

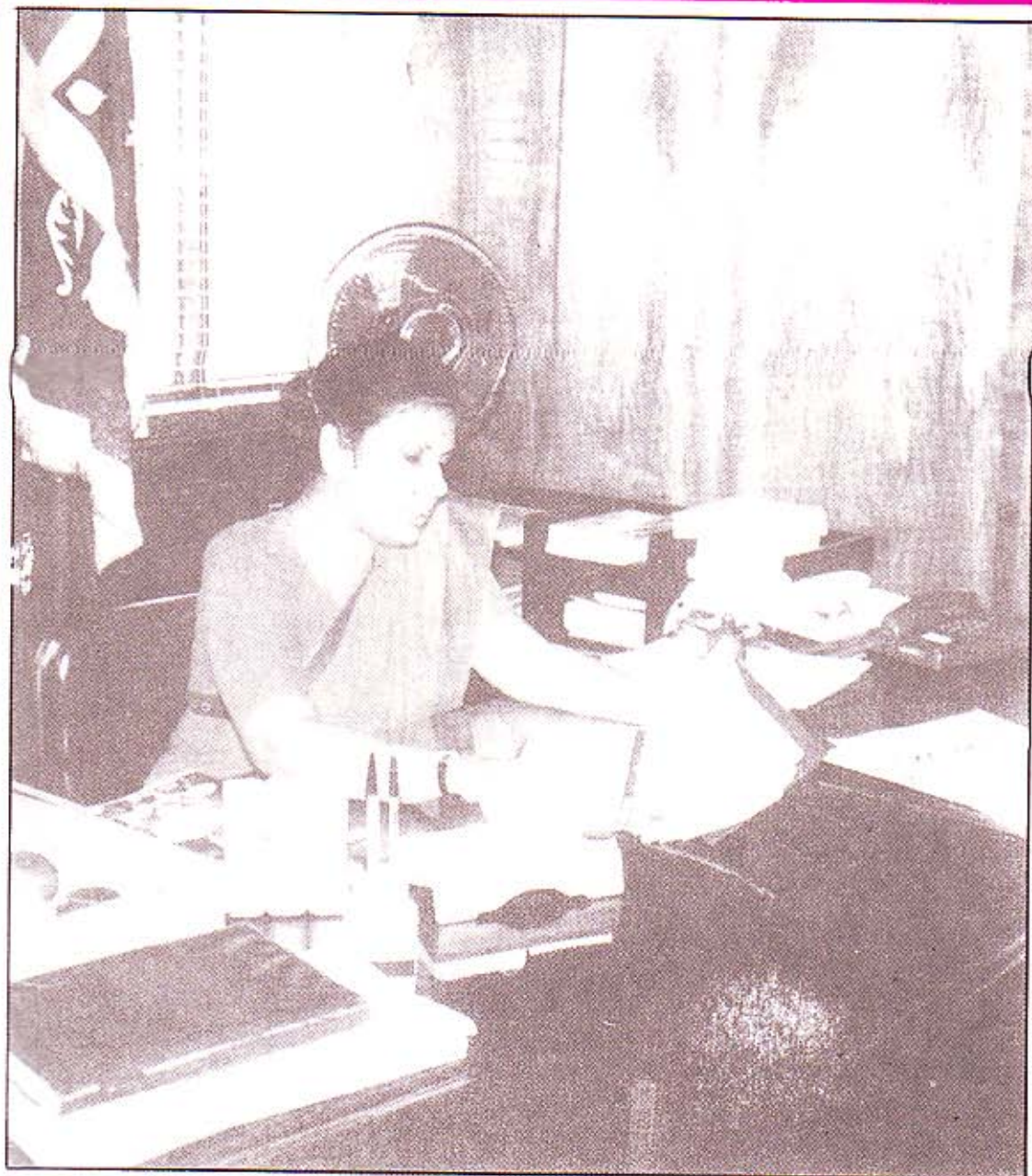
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Election : Peoples Alliance Triumphs



Mrs. Chandrika Kumaratunga, Prime Minister, Finance Minister and Minister of Ethnic Affairs and National Integration

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*I do not agree with a word
of what you say, but I'll
defend to the death your
right to say it.*
— Voltaire.

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A SPY IN THE CABINET

The recent general election in Sri Lanka was one of the most keenly fought in recent times. It brought to an end the unbroken seventeen year rule by the United National Party (UNP). The Peoples Alliance (PA) and its electoral allies won a majority of seats. A new government under the Premiership of Mrs. Chandrika Kumaratunga has been formed. A long overdue change. However, there is something strange about this government. It is not headed by a leader in whom the people expressed confidence at the recent election. It is headed by the leader who led the election campaign on behalf of the defeated UNP. He was the leader of the UNP before the election and he still continues to be its leader. Even though the people have unmistakably expressed their no-confidence in the government and the party he led, President Wijetunga still heads the Cabinet of Ministers. He will chair its meetings. He even holds one of the most important cabinet portfolios, namely the Minister of Defence in charge of the armed forces of the country. He will participate in the deliberations of the Cabinet which is composed of his political opponents from a party with different policies and priorities from those of the President's party.

The fundamentally undemocratic element in the executive presidential system imposed upon the country by former President J.R. Jayewardene has been brought into sharp relief in the wake of the recent election. A leader of a party which has been thrown out of power is permitted to head a government, hold ministerial position, participate in cabinet deliberations and decision making processes without any direct accountability even in respect of his own ministerial responsibilities to parliament composed of a majority of Members opposed to him. This is an outrage that no democracy worthy of its name can permit to be perpetuated.

Then there is a fundamental contradiction and conflict of loyalty that directly results from President Wijetunga's unique constitutional position in the cabinet while at the same time being the leader of the opposition UNP. There are some basic principles like confidence, trust and collective responsibility that should apply to any form of cabinet government. The adherence to those principles can be expected from those Ministers of the Cabinet who belong to one political party or parties which have agreed to work together as a coalition based on certain agreed set of policies. The strict adherence can be enforceable because the penalty for any breach would be dismissal from the cabinet.

How can one expect that the principles of confidentiality and collective responsibility will be observed by a Minister who belongs to, and in fact occupies the position of being the leader of the main party of opposition to the government composed by his cabinet colleagues? When Mr. Wijetunga leaves his presidential palace and goes to Sri Kotha, the UNP headquarters, to preside over the Executive Committee meeting of the UNP, can one be sure that he will not share with his party colleagues the confidences entrusted to him by his cabinet colleagues? Surely, there must develop a temptation at least on the part of his party colleagues to use him as a spy in the cabinet to obtain information relating to confidential discussion in the cabinet. Whether willingly, consciously or otherwise, if Mr. Wijetunga betrays the confidence of his cabinet colleagues or breaches collective responsibility, there is nothing that others can do. There is no machinery or sanction, constitutional or otherwise, which can be employed to prevent him continuing with his offending actions.

The fact that Mr. Wijetunga is the UNP's chosen candidate in the presidential election to be held within the next six months results in another anomalous situation. While being President and member of the cabinet mainly composed of the PA which is likely to put up a candidate of its own, he will be campaigning from platforms with the assistance of UNP stalwarts who are presently in parliament opposing the government which he himself heads. Perforce, in the course of his campaign, he will be denouncing the PA dominated government in respect of the policies which have been decided and acted upon by the cabinet which he heads and of which he is a member. Having been an insider participating in the cabinet's deliberations, he will be in a uniquely advantageous position to use all the information he has gained as a member of the cabinet throwing overboard the principles of confidentiality and collective responsibility. And yet he will continue to be in the cabinet until the election is over. On the other hand, if the presently chosen PA candidate, Mrs. Bandaranaike, also contests, one will witness the curious spectacle of two members of the same cabinet battling it out denouncing each other from different platforms. And presumably the other members of the cabinet including the Prime Minister also will be appearing on Mrs. Bandaranaike's platforms attacking the head of their own government and cabinet!

What an unappealing situation in which former President Jayewardene's Constitution and his executive presidential system has landed Sri Lanka in? In the interest of the health of the country's political system, President Wijetunga must resign.

Peoples Alliance Triumphs

Chandrika is Prime Minister

19 August — The swearing in of Mrs. Chandrika Kumaratunga as Prime Minister and her cabinet this morning marked the end of the road for the governing United National Party (UNP) which had dominated the political landscape of power and influence in Sri Lanka for the last seventeen years. To have presided over such a ceremony must certainly be an embarrassing experience for President Wijetunga, who is also the leader of the UNP which was trounced at the parliamentary election held on 16 August by the main opposition Peoples Alliance, of which Mrs. Kumaratunga is the deputy leader. Mr. Wijetunga and the UNP gambled on a premature parliamentary election and have paid the price.

The urgency and significance that Mrs. Kumaratunga and the Peoples Alliance attach to the ethnic question and the ongoing war is demonstrated by the fact that she will be in charge of the newly created Ministry of Ethnic Affairs and National Integration in addition to being Prime Minister and Minister of Finance.

In keeping with the promise made during the election campaign, the cabinet is composed of just 22 Ministers. Noteworthy of special mention in the cabinet are the former Vice Chancellor of the University of Colombo, Professor G.L. Peiris who becomes the Minister of Justice and Constitutional Affairs, and the veteran lawyer Mr. Lakshman Kadirgamar who has been appointed Minister of Foreign Affairs. The former Prime Minister and leader of the PA and the SLFP and the designated PA candidate in the forthcoming presidential election, Mrs. Sirimavo Bandaranaike is also included in the cabinet as Minister without portfolio.

Remarkable Victory

The Peoples Alliance victory at the election constitutes a remarkable achievement given the fact that (a) parliament was dissolved without much notice and election called suddenly giving little time for the opposition Peoples Alliance to get its act together, (b) the government deployed all the strength of the state machinery at its disposal to fight the

election, (c) the Sinhala-Buddhist chauvinist forces led by Gamini Jayasuriya, Madihe Pannaseeha Thero and the like including the Mahajana Eksath Peramuna led by Dinesh Gunawardene mounted a campaign on the basis that the PA by striking an alliance with the SLMC was betraying the motherland, the race and religion, and (d) the PA under the leadership of Mrs. Kumaratunga was attacked on the basis that it was going to betray Sinhala and Buddhism and threaten the territorial integrity and unity of the country by granting greater devolution for the Northeast.

Despite the rhetorical claims by both the ruling UNP and the main opposition Peoples Alliance that each were going to win a landslide victory over the other, the election in which there was a high voter turnout except the north and east, proved to be a cliffhanger until the last vote was counted. The Peoples Alliance, a coalition of ten political parties, but mainly composed of the Sri Lanka Freedom Party (SLFP),

Lanka Sama Samaja Party (LSSP) and Communist Party (CP), obtained 105 seats and the PA's electoral allies, the Sri Lanka Muslim Congress (SLMC) and the Up-country Peoples Progressive Front (UPPC) obtained 7 and 1 seats respectively, thus giving the PA and its allies an overall single seat majority in Sri Lanka's 225 seat Parliament. The Tamil United Liberation Front (TULF) which obtained five seats and the Democratic Peoples Liberation Front (political wing of PLOT) which won three seats have already declared their intention to support a government led by the PA thus ensuring it a working majority in parliament.

The UNP which had 125 seats in the outgoing parliament managed to win 94 seats.

UNP Machinations

Even as the results were being announced overnight, district by district, it was becoming obvious that the UNP's virtual one-party rule was coming to an end. In the districts in which the PA won, the majorities were quite substantial whereas in those where the UNP managed to win the majorities were rather slender.

In fact the PA won in all 22 electoral districts except in six where the

The New Cabinet

- D.B. Wijetunge** – President – Minister for Defence and Buddhist Affairs
- Chandrika Kumaratunga** – Prime Minister and Minister for Finance and Planning and Ethnic Affairs and National Integration
- Mrs. S. Bandaranaike** – Minister without Portfolio
- Ratnasiri Wickremanayake** – Public Administration and Plantation Affairs
- Lakshman Jayakody** – Cultural and Religious Affairs
- Bernard Soya** – Science Development and Human Resource Development
- D.M. Jayaratne** – Agriculture, Land and Forestry Conservation
- Mahinda Rajapakse** – Labour and Vocational Training
- A.M.M. Ashroff** – Shipping, Ports and Rehabilitation
- Anurudha Ratwatte** – Irrigation, Power and Energy
- Dharmasiri Senanayake** – Information, Tourism and Aviation
- Kingsley Wickremasinghe** – Trade, Commerce and Food
- C.V. Goonaratne** – Industrial Development
- Richard Pathirana** – Education and Higher Education
- Nimal Siripala Silva** – Housing, Construction and Public Utilities
- Mangala Samaraweera** – Posts and Telecommunications
- S.B. Dissanayake** – Youth, Sport and Rural Development
- Amerasiri Dodangoda** – Home Affairs, local Government and Co-operatives
- Srimani Athulathmudali** – Transport, Highways, Environment and Women's Affairs
- G.L. Peiris** – Justice and Constitutional Affairs
- Fowzie** – Health and Social Services
- Lakshman Kadirgamar** – Foreign Affairs
- Indika Goonawardene** – Fisheries and Aquatic Resources

UNP won thanks to Mr. Thondaman and his Ceylon Workers Congress (CWC) where there were substantial concentrations of voters belonging to the Tamil speaking plantation workers. If not for the CWC, which went into the elections in alliance with the UNP, and its leader Mr. Thondaman, who still continues to have a stranglehold on the affections of the plantation workers because of his dedicated service to them, the UNP would have most likely faced a virtual rout at the polls.

In spite of the fact the UNP was trailing behind the PA as the results were being announced, the UNP leadership which was fearing the loss of power began to indulge in horse-trading with other minority parties. Even as the President was addressing that he would respect of the verdict of the people and act constitutionally, overtures were being made behind the scenes to the TULF and the PA's ally, the SLMC. Gamini Dissanayake, who has gained a reputation of being a friend of the minorities, was deployed to speak to the TULF. Rukman Senanayake and the presidential Secretary Mr. Wijedasa sought to convince the SLMC leader Mr. M.H.M. Ashroff as to why his party should support the UNP although the SLMC contested the election on the basis of an electoral pact with the PA. It is learnt that Mr. Wijedasa had indicated to the SLMC leader that President Wijetunga would like to 'discuss matters' with him to which Mr. Ashroff would appear to give a curt reply that he would talk to President after the new government was formed under the Premiership of Mrs. Kumaratunga. Even offers of cabinet portfolios accompanied by a sack full of millions of rupees could not buy the SLMC to back the UNP to continue in power.

