship. This also deprived them of the vote and, at a stroke, removed eight Tamil MPs from parliament. Later, under two agreements with India, 600,000 of them are eventually to be repatriated to India while the rest are gradually to be readmitted to Sri-Lanka citizenship. But the implementation of these agreements is even slower than the 15-year timetable set out in them – and in the end the process seems unlikely to be carried out in full. Meanwhile, sharp deterioration of the conditions of life on the estates, as well as growing inter-communal tensions, may bring the two Tamil communities closer together. That, at any rate, was what the Tamil United Front leaders were hoping for, particularly after migration of Tamils to the North and East during inter-communal riots had started a process of consolidation. On the other hand Government policies, aimed at integration of Tamils into the mainstream by the 'Sinhalaization' of schools on the estates, as well as the gradual implementation of the agreements with India, tended to have the opposite effect. The leaders of the Ceylon Workers Congress had joined the Tamil United Front in 1972 in protest against the Constitution, but did not burn their boats to the extent of embracing 'separation'. Again in 1978 they took a sharply different stand from the TULF by voting for the new Constitution.

Roots of Conflict

Tamil leaders and spokesmen object to being referred to as members of a minority, because they insist they are a nation – as long and well established in Sri-Lanka as the Sinhalese. The facts of the earliest settlement and political history are obscure, and further obscured by myth-making on both sides. But it is beyond dispute that very early in the era of Aryan (Sinhalese) settlement that began in the fifth or sixth century B.C., Dravidians (Tamils) were also present on the island. It is also beyond dispute that when the first European invaders, the Portuguese, arrived in the 16th century A.D., they found quite separate and ancient kingdoms of Tamils in the North and Sinhalese in the

South. The kingdoms remained separate under the Portuguese and the Dutch who succeeded them, and not until the advent of the British in the 19th century were they brought under a single administration. This degree of self-conscious nationalism on the part of the Tamils is relatively new. In the pre-independence period, when leaders of both communities worked together to prepare a new constitution for independence, Tamils tended to see their status as similar to that of the Scots and the Welsh. Their present nationalism has arisen in a very short period in respect to challenge, as has that of some other groups in the contemporary world.

Both Tamils and Sinhalese came from India; indeed in prehistoric times Ceylon was almost certainly physically joined to the Indian mainland. Early traditions refer to indigenous Vaddas, Nagas and Yakkas, and some or all of these may have walked across from the mainland. The foundation of the Sinhalese presence is traditionally attributed to the migration of Aryans from Northern India under the legendary Vijaya in the 6th or 5th century B.C. Reference to settlers of Dravidian stock, the ancestors of the Tamils, are also present from the earliest times and some modern scholars hold that Dravidians were in fact the earliest settlers.

The most important effect of the early history on the minority problem of today is not in the facts but in the myths that surround them, particularly on the Sinhalese side. The central source of early Sinhalese history is the chronicle of a 5th century A.D. Buddhist monk – the *Mahavamsa*. It tells of Vijaya, grandson of a union between an Indian princess and a lion, who landed at Tambapanni on the North-west coast with a band of seven hundred men. Interwoven with this strand of mythology is the related myth, embodied in other chronicles, that the death of the Buddha synchronises with the founding of the Sinhalese race. A Sinhalese writer claimed in the 1950s that: 'for more than two millennia the Sinhalese have been inspired by the ideal that they were a nation brought into being for the definite purpose of carrying the torch lit by the Buddha'⁴. The pervasive idea that the Sinhalese were the chosen guardians of Buddhism, and that Sri-Lanka is a place of special sanctity for the religion, defended in ancient times as in modern against heathen encroachments, has been well likened to Israeli myths. 'To some extent the Tamils are cast in the role of the Philistines, "good" kings being those who, like Dutthagamani, smote the Tamils hip and thigh, and did so, partly at least, with religious motives'⁵. The tradition of identifying Tamils with heathens, invaders and vandals survives and is perpetuated, often unconsciously, in Sinhala schools. In modern times the proximity to northern Sri-Lanka of fifty million fellow-Tamils in South India serves to feed primeval fears and is a latent cause of Sinhalese chauvinism. Over the centuries the Sinhalese kingdoms shifted southwards, perhaps mainly to avoid Tamil invasions in the North, and by the 13th century the capital had moved into the wet zone in the Southwest. Later it was to move to Gampola in the central Southern area. So, when the Portuguese came on the scene, the centres of Tamil and Sinhala life were well separated, with jungle-covered ruins in between. In medieval times the separation of the two, in human terms, was rarely as rigid as tradition suggests and more than one Sinhalese king was in fact a Tamil. But the episodes from the semi-mythological past that are most keenly remembered on both sides are episodes of conflict. Most famous is the battle, related in the *Mahavamsa*, between King

Dutthagamani and the Tamil king Elara. In single combat, Elara 'hurled his dart, Gamani evaded it; he made his own elephant pierce Elara's elephant with its tusks and he hurled his dart at Elara, and this latter fell there, with his elephant'⁶.

Portuguese dominance (1594-1638) introduced the tradition of Christian education which, progressively extended by missionaries in British times, was to plant the seeds of the educated elite, both Sinhalese and Tamil, which dominated the nationalist movement and still dominates the establishment. The Dutch (1638-1796), who ousted the Portuguese, ruled Ceylon purely for commercial gain. Their attempts at conversion were only nominal. They left behind the system of Roman Dutch law and also the ethnic minority known as 'Burghers' – people of mixed parentage mostly belonging to the Dutch Reformed Church. The island's three entities – the Tamil kingdom in the North, the lowland Sinhalese kingdom in the South and the upland Kandyan kingdom – were not brought under a unified administration until the British did so in 1815.

The other vital change in the Sinhalese-Tamil equation introduced by the British was the massive import of plantation labour from India. By 1911 there were already more 'Indian' Tamils (530,983) than 'Ceylon' Tamils (528,024). This cheap labour was to lay the foundations of prosperity based on the export of coffee, tea and rubber. But in human terms it created a class little better off than slaves. However, as the plantation economy boomed, the estate labourers acquired a degree of dependent prosperity and on the better estates they had adequate housing, medical care and schools. The spread of the estates in the heart of the Kandyan Sinhalese up-country laid the seeds of bitterness to come. The plantations created acute land-hunger among the Sinhalese and the estate workers, wretched as they often were, soon found themselves better off than most of the peasants around them. When, after independence, the Tamil estate workers were disenfranchised and Tamil members of parliament from the plantation areas replaced by Sinhalese, politicians in Colombo were presented with an irresistible temptation to redress the economic balance and favour the up-country Sinhalese peasant in terms of development and education at the expense of the Tamils.

Towards Independence

As long as foreign rule remained autocratic, communal rivalries stayed below the surface. In the 1920s and 1930s the long debate began on how to evolve representative institutions for Ceylon – and communal arguments began almost from the outset. The first legislative assemblies were entirely communal in composition. From 1833 to 1889 three Europeans, a Sinhalese, a Tamil and a Burgher were nominated to the Council to represent their respective communities. Gradually the principle of territorial representation was introduced and it finally triumphed in the 1931 constitution based on the report of the Earl of Donoughmore. The dilemma between the two concepts was inescapable. 'Territorial electorates, drawn with no eye to the distribution of communities, mean rule by the majority community with no safeguards for the minorities, while safeguards for the minorities inevitably deepen the divisions of the nation on communal lines'⁷.

The Donoughmore Constitution introduced not only territorial representation but universal adult suffrage as well – making Ceylon the first Asian country to adopt it. Tamil leaders, joined by Indian Tamils and Moslems, petitioned the Secretary of State on the dangers of Sinhalese domination, and their fears seemed confirmed when a new Board of Ministers turned out to be exclusively Sinhalese. By the time the Soulbury Commission arrived in 1944 to prepare the independence constitution, communal battle lines had already been well drawn. A newly formed Ceylon Tamil Congress demanded a 'fifty-fifty' system, limiting the Sinhalese to half the seats in the legislature and reserving the other half for the minorities. The Tamils also proposed that only half the members of the Cabinet should belong to one community. Soulbury rejected the 'fifty-fifty' idea but incorporated some safeguards, under which seats were distributed among the nine provinces on the basis of area as well as population. Weightage in favour of the Tamil minority was further enhanced by the creation of some multi-member constituencies in the North. The constitution also prohibited the enactment of any law which would impose disabilities or restrictions, or confer advantages or privileges, on the members of any community or religion. Urging this constitution's acceptance Mr D. S. Senanayke, president of the Ceylon National Congress who was to become the first Prime Minister, promised: 'On behalf of the Congress and on my own behalf, I give the minority communities the sincere assurance that no harm need they fear at our hands in a free Lanka.' He appealed to the Tamils: 'Do you want to be governed from London or do you want, as Ceylonese, to help govern Ceylon?' The Tamils accepted the assurance, but in Jaffna the following year they overwhelmingly elected the Tamil Congress leader, Mr G G Ponnambalam, defeating a member of the Board of Ministers and thereby giving notice of a preference for communal leadership.

Towards 'Sinhala Only'

The growth of nationalism had been closely tied up with a religious revival among the Buddhists and to a lesser extent among the Hindus. On both sides, the revival was in part a reaction against Christian missionary teaching. It was also a revolt by people literate in Sinhala but not in English against the privileges of the English-speaking elite. The American theosophist Colonel Olcott had formed the Buddhist Theosophical Society in the 1880s and by 1890 fifty Buddhist schools had been opened. At the start this homespun revivalism was alien from, and indeed hostile to, the Westernized leaders of the Ceylon National Congress who were directly involved in the independence movement. But the revivalist ideas were soon to be taken up as an essential component of the political game. Mr S W R D Bandaranaike, who came to power on the 'Sinhala Only' platform in 1956, had had to apologize in 1925 to a delegation of neighbours that he could not address them in Sinhala. He came of a Westernized, Christian family. But in the next few years he had learned Sinhala and become a Buddhist. He learned early the lesson that resurgent Buddhist-Sinhalese nationalism was to be the dominant factor in the political equation.

The language issue which was to dominate communal strife made its appearance well before independence. The

British government's reliance on English as the language of administration had fostered the dominance of a small class of English-speaking civil servants and professionals. In this the Tamils had a preponderance disproportionate to their numbers, because the Tamil areas in the North were less developed in agriculture and industry, forcing young men to seek their careers in the public service or the professions in the South, and also because the prominence of missionary activity in Jaffna had created an excellent educational base in English. However, in the last decades of British rule the emphasis was gradually switched to vernacular education. Popular schooling had created mass literacy in vernacular languages, and the consequent demand that administration should be conducted in the vernacular. So the 'swabasha' or 'own language' movement became a central part of the nationalist movement. In 1964, almost a decade after 'Sinhala Only' had become official policy, Prime Minister Mrs Bandaranaike gave this retrospective rationale: 'We have tried to eliminate the wide gap which existed between the government and the governed, between the elite and the masses. By giving the due and rightful place to the Sinhala language as the official language of the country, we have made it possible for those voiceless millions who spoke only that language, to play an effective part in the affairs of the country'⁸.

How 'Sinhala Only' came to be adopted, to the point in 1972 when it came to be enshrined in the constitution, is the story of how the arithmetic of politics overcame more tolerant and enlightened attitudes. Such attitudes have always been present and have always played their part – but they have not prevailed in the long run. In 1944 Mr J R Jayawardene, who was to lead the United National Party, moved a resolution in the State Council to make 'Sinhalese the official language of Ceylon within a reasonable number of years'. At the request of Tamil councillors, the resolution was amended to provide for both Tamil and Sinhalese as official languages and in this form it was approved. The 'two languages' policy remained in force after independence and the first independent government, led by Mr Senanayake, appointed a commission to find ways of implementing it. But implementation was slow, and it was on this issue that Mr SWRD Bandaranaike took a stand, disbanded his Sinhala Maha Sabha, left the UNP Government and formed his own Sri Lanka Freedom Party (SLFP). At that stage the two-languages policy still prevailed. Mr Bandaranaike told parliament: 'It is most essential that Sinhalese and Tamil be adopted as the official languages immediately so that the people of this country may cease to be aliens in their own land; so that an end may be put to the iniquity of condemning those educated in Sinhalese and Tamil to occupy the lowliest walks of life.'