While some UNP stalwarts, who were reluctant to relinquish power, approached some leading members of the PA with view to persuading them to form a 'national government', it is learnt that the only person who acted like a 'gentleman' was the incumbent Prime Minister Mr. Ranil Wickremasinghe who, after sending a congratulatory message to Mrs. Kumaratunga, advised the President Wijetunga to appoint her as Prime Minister without delay. The Prime Minister told a press conference in Colombo that he would vacate his official residents, 'Temple Trees', before Mrs. Kumaratunga

was sworn-in, and added, 'People have elected a parliament reflecting the current trends. I wish the new administration well. We are prepared to accept the duties that a democratic system requires'.

It is reliably learnt that foreign diplomats had conveyed their governments' views to President Wijetunga that he should respect the verdict at the election and effect a smooth transfer of power to the Peoples Alliance and appoint Mrs. Kumaratunga as Prime Minister without delay to remove any uncertainty.

Chandrika Asserts Her Claim

Sensing President Wijetunga's reluctance, Mrs. Kumaratunga despatched a letter to him claiming she commanded the confidence of the majority in parliament, and later called on him to assert her claim and right and that of the PA to form the next government. It is learnt that, while he agreed to do so, he insisted on keeping to himself the Defence and Finance Ministries.

Under the convoluted executive presidential system in Sri Lanka, the President appoints the cabinet of ministers including the Prime Minister. It is the President who heads the cabinet and chairs its meetings. The President could appropriate to himself any Ministry he wants. He can unilaterally dismiss any member of the cabinet and appoint new ministers. It is under this system, that President Wijetunga, up to this time has been holding several cabinet portfolios including that of the Ministry of Finance. This situation did not create any problem up to now because the President happened to be the leader of the party, the UNP, which had the majority in parliament. Now the UNP has lost its majority in parliament. Although his party has been defeated at the election, and thereby lost the confidence of the people, he will not only head a cabinet composed of his opponents, but also he wants to hold on to the important posts of Minister of Finance and Defence. It is learnt that Mrs. Kumaratunga has flatly refused to accept the position of the President holding on to important cabinet portfolios, particularly the Finance Ministry, as he has done in the past. What looked like an emerging constitutional crisis seems to have been averted by a compromise under which the President will hold the portfolio of Defence and Buddhist Affairs.

If Wijetunga does not relent and accept that he and his party have been defeated although he is still the President, it will turn out to be a recipe for a standoff between the parliament and the presidency. The parliament may flex its muscles by blocking any monies being passed to run the presidency. Being a lame-duck president who has no hope of winning at the next election to be held shortly, there is every chance that Wijetunga will not be able to exercise the power and authority exercised by his predecessors.

Urge for Change

After the turbulent seventeen year rule by the UNP which was characterised by ethnic conflict, islandwide outbreaks of communal violence, the JVP insurgency and the counter-insurgency repression, corruption, abuse of power, suppression of democratic and human rights, political victimisation and a whole host of other misdemeanours, and not forgetting the continuing war in the northeast, the people wanted a change of government. Substantial sections of the population, including those who would have been regarded as the natural supporters of the UNP, had turned against it and wanted a change.

An indication of this urge for change was reflected in an open appeal to the voters made by over 80 intellectuals including professors, scholars, university teachers, doctors, lawyers and other professionals. The appeal said:

'This will be the occasion for the Sri Lankan people to declare their verdict on the UNP Government which has been ruling the country for the past seventeen years. The experience under the UNP regime has been characterised by ★ continuous erosion of democracy, ★ deterioration of human rights and fundamental freedoms, ★ escalation of the ethnic conflict and the prolongation of the war in the North-East, ★ widening of economic and social disparities, ★ large scale and pervasive corruption, and ★ shameless abuse of state power as demonstrated recently by the Presidential pardon for criminal elements.

'A change of government is absolutely necessary for the renewal of the democratic process and the creation of new political

Continued on page 6

Continued from page 5

space for democratic governance and social well-being. . . Vote PA on August 16 to ensure democratic renewal in Sri Lanka'.

There is no doubt that the person who turned out to be the architect to mobilise the vast mass of people who wanted that change is Mrs. Chandrika Kumaratunga, the deputy leader of the Peoples Alliance. Although the 78-year-old Mrs. Bandaranaike is the leader of the PA, she let it be known that she was deputising her daughter to lead the PA campaign, and that if the PA won, that Mrs. Kumaratunga would become Prime Minister. And Mrs. Kumaratunga, in spite of the several reported security risks to herself, led the PA campaign addressing hundreds of meetings all over the country. The PA owes much of its success at this election to the campaigning skills of Mrs. Kumaratunga.

Violence & Security Measures

Though the campaign in the run up to the election was marred by acts of violence, including the murder of at least 20 persons mainly belonging to the opposition, the election itself passed off amidst a tense atmosphere but peacefully without any major incidents of violence.

However, fearing outbreaks of violence in the aftermath of the election, President Wijetunga reimposed a state of emergency that lapsed last month after eleven long years. The security forces and the police were given extraordinary powers to deal with any possible violent incident and law-breakers. Soon after close of poll, a nationwide

33-hour curfew was clamped down followed by another 24 hour curfew and indefinite night curfews to prevent movement of people that might contribute to the outbreak of violence. Approximately 50,000 police and security service personnel were deployed to patrol the empty streets of towns, cities and villages. Wednesday and Thursday (18 and 19 August) were declared public holidays with a view to keeping most of the people homebound. Ban on the sale of alcoholic beverages had been imposed to last for a week beginning two days before the day of the election.

Many of those belonging to the opposition who suffered repression and thuggery at the hands of the UNP during its regime had vowed revenge against their opponents, and the security measures taken has thus far prevented any recrudescence of violent incidents on any major scale.

However, on the day of the elections and previously there had been reports of incidents of violence and attempted vote-rigging. There was one report in which a gang led by a government minister attacked an official vehicle at Jaela, a suburban town close to Colombo. A few days before the election a government minister, Mr. Adhikari, with the assistance of a gang of thugs was reported to have assaulted an opposition supporter. As the victim was proceeding to report the matter of the assault to the police, he was again set upon by the minister and beaten up until he was dead. The minister was taken into custody, but later released on bail by the local magistrate.

In the days prior to the election,

over 1500 complaints of violence, mainly directed at the opposition, including assault, harassment, intimidation, burning of houses and shops were reported.

Whither the UNP?

Even before the elections, and within one year following the assassination of former President Premadasa, the UNP had displayed serious signs of disunity and disintegration. Lacking any leadership qualities or organisational qualities, the aging leader of the UNP Mr. Wijetunga is bound to face a challenge to his leadership of the party particularly following this electoral debacle even before the next presidential election which is due before the end of this year. Normally one would expect the present Prime Minister Mr. Ranil Wickremasinghe to succeed to the leadership. But Ranil no match to the veteran UNP Mr. Gamini Dissanayake who found himself in the political doghouse put there by former President Premadasa during his time. Gamini's re-entry into the UNP's hierarchy has been the cause of much apprehension and displeasure amongst traditional Premadasa supporters. However, Gamini is capable and ambitious, and he is bound to stake his claim for the mantle of the UNP's leadership, particularly after the good showing by the party in the election in the Kandy district which is his base.

Besides the internal fighting and leadership rivalries which are bound to tear the UNP party apart, the many well known supporters who gravitated to the UNP merely because it was in power and hence able to dispense patronage, including

Jaffna District – 1994 Election Result – EPDP: 9 seats, SLMC: 1 seat

Electorate	Registered Voters	Votes Cast	EPRLF	SLMC	Ind. Group	Ind. Group 2
					1	(EPDP)
Kayts	45504	11263	231	819	235	9978
Vaddukodai	–	584	–	5	43	536
K.K.S.	60417	121	9	4	15	93
Manipay	58392	12	–	–	8	4
Kopay	56496	57	–	–	17	40
Udupiddy	52153	8	1	1	1	5
Point Pedro	40336	34	–	–	31	3
Chavakacheri	51717	79	–	62	2	53
Nallur	62372	19	2	–	9	8
Jaffna	50045	1208	7	1151	10	40
Kilinochi	55995	66	2	1	–	9
Total Votes	–	13,451	252	2,042	371	10,769

those who became rich and powerful during the UNP's long tenure in government, are likely sooner than later to abandon the party altogether.

If the PA, as promised in its election manifesto, were to appoint a permanent Bribery Commission with terms of reference to investigate allegations of corruption and bribery dating back to the beginnings of the UNP rule in 1977, many of those who held ministerial positions during the UNP regime, including some of those who have been elected this time, are likely to become targets of such investigation. It is political power that protected them up to now. Life in the opposition offers no such protection. The UNP is in for a hard time.

Elections in the Northeast

As expected, the election held in the Jaffna peninsula turned out to be farce. The Tamil Tigers control most of Jaffna and no sooner election was announced, they made their intention of not permitting the election to be held in the areas under their control. Because of the Tigers' hold on the civilian population, there was no chance that the people would go out and vote disregarding the boycott ordered by the LTTE.

In fact the LTTE did not even allow the chief government official representative in Jaffna, the Government Agent Mr. Manikkavasagar, to travel to Colombo in time to receive any instructions from the government or the Commissioner of Elections as to the conduct of the election.

The Supreme Court challenge instituted by the TULF against the holding of the election in Jaffna was turned down and objection made to the government by the TULF and the EPRLF went unheeded. In the event the election was held with polling facilities provided only in areas controlled by the security forces – the off-shore islands and the coastal strip of land on the north of the peninsula.

Out of a total of approximately 550,000 registered voters in the Jaffna district, only 13451 votes were cast of which 11263 were from the island of Kayts. The extent to which the election in Jaffna was flawed is shown from the table appearing on this page.

In this flawed election area, the main beneficiary has been the Eelam Peoples Democratic Party

(EPDP) led by Douglas Devananda. The EPDP has been working along with the security forces in the battle against the Tigers. The security forces have with the consent of the government given the EPDP authority to control and run the administration of the offshore islands. The EPDP won 9 seats and the SLMC 1 seat in the district. The nonsense that passed off as the election in Jaffna is demonstrated by the fact that the EPDP has become the third largest parliamentary party in Sri Lanka obtaining 9 seats with just 10768 votes!

Whether even these votes were obtained fairly by the EPDP is gravely doubted because there were allegations by other Tamil parties or groups that they were not allowed to campaign freely in the islands under the control of the EPDP.

In the northern Vanni district, which includes Mannar, Vavuniya and Mallaitivu, again there was very low turnout of voters. In this district, the Democratic Peoples Liberation Front (DPLF - political wing of PLOT) led by D. Sitharthan, and which has astutely cultivated a base in the Vavuniya area, won three seats and the UNP, PA and SLMC won one seat each.

In the eastern Batticaloa district, where the turnout of voters was much better, the TULF made a remarkable comeback by winning three seats. The SLMC and the UNP won one seat each. In the Digmadulla district, which includes Amparai, Kalmunai, Pottuvil and Sammanthurai, the UNP won three seats, SLMC two seats and the PA won one seat.

In the Trincomalee district, of the four seats, UNP won two seats, and

the TULF and the SLMC won one seat each. The reason for the UNP winning two seats in this predominantly Tamil speaking district is attributed to the fact that their votes were divided among too many Tamil candidates which benefitted the UNP.

Independent Tamil Group in Colombo

None of the Tamil candidates representing the Independent Tamil Group who contested in the Colombo district under the leadership of Mr. Kumar Ponnambalam won. In fact the votes they polled could be described as derisory in the context of the number of Tamils presently living in Colombo.

In the runup to the election Mr. Kumar Ponnambalam received an unusually large measure of coverage in the national newspapers. The main plank of his group of candidates was that the Tamils should not trust or rely on either the UNP or the Peoples Alliance, and that the Tamils living in the south, particularly in Colombo must unite and show their strength by electing their own MPs. It looks as if that invitation was summarily rejected by the Tamil voters living in the Colombo district. Either they voted for one of the main parties of they desisted voting at all.

Some Tamil observers in Colombo feel that, had the Tamils living in Colombo as group struck a deal with the PA in the same way as the SLMC did, they would have obtained a greater say with the PA leadership which is ostensibly committed to the ending of the ethnic conflict and the ongoing war in the Northeast.

Arms Deal With Russia

Mr. Dharmasiri Senanayake, spokesman for the opposition Peoples Alliance claimed that Sri Lanka's caretaker government had signed a \$73 million arms deal with Russia, and he warned that it might not honour the deal if the PA won at the forthcoming elections.

Mr. Senanayake said that the arms deal for armoured vehicles and helicopters was signed the day after President D.B. Wijetunga dissolved parliament and called a snap election for 16 August. 'It is totally wrong for a caretaker government to enter into a transaction of this

nature committing the country's resources. If we come to power, we will not honour the deal without a wide-ranging inquiry into the propriety of the whole transaction and the procedure that was followed', he told a recent news conference in Colombo.

Although a defence ministry spokesman denied any knowledge of the deal, Mr. Senanayake said, 'We have information that a group of senior military officers signed the deal, ostensibly on a government-to-government basis, but actually with a private Singaporean firm called Global Omarus Technology (Prvt) Ltd'.

Desire for 'Change' Key to Opposition Victory

from Rita Sebastian

After 17 years in the opposition the Sri Lanka Freedom Party led People's Alliance (PA), made a triumphant comeback into the seats of power securing a simple majority in the 225 seat legislature for which elections were held on August 16.

In a message to the nation on state television on Wednesday (17.8.94), after most of the results had come in, President Dingiri Banda Wijetunga assured the country that once all the results were gazetted he would act constitutionally and appoint as Prime Minister the person who in his opinion commands the confidence of the house.

The President's message got variously interpreted in the public mind following behind the scenes manoeuvring by some UNP party stalwarts to woo Tamil minority support to form a government.

This however failed to materialise and by late Thursday (18.8.94), the scene was set for PA Prime Ministerial nominee Chandrika Kumaranatunga to be asked to form the next government.