The 'swabasha' movement had not originally been a communal issue. But the Tamils, with better access to English in their schools, had less powerful motives for supporting it. In 1911, 4.9% of Ceylon Tamil males were literate in English, compared with 3.5% of the (Kandyan) Sinhalese males. The Tamils enjoyed corresponding advantages in government service and the professions. As pressure rose among the Sinhalese electorate to make 'swabasha' into a 'Sinhalese Only' movement, the UNP government resisted it and stood by its commitments. But by 1955 the pressure had become too great, and the government changed course and adopted 'Sinhala Only'. The change came too late to convince the militant Sinhalese, among whom the Buddhist revivalists had now gained over-

whelming influence. Mr SWRD Bandaranaike had now formed his Peoples United Front on a Sinhala-only platform – and it won the 1956 elections. The first act of the new government was the Official Languages Act, declaring that 'the Sinhala Language shall be the one official language of Ceylon'.

The Politics of Language

The 1956 Act made such concessions to Tamil as seemed dictated by practical necessity. It provided that 'where the Minister considers it impractical to commence the use of only the Sinhala language for any official purpose immediately on the coming into force of this Act, the language or languages hitherto used for that purpose may be continued to be so used until the necessary change is effected as early as possible before the expiry of 31 December 1960.'

The new government was the first not to include a Tamil in its Cabinet. Mr Ponnambalam, the Tamil Congress leader, had said in the debate on the language bill: 'The imposition of Sinhalese as the sole official language of this country must inevitably and inexorably put an end, even if that is not your ~~real~~ objective today, to the Tamil nation and the Tamil people as such'⁹. As if to confirm this fear, the bill had been passed against a background of agitation by the extremist Buddhist *Eksath Bikkhu Peramuna*. The agitation succeeded in killing a clause making provision for the use of Tamil. A Minister later confessed that the clause had been dropped because 'extremists, opportunists, people who wanted to create chaos ... took steps to start an agitation'¹⁰. As the bill went through the House, Ceylon had its first taste of deliberately provoked communal violence. The Federal Party threatened to launch an island-wide *satyagraha* (peaceful protest), and Mr Bandaranaike, alarmed, met Mr Chelvanayakam to work out a hasty compromise. The resulting Bandaranaike-Chelvanayakam Pact of 1957 embodied one of the few statesmanlike compromises between two extreme positions ever to be attempted in Sri-Lanka. Had it been carried out it would, as the Prime Minister later claimed, 'safeguard the position of the Sinhalese while, at the same time, meet reasonably the fears of the Tamils'.

In the Pact, the Tamils gave up their demand for parity of status between the languages. It provided merely for 'recognition of Tamil as the language of a national minority of Ceylon', and, 'without infringing on the position of the Official Languages Act, that the language of administration in the Northern and Eastern Provinces should be Tamil and that any necessary legislation be made for the non-Tamil speaking minorities in the Northern and Eastern provinces'. The Pact provided for regional councils with powers in agriculture, education and selection of candidates for colonization schemes. The Prime Minister also registered his promise to give 'early consideration' to the revision of the Citizenship Act that had disenfranchised the estate workers. Publication of the Pact was the immediate signal for violent agitation by the militant Buddhists. They threatened their own *satyagraha*. The UNP Opposition supported them, thereby giving a foretaste of the demagogic cynicism which was to characterize the role of all major parties in their attitudes to the minority question – as it still largely does today. Tamil demonstrations against the use of Sinhalese characters in car registration plates led to counter-riots, and the island-wide holocaust of 1958 followed. Passing cars and trains were stopped by mobs and their occupants

butchered, houses were burnt with people inside and there was widespread looting in all areas where Sinhalese and Tamils lived or worked together. An Emergency was declared, the Army called in but hundreds of people, mainly Tamils, had been killed before calm was restored.

The same year, in a desperate attempt at compromise, the Tamil Language Act was passed, providing for the 'reasonable use' of Tamil in education, public service entrance examinations and administration in the Northern and Eastern provinces. The Act was passed in the absence of the Federal Party leaders who were in detention. The Prime Minister was authorized to make regulations to implement the Act but more than seven years were to pass before any such regulations were drafted, and even then they were never applied, and the Act remained a dead letter. The 1958 Act is endorsed in the 1972 Constitution, as an apparent concession to Tamil. But even today the Act is regarded as a dead letter in practice because the only implementing regulations were made when the present coalition government was in Opposition, and Mrs Bandaranaike's Ministers were on record as saying that the regulations were *ultra vires* and invalid.

Violent Buddhist agitation erupted again and in 1959 Mr Bandaranaike was murdered by one of the leaders of the *Eksath Bikkhu Peramuna*. One result was the consolidation of the Federal Party's influence in the North. In both elections held in 1960 the party won 10 of the 13 Northern Province seats and all 5 Tamil seats in the Eastern Province. The more accommodating Tamil Congress was now virtually defunct. The Federal Party, according to its 1956 convention, stood for the adoption of a federal constitution and the creation of one or more linguistic states, enjoying 'the widest autonomy and residuary powers consistent with the unity and external security of Ceylon'. It sought also absolute parity of status for Tamil, citizenship on the basis of residence and an immediate end to colonization. For a brief period in 1960 the Federal Party held the balance in parliament. But the UNP found its price for support too high and a fresh election brought to power a United Front with Mrs Bandaranaike's SLFP at the head. In the absence of any progress on the language front the Federal Party launched a *satyagraha* in the North. They set up their own postal service, issuing their own stamps. An emergency was declared and Federal Party leaders were kept in detention for the next six months. The frustration that followed produced the first appearance of separatism in the party, though it did not yet figure in official pronouncements. The Party Secretary warned in Parliament in 1964: 'If the leaders of the Sinhalese people persist in this attitude, I will say that when you will be advocating federalism, we will rather choose to have a division of this country even at the cost of several lives.' But the new government went ahead with the Sinhala-only policy and the 1961 Language of the Courts Act provided for the progressive substitution of Sinhala for English in court proceedings. To hasten the adoption of Sinhala in the administration, incentive bonuses were offered for passing Sinhala exams, and periodic promotions withheld from those who would not or could not take them.