Although the PA won only 91 seats and gained 14 in the national list, falling short of the required 113, its electoral ally the Sri Lanka Muslim Congress has pledged its 7 seats to the PA taking the total up to 112 seats.

The UNP total added up to 94, with 81 seats won at the election and gaining 13 seats from the national list. The other party positions read: the Tamil United Liberation Front (TULF) 4, the Democratic People's Liberation Front (DPLF), the political wing of the PLOTE, 3, the Sri Lanka Progressive Front, (SLPF) one and the Upcountry Plantation Workers Front who contested as independents one seat.

Although the Eelam People's Democratic Party (EPDP) which participated in a limited electoral exercise in the Jaffna district won 9 of the 10 seats in the disputed Jaffna district, there is the possibility that the Elections Commissioner using his discretion under an elections provision will declare part of the poll, both in Jaffna and some areas of the Vanni, null and void.

What this election demonstrated

in no uncertain terms is that communal politics does not win votes. The chauvinistic Mahajana alleging that SLMC leader, M. Ashraff had signed a secret pact with Chandrika to concede a separate homeland for the country's Tamil minority in the northeast of the island, was completely wiped off the electoral slate.

Another loser was All Ceylon Tamil Congress candidates in Colombo. Ponnambalam, who got wide exposure in the national press in a run-up to the elections appealed to the Tamils not to vote for either of the two main Sinhala parties. Anybody who aligns with a Sinhala party is a traitor to the Tamil cause he said.

Also finding no place in parliament this time, is the Eelam People's Revolutionary Liberation Front (EPRLF) who in the 1989 parliamentary election contesting

under the TULF umbrella sent in 4 representatives. Overtures by the EPRLF to the TULF for a similar arrangement this time as well was met with a negative response.

The Tamil Eelam Liberation Organisation (TELO) has also been voted out. Besides the EPDP, the only other ex-militant group to win seats is the DPLF who have gone to great pains to cultivate the Vanni electorate.

For the UNP it was its electoral alliance with the Ceylon Workers Congress (CWC), led by strong man former Minister S. Thondaman that brought in the block plantation vote. Six CWC candidates contesting under the UNP banner in the up-country plantation sector have all won their seats. One of the two CWC candidates who contested Colombo is also expected to win once the counting of preference votes is completed.

Most political analysts saw the election result not as a pro-PA win but an essentially anti-government vote. 'Change' was the key word as voters switched sides in an election with a high voter turn-out of over 75%.

Boycott Call by Tigers

The Liberation Tigers of Tamil Eelam (LTTE) has described the Parliamentary general elections in the Northeast as illegal, unfair and undemocratic and called upon the Tamil people to boycott the elections. Tamil Tigers would oppose all forms of elections in the Tamil homeland until the Tamil National question is resolved, the LTTE spokesman said.

'A state of war is prevailing in the Northeast. Military offensive operations are continuing in a limited scale in Tamil areas with persistent aerial bombardment and artillery attacks. Military round-ups and search-and-destroy operations are continuing in certain areas. Naval attacks on coastal areas are taking place regularly. Civilian population in the East are facing military harassment, intimidation and terror. Over a million people in the northeast have been up-rooted and displaced. Several thousands of Tamils have fled to India and other foreign countries. Holding Parliamentary elections in the Northeast, under these circumstances is illegal, unfair and undemocratic', the LTTE spokesman explained.

'The determination of the Govern-

ment of Sri Lanka to hold elections in the Tamil areas under the conditions of war and military occupation shows the utter callousness and insensibility of the ruling elites in Colombo to the sentiments and aspirations of the Tamil people. These actions will further alienate the Tamil population from the mainstream of democratic politics', the spokesman declared.

Commenting on the forthcoming elections, the LTTE spokesman further said that the sinister objective of the Government in holding elections in some pockets of 'controlled' areas in the North was to help the pro-UNP Tamil groups to enter Parliament through a fraudulent exercise. 'This is illegal and violates all norms of democratic electoral practice', the spokesman said.

Explaining the LTTE's stand, the spokesman has said that the Tamil Tiger Movement will oppose all forms of elections until the Tamil ethnic conflict is resolved. 'A fair and democratic election in the Tamil homeland is only possible, when the national question is resolved peacefully through political negotiations, only when the war comes to an end and permanent peace is established', he declared.

'North-East Merger, A Must to Solve Ethnic Problem'

- Vasudeva

★ Vasudeva's TV Display:

Debates on television (not on state controlled, but private TV) have become a common phenomenon in the current election campaign. The *Sunday Island* (7.8.94) editorially commented, 'Hardly was the ink dry on this column last week lamenting the lack of fun and games in the current election campaign when comrade Vasudeva Nanayakkara stormed the barricades. It would appear that Sri Lanka's television had waited all these years for Vasu to deliver it from its infantilism. With one swish of his beard, Comrade Nanayakkara, now a born-again LSSPer, made television come of age last Monday.'

The reference was to the TV debate between UNP's Jinadasa Niyathapala and Vasudeva Nanayakkara contesting under the PA banner. The government-controlled *Sunday Observer* (7.8.94) also gave prominence to Vasu's TV display, not because it loved what he said during the debate. 'Vasu Wants Tamil Demands Conceded' was its front-page heading and 'Merger of North and East - Only Way to Solve Ethnic Problem' was the heading the paper gave to what it published as the substance of the debate. 'Vasu Betrays the Sinhala-Buddhists' was no doubt the message the *Sunday Observer* editor wanted to give his readers.

The following is text of the *Sunday Observer's* report of the debate:

'Peoples Alliance candidate for Ratnapura district and former NSSP leader Vasudeva Nanayakkara said that the only way to solve the North East problem is to merge the North and East where Tamils and Muslims are living predominantly into a single administrative unit.

He said this in an election debate with UNP Colombo district candidate Jinadasa Niyathapala broadcast on TNL's 'Jana Handa' television program.

Mr. Niyathapala countered that Mr. Nanayakkara's proposal if implemented will lead to a total disintegration of the country.

Mr. Nanayakkara in reply said

democracy did not only mean the right of a majority to mark a cross on a ballot paper but protection of the rights of those who do not constitute the majority. This could be done on the lines of language and community with territorial consideration. This is the accepted democratic principle throughout the whole world today.

Mr. Nanayakkara said his proposal was not a betrayal of the Sinhalese. But it would rather help foster peace and unity by enabling Tamil democratic forces to emerge by defeating the Tigers.

During his debate Mr. Nanayakkara further said the setting up of territorial colonies was the only way to guarantee that the Tamil and Muslim ratio would not be altered for ulterior motives. Therefore those areas should be merged creating a separate administrative unit.

Fulfilment of the aspirations of a community concentrated in a certain region to have a single administration irrespective of territorial boundaries will cater to their national need. There is only a minority of Sinhalese living in these areas.

Mr. Nanayakkara said when the North East is given over for cultivation or residential purposes attempts should not be made to change the communal ratio and reduce the Tamils and Muslims to a minority because such an action would only prevent a solution to this problem.

"I wish to state this clearly on behalf of the People's Alliance that one of the main objectives of the Alliance is to allow people of the North East to have their own administration as people living in a single unit."

When people are living in an area according to cultural tradition other colonists should not be introduced there to change the communal ratio. It would be wrong to think of doing such a thing. We can arrive at such an understanding if the People's Alliance is elected to power, Mr. Nanayakkara emphasised.

"I am not stating this categorically. I am blaming your party for not making such a proposal" Mr. Nanayakkara told Mr. Niyathapala.

Mr. Nanayakkara said the only way to stop the war is to merge the Tamil and Muslim areas in the North East into a separate administrative unit. The people will take a decision on this at this election. Only the poor are getting killed in this war and no damage is caused to the rich.

Mr. Niyathapala in reply said Mr. Nanayakkara's proposal would only result in the total disintegration of the country. He said every individual should have a right to live in any part of the country he wished.

"Your party (the People's Alliance) has already found the solution. You admit that the People's Alliance is planning to merge the North and East including the Ampara electorate?" Mr. Niyathapala asked Mr. Nanayakkara.

To this Mr. Nanayakkara replied that the only way to end the war is to create a separate administrative unit in respect of Tamil and Muslim dominated areas.

Mr. Niyathapala said that Mr. Nanayakkara's proposal is a total betrayal of the Sinhalese who account for 74 per cent of the population of this country. It is doubtful whether one could gain votes by betraying the Sinhalese.

Mr. Niyathapala maintained that people in the North and East too have the right to live in the South as in the case of Wellawatte.

Although some maintained that the North East was their "traditional homeland" no one could claim the right to a traditional homeland, because the country belonged to all its citizens.

The policy of the UNP is that all citizens living across the country from Point Pedro, to Dondra head and from Colombo to Batticaloa have equal rights in this country, Mr. Niyathapala emphasised.

No, Mr. Speaker!

It is learnt that the TULF National List MP, Dr. Neelan Thiruchelvam, has declined the offer of the post of Speaker of Parliament made by Prime Minister Mrs. Kumaratunga on behalf of the PA. The reason behind the move to make Dr. Neelan the Speaker was that the PA wanted to retain its much needed single vote majority in parliament. For Dr. Neelan, the acceptance of the post would have meant that he would not have been able to take an active role in debates in parliament, and in moves to make progress towards a political solution.

Election Campaign Review

– Rita Sebastian

★ Chandrika Confident of Victory

COLOMBO – a definite 'no' to the minority Tamil demand for a permanently merged northeast province. Instead, a re-demarcation of boundaries and extensive devolution of power is what is on offer from the SLFP-led People's Alliance (PA) for resolving the island's national question.

Deputy leader of the SLFP, Chandrika Kumaranunga who led the People's Alliance campaign for the August 16th poll told a small group of journalists that she had no secret pact with Tiger leader Vellupillai Prabhakaran, but a PA win would take her to the Tiger stronghold of northern Jaffna for unconditional talks with the Tiger leadership. Any solution said Kumaranunga will evolve out of a dialogue between the Tamils and the Sinhalese.

What if a political solution does not work out. Would her government resort to the military option?

'A sovereign state cannot sit back and watch while it is threatened, its villagers massacred, or while bombs explode. Circumstances will decide the issue' said Kumaranunga.

Her rhetoric aside, Kumaranunga is determined to find a way out of the present impasse and end the on-going conflict in the northeast, that is costing the government a staggering 25 billion rupees annually.

Kumaranunga who is more realistic than a large number of her partymen who have predicted a landslide win for PA said: 'that by all appearances we will see something better than a hung parliament', predicted by political analysts.

The priorities of a PA government said Kumaranunga would be to re-establish democracy, create an atmosphere where people can live without fear and public servants without political interference.

On the economic front the PA has already accepted free market policies but it would ensure that it was transparent and honest, with clear economic perspectives and objectives. And this she said would not mean socialist controls.

Kumaranunga brushed aside the socialist label she has carried for

quite a while by declaring that 'there is socialist democracy and democratic socialism, as well as other self-declared brands of socialism'.

Answering the ruling United National Party allegation that she had obtained a liquor licence for running a bar on the Bandaranaike's ancestral Horagalla premises, Kumaranunga said it was a tourist restaurant that had a licence for selling liquor and was legal business.

As for the victimisation of her political opponents if she takes over the reins of government, Kumaranunga said that in the 15 months that she has been administering the Western Provincial Council as its Chief Minister there was no witch hunt. 'I did not even transfer a clerk' she said.

Kumaranunga dismissed statements made on PA platforms that the island's international airport will be closed the day after the elections to prevent UNP politicians fleeing threats to haul them up before the courts for corruption and bribery.

Kumaranunga however alerted the press to the possibility that if the UNP lost the poll, it would declare martial law and refuse to relinquish power.

For Kumaranunga who 'does not run away from challenges' it is destiny, she says that has pushed her into the forefront of national politics. And with the 'incredible support' from the country's youth, Chandrika Kumaranunga seems confident that the Prime Ministership is within sight.

★ North: Election Has No Relevance

Vavuniya – Young Fr. Devasagayam Devanesan knows the drill. He empties his travelling bag onto the raised platform at the army checkpoint at Thandikulam, and waits patiently till the contents are minutely checked by a security official.

A small transparent plastic bag is ripped open, and out falls a pair of socks. Another plastic bag is emptied of two large beetroots and about a dozen carrots. The bag

thrown aside, is caught in the wind, and finds itself together with dozens of other plastic bags in the nearby shrubs.

A white cassock, a pair of long pants, and two packets of milk powder are given a shake and end up in a heap. The search is over and Fr. Devanesan, of the Church of South India who has a parish in Paranthan, is free to leave. How will he carry his vegetables? A security official relents, and he is provided with another plastic bag.

Fr. Devanesan has an amused smile. You can buy the same plastic bags on the other side, he tells the security official. The reason for not allowing plastic bags into Tiger held territory north of Vavuniya is because they use it to cover the gelignite and the batteries that power the 'Johnny mines', says the security official.

Fiftysix-year-old Annamma has had her large gunny bag checked. Its contents are hundreds of betel leaf. The grey-haired woman travels daily from Puliyankulam into Vavuniya, buys the betel leaf and sells it to a vendor in Omantai in what the military would describe as 'uncleared area'.

Soon she and a group of other women, as old as herself, relocated from the upcountry plantation sector, have had their goods checked and board a state transport bus.

Two kilometers away is the Nochi-moddai bridge where they all get off. A green painted board on the bridge warns: 'you go beyond this point at your own risk'. And from here begins the harrowing two-mile walk to Omantai, to the Tiger sentry point, and virtual Tiger country.

Men and women, young and not so young, like beasts of burden, balancing huge bags on their heads and carrier bags in both hands, sweat pouring down their faces and their bodies, make the long walk. On the other side of course there are the bicycles, the lorries and open trailers waiting to pick them up.

These are the people for whom the August 16 general election has no relevance. Trapped between two warring sides they endure the rigours and the deprivations forced on them by a 'no-win war'.

Their regular journeyings through the Thandikulam checkpoint, whether they come from the Jaffna peninsula, Kilinochchi, Mullaitivu or the various small towns and villages in the north, is for

business, for medical treatment in Colombo, or for official purposes.

This is nothing new. It has been in operation since fresh hostilities broke out between the Tigers and government forces in June 1990, followed by an economic embargo on the north.