Elections in the 1960s were to show that the Marxist parties which had hitherto maintained a fair policy towards the Tamils were also swept into the vortex of majoritarianism. The Marxist LSSP and the Communists had both maintained their commitment to parity of

status for Tamil in the 1956 election campaign. But the LSSP officially admitted later that it had 'paid a heavy price for its stand and lost heavily among the Sinhalese masses'. By 1960 the Communist Party had shifted to support of Sinhala-only, and three years later the LSSP took the same course and joined the ruling coalition on this basis. A new UNP Government came to office in 1965 but its old concern for the Tamils had disappeared. Dudley Senanayake's cabinet did include one Tamil belonging to the Federal Party, and it did issue the 1966 regulations to implement the Tamil Language Act. According to these Tamil could be used 'for the transaction of all government and public business and the maintenance of public records and for correspondence all over Ceylon between government officials and Tamil-educated individuals'. All public announcements and regulations were to be published in both languages. Notices of compulsory retirement on language grounds served before the elections were withdrawn. The establishment of district councils was also promised. But these regulations, as already noted, were never enforced. They were immediately attacked and the SLFP in Opposition cynically spread the story that Sinhalese people were to be forced to use Tamil. The Federal Party quit the government in 1968 and was never again to serve either party in office. The new United Front Government came to power in 1970 with a mandate to provide a new constitution, which it did in 1972, thereby bringing inter-communal tensions to a new crisis point.

How the Sinhala-only policy affected people in practice was dramatised by the Kodiswaran case. The Bandaranaike government had directed that unless a Tamil public servant passed a proficiency test in Sinhala in stages over three years, his annual increment would be suspended and he would eventually be dismissed. Mr Kodiswaran, a Tamil in the executive clerical service, declined to sit for the exam and in 1962 his increment was stayed. He sued the government on the ground that the regulation was unreasonable and illegal as the Official Language Act of 1956 transgressed the prohibition against discrimination provided for in the Section 29 of the Constitution. The trial judge, the most senior in the judicial service, upheld the plea. But his judgment was set aside on appeal in the Supreme Court on the grounds that a public servant could not sue for his salary. Mr Kodiswaran appealed to the Privy Council in London, which set aside the Supreme Court's decision on suing for a public servant's salary and directed that the Supreme Court should now rule on the constitutional question. The Ceylon Government thereupon abolished appeals to the Privy Council, thereby disposing of Kodiswaran's case. And the Republican Constitution of 1972 did away with the safeguards for minorities enshrined in the original Section 29.

The 1978 Constitution introduced by the United National Party Government of Mr Jayawardene did much to restore the balance that had been upset by the 1972 Constitution. While retaining 'Sinhala Only' as the official language, it adds that the National Languages shall be both Sinhala and Tamil. It provides that where one language is in use in a university the other shall also be available for students previously educated in it. The new Constitution provides that a public servant not proficient in Sinhalese may be required to become so 'within a reasonable time'.

The Government had deleted the controversial clause 157 of the draft constitution, which had appeared to menace the Opposition by imposing heavy penalties on any person 'who attempts to amend, alter or repeal the Constitution or any of its provisions, except through Parliament'.

However, the Constitution was rejected as inadequate and irrelevant by the TULF Opposition. A resolution, adopted by the Front's National Convention in July 1978, said the Government had 'imposed on the country a unitary constitution under which, while a few rights are given to the Tamil language, Sinhalese is enshrined as the official language and pride of place is given to Buddhism, without the slightest recognition of the need to find a fundamental solution to this problem'.

Commenting on the provision requiring non-Sinhalese to become proficient in that language 'within a reasonable time', Mr A Amirthalingham, leader of the TULF, complained that it should have applied both ways: 'Even in the colonial days the old civil servants were expected to acquire a knowledge of both national languages.'

The Indian Tamils

Although the million plantation Tamils are not central to the Tamil story, their current plight now promises to make them so. Their sufferings have all along been more acute than those of the Ceylon Tamils whose real worry is for the future rather than the present. And now, deteriorating conditions on the estates seem bound to produce a new mood of desperation. In the 1977 upheavals, plantation labourers came under Sinhalese attack for the first time, and several thousand families became refugees in the North. For many this was the first significant link with the Ceylon Tamils.

One of the first acts of the newly independent government was to make them effectively stateless persons under the Citizenship Act of 1948. (Up until then there were no Ceylon citizens: all were UK subjects.) The new Act conceded citizenship to any person born in Ceylon before the appointed date, but in effect it restricted citizenship to those who could prove it by descent or by registration — procedures which were in practice unavailable to the great majority of the Indian Tamils. The Indian and Pakistani Residents Act of the following year provided that a claimant for registration as a citizen had to have been resident continuously since 1946 and for ten years before that. The real purpose of these Acts was to disenfranchise the plantation workers in the up-country Kandyan areas where they might have been in danger of swamping the electorate. This was effected by the Election Amendment Act of 1949. In revising the electoral registers for the Central Ceylon districts for 1950, Tamil names were quite simply left out, leaving the onus on anyone who wanted his name reinstated to prove his citizenship under the new rules. Under the Indian and Pakistani Residents Act only 140,000 people obtained citizenship, out of a million rendered stateless by the earlier Act. A Tamil United Front memorandum recalls that 'at no time did the Board of Ministers of the State Council of Ceylon who negotiated for independence with the British Government ever give an inkling of their intention to deprive half the Tamil population of Ceylon of their franchise rights'¹¹. On the contrary, a memorandum submitted by the Board of Ministers envisaged 58 seats for the Sinhalese,

15 for the Ceylon Tamils, 14 for the Indian Tamils and 8 for the Muslims. After the disenfranchisement, 8 Tamil members from the plantation areas were duly replaced by 8 Sinhalese. Today, as constituencies are being redrawn, Indian Tamil leaders complain bitterly that the plantation workers are counted for the purpose of swelling constituencies represented by Sinhalese, in which these workers have no vote. Another Tamil memorandum points out that 'by a harsh interpretation of the laws ... a person bearing a Sinhalese name is assumed to be a Sinhalese citizen, a person bearing a Tamil or Muslim name is presumed to be a Non-citizen or Illicit Immigrant. The burden of proving the contrary is on the person concerned. A person born in Ceylon in order to qualify for the status of a citizen by descent has to prove that his father or his paternal grandfather were born in Ceylon. If he were born outside Ceylon he must prove that his father or paternal grandfather or the latter and his paternal great-grandfather were born in Ceylon. Often this is impossible for the best proof is the certificate of birth. The registration of births was made compulsory only in 1895. Births prior to that need not have been registered'¹². In addition to their disenfranchisement, no new non-citizens can be employed in the public or private sectors, are not entitled to the alienation of land or shares in public companies and cannot be registered as traders.