With the Tigers boycotting the election having made it known that it 'has no faith in the politics of the south' 90% of the Jaffna district's 600,000 voters will remain outside the electoral process. It is virtual disenfranchisement of the country's Tamil minority, further deepening their sense of alienation from the rest of the country.

The limited electoral exercise in the islands off the Jaffna peninsula tells its own story. The Eelam People's Democratic Party (EPDP) with its military presence in the islands has an edge over its rivals. And the farce that is being enacted is going to rebound on all Tamils. For representing the Tamils from the north in the island's legislature, will be representatives who have only a minuscule constituency in the north.

Unfortunately, for the two main parties, the ruling United National Party (UNP) and the Sri Lanka Freedom Party led People's Alliance (PA) elections in the north are important for the simple reason that whichever side wins the poll will not be able to form a government unless the northern electorate is part of the whole electoral process.

Meanwhile with the battle lines being drawn between the moderates and ex-militants in the northeast, and the Tamil vote being horrendously divided there are going to be more losers than winners.

★ East: TULF Making a Comeback

Batticaloa – The battle lines have been drawn for the August 16 general election. The moderates vs the ex-militants.

After a decade of low-profile politics, the moderate Tamil United Liberation Front (TULF) is making a comeback, and there seems to be a sigh of relief judging by the reaction of the local populace in this Tamil dominated district on the island's east coast, of 75% Tamils and the rest, mostly Muslims. For ten years the ex-militants, together, as well as separately, held a tight rein over the destinies of the district. Today battle scarred and war-weary a large segment of the Tamil community is

ready to hand over its future to a party they believe will help heal the wounds of war and articulate their grievances on the floor of the country's legislature.

The TULF is not without its detractors though. 'Where were they all this while?' asks a frail old woman for whom time is running out, and for whom the TULF committed its most unforgivable crime when its leadership 'abandoned the people' and fled to India following the 1983 communal holocaust in the country when an estimated 2000 Tamils were killed by rampaging Sinhala mobs.

But there are others who, even if they haven't forgotten, have readily forgiven. With the Muslim vote effectively secured by the Sri Lanka Muslim Congress, and the ruling United National Party (UNP), the People's Alliance (PA) and the two independent groups having already been written off, it is the Eelam People's Revolutionary Liberation Front (EPRLF), and the three party alliance of the Tamil Eelam Liberation Organisation (TELO), the People's Liberation Organisation of Tamil Eelam (PLOTE) and the Eelam Revolutionary Organisation of Students (EROS) contesting under the Tamil United National Front (TUNF) umbrella, and the TULF who are in the running for the 5 seats in the district.

Heading the TULF campaign in the district is Joseph Pararajasingham who was appointed to the last parliament on the national list.

It was through Joseph's efforts that for the first time in the district, soldiers involved in a massacre of Tamil civilians were made accountable and courtmartialled, and the families of the victims financially compensated.

Any issue, whether it be army excesses or problems relating to the troubled eastern university, Joseph was there to take it up with the highest in the land. He raised issues in every fora possible, local as well as international.

While the local council elections in March generated very little enthusiasm with mostly the ex-militants in the fray, this election has attracted people of standing in the community, says a very senior citizen of the town who has lived through the troubled times but is still optimistic about the future.

What the Tamils need today, he says, are leaders who command respect, who can forcefully articulate

the problems of the people. Militants have a role to play, he says, but not in politics.

The EPRLF that blotted its copy book in the 1989 election with charges of having had its ballot boxes stuffed by the Indian Peace Keeping Forces, is trying hard to put the past behind them. They who once controlled the northeast provincial administration find that their rivals are a step ahead of them.

Karthigesu Vythalingam, 34, an EPRLF candidate has no qualms about 'returning to our guns, if the Sri Lanka government does not give us our rights'. Meanwhile TELO and PLOTE are faced with the task of having to explain their dual role. In mainstream politics on the one hand, and on the other, some of their armed cadres fighting alongside government forces.

But their umbrella organisation is not without support. In some of the interior villages, their cadres, their families and their friends could win them a seat, according to political analysts. One of the TUNF's main champions is the newly elected Mayor of Batticaloa, Chelliyan Perinbanayagam. The very fact that militant groups have come together is the biggest victory says Perinbanayagam who was backed by TELO and PLOTE at the local poll in March.

And as all the candidates flout the election laws with impunity, engaging in house to house campaigning, pasting posters and very successfully daubing the roadways with their symbols and their slogans the 261,000 voters seem to have already made up their minds as to who they want as their representatives in parliament.

Their politicking may be different but the Tamil groups are however agreed on three key issues, a merged northeast province, a federal structure for the region through a negotiated political settlement, and dropping the military option.

★ Upcountry: Thondaman Faces Challenge

Nuwara Eliva – Pushpamani, plucking 'two leaves and a bud' on Glendevon estate, in upcountry Nuwara Eliya, hardly took her eyes off her tea plucking as she said quite decidedly that P. Chandrasekaran of the Upcountry Plantation Workers

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Front will get her vote in the August 16 poll.

The 33-year-old widow and mother of three, who voted for the Ceylon Workers Congress (CWC) in the last election has changed sides. 'Chandrasekeran has promised jobs for my children when they leave school' says Pushpamanai. It is as simple as that for a woman who earns an average monthly wage of Rs. 1,500 plucking tea, and supplements her income when there is no plucking, by working as a casual labourer in the vegetable gardens that dot the estate landscape.

Chandrasekeran's incarceration in jail for several months, over the alleged harbouring of a Tiger activist wanted in connection with a bomb explosion in Colombo, has earned him not only the sympathy of the electorate, but a sneaking admiration as well.

A former CWC member, Chandrasekeran broke away from the powerful trade union following disagreements with CWC Chief, S. Thondaman, and formed his own.

But Pushpamani is in a minority in the plantations where Thondaman is treated with almost God-like reverence. It is Thondaman, say his followers, who battled governments to secure the rights of the plantation workers.

And it is benefits fought for, and won, that have become the CWC's campaign issues. As the ruling United National Party's election ally, contesting under the UNP symbol, the CWC is confident that it will send three CWC representatives into parliament from the district, one of them Thondaman's grandson, the controversial Arumugam Ramanathan regarded as heir apparent to the CWC throne.

Suppiah Sathasivam, a Minister in the Central Provincial Council, and one of the CWC candidates, says quite candidly that 'we are not promising anything. We are only pointing to our achievements in the last 17 years by virtue of our collaboration with the ruling party. Citizenship for the stateless, equal pay for equal work, the guarantee of 300 working days in the year for the plantation workers, an improved education system, and also quite significantly, our representation right down from grassroot level local councils to representation in parliament. Our goal is the improvement of the overall living conditions of the

plantation workers and our youth being accommodated in the public service on an ethnic quota'.

Nobody denies that it was the bull-dog tenacity of CWC President Thondaman that has helped to improve the lives of the plantation workers, descendants of the immigrant Indian labour brought into the country to work on the British owned tea plantations.

The recent privatisation of the state-owned estates has created worker-management problems which the CWC is trying to resolve through a collective agreement with managements.

But all that has been put aside, with the CWC leadership on the field canvassing support for its candidates.

One of the CWC's priority issues today is educating the voter. The plantation sector registered over 30,000 rejected votes in the last election, the highest in the country, pointing to the high illiteracy rate among the workers.

Today 400 committees comprising young men and women members of the CWC are going from house to house with a sample ballot paper showing them how a ballot paper has to be marked in the complex proportional representation system.

Ever since its electoral alliance with the UNP over two decades ago the CWC has been able to support the ruling party with a solid vote bank.

★ Election Monitoring

With more and more Non-Governmental Organisations, both local and foreign jumping on the 'election monitoring bandwagon', a wag was heard to remark that it appeared there were going to be more monitors than voters for the August 16 General Election.

While former President Ranasinghe Premadasa threw out British Ambassador, David Gladstone for allegedly interfering in a local government election, his successor Dingiri Banda Wijetunga seems to have opened the floodgates by adopting a more open policy about election observers.

There is understandable resentment about these foreign, specially white, observers who will descend on Sri Lanka. Questions are naturally being asked as to their sources of funding as also the ideological and political baggage they would import

into the observation of the island's electoral process. One main criticism is that the government has no coherent policy about these observers.

Deputy leader of the main opposition Sri Lankan Freedom Party (SLFP), Chandrika Kumaranatunga who is leading the People's Alliance election campaign told journalists recently that the best guarantors of a fair and free poll were the people themselves.

In recent years we have had observers from the South Asian Association for Regional Cooperation (SAARC), some of them veterans of the observation beat.

Observers have to be fiercely independent if they are to be of any use. Some of them who have been to Sri Lanka before have not been above accepting official hospitality. While this in itself is not exactly compromising, it tends to make people have doubts about their impartiality.

Most of them who came here the last time stayed in 5-star hotels and the complaint against them was, that their forays into the electoral districts seemed like guided tours. Many of them collected substantial daily allowances thus exposing them to criticism by opposition parties that they were only lending legitimacy to the electoral process by their presence and not challenging any abuses that may have occurred. In view of this the government seems to be playing safe.

This time the foreign observers have been contacted directly by the Commissioner of Elections, Chandrananda De Silva and the Foreign Office is only playing a facilitatory role.

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The Re-invention of Democracy for Jaffna

— by D.B.S. Jeyaraj —

JAFFNA — 'The beautiful northern city of Sri Lanka, with rolling sand dunes and tall swaying palms, also offers many interesting sights including Hindu temples, Dutch forts, Keerimalai baths, tidal wells, Chundikulam sanctuary.'

Excerpted from 'Your Key to Paradise' in Air Lanka Diary for 1994.

A foreigner who possesses very poor knowledge of contemporary Sri Lankan affairs is likely to form a wrong impression of the true state of present day Jaffna if he or she happened to read the paragraph excerpted from the Air Lanka Diary. Air Lanka which has a vested interest in promoting tourism displays both a callous disregard for the truth and blatant insensitivity towards the abysmal plight of the inhabitants of Jaffna when it attempts to gloss over current realities. An illusory effect that all is well in Jaffna is likely to obliterate all truth about the on-going conflict. The false impression that is likely to be created would suppress the real facts about the travails and trauma being experienced by the people of Jaffna.

Air Lanka's feeble attempt to cover the harsh truth with a panoramic veneer however pales into insignificance when compared to another gigantic exercise concerning Jaffna. The Commissioner of Elections is going ahead with the mechanics of an election in the Jaffna electoral district. The Elections Commissioner in his wisdom is adhering in principle to the letter of the law and is trying to enforce it to the best of his ability.

Yet all the indicators point to the fact that what we are witnessing now in Jaffna is a charade of democracy behind the facade of an election. An objective perspective would clearly indicate that the elections being conducted under present conditions in Jaffna is both a travesty of democracy and a violation of the electoral principle.

The Tamil United Liberation Front and the All Ceylon Tamil Congress are both Tamil parties adhering to the principle of non-violence. These parties met with the Elections Commissioner and urged him to call off elections in Jaffna. TULF President M. Sivasithamparam sent a letter to the Commissioner of Elections requesting him to exclude the Jaffna Electoral district from the forthcoming parliamentary elections. Although there has been no written response Mr. Sivasithamparam has been informed orally that the Commissioner intends to proceed with the elections.

The TULF has also sought a legal remedy by way of filing Writs of Certiorari and Prohibition in the Appeal Courts. Mr. M. Sivasithamparam in his capacity as Party President was the petitioner. The TULF also filed another petition under Article 126 of the constitution in the Supreme Court. The petitioner in this regard was Mr. K. Sinnathurai a TULF stalwart also known as 'Aavaranka', Sinnathurai. Mr. Sinnathurai was founder member of the Federal Party and also a former TULF Jaffna District Development Councillor. Mr. Sinnathurai in his capacity as a Jaffna voter claimed that his fundamental rights as enshrined in the constitution were being infringed or were to be infringed upon. The TULF was not successful in its attempt to seek a legal remedy by way of obtaining Judicial intervention.

The Civil Rights Movement of Sri Lanka in a recent statement refers to the Jaffna situation in the following manner.

'The Civil Rights Movement is gravely concerned at the implications of the fact that a free and equal election is not possible under the prevailing conditions in the Jaffna electoral district. It is hardly necessary to reiterate what these conditions are: CRM consid-

ers them to be matters of common knowledge.'

What then are the prevailing conditions in Jaffna which the CRM feels is common knowledge? Some of the relevant particulars have been mentioned in these columns earlier. Still, it is worthwhile to ponder briefly on the situation.

The Jaffna Electoral District comprises the administrative districts of Jaffna and Kilinochi. The voting strength in 1989 was 592,210. The Electoral registers however have not been updated since 1986. Apart from the fact that this has resulted in preventing all new post-1986 voters from exercising their franchise no one has a clear idea as to how many voters there are now.

The electoral district is divided into 11 electoral divisions. The Kayts area consisting of the offshore Islands and the greater part of Kankesanthurai comprising KKS, Maviddapuram, Keerimalai, Senthankulam, Ilavalai, Mathakal, Alaveddy, Vilaan etc., are under Army and Navy control. There are also pockets like Karainagar and Ponnalai in the Vaddukoddai electorate. Idaikkadu in Kopay and the Pachilaipalli division in Kilinochi that are also under Army and Navy control. The rest of the area is very much under LTTE control. The total land area under the control of the security forces is less than 10% of the total landmass of Jaffna and Kilinochi districts. Moreover the population has fled in large numbers leaving behind only some thousands. The total voting population in the areas cleared by the army is not likely to exceed 10,000. The on-going conflict between the security forces and the LTTE continues in the North.

The LTTE has declared itself against any type of election being held in the North and East until the basic grievances of the Tamils have been redressed. They have curtailed the free movement of the Jaffna G.A. in a bid to prevent election arrangements. There is absolutely no chance that the people in LTTE controlled areas will be allowed to vote. In that context the contingency plan to cluster polling booths in areas cleared by

the security forces and expect Tamil civilians from adjacent LTTE controlled areas to indulge in cross-border voting is very much a false hope. This leaves only two categories of Jaffna voters who would be physically able to exercise their right of franchise. One is the voting segment in the cleared areas. The other is the displaced segment living in other parts of the country which has registered its eligibility. The end result is clear. A few thousands of voters are going to be substituted for the body politic numbering six lakhs. The fundamental right of franchise will be infringed for the bulk of the population. The whole concept of democracy will be undermined and the electoral principle distorted. A few are going to decide for the many. If one were to adapt Winston Churchill 'Mutatis Mutandis' - 'Never in the arena of parliamentary elections will so few voters elect so many MPs on behalf of so much votes'.