In 1964 an agreement with India provided that of an estimated 975,000 stateless people, 525,000 were to be given Indian citizenship and repatriated over a fifteen year period, while 300,000 others were to be granted Ceylon citizenship and allowed to remain. The fate of the remaining 150,000 was left for later settlement. In January 1974 a new agreement between Mrs Gandhi and Mrs Bandaranaike provided for the remaining 150,000 on a fifty-fifty basis: 75,000 each for India and Sri-Lanka.

The implementation of these agreements has been painfully slow. Only 400,000 people had applied for Indian citizenship when the Indian High Commission closed the lists in 1974. Some 700,000 people had applied for Ceylon citizenship but, by the end of 1974, only 140,000 had succeeded in being registered. A report in 1977 by the Co-ordinating Secretariat for Plantation Areas said the latest agreement required that, of one million stateless Tamils, 375,000 should be granted Sri-Lanka citizenship and the rest repatriated by 1981. By November 1976 100,000 had been granted Sri-Lanka citizenship and 280,000 Indian citizenship. 190,000 had been repatriated. The report, by a study team, found that many repatriates in India suffered greatly from a mixture of bureaucracy, corruption and exploitation, especially in getting Indian passports. Worst of all is the plight of the 'overstays'. After being granted Indian citizenship the repatriate has twelve months in which to leave Sri-Lanka. If he is unable to do so he is liable to be deported and arrive in India penniless, unqualified for any assistance. It is estimated that there are 75,000 overstays in Sri-Lanka.

Official policy has been based on the assumption that traditionally the plantation workers, poor and underprivileged as they may have been, have nevertheless been better off than many of the Sinhalese peasants around them. In recent years, after the slump in the export trade and domestic inflation, conditions have deteriorated sharply. Even after a 30% rise in 1974, an estate family rarely earns more than £6.50 a month with husband, wife and a child earning. In addition each person gets a weekly ration of two pounds of rice and three-and-a-half pounds of flour; and three-quarters of a pound of sugar a month.

In 1975 the government announced that foreign-owned plantations would be nationalized. Previous ill-planned land reforms, in which 80,000 acres of tea plantations have been taken over by the government but not yet re-allocated for productive use, made the situation worse. Most have been put in charge of co-operatives which, in effect, are sinecures for corrupt officials who leave the estates uncultivated. The government has given assurances that no worker will be evicted from the estates but in fact scores have been evicted by unofficial action and many more, while staying in their accommodation on the estate 'lines', have to go out looking for work for which they have no training. Many are to be seen begging in the streets of Kandy.¹³ A Sinhalese doctor who had begun full-scale studies in the health of estate workers had his facilities curtailed because officials told him the project had 'low priority'. But a survey of cases in his hospital, which he published, showed that half of all patients admitted from the estates had severe protein malnutrition. The doctor wrote that 'several patients admitted to my ward were in advanced stages of starvation'¹⁴.

The Indo-Ceylon agreements have been attacked by both the Ceylon Workers Congress and the TULF as inadequate and in some ways as wrong in principle. Since citizenship will not be available for most of the Indian Tamils, there is an element of compulsion in the agreements which both the party and the Congress denounce. Mr S Thondaman, president of the Congress, also made the point that the 15-year timetable for implementation is far too long. 'By the time it is over, the people concerned will be well over 60 years old'¹⁵. There are complaints also about education on the estates. Tamil streams in schools are being cut down and in many cases abolished and replaced by Sinhalese. 'What is the point of teaching people Sinhalese who are in the end supposed to go to India?' Mr Thondaman asked. Absorption into India of those accepted for repatriation is also proving slow, and re-immigrants spend months in transit centres.

Education

Nothing aroused deeper despair among Tamils than the feeling that they are being systematically squeezed out of higher education. They have complained particularly of the system of 'standardization' in force after 1972 in which marks obtained by candidates for university admission are weighted by giving advantage to certain linguistic groups and/or certain districts. The problem was complicated for the Tamils because of their relatively high level of education in English, which has traditionally given them a disproportionately high share in university education. The government naturally sought to help backward areas, especially the up-country Sinhalese – the Kandyan. The result is that many Sinhalese in Colombo and other hitherto privileged areas were also up in arms against standardization. The policy was already under review by the Bandaranaike government and had been criticized by the UNP Opposition when the government changed in 1977 – and among the first acts of Mr Jayawardene's Government was the abolition of 'standardization'. However by 1977 there were fears that it would be reintroduced.

At the time of independence the Ceylon Tamils, who were 10% of the population, had 31% of the places in universities.¹⁶ At that time all secondary and higher education was conducted in English, a language in which less than 7%

of the population was literate. The independent regime regarded the switch-over to native languages as one of its most urgent tasks. The nationalization of all state-aided schools followed in 1961 – a measure directed more against Christian missionary schools than against Tamils. By 1970 the proportion of Tamils at university had fallen to under 16%¹⁷. That year a crisis arose when it was rumoured that 100 out of 160 students chosen for the engineering faculty of the University of Ceylon were Tamils. The report aroused strong feelings in a period of economic crisis during which the number of available places had remained almost static while the pressure of applications grew year by year. Under a threat of communal violence on the campus, the procedure was changed in 1971, but the new method was kept a secret. A strident outcry by the Tamils forced the authorities to adopt more rational methods and that was how standardization, both as to medium and subject, came to be adopted. In a special study made at the University of Ceylon early in 1975, Dr CR de Silva concluded that comparing the year 1973/4 with that of 1970/1, 'standardization did not lead to better chances for schools in backward and rural areas as is sometimes alleged. In fact provincial distribution of places remained almost unaltered except for a fall in the share of science admissions from the Northern province. It is in the ethnic breakdown that the real impact can be seen. The percentage of Tamil medium students entering courses in engineering fell from 40.8% in 1970/1 to 24.4% in 1973/4'¹⁸.