Already the basic credibility of the Jaffna elections is being eroded. The returning office was not the Jaffna or Killinochi Secretariat but a makeshift office in the army-controlled zone of Tellippalai, (the Tigers control a part of Tellippalai too). The returning officer was not the G.A. of Jaffna or Killinochi but an official named Mr. W.L.D. Perera who was temporarily administrator in charge of the elections office established by the military. Mr. Lakshman Perera has been designated as the acting Jaffna Electoral District returning officer.

Representatives of the EPRLF, Muslim Congress and the newly formed Tamil United National Front (PLOTE, TELO, EROS) were flown in a Y-8 Air Force plane to Palaly and taken under military escort to Tellippalai. Some have been quoted in the Tamil press to the effect that they could not see any civilians and only saw the wreckage and rubble of buildings. They were not even allowed to tarry at Tellippalai beyond a certain time. Also the Tamil representatives found themselves being physically searched and frisked by armed men

belonging to the EPDP a militant group that assists the military in the North.

Incidentally the same EPDP has also filed an independent list for Jaffna. The list is headed by Mr. Douglas Devananda leader of the EPDP permanently stationed in the Army controlled areas of the North. Mr. Devananda utilised that situation to his advantage by arriving in a procession to Tellippalai to hand in his nomination papers. He also stated there that all candidates contesting Jaffna had to reach Tellippalai with military escort and would also have to stay in the security barracks if they wanted to do any canvassing in the North. Thus we have a very bizarre situation in Jaffna where the EPDP is fighting on the one hand as para-military personnel and contesting on the other hand as a political party. Its cadres are conducting security checks during nomination day on candidates who are supposed to be contesting against them in a free and fair election. The absurdity of the situation was best highlighted by a front-page picture which appeared in the *Sunday Observer*. The picture showed the North-East Governor Mr. Lionel Fernando, the Defence Secretary Gen. Hamilton Wanasinghe and the EPDP leader Mr. Douglas Devananda in an open vehicle braving the Jaffna sun. 'Pictures', they say 'speak louder than a thousand words'. That picture was quite illustrative of the nexus that exists between the EPDP, the military establishment and officialdom in Jaffna.

There were subsequent developments too. The EPDP's rival the EPRLF complained that its members were being harassed by the EPDP while attempting to leave for Jaffna by ship from Trincomalee. The EPDP denied it. Later at a conference the EPRLF requested that the EPDP should be disarmed but it was turned down by the defence authorities. The EPDP could not be disarmed because they were a valuable component of the on-going security operation in the North. They would however not be allowed to harass their opponents. In that context already people are talking of what

is virtually a one-horse race in Jaffna. The only spanner in the EPDP works is the Muslim Congress. The astute move by Ashraff in registering the displaced Muslims of Jaffna in Puttalam has created a situation where the Muslim Congress may get 4 or 5 seats in Jaffna.

It is this situation that prevails in Jaffna. The bulk of the population is unable to vote, the conflict rages on and armed fighters are doubling up as political candidates. Again the particular nuances of the situation is best summed up by the Civil Rights Movement. The CRM says: 'In the present situation CRM sees a conflict between the democratic and constitutional imperative to hold a parliamentary general election within the required time period, and (so far as the Jaffna electoral district is concerned) the requirements that the voting at such elections shall be free and equal. This is not an instance where supervening events may make polling impossible in a particular area, for which there is provision in the relevant law, but where from the outset it is clear that conditions do not permit a free and equal election as generally understood.'

There are many in the corridors of power who see and feel the blatant violation of democratic principles and the flagrant ABUSE of the electoral process in Jaffna. But political imperatives seem overriding. Any postponement of the Jaffna elections is liable to cause a constitutional crisis if any single political party is unable to win a minimum of 113 seats in the next elections. The postponement of Jaffna elections will delay the completion of the national list of MPs. In the event of no party getting the required 113 seats parliament cannot be convened and the current caretaker cabinet will continue to hold office. The 'larger' national interest to avoid such a catastrophe has necessitated the 'smaller' fundamental rights of the Jaffna citizen being curtailed.

From a narrower political perspective both the UNP and SLFP

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see that some seats are in their pockets. The SLFP is sure of the Muslim Congress seats while the UNP is sure about the EPDP seats. (That both the Muslim Congress and the EPDP may change colours is another possibility.) So there is no compelling need to prevent flawed elections in Jaffna.

Also there is the other aspect. To postpone elections in Jaffna would be to accept the fact that the Government is not in control of the greater part of the North. That would amount to *ade-jure* recognition of what is a *de-facto* situation.

So the re-invention of democracy for Jaffna is in motion. It has been an on-going process. When this country first enjoyed universal suffrage and elected representatives to the state council in 1931 Jaffna boycotted the polls at the instigation of the Youth Congress which demanded full self-rule (poorana swaraj) or nothing. The boycott was lifted in 1934. The post-independent period saw Jaffna consistently electing the majority of their representatives from the Tamil Congress and the Federal Party. This elected Jaffna majority was always a minority in Parliament. The majority of parliamentarians merely steam-rolled minority aspirations. In 1981 the DDC elections saw massive violations of election laws and procedures in Jaffna. Uninitiated personnel indulged in this. A senior cabinet Minister justified the Jaffna situation by saying at a seminar held in the Sri Lanka Foundation Institute. 'There was a job to be done. Some one had to do it'. Some ballot boxes belonging to the DDC elections are still reported missing. Prof. Karthigesu Sivathamby used to quip that 'democracy will return to Jaffna only when the missing ballot boxes return.'

But the boxes did not return and democracy instead of returning took a turn for the worse. The bullet took the place of the ballot. Jaffna suffered vicissitudes caused by the vagaries of various militant groups. The ecology of the gun flourished. Only the wielders of the gun differed from time to time.

Today, the Tigers are the masters and do not allow even a tiny vestige of democracy to thrive within Jaffna.

In 1977 the TULF contested on the platform of a separate state and swept the polls in Jaffna. It claimed that it had a mandate for Eelam but stated it was willing to settle for a viable alternative. Only no one seemed genuinely interested in providing one. Again the aspirations of the Jaffna voter articulated democratically were ignored. But the only silver lining was that at least the 'Tamil MPs could have their say even if the majority had its way.' But the sixth amendment coming in the aftermath of the 1983 violence changed even that. The TULF took up a principled position of not taking the oath of allegiance to the constitution and so ended representative democracy for Jaffna.

Parliament continued to function without the MPs from Jaffna in particular and the other Tamil MPs in general for six years. No one seemed to care that the Tamil Community at large was being deprived of its democratic rights and was being denied parliamentary representation.

In 1989 elections saw the Indian Army being stationed at a ratio of one soldier to five voters in Jaffna district. Only 44.76% polled. The highest poll was in Jaffna electorate with 63.86% while the lowest was recorded in Udupiddy with 6.88%. The EROS backed independent group got 8 seats while the groups contesting under the TULF umbrella got 3 seats.

After some time the Indian Army went home and soon Eelam War 2 broke out. The EROS backed independents were caught between the LTTE and the state. The Jaffna independent MPs kept away from parliament and forfeited their seats. Some went abroad and others returned to Jaffna and joined the LTTE. The EPRLF MPs found themselves unable to go to Jaffna because of the Tigers. So Jaffna had a new type of parliamentary democracy. Elected MPs who could attend parliament but could not visit their electorate on the other. Again no one seemed unduly worried that the Tamils of

Jaffna and Trincomalee were not enjoying parliamentary representation after duly electing their MPs.

Today the situation is very much the same. MPs may be elected by a tiny fraction of the total electorate. But if the conflict continues no elected MP from Jaffna will be able to set foot on the greater part of Jaffna soil. An MP could visit the de-populated cleared areas of Jaffna. Even that would be only possible with military escorts. Again hypothetically an election petition may be filed. If the courts allow it in view of prevalent conditions then all 10 MPs would be unseated. In that case Jaffna would not be represented in parliament again. This is the peculiar situation caused by that re-invention of democracy in Jaffna.

After independence the Tamils of recent Indian origin were deprived of their franchise. Yet their population was taken into account when allocating seats although they could not vote thereby enhancing political representation for the up-country Sinhalese. The Jaffna Tamils had another problem where their elected MPs were unable to sit in parliament. Later they had MPs who could not visit their electorates. Now they are facing an election where a fraction of the voters through a flawed process will substitute themselves for the body politic and will elect MPs who could not be able to visit their electorate without military escorts.

The irony of the situation is that the Jaffna Tamils are only asserting their fundamental rights under the Sri Lankan constitution when they claim that their right to a free and fair election is being infringed upon. Allegations about a flawed election is in another sense an allegiance to the constitution of Sri Lanka. If their constitutional rights cannot be upheld then their faith in the constitution and the democratic electoral process would be weakened further. Moreover the current situation is also a violation of the International covenant on Civil and Political rights.

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Elections: A Change is Salutory

by Prof. Bertram Bastiampillai

The elections on August 16, 1994 are being eagerly awaited by not only the people of Sri Lanka but also by the international community alike. Seventeen years of rule by the United National Party have been experienced and the general impression as expressed by several, is that the people have grown bored. The government, they say, has become stale and an expectancy of change can be sensed in the electorate. Will it materialise?

The UNP seems to assure the people that it will press on with its policies and practices with even greater vigour than ever before. But what one has heard from the PA also indicates that its policies too would be the pursuit of a liberal and free economy, and welfareism will form the basis of social policy. Both contenders seem to compete with one another in promising constitutional reforms that hold out an assurance of greater accountability and answerability although the SLFP is clearer on this.

In other words, the UNP has rethought some of what it had hitherto held on to and now speaks of some change but not of a reversion to an earlier type of Westminster parliamentary democracy. It has enjoyed working the Presidential system and who will like to give up what has given so much power? Then accountability means little really.

In regard to the outstanding ethnic conflict which had grown worse since the riots of 1983, the UNP which had done nothing upto now really remedial, at present speaks of militarily crushing militancy and working out a solution after discussions with all sections of society. Its ideas of a solution, however, will not appease the Tamils: no merger, less devolution than promised. It has come to this view which is not new after various abortive attempts, whether seriously taken or not, in the past. The SLFP holds out that discussions would be held and a just and equitable political settlement will be evolved thereafter.

With respect to the much-talked-of merger, the UNP is clear that it will demerge the provinces while the PA makes out that there can be a redemarcation of boundaries to satisfy minority aspirations. So here again, the voter does not have much of an easy choice to make between the two contenders but again the SLFP offers potential change.

Nevertheless differences in nuances count as well as the record of the recent past long tenure in office of the UNP. The attitude of the UNP is apparently one which is typically majoritarian while the view of the Alliance is more inclined to be consensual.

When choice boils down to personalities, then one inevitably can think of Aristotle's dictum that if the state came into existence for life it exists to provide a good life; which is a life based on morality in governance. The voter can examine whether ethics matter in public political life in the past.

Then crop up questions of whether interminable emergency all over the island was needed or it merely cloaked abuses, whether politicisation of public services led to partiality in decision making or administration, whether, briefly, power corrupted or did it not. Did long entrenchment in abodes of authority account for a complacent smug self-satisfaction and insensitivity towards the ruled? These are pertinent questions to advance, before decision is taken on exercising the vote.

There has so much militarization at so much cost but did it result in better law and order in society and less violence? Was public political life clean? A few did well but what of the many? These questions will be posed by a voter before he chooses to vote.

Another issue to be discussed is the likely way in which the minorities will behave in elections. Again, it is a hard question to answer.

The SLMC is likely to wield the stronger influence in the East. It is

also likely that the Muslims out of the North as 'refugees' are likely to vote from the South, and that they would tilt towards the SLMC which emphasises the distinctiveness of a Muslim identity more clearly. The other Muslims, substantially large numerically, living all over the South spread ubiquitously, will, as they have done in the past, divide their support in backing either the UNP or the People's Alliance, but perhaps may favour the UNP more.

Sri Lankan Tamils have complained of war weariness, of impatience with the restraints that government reaction to the militant rebellion has caused. Will they therefore vote for parties and groups that are non-militant or have eschewed militancy, or will they vote at all? They tend to be cynical and express loss of confidence in voting. Or, on the contrary, will they be supportive of the elements that already wield some authority with governmental blessings and connivance in some of the areas such as Vavuniya, the East or the 'liberated' small area in the North.

It is indeed a difficult guess to anyone because the Tamils have suffered much and speak with diffidence and reticence. They are muted because a fear psychosis numbs them. It is a guess that the EPDP will be able to score in Jaffna, advantageously poised as they have been; the TULF should make a comeback because of a tiredness with conflict in the East and in Vavuniya while the PLOTE and the TELO are indeed strong rivals likely to have some success where they have, like the EPDP in Jaffna, an ability to impose influence.

Colombo has two independent groups of Tamils wooing the Tamil voters here who are sick and bitter about the unending conflict.

They are aggrieved by the harassment to which they have been exposed from time to time by the humiliating cordon-search-and-arrest operations. Since they feel alienated quite a number of these Tamil voters in Colombo may vote for one or the other of the Tamil groups fielding Tamil

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candidates, or else stay out of the polls since they apparently have withdrawn confidence in majoritarian politics.

A few may perhaps vote against the UNP because it has delivered nothing worthwhile to them and treated them even with disdain at times. Out of this few, a number could vote for the Alliance to ensure that the UNP does not gain in the end because the UNP's latest offer to solve the ethnic crisis offers little in the way of devolution.

The August 16 elections will be bitterly fought out. Those who are in power will not cherish, nay even tolerate, the idea of forfeiting power and its fruits. They will, as Aung San Sun Kyi has said, be corrupted not alone by power but the fear of losing power will corrupt them far more. So they will fight back tenaciously and one

fears not according to the Queensberry rules of the book.

The Alliance, on the other hand, had been out in the cold for long. They had shown signs of revivalism at the last round of Provincial Council elections and will try to build up on that tentative success surely. Nothing succeeds like success.

In his Republic, Plato visualized the life of the guardians or rulers to exclude interests, be it in property, love or the family. Worse still, these rulers had to conform to a principle of austerity which implied forsaking material wants and even their own satisfaction. But our Presidential system had made the lives of our guardians or political rulers excessively hedonistic than even before, and given the nature of mankind it is understandable that those who had enjoyed so much for so long will not like to go easily.

It is here that if change is to be a warning, is to act as a check against self indulgence at the cost of the unsatisfied needs of the many, that there seems to be a positive opinion that change is salutary, an opinion that gets reinforced when they see insiders of the UNP fighting among themselves for the spoils as the case of A.J. Ranasinghe illustrates.

The other contenders like the MEP seem to have forgotten nothing and learned nothing like the French Bourbon rulers of yesteryear. They cling to their gospel of sectarianism and exclusivism while most in Sri Lanka have now learned the hard way that the country has still not built itself into a nation with unintegrated communities languishing sulking at having been estranged. Any way the August 16 can yet disappoint those who dare to forecast, the results of an event where the people alone can be sovereign.

A Divisive Strategy Forced Upon Tamils

by Jehan Perera

Despite the ethnic divisions in the country (which many besides President Wijetunga deny exist) and the long existence of ethnic-based political parties in the provinces, Colombo itself has long remained an area in which members of the minority groups have consistently voted for the national political parties. For many of them economic considerations have prevailed over issues of identity.

Colombo is not only the capital of Sri Lanka and the seat of government and commerce; it is also one of the most ethnically mixed areas of the country. One of the major features of the present general election is the emergence of explicitly ethnic-based parties which will be competing for votes in the Colombo District.

Despite the rhetoric of one of the more vociferous ones, the MEP, realities in Sri Lanka and the aspirations of the ethnic minorities demand that the devolution of

power must take place at the regional level.

Indeed, every community has a right to feel it is in charge of its own destiny in the local areas in which it is a majority. The most recent group to voice this demand has been the estate Tamil community.

Devolution

But the devolution of power and substantial ethnic self-rule at local level can only be viable and not become chaotically divisive if it is balanced at the central level by the cooperation of the elites of the different ethnic groups.

The acute ethnic polarisation in Malaysia, for instance, between its Malay, Chinese and Indian populations is rendered manageable because of the very strong multi-ethnic composition of its central government. The ruling party in Malaysia is really an

alliance of three political groupings representing the three ethnic communities.

To the extent that the national political parties in Sri Lanka were responsive to the significant ethnic minority votes they received, an explicit alliance between ethnic-based parties, as in Malaysia, was not necessary.

The recent rise of ethnic-based parties in Colombo itself is, therefore, a development that is worth noting.

New phenomenon

Mr. Kumar Ponambalam has been the agent of change with respect to the Tamil community in this respect. Whether he is better known as the son of a famous father or in his own right is an interesting question.

But it is certain that his political commentaries in the newspapers have helped him to stamp his identity as an angry Tamil among the population at large. As a result, he is today, if nothing else, one of the best known Tamil politicians in the country.

His championing of the Tamil cause in an often extremist way has made Mr Ponnambalam an

unpopular figure in the eyes of many. To Sinhalese who do not know him, he comes across as a racist whose views, by that very fact, do not have to be taken seriously.

But it is the belligerent style he adopts which is out of keeping with his essentially mild temperament, that may be faulted. The substance of his complaints are generally accurate.

On the other hand, Mr. Ponnambalam is an irritant to many Tamil politicians whose credibility he has helped to undermine. For instance, he has been a severe critic of elected Tamil MPs.

He has lampooned them for not doing anything other than talk despite their elected positions and the power that they presumably bring. Or else he accuses them of being used as lackeys by the Sri Lankan or Indian governments.

But now that he is making a bid to enter parliament from the Colombo District through the independent list of Tamil candidates he has nominated, his criticisms of others who have impotently held office are likely to come home to roost on him.

As an MP there is little reason to doubt that he will face the same

problems of powerlessness that other Tamil MPs have faced. His words alone, powerful though they might be, will not move the government very much. It is unlikely that the few votes he may be able to muster in parliament will make a difference either.

Elite co-operation

Ironically if Mr. Ponnambalam wishes to serve the Tamil community better, he would do well to take the example of his old friend and rival, Dr. Neelan Tiruchelvam, who is generally recognised to be a leading intellectual and troubleshooter. Dr. Tiruchelvam has reportedly assisted the PA to obtain the services of respected members of the Tamil community onto its national list.

On the other hand, he has been campaigning for the TULF in the east in opposition to the PA and other parties. Dr. Tiruchelvam's strategy, though it might seem contradictory at one level, makes sense at another level.

As was stated earlier, the ethnic minorities should have their own self-rule as far as possible in the regions. But at the centre, there should be co-operation between

the elites to provide for national cohesion.

Until recently this was not really mainstream thinking in Sri Lanka. Prior to its defeat at the Southern Province elections, the UNP leadership spoke openly of the desirability of avoiding the need for ethnic minority support in forming the government.

Inter-ethnic relations have been such that Mr. Ponnambalam may be right in his belief that the best way for Tamils to get ahead, or to cut their losses, is to stand together wherever they are and belligerently assert their rights as Tamils. Not that this has got them very far either.

But no amount of willingness on the part of Tamil politicians to co-operate with their Sinhalese counter-parts will bear fruit if the latter are uninterested in co-operating with them.

It is therefore up to the Sinhalese politicians to change their aloof ways and accommodate ethnic minorities within their ranks as respected partners if the divisive appeals, such as that of Mr. Ponnambalam, are to be overcome.

(Courtesy of *Sunday Island*, 7.8.94).

ELECTIONS

The following is the text of the election manifesto of the 'Independent Group' of 23 Tamil candidates contesting in the Colombo district. The 23 candidates are: R. Kulasekaram, Deshabandu Miss N. Kasipillai, N. Kumaraguruparan, N. Raviraj, M. Sivasithamparanathan, S. Jegatheeswaran M.S.E. (England), S. Rasiyah, A. Gan-gatharan J.P., A. Ratnam B.A. (Hons.) (Lond.), A. Vinayagamoorthy LL.B., K. Arunachalam B.A. Dip in Ed., Dr. K.N. Ratnavel (Vidwan Velan), K.K. Kanagarajah, K. Rajaratnam, K.V. Mahendran, G.G. Ponnambalam (Kumar), Mrs. J. Paramalingam Ambalam, T. Balasingham, T. Muhunthan, V. Mahadevan, Mrs. S. Yogeswaran B.A. (London), C. Thangarajah B.Sc LL.B., Dr. C. Perumalpillai.

'We, an Independent Group of Tamils, place before the Tamil

Tamil Independent Groups Election Manifesto

speaking voters of Colombo District the mandate we seek, to demonstrate our united will in demanding an urgent solution to the ethnic conflict.

We also seek the opportunity to register our collective protest at the intransigent attitude of the two major Sinhala political parties in solving this conflict over decades, whilst continuing to solicit the support of the minority communities to win the fierce competitions arising between them to access power.

It will be recalled that it is now almost seventy five years since the first discordant notes of dissension were heard between the leadership of the Tamil and Sinhala communities of our country. The aspirations of the Tamils to political representation and their demands for the right

to land, education and employment, were first met with disregard and then frighteningly increasing repression by successive governments during these decades. As a result, Tamils had no choice but to conclude that these governments represented the interests of the majority community alone. It is an undeniable fact that the continuing dilemma of the Tamil political leadership in being hoodwinked by dishonoured agreements and shortlived pacts resorted to only for electoral expediency, gave rise to militancy where a section of the Tamil community adopted armed struggle as the only way out.

War rages

Today, war rages in the Tamil

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areas of the North-East resulting in large scale deaths, destruction and mass suffering, to the total unconcern of the rest of the country. The Tamils living outside of these war-torn regions also suffer from the fall-out of this war ranging from ethnic violence and loss of economic assets to indiscriminate arrests and torture, for the simple reason that their fate is inextricably linked with those living in the Tamil areas.

Now, as of recent times, there is an attempt by the Sinhala political leadership to constrict this more than half a century of volatile history into a matchbox stickered "terrorism". Any demands for greater devolution of power to an autonomous political administrative unit of the Tamils is portrayed to the Sinhala people as "unreasonable demands made only by terrorists" which is not subscribed to by "educated and respectable Tamils" especially those who live outside the North-East. At best, these demands are attributed to unscrupulous Tamil politicians who want to gain political mileage out of a non-existent Tamil problem. The Sinhala political leadership also purports to speak on behalf of the Tamils in the South and claim that the Tamils are living in total harmony and happiness in the Sinhala areas of the South.

To add insult to injury the popular Sinhala media joins the Sinhala political leadership to brazenly claim that the destruction of the LTTE militarily is the only solution to the ethnic conflict, and the Sri Lankan military talks of "liberating the Tamil people from the LTTE". To our alarm, they are trying to substantiate these claims by putting forward token candidates belonging to the minority communities and worse still, by demonstrating their voter strength from among the

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minority communities outside of the North-East.

All these prove beyond doubt the Sinhala political leadership's attempt to camouflage their evil intention in letting this conflict continue to fester. Their interests lie in continuing to keep the Sinhala public misinformed.

We, a group of professionals, educationists and social workers, have come forward today in an attempt to communicate to the Sinhala people and the world at large that the demand for devolution of power is not just some fancy terrorists' demands; the desire for a just solution based on the various models of devolution which are in practice in different parts of the world, is in the heart of every Tamil speaking person.

We protest at the manner in which votes of the Tamils are sought during keenly contested elections and then, in the same breath, they be referred as "Vines round the Sinhala tree".

We also register our dissatisfaction at vague statements made by opposition parties at the hour of elections, mumbling about their commitment to some form of a political solution. It is indeed unfortunate that to this date, even the major opposition party has not put forward any concrete proposal. If at all, in the recent past it has only joined the UNP to clamour for the demerger of the North-East. We unequivocally state that, no more shall we bear with such half-hearted attempts at this game, where progress has not been made beyond limping up to the recommendations of the Parliamentary Select Committee, which actually are an apology for a political solution.

We hope to create a voice of the Tamils, a voice in unison, which declares that till the Sinhala political parties make an honest attempt at a just political solution to the ethnic conflict, they shall not obtain the political support of the Tamil-speaking people. The support given to us en masse is, actually, giving form to the hitherto politically invisible victims of this meaningless conflict - the ordinary men and women who happen to be Tamils. Let the future governments dialogue with us common citizens also.

This Independent Group stands for election in the full faith that a united 150,000 strong voters from the minority communities in Col-

ombo district (110,000 Sri Lankan Tamils and 40,000 Tamils of recent Indian origins) could elect a maximum of five persons as their representatives in Parliament.

We pledge to struggle towards achieving our objectives which include,

(a) the immediate cessation of hostilities in the North-East and the holding of unconditional talks.

(b) the establishment of an autonomous politico-administrative unit in the North East for the Tamil speaking people, ensuring the democratic rights of all its communities with sufficient devolution of power.

(c) the campaign for equal rights for the minorities who live outside the North East, ensuring especially that the Tamils who live in Colombo are free from fear in their own safety.

(d) the immediate lifting of the economic embargo on the North and demand that the Kilali crossing be declared a neutral zone.

(e) the amendment to the constitution whereby Sri Lanka is made a secular State.

(f) informing the Sinhala public about the view-points of the Tamils.

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Negotiating a Moral Peace

by Ram Manikkalingam

(Continued from last issue).

Calls for a just solution to the civil war in Sri Lanka have invariably been accompanied by demands for a cessation of hostilities. Most Sri Lankans who have been for 'a political solution' to the ethnic conflict have automatically assumed that such a solution will be prefigured by a ceasefire. This two-stage strategy – first a ceasefire and then negotiations – is both a humanely understandable and politically reasonable strategy for negotiations. A cease-fire is thought to be essential to lessen the cruelty inflicted daily on citizens of the North and the East by the war and to create a climate of trust between the two warring parties that will facilitate negotiations.

However, the practical difficulties of achieving a ceasefire, the repeated breakdown of ceasefires, and the failure of past ceasefires to lead to a viable negotiations process has led some observers of the conflict in Sri Lanka to call for negotiations even without a ceasefire – the **one-stage strategy**. This call for negotiations without a ceasefire is usually viewed as an undesirable, but necessary, concession either to the military power of a stronger side that is unwilling to negotiate or to the complications inherent in enforcing a ceasefire, i.e., as a compromise of justice with power. This is because the political and humane reasons that impel the call for a ceasefire seem to have a *priori* desirability. This section questions the presumption of the political and humane desirability of a ceasefire prior to negotiations – the two-stage strategy of negotiations – in the context of Sri Lanka. It argues that the two-stage strategy of negotiation is not only politically less feasible, but is also less desirable.

Political Desirability and Feasibility

The strongest argument for a two-stage strategy of negotiations is the humanitarian one, because there is little doubt that *ceteris paribus* the cessation of hostilities is better than the continuation of them. But ceasefires are not isolated military decisions to cease fighting that take place outside of a political context. Instead, in most conflict, ceasefires are expressly political decisions made in the context of political jockeying for power.

When negotiations and ceasefires are linked, it is common to find the

relative military strengths of the two conflicting parties on the ground affecting their decision whether or not to support a ceasefire. Thus, the party that is militarily gaining ground is unlikely to favour a ceasefire and vice versa. Under these circumstances, for a ceasefire to lead to viable negotiations, the two parties must not only be in a strategic stalemate but also a tactical one. They must feel that neither side is likely to win the war in the long term, and that neither side can gain tactical advantages in the short-term that will strengthen their bargaining position during negotiations.

This is a very unstable basis for negotiations, because if either party perceives the possibility of gaining a subsequent political advantage at the negotiating table by resorting to military action, it may do so. And since a ceasefire is considered a precondition for negotiations in the two-stage strategy, any military action by either party will result in a breakdown of negotiations. Ignoring the fact that ceasefires and negotiations are politically linked allows the negotiations process to be held hostage to military vicissitudes on the ground. Undisciplined soldiers, warmongering politicians, or military leaders who perceive the real or imagined possibility of a victory will be able to singlehandedly provoke a military conflict and thus have a disproportionate ability to destabilise the negotiating process.