In 1974 the Ministry of Education supplemented the standardization system with district quotas, giving weightage to rural areas where there were not enough places for all candidates. The aim was to favour the rural, hitherto underprivileged child. But Dr de Silva found that 'this argument does not stand up to careful scrutiny ... it in effect helped the affluent in underdeveloped areas at the expense of the underprivileged in developed areas.' He concluded that 'ethnically there is little doubt that the major blow fell on the Ceylon Tamils. The Tamils' share of engineering admissions for instance fell from 24.4% in 1973 (standardization only) to 16.3% in 1974 – which is likely to fall to 13.2% in 1975 if the district quota system is applied without modification. The parallel figures for medicine would be 36.9% in 1973, 25.9% in 1974 and 20% (estimated) in 1975. The percentage losses in dental surgery and agriculture are even greater'¹⁹. These were losses suffered by the Ceylon Tamils, but the Indian Tamils, who have by far the poorest schooling facilities on the island, have also suffered by standardization. The gainers have been the Kandyan Sinhalese, and the quotas of many Kandyan districts have been swollen by the presence of large numbers of resident Indian Tamils who have but a fractional chance of getting a secondary education, much less of entering a university.

In its memorandum to the International Commission of Jurists, the Ceylon Institute of National and Tamil Affairs claims that under the standardization scheme aggregate 'A' Level marks required for respective communities to get into University are:

	Sinhalese Students	Tamil Students
Medicine	229	250
Physics	183	204
Bio-science	175	184
Engineering	227	250
Veterinary science	181	206
Architecture	180	194

In 1974, in a gesture intended as placatory to the Tamil community, Mrs Bandaranaike went to Jaffna to open a new Campus of the University of Ceylon. It was her first appearance in the Tamil stronghold as Prime Minister. The concession was welcomed by many, as seemed evident from the crowds she drew. But the more sceptical Tamil nationalist view was put by Mr K Nesiiah, former lecturer in Education at the University of Sri-Lanka and a recognized authority. 'As an answer to our fifty-year old demand for our own University, this new campus is in effect a fraud. It was supposed to be a science faculty but in fact provides only pure and applied mathematics and statistics. There are 135 students now and later these will be 400. Only one-fifth are Tamils. No new building was provided and the new faculty was housed at Jaffna College, the long-established centre of Tamil education and one of the earliest institutions of secondary education in Asia. Jaffna College is from now on only a high school and in another two years it will have to move or be dissolved'²⁰.

A Tamil writer has pointed out that 'Ceylon is the only country in the world that has failed to provide for the teaching of the official language in all the schools of the country'²¹. It is indeed one of the most alarming aspects of the language *impasse* that in protest against 'Sinhala-only', the authorities in the Northern Province have refused to introduce Sinhala in elementary schools there, and the government has taken no steps to compel them to do so. This puts Tamil students at a disadvantage in competing for government-controlled jobs, and perpetuates and aggravates the central Tamil grievance.

Employment

The Tamils also feel they are being squeezed out of the admittedly privileged position they used to hold in the public service, which has long been their biggest – indeed their only major – industry. Apart from Colombo, many educated Tamils used to find employment in Malaysia – an avenue which is now closed. At independence, about 30% of government service admissions were Tamils, but today the percentage is down to around 6. Out of 100 people selected in the 1973 Administrative Service Examination, only four were Tamils and two Muslims; the rest were Sinhalese.

The number of Tamil teachers is also dwindling. According to Mr Nesiiah, out of 23,000 teachers appointed between 1971 and 1974, 18,000 were Sinhalese, 1,867 Tamils and 2,507 Muslims. In the same period 3,500 Tamil teachers were retired – so the net number of Tamil teachers is declining. In the police, Tamil admissions are down to two or three per cent. In the Army there are still Tamil senior officers but they are not being replaced.

A trade union of Tamil Government servants, the Arasanga Eluthu Vinaya Sangam, has calculated the decline in Tamil representation in government service as follows:

	1956	1965	1970
	PERCENTAGES		
Ceylon Administrative Service	30	20	5
Clerical Service (incl. postal, railway, hospital & customs)	50	30	5
Professions (engineers, doctors, lecturers)	60	30	10
Armed Forces	40	20	1
Labour Forces	40	20	5

The CINTA memorandum to the ICJ says that in the private sector 'the chances of a Tamil securing employment is negligible, if he is not Sinhala educated. In government-managed corporations recruitment is at the discretion of the Minister and not by open competition. The chances of a Tamil securing employment are very rare.'

Colonization

State-sponsored colonization schemes which have put considerable numbers of Sinhalese settlers in predominantly Tamil areas are a principal grievance of the minority. It is justified by the Government on the natural ground that in a united country no part can be the preserve of any ethnic group. But the Tamils see it as a deliberate attempt to deprive their areas of continuity and thus decrease their communal bargaining power. They point out that hardly any Tamils have been settled under official auspices in Sinhalese areas.

This colonization has figured in inter-communal negotiations at almost every stage. In the Bandaranaike-Chelvanayakam Pact it was agreed to give the proposed regional councils power to select candidates for colonization schemes.

In the United Front's memorandum to the ICJ it is pointed out that colonists in the Eastern province were sufficiently numerous for the creation of a new constituency to return a Sinhalese member. The CINTA Memorandum gives the following figures:

	TAMILS		SINHALESE		Increase of Sinhalese in Tamil area
	1953	1971	1953	1971	
Jaffna	477,304	673,043	6,183	20,402	14,219
Batticaloa	130,381	246,582	31,174	94,150	62,976
Trincomalee	37,517	73,255	15,296	55,308	40,192
Puttalam	9,010	30,994	31,587	309,298	277,711

In 1978 Tamil spokesmen complained that the momentum of colonization was greater than ever. They referred in particular to the Mahaveli Diversion project, supported by the World Bank, in the Eastern and Northern provinces, under which Sinhalese families were being brought in from the South. They pointed out that the Maduruoya Scheme in the Eastern Province, backed by Canadian assistance, was having the same effect.

Delimitation of Constituencies

To protect the minority the original constitution gave some weight to area as well as population in drawing up constituency boundaries: 75,000 people per constituency plus one constituency for every 1,000 square miles. It is a main grievance of the Tamils today that a million disenfranchised Indian Tamils, while enjoying no vote, are counted for the purpose of delimitation. They thus 'create' thirteen seats for Sinhalese members.

In its memorandum to the ICJ the United Front points out that the present Parliament has 151 elected members,

of which 124 are Sinhalese. 'The Sinhalese population is barely 70%, but in the legislature the Sinhalese enjoy more than 80% representation. Thus Ceylon, perhaps, is the only country in the world which has given weightage in representation to the majority community in the legislature at the expense of the minority.'

The United National Party Government

The general election of July 1977 completely changed Sri-Lanka's political landscape, dismissing Mrs Bandaranaike's seven-year-old government, bringing to power Mr J R Jayawardene's United National Party (UNP), and elevating the Tamil United National Liberation Front to the status of principal Opposition, after capturing all 14 seats in the Northern Province and a further three out of ten seats in the Eastern Province. One additional seat in the central hill country was won by the Ceylon Workers Congress, a constituent member of the TULF.

In the North the TULF, fully pledged to separate Tamil statehood, won 68.5% of the more than 400,000 votes cast. In the Eastern Province, which has a mixed population of some 300,000 Tamils, 245,000 Tamil-speaking Moslems and 167,000 Sinhalese, the TULF scored 31.4% of the vote.

The election transformed the political fortunes of the Tamil minority in two opposite directions. In making such concessions as the abolition of 'standardization' in university admissions, and recognizing Tamil as a national language in the Constitution, the new Government held out the hope of a new dialogue and a move away from extremism on both sides. Furthermore, Mr Jayawardene was planning to follow up his concessions by holding a round table conference, aimed specifically at finding ways of removing discrimination in employment and education. On the other hand, the outbreak of inter-communal violence within a month of the election made the atmosphere more tense than it had been for several years. There were signs that some at least of the murderous attacks had been deliberately instigated with the aim of preventing a new understanding between the two communities.

The trouble began in Jaffna, capital of the Northern Province, when Sinhalese policemen, believed to have been loyal to the defeated Sri-Lanka Freedom Party of Mrs Bandaranaike, acted provocatively by bursting into a Tamil carnival. In the violent altercation that followed the police opened fire and four people were killed. A wave of rioting followed, spreading quickly to the South. The upheaval followed the pattern of previous ones and, as before, there were signs of provocation and concertation. Among 1,500 people arrested were several known Sinhalese extremists, accused of instigating violence against Tamils. Martin Wollacott reported in *The Guardian* from Sri-Lanka (27 August 1977): 'It looks very much as if disgruntled Freedom Party leaders in many places saw an opportunity to embarrass the Government and, with the collusion of some Freedom Party police appointees and of local gangsters, organized and encouraged the attacks on the Tamils.' A Cabinet statement issued during August said 'Though these criminal acts appeared on the surface to be a communal conflagration, it is believed that there is a criminal conspiracy behind it.'

An inquiry commission under Mr M C Sansoni was appointed by the government to investigate the disturbances. The official death roll — 97 Tamils, 24 Sinhalese and Muslims and three unknown people — doubtless erred on the side of conservatism. The Tamil Refugee Rehabilitation Organization reported a year later that more than 14,000 people had been through its refugee camps. It said that over 2,000 families of southern origin had sought permanent sanctuary in the North and East. Mr Amir-thalingham, the TULF leader, said the riots 'vindicated to the hilt' the Front's demand for an independent state.

A Separate State?

After the events of 1977 the two communities of Sri-Lanka were scarcely on speaking terms. The round-table conference, which Mr Jayawardene had planned to hold, failed to take place and it would, indeed, have been difficult to find a common language in a public discussion. This absence of dialogue appeared indeed to be the essential tragedy. The demand for separate statehood could well be interpreted, even now, as an extreme form of what the majority of Tamils really want: a reasonable autonomy in running their own administration, security from the fear of being 'over-run' and placed in a minority in their 'own' areas through colonization projects, and a fair share of economic and educational opportunity.

Nationalist leaders claim a Tamil state could be self-sufficient in food and could export rice, chillies, onions and fish, and that the port of Trincomalee could be developed into a commercial and intellectual centre. Yet the idea of Tamil Ealam remains less than convincing. Support for secession would hardly be forthcoming from India, and independence seized by force would be precarious. It would put at immediate risk the survival of the large numbers of Tamils who live in Colombo and the Sinhala areas, while their return 'home' *en masse* would impose a huge burden on the new state. Tamil Ealam would lack the Sri-Lanka exports which matter: tea, rubber, gems and coconuts.

If a measure of autonomy is the answer, there is still no sign of its being seriously considered in Colombo. This is the vicious circle, familiar in the predicament of many other minorities: without concessions towards self-government through decentralization, the original demand for 'fair shares' develops gradually into a demand for independence, as moderate leaders come under pressure from extremists. On the other hand, concessions towards autonomy are regarded by the government in power as the thin end of the wedge.

Meanwhile the slide towards extremism and 'direct action' continues, from the TULF resolution demanding independence, in 1976, to the steady growth of guerilla actions. The resistance movement began among students in protest against discrimination in university admissions. The Manavar Peravaia students front, acting independently of the TULF, committed hold-ups, robberies and other acts of violence in 1976. The suicide of one of its members, Sivakoumaran, encouraged further recruitment. The murder of Mr Alfred Duraiyappa, pro-government mayor of Jaffna was followed by the killing of two CID officers. A new group, called the Tamil New Tigers, emerged and

in April 1978 it announced its name had changed to Liberation Tigers of Tamil Ealam. At the same time it claimed responsibility for 11 killings, starting with that of Mr Duraiyappa. It and 'other similar organizations' were proscribed on 23 May 1978.

The Tigers' strength is variously estimated at between a few score to a few hundred. Reports of active help from foreign Liberation Organizations have not been substantiated. Nor is it easy to measure the degree of support among the population: that it is considerable is suggested by the difficulty the police have in identifying and rounding up the Tigers. In May 1979, Mr Jayawardene asked Parliament to renew the special police powers enacted two years ago as a temporary measure. He was quoted (*International Herald Tribune*, 11 May 1979) as saying: 'I'm not concerned by separatism, but I'm concerned that some of the speeches might arouse the Sinhalese.' Indeed, the concern of the leader of the Opposition, Mr Amarthalingam, has been the number of attacks by Sinhalese police and armed forces, in and out of uniform, on the Tamils. In a letter of protest to the Prime Minister in January 1979, he even cited the discovery of notices in Police Barracks, rubber-stamped by the Jaffna Superintendent of Police, inciting the Force's members to attack Tamils. Meanwhile the official stand of the TULF, in its national Convention of July 1976, is ominously double-edged. It resolved to establish the independent state of Tamil Ealam 'by peaceful means or by direct action or by struggle'. The makings of an embattled freedom movement now seem assembled: martyrs, prisoners and a pitiful mass of refugees.²⁹ Talk of 'Biafra' which had sounded misplaced in 1975 seemed less unreal a few years later.