In addition, there are many issues that need to be worked out prior to a ceasefire that are themselves the subject of political negotiations. Although the extent of territory that the two parties recognise as being held by the other, the curtailment on recruitment and training of new military personnel, the freedom to patrol particular areas and the exchange of prisoners are thought of as purely military issues, they have political ramifications. The interim arrangements worked out at the initial stages of negotiations, prior to a ceasefire, may have long-term political effects by structuring the manner in which subsequent negotiations take place. More importantly, making the ceasefire a precondition for negotiations automatically strengthens the influence of armed groups, because it is ultimately only armed groups that can negotiate an end to the fighting. Thus, if the influence of military organisations on politics is to be inhibited, non-military

organisations and political parties must have a say in the details of a ceasefire. But this transforms the negotiations over the cease-fire into political negotiations. If a ceasefire is a precondition for negotiating, then negotiating is a precondition for a ceasefire. No matter how we try, we cannot sever the close link between political negotiations and military conflict.

Paradoxically, trying to buffer the negotiations process from the military conflict by making a ceasefire a precondition for talks actually has the opposite effect and creates the conditions where a small number of individuals have the potential power to undermine negotiations or to have a disproportionate influence over the outcome of the negotiations process itself. Thus from the point of view of stability as well as justice, making a ceasefire a precondition for negotiations – the two-stage strategy for negotiations – is not always politically desirable.⁸

This is apparent in the case of Sri Lanka. First, both parties – the government and the Tigers – have used the call for cease-fires as a tactic to regroup and reorganise militarily, rather than as a basis from which to negotiate a political settlement. Talk about negotiations and ceasefires have generally preceded the holding of the Sri Lanka Aid Group meetings in Paris over the past few years. The government has responded to the criticisms of foreign aid donors at this crucial meeting by showing that it is attempting to initiate a dialogue with the Tigers. These negotiations have been sporadic and have lacked a real moral basis since both parties have been implicitly aware that the other was interested less in a viable solution than in a temporary respite from the travails of war. Probably the best example of this is the alliance between the Tigers and the government against the IPKF (Indian Peace-Keeping Force) from April 1989 to June 1990. This temporary truce was used by the Sri Lankan government to shore up its position in the South and by the Tigers to strengthen itself in the North. Since this truce did not have a moral basis such as the recognition of the equality of all individual citizens and the equality of all ethnic communities, but rather was based on the temporary convergence of politico-military interests of the two warring parties, it was instable and eventually broke down. In this instance, the two-stage strategy of a cease-fire followed by negotiations contributed neither to

Continued on page 23

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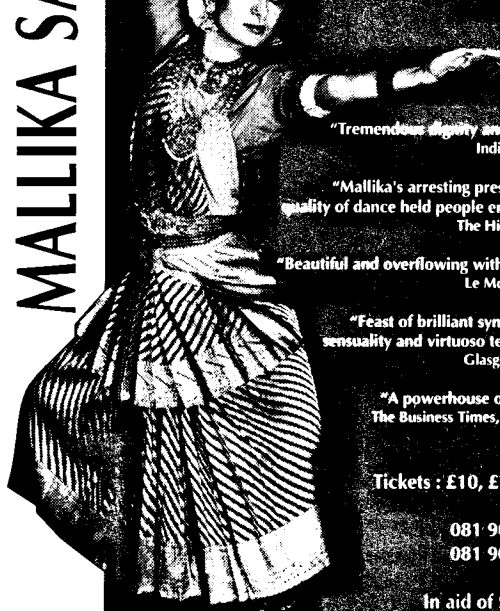
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a viable peace, nor to a viable political solution.

This analysis of the way cease-fires have broken down suggests that both parties – the Sri Lankan government and the LTTE – have used cease-fires to their advantage to prosecute the war militarily. However, the assumption of strict symmetry between the parties with regard to their views about a political settlement is not a requirement for supporting a one-stage, instead of a two-stage, negotiating strategy. It is possible to believe that the government is amenable to a political settlement while the Tigers are against one, or that the government is against a settlement while the Tigers are for one, or that both parties are equally wary of a political settlement and still support a one-stage strategy of negotiations. The one-stage negotiations strategy allows parties, organisations and individuals to negotiate while disagreeing about the immediate causes of the conflict, such as who broke which cease-fire where and when, without disagreeing about the moral basis of negotiations. This strategy for negotiations will allow the two forces – the anti-Tiger and the anti-government to simultaneously disagree about immediate politics, while agreeing on the moral basis of a just solution. And it is this moral basis that will provide stability to any process of negotiations.

Nevertheless, the stability of the political settlement – the outcome of the process of negotiations – requires the resolution of the above disagreement between the anti-Tiger and the anti-government positions about which party is more amenable to a political solution. The one-stage strategy provides a mechanism for resolving these immediate political disagreements through the negotiations process itself. Recall the disagreement that is being resolved is not between the Tamil chauvinist position and the Sinhala chauvinist one, but between the anti-government and anti-Tiger views that share the moral position that any solution should be based on 'individual equality and equal respect for all ethnic communities.' It is possible that after a morally reasonable and politically viable solution is worked out, the government or the Tigers will renege on it. If the government reneges on such a political settlement and the Tigers support its implementation, then those individuals, organisations and political parties that hold the anti-Tiger position will have to re-evaluate their political opposition to the Tigers. This is because the basis on which they

opposed the Tigers was not out of support for the government, *per se*, but out of a belief that the Tigers were not interested in the implementation of a politically just solution. Similarly, if the Tigers renege on a morally reasonable solution, then those individuals, political organisations and parties that hold the anti-government position will have to re-evaluate their opposition to the government.

The one-stage negotiations strategy permits the expression of disagreement about immediate political issues, while inhibiting its potentially disruptive effect on the functioning of a morally desirable framework of negotiations. **Ultimately, the one-stage negotiations strategy allows political forces that favour a morally just solution to the ethno-national conflict to politically unite against whichever party rejects such an outcome.**

Humanitarian Desirability

While the two-stage strategy for negotiations is undesirable on political grounds, it may still be desirable on humanitarian grounds. And the strength of the humanitarian argument for a two-stage strategy, vitiates the political one against it. No one disagrees that no war is better than war, if all other factors remain the same. Obviously people prefer peace and the right to go about their daily life without hindrance over the pain and suffering that inevitably accompany war. This is true even when the respites from war are only temporary, since a temporary respite from war is better than no respite. But the issue gets complicated if the temporary respites contribute to prolonging war because the parties use cease-fires to consolidate themselves, militarily, and intensify the armed conflict, rather than to initiate a viable process of negotiations. Respites from war that lead to its intensification may not be desirable on humanitarian grounds if the subsequent conflict results in even greater pain, suffering and loss of life. This is also true in situations when respites from war have given warring parties the breathing space to attack minorities or suppress dissidents within their own communities. In Sri Lanka, all of the above factors mitigate the argument in favour of a cease-fire on humanitarian grounds. This is especially true of the North and the East which have been the arena of the war.

In the North and the East successive ceasefires and negotiations, beginning with that enforced by the IPKF and ending with the one between the government and the LTTE, have not

eased living conditions. Ceasefires have invariably been followed by conflicts that have been bloodier. The extent of pessimism among citizens of the North and the East makes it unlikely that they will cover their bunkers and welcome peace, if it arrives in the form of a sudden cease-fire. Rather previous experience of failed cease-fires will probably make them prepare for another bout of war. Thus, it is not unreasonable to suppose that the embattled people of the North and the East of Sri Lanka, whether Muslim, Tamil, or Sinhala, would prefer a viable political solution that permanently resolves the conflict to a short respite from the war that leads to yet another bloodier round.

Still, the humanitarian impulse that drives the call for a ceasefire is critical to the viability of a negotiated settlement. It can be channeled locally, through community, church and women's organizations, nationally, through political parties and NGOs (Non Governmental Organisations) and internationally, through organisations like the UN (United Nations) and SAARC (South Asian Association for Regional Cooperation), to exert pressure on the two parties to 'humanise' the conflict. This should not be a pre-condition for negotiations, but must take place parallel to the actual process of negotiations. Humanising the conflict entails taking specific steps to de-escalate the war. These could include minimising civilian casualties, exchanging prisoners, relocating refugees, providing medical assistance and food to conflict-ridden areas and creating 'peace zones', where the parties agree to mutually desist from carrying out military operations. The Tigers and the armed forces in Sri Lanka have already worked out and honoured similar agreements, albeit on a smaller scale, under the auspices of the ICRC (International Commission of the Red Cross). Such agreements need to be expanded to include larger amounts of territory and involve greater participation of community organisations. This can be done by agreeing, either to the broadening of the ICRC role, or to the monitoring of these agreements to humanise the conflict by other neutral observers. Here the UN, SAARC, or the Commonwealth may be able to play important roles. While the humanitarian argument for a ceasefire is strong, the one-stage strategy for negotiations enables this desire for humanising the conflict to be pursued by a parallel process of conflict de-escalation between the two armed parties to the conflict, without allowing

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this process to directly hinder or be used as a bargaining chip in a negotiated political settlement. Ultimately, the one-stage strategy may lead to a more feasible and viable peace because the political dialogue can create the trust that either strengthens a prevailing ceasefire, or leads to one.

*The following quote from Alvaro de Soto, the UN Secretary General's representative to the Salvadoran peace talks illustrates the problems of a two-stage negotiations process. 'It proved virtually impossible to reach an agreement on the terms for a ceasefire within the two-stage negotiating framework that had been adumbrated in the Geneva agreements and confirmed in the Caracas agreement. This was the case because some of the core issues of the negotiations, at least from the

point of view of the FMLN (Frente Martí para la Liberación Nacional) – the future of the government's army and the future of their own army – were put off until the second stage of negotiations. Because they were not in a position to know what their future was going to be as an armed apparatus, they needed to take all the necessary precautions at ceasefire time in order to guard against the possibility that the negotiations during the second stage and following the cease-fire might fail.

'So the FMLN wanted terms of a cease-fire that would assure their military capability during the ceasefire. Those terms included freedom of movement, freedom to carry out military manoeuvres, freedom to recruit and train combatants, and to continue to supply themselves both in terms of logistics and military supplies – and all this for an indefinite period of time, however long negotiations lasted and in large swatches of Salvadoran territory. These terms proved quite unaccept-

able to the government even though they flowed naturally from the logic of a two-stage negotiations in which the end result was by no means guaranteed or assured.

'So the two sides agreed to reconsider the structure of the agenda and to think about compressing it into a single stage. That effort has taken up the time of the negotiators, of myself, and of Secretary-General Perez de Cuellar over the past three months or so. The problem became how to put together a package of guarantees for the re-integration into society of the FMLN: how both sides could go to the mountain-top as it were, and look at the valley on the other side and decide whether the outline that may emerge from the negotiations would satisfy the basic concerns and allow the FMLN to take the leap into society.' Alvaro de Soto, *The Negotiations Following the New York Agreement*, in eds. Joseph Tulchin and Gary Bland, **Is There a Transition to Democracy in El Salvador?**, Lynne Rienner, London, pp. 145-146.

Secession, Nationalist Guerrilla Movements and Peace

by Adrian Wijemanne

(Continued from last issue).

Part 2:

26. There are many instances, however, in which nationalist guerrillas are still fighting the conventional forces of the state in pursuance of their objective of secession. The oldest of these conflicts is in Myanmar (formerly Burma) where several different tribal peoples are simultaneously waging several different guerrilla wars to secede from the Union of Myanmar. These conflicts date back to 1948, all of 46 years. The guerrilla war being waged by the Moro nationalist guerrillas on the island of Mindanao in the Philippines for the secession of that island from the state of the Philippines is now over 35 years old. As mentioned earlier the Irish nationalist guerrillas in Northern Ireland are now in the 26th year of their struggle, lacking though they are in majority support. The Sudan Peoples Liberation Front led by John Garang wages a nationalist guerrilla war now over 12 years old to secure the secession of Southern Sudan from the state of Sudan, the largest state on the continent of Africa. The guerrilla war of the LTTE to secure the secession of the north-east province from the state of Sri Lanka is due to complete its 11th year shortly. Of only slightly shorter duration is the guerrilla war being waged by Sikh guerrillas for the secession of the state of Punjab from

the Indian Union in order to establish there the independent Sikh state of Khalistan. Similar wars rage in Kashmir and Assam. The Kurds fight guerrilla wars on three fronts simultaneously against three states – Iraq, Iran and Turkey in order to secure for their nation a separate, independent state of Kurdistan.

27. In all these cases there are two factors in common. First, the conventional military forces of the state fighting to preserve the *status quo* have failed to overwhelm the nationalist guerrillas. Secondly, military pressure has failed to force the guerrillas to abandon their goal of secession for a lesser alternative.

28. From all of the foregoing it will be seen that while the conventional military forces of the state have succeeded with very few exceptions in suppressing guerrillas of an ideological disposition, they have failed uniformly, without any exception, against guerrillas of a nationalistic persuasion. Wherein lies the reason for this difference?

29. In my view the reason lies in the systemic difference in the character of the two sets of guerrilla movements. Guerrillas of the ideological variety are, invariably, a group of highly educated persons, an *avant garde* in their society, holding theoretical beliefs with which the bulk of their people are not in sympathy. They do not have, therefore,

the steady support of the great mass of the population within which they are located. Because of this the state is able to compete successfully with the guerrillas for support from the population and to generate guerrilla groups of its own – vigilantes if you will – who can engage the guerrillas in guerrilla warfare. Arrayed against ideological guerrillas are not only the conventional military forces of the state but also vigilante groups supported and organised by the state.

30. On the other hand, guerrillas of a nationalistic persuasion originate in quite a different way. The decision for secession is a widespread, general aspiration of their population. When the decision is opposed by the state guerrilla groups emerge as a reaction to that opposition and they espouse their nation's cause. They are the product of a widely felt nationalism within their society and so have widespread popular support. The state is unable for that reason to generate countervailing vigilante groups within that society and has only its conventional military forces to meet the challenge.

31. In the annals of guerrilla warfare worldwide Sri Lanka is unique as the only country which has experienced both types of guerrillas and that too within the comparatively short periods of the last 23 years. The two JVP insurrections were confrontations with guerrillas of an ideological disposition. Both were suppressed successfully – the first by the state's conventional military forces with some little Indian assistance; the second by the more common combination of state-sponsored

vigilante groups backed up by conventional military forces.

32. In 1983 there commenced the confrontation with the second type of guerrillas – the nationalist guerrilla movement fighting to establish the state of Eelam in the northern and eastern provinces of the island, for which the overwhelming majority of the population of those two provinces had voted at the general election of 1977. That vote, which marks an irrevocable turning point in the island's post-independence history, led to the sequence of events which we have already seen to be so common in many parts of the world – opposition to secession by the regime holding state power, the resultant emergence of armed nationalist guerrilla groups, guerrilla warfare pitting the conventional military forces of the state against the nationalist guerrillas who finally boiled down to the LTTE. That conflict has lasted now for well nigh 11 years.

33. One would imagine that Sri Lanka's unique experience of the close juxtaposition of the two quite disparate types of guerrilla movements would facilitate a clear understanding of the systemic difference between the two and a consequent appreciation of the implications of the conflict with the nationalist guerrillas. This has not been the case. The Sinhala public and its 'leaders' – who are really only followers of public opinion – seem to believe that both guerrilla movements are of a kind and can be dealt with in the same way. The crucial element of the success against the second JVP uprising – namely – the vigilante groups entrenched within the heart of Sinhala society which were able to ferret out and finish off the JVP are not available against the LTTE nor can they be generated within the north-east province. The Tamil mercenaries fighting alongside the Sri Lankan army are not quite the same thing for they are extraneous to Tamil society and are not entrenched within it. What the state in Sri Lanka is engaged in is a classic nationalist guerrilla war of secession which is as unwinnable and unendable as in all other theatres of such conflict.

PEACE

34. Twice in this address I have used the phrase 'unwinnable and unendable' in respect of wars waged by conventional armies against nationalist guerrilla forces. By 'un-

winnable' I meant that neither contender could overwhelm the other and force it to sue for peace. That is how conventional wars end. By 'unendable' I meant that such wars could not be ended leaving the *status quo* intact i.e. the state or empire from which the secession was sought, intact.

35. However, all wars do end and are followed by a state of peace. It is instructive to examine how wars of the type that we are discussing have ended and what the quality of the succeeding peace has been for peace can be of very varying quality. All wars waged by nationalist guerrillas for secession from empires have ended with the establishment of separate, independent, sovereign states – from the 13 colonies in North America right down to the Portuguese colonies of Angola and Mozambique in the seventies of this century. In no case has the conventional armies of the empires assailed succeeded in overwhelming and exterminating the nationalist guerrilla forces. Those forces have become the standing army of the new state and many nationalist guerrilla leaders have become respected elder statesmen in the newly independent states. In all these cases the ensuing peace between the antagonists has endured. Indeed, in many instances very close and cordial 'special' relationships have sprung up as between the US and British governments and peoples and also between the Indonesians and the Dutch

36. The next group of secessions is not from empires but from individual states. Leading the parade once again is the United Kingdom under attack from Irish nationalist guerrillas to which we have devoted so much attention already. Then there are the cases of Pakistan, Cyprus and Viet Nam in the seventies. In the nineties Ethiopia and Palestine. In all of them peace was secured only by separation and the establishment of separate, independent, sovereign states sought by the guerrillas – the Republic of Ireland, Bangladesh, the Turkish Cypriot Republic, united Viet Nam, Eritrea and the nucleus of the Palestinian state in the Gaza Strip and Jericho on the West Bank. In these cases too the peace between the former antagonists has endured – with UN assistance in Cyprus.

37. Irrespective of whether the nationalist guerrillas have sought secession from an empire or from an individual state, peace has been se-

cured only by the establishment of the separate, independent, sovereign state sought by the guerrillas. It is because this lesson of history is so well known that in many cases secession and the establishment of a separate, independent, sovereign state or states has been effected peacefully before nationalist guerrilla movements emerged. Indeed, the peaceful de-colonization of the British colonies after World War II was due largely to the British experience in North America with the 13 colonies and in Ireland. Every peaceful secession – be it of Singapore from the Malaysian Federation in 1962 or the splitting up of the British Raj on the Indian sub-continent in 1947 or the break-up of the Soviet Union in 1992 or the division of Czechoslovakia and Yugoslavia in 1993 bears the marks of that knowledge, namely, that if a nationalist guerrilla war of secession was allowed to commence the match, as they say, would be over.

38. It is instructive, also, to reflect on the fact that in none of these secessions, whether from empires or from individual states, were the nationalist guerrillas bought off by any kind of constitutional change whether it be devolution of legislative and executive powers to local or regional authorities or federal arrangements of whatever kind. This is because any constitutional change cannot, by itself, disarm and disband nationalist guerrilla forces and, since they cannot be eliminated by military force they persist as a permanent feature in the body politic. Then it is the body politic that changes to accommodate the military reality. There is no state with two contending armies permanently within it. There are then two states and the only question is how long it will take *de fact* to translate into *de jure* status.

39. How then is peace achieved in such situations? It comes about when peace becomes more important to the state defending the *status quo* than persisting with an unwinnable and unending war. States and the regimes which govern them require peace more than do nationalist guerrilla movements. The orderly governance of a state requires peace, especially now when the state has assumed ever-increasing responsibilities over the lives and well-being and economic production of their citizens. The progressively tighter integration of

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the world's economies necessitates a constant drive for increasing international competitiveness for which peace is a basic requirement. In the case of developing countries the imperative need to secure foreign investment capital decrees the need for peace. From all of these pressures nationalist guerrilla movements are exempt and none more so than those based on near-subsistence economies.

40. Equally important is the threat to the state's regime itself from the continuance of an unwinnable and unendable war. Funds which could be used for buying political support have to be diverted to military purposes. However much is diverted the demands of the military in a time of war are insatiable and generate a tense and stressful, even though publicly invisible, stand-off between civil and military authorities. Military expenditure which produces nothing for the market is highly inflationary and could lead to galloping inflation if the civil authority succumbs to military pressure for all the funds they ask and is compelled to resort to the printing press for funds.

41. In the mature liberal democracies of the West the relationship between civil and military authorities is well settled and the supremacy of the former, even in times of war, is unquestioned. In the newly-independent countries the relationship is still at an evolutionary stage and could be very fraught under the stress of war against a nationalist guerrilla force which is unwinnable. The escalation of military activity and the ballooning of military numbers present a potent threat to the civil authority.

42. In Sri Lanka these threats are compounded by a recent history of massive youth unrest due to an wholly inadequate response to the revolution of rising expectations. The huge drain of a continuing guerrilla war and its concomitant a burgeoning refugee population currently of over 600,000 persons estimated to cost around SL Rs.82-million per day preclude any credible and acceptable level of investment in infrastructural and economic growth which are the first elements in assuaging youth aspirations. The first tremors of a third wave of such discontent have already been registered on the political Richter scale of the south.

43. When is a point reached at which a state buys peace with separation? In the UK it was reached in 1922 after 300 years of fighting; in Ethiopia it was reached in 1993 after 30 years. The UK could endure such a long travail as it was the world's leading industrial power at the time and was also the mother country of the greatest empire – an unique combination absent in Sri Lanka. Since then the time-scale has shortened dramatically. The last 30 years in Ethiopia would have been much less had not the Mengistu government been supported by the Soviet Union. In Viet Nam it lasted 10 years due to the massive intervention of the US.

44. In Sri Lanka the 11th year of the conflict is due to close later this month. The chosen strategy for economic growth – export-oriented screw-driver type industries founded with foreign private investment capital – produces a dichotomous society with a backward rural mass and an upwardly mobile semi-urban middle and lower middle class which has a vested interest in stable anti-inflationary economic conditions. The mass of the population outside the modernizing sector of the economy is an explosive mass which could go critical at very short notice or no notice at all. Peace is an urgent requirement for cutting back on military and refugee expenditure and diverting the funds so saved to modernizing the economy on a broad basis and staving off the latent explosive pressures that are building up.

45. The convergence of factors in Sri Lanka mandates peace so overwhelmingly that in my view it is a country which will fall at the shorter end of the time scale on which states beset with nationalist guerrilla wars buy peace with separation. These portents are re-inforced by the intrinsically pragmatic nature of the Sinhala polity. The Sinhala people and their 'leaders' have accepted the reversal of all of the principal policies by which they expected to be benefited since independence – the de-stification, disenfranchisement and eventual repatriation of the Tamil plantation worker population; 'Sinhala only'; educational discrimination of the more blatant types; nationalisation and *etatisme* in general; the suspension of civil liberties on a broad front through 'emergency' rule. No people in the region is more inured to radical changes and ignominious reversals than the Sinhala. Their genius has been to prosper and multiply and hold their ground despite a conspicuous lack of military success throughout their history. It is a genius that will re-assert itself before long.

46. I will conclude by saying that history does not repeat itself in any mechanical or predetermined manner. It only points the way in which mankind deals with similar problems in widely differing contexts. In the case of nationalist guerrilla wars of secession the finger of history points unmistakably to only one direction from which peace has, and can come – separation into two states.

Whither the 9 Jaffna MPs?

The question that is being raised in Tamil circles is as to what the 9 MPs belonging to Mr. Douglas Devananda's EPDP who were elected by a mere 10,000 votes to represent 550,000 voters in the Jaffna district would do in the new parliament. The EPDP unquestioningly supported former President Premadasa who assisted the EPDP with money and arms. In turn, the EPDP linked up with the armed forces in their fight against the Tigers. The army and the EPDP mutually benefitted from this rather unorthodox arrangement which continued even after Premadasa's death.

Even though the PA during the election campaign openly accused the EPDP of being a mercenary outfit used by the government against its political opponents, the

chances are that the EPDP MPs would not join forces with the UNP in parliament, and in fact are more likely to extend their support to sustain the PA government by voting with it. The main reason for this being survival on the part of the EPDP, and on the other hand the need of the army for EPDP support against the Tigers in Jaffna's offshore islands. So long as the war goes on in the north and the army wants to retain control of the islands, then it needs EPDP support. As far as the EPDP is concerned, so long as they are able to survive with the help of the army, and the government does not upset this arrangement, then the EPDP would see no problem of political principle, conviction or conscience to supporting the PA government in parliament.

Securing Secularism and Federalism in India – A Landmark Judgment

N. Ram, Editor of 'Frontline'

The apex court has done the country and the political system proud. Its judgment is a tremendous blow to the BJP, to the cause of Hindutva and Hindu Rashtra, and to every other brand of communalism. In the battle against the adversaries of secularism, the corner has been turned, constitutionally speaking. The path has been cleared to introduce intelligently targeted and tough legislation against the mixing up of religion and politics.

The Indian political system and the media are yet to come to a real understanding of the historic import of the Article 356 judgment the Supreme Court pronounced, over several hundred pages, on March 11, 1994. The nine-judge Constitution Bench took up two of the critical issues of contemporary Indian politics, secularism and federalism, and came up with a powerful determination that could make a progressive difference to the working of the political system.

If it is understood that a Constitution is only as good as the way its core principles and provisions are put to work, then the Indian Constitution and the political system it is supposed to oversee and regulate have, for long, been in need of re-direction. At least for the remaining years of this century, the Supreme Court has clinched the rules of the constitution game in these two spheres.

The implications of the historic judgment are reported and analysed in detail in the *Frontline*. The verdict could not have been fairer on the recent instances of resort to Article 356. The Supreme Court unanimously and full-throatedly upheld the dismissal of the BJP State governments of Madhya Pradesh, Rajasthan and Himachal Pradesh in December 1992 – because their anti-secular actions were inconsistent with the secular Constitution. The majority held as unconstitutional the Centre's use of the knife of Article 356 in Nagaland (1988), Karnataka (1989) and Meghalaya (1991), although there was no question of reversing the effects of unconstitutional actions now.

In arriving at these politically important verdicts, the apex court undertook a *de novo* and party radical exploration of Article 356, a provision which violates the theory of federalism by loading the decks in favour of the Centre and enabling it, on its judgment, to do away with a particular elected legislative and executive dispensation in a State. In making up its mind at the end of the exploration, the apex court places on high ground and beyond constitutional question the power of judicial review over Centre-State relations generally and, in particular, the resort to Article 356 by the Centre. Without such a power, the written constitution scheme and any question of fairness and justice subsisting in the federal aspect of the scheme would be a fraud.

The majority determination on the nine-member Constitution Bench serves notice on the system that, in future, the constitutionality of the use of the knife of Article 356 (which has, notoriously, been applied over 90 times since 1950), will be eminently justiciable. In other words, the higher judiciary will be a more active and effective umpire in the game the Centre, Article 356 in hand, plays with the States. It is clear, in any fair political reckoning, that until this judgment came along, cheating was the rule and fair play the exception in this game.

The key operative part of the Supreme Court's landmark judgment on the use of Article 356 lies in the majority agreement reached on the following specific points:

★ The validity of the proclamation issued by the President under Article 356(1) is 'judicially reviewable to the extent of examining whether it was issued on the basis of any material at all or whether the material was relevant or whether the proclamation was issued in the *mala fide* exercise of power. When a *prima facie* case is made out in the challenge to the proclamation, 'the burden is on the Union Government to prove that the relevant material did in fact exist.' The material may be either the report of the Governor or something other than the report, but it must meet the new test.

★ Article 74 (2), which bars judicial review so far as the advice given by the Ministers to the President is concerned, is 'not a bar against the scrutiny of the material on the basis of which the President had arrived at his satisfaction.'

★ The Constitution places a check on executive power exercised in the name of the President by requiring parliamentary approval of a presidential proclamation issued under Article 356. Therefore, 'it will not be permissible for the President' to exercise powers under sub-clauses (a), (b) and (c) of Article 356 (1) and to 'take irreversible actions' until 'at least both the Houses of Parliament have approved of the proclamation.' In other words, the Legislative Assembly of a State cannot be dissolved until 'at least' both the Houses of Parliament approve the executive action.

★ If the presidential proclamation is held invalid, 'then notwithstanding the fact that it is approved by both Houses of Parliament, it will be open to the Court to restore the *status quo ante*' and