The Situation in 1983

Between the years 1979 and 1983 Sri Lanka was severely affected by the continuing world recession. The prices for its principal exports – tea, rubber, gems and coconuts – remained low. Unemployment and under-employment has continued at seriously high levels. The resulting distress has exasperated communal feeling and encouraged those who look for extreme solutions. Extremist action on both sides of the dispute has increased and in both 1981 and 1983 reached a point where it seemed that it would explode into civil war on the question of partition. The events of mid-1983 when communal violence and government repression went hand in hand resulted in the deaths of hundreds, the creation of thousands of refugees and widespread destruction of property.

The past four years have seen no progress towards achieving reconciliation between the majority Sinhalese and the minority Tamils, in spite of a scheme put forward by President Jayawardene in 1981 which offered Tamils some degree of autonomy under an all-island system of district development councils. Many Tamils were no longer satisfied with autonomy and support for the activities of the Tigers grew. On the other hand Sinhalese hard-liners opposed any concessions. Jayawardene, fearing to lose control over the situation, instituted a series of measures which effectively curtailed civil liberties, and strengthened both his own power and that of the Army and police forces (now overwhelmingly Sinhalese in composition). The Prevention of Terrorism Act, passed in 1979 and originally intended to be of one year's duration, was extended for further periods and in 1982

was made a permanent law of the land even though its provisions involve an infringement of rights written into the Constitution of 1978. Under this law a person can be detained for 18 months without trial and court decisions to transfer suspects to the custody of the judiciary can be reversed by Parliament. The brutal manner in which the act has been enforced, as well as widespread killings and torture by the security forces, have been investigated and condemned by international human rights organizations such as Amnesty International and the International Commission of Jurists, as well as other observers. Other measures followed. In 1981 the President declared a State of Emergency and imposed censorship of the press, while in late 1982 a referendum was used to extend the government's term of office until 1989. During the height of the disturbances of 1983 drastic political measures were passed making illegal any political party which advocated separatism. This measure effectively banned any Tamil party, including the TULF, many of whose leaders were arrested, as well as three left-wing parties.

Inter-communal violence reached a new pitch of intensity in July and August 1983. While there was violence on both sides inevitably the Tamil minority suffered more than the Sinhalese. Horrifying incidents included the burning of nine Tamils at Colombo's main railway station and the killing of 37 Tamil prisoners in a maximum security jail. Neither the police nor the Army was able to protect Tamil lives and property. The London *Times* spoke of a 'culpable bias' on the part of the forces of order. Government figures acknowledge 384 deaths although independent observers believe that the real total is much higher. Awareness of their insecurity drove many Tamils, especially those in the Colombo area, to abandon their homes and shops and seek refuge in temples, airport hangers and improvised camps. Estimates of the numbers made homeless range up to 100,000, many in poorly provisioned 'refugee camps' (where as 'displaced persons', victims of an internal conflict they lacked the international protection which would be extended by UNHCR). Their evacuation by sea to Jaffna was organized by the government, eager to diffuse tension. Over 70,000 had left by mid August by sea, rail and road, many taking grave risks travelling through hostile Sinhalese areas.

The situation of the Tamils in the central hill country is particularly pathetic. That these plantation workers, innocent of any involvement in political activities, should become the victims of harassment and brutal assault, aroused a protest in 1981 from a prominent Tamil, S. Thondaman, President of the Ceylon Workers Conference (CWC), the country's largest trade union. It is to the credit of the Sinhalese majority that many liberal thinkers among them recognized the justice of the Tamils' claims and joined with them to form the Movement for Inter-Racial Justice and Equality (MIRJE). In the 1983 disturbances many ordinary Sinhalese risked their own life and property by hiding Tamil neighbours from the mobs.

The events of 1983 focused world attention on Sri Lanka, but no government has yet taken sides for or against the Tamils and their demands. The greatest concern was in India, and there were widespread demonstrations in the state of Tamilnadu in particular. There seems some possibility that India might act as a mediator between the two communities.

As this report goes to press in September 1983 the general outlook for human rights in Sri Lanka is not promising. The present conflict has transcended the issue of special consideration of minority rights and has reached the point where the basic human rights of the Tamil community – the rights to life and property, freedom of speech and self-expression and freedom from arbitrary arrest have in fact and in law been subject to gross and continued violations. The two communities are now polarized and continued repression coupled with economic stagnation can only produce stronger demands from the embattled minority, which, unless there is a change in direction by the central government, will result in a stronger Sinhalese backlash and the possibility of outright civil war.

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- ²⁶ Interview with the author, Colombo, February 1975
- ²⁷ *Ditto*
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The 1983 update is by Murray Dickson.



The front cover shows a Tamil plantation worker and her child and (inset) the aftermath of the 1983 riots in Colombo.
Photos by War on Want and Oxfam



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¹The Internationalist; ²New Society; ³Times Lit. Supplement; ⁴Belfast Newsletter; ⁵Irish Post; ⁶International Affairs; ⁷Sunday Independent; ⁸S.Asian Review; ⁹The Friend; ¹⁰Afro-Asian Affairs; ¹¹E. African Standard; ¹²Sunday Times; ¹³New Community; ¹⁴The Times; ¹⁵Information; ¹⁶The Observer; ¹⁷Irving Horowitz; ¹⁸The Guardian; ¹⁹Peace News; ²⁰The Freethinker; ²¹The Spectator; ²²The Geographical Magazine; ²³New World; ²⁴Melbourne Age; ²⁵The Economist; ²⁶Neue Zürcher Zeitung; ²⁷Resurgence; ²⁸Feedback; ²⁹Time Out; ³⁰Evening Standard; ³¹Tribune of Australia; ³²The Scotsman; ³³The Financial Times; ³⁴New Statesman; ³⁵The Nation; ³⁶Bernard Levin; ³⁷BBC World Service; ³⁸International Herald Tribune.

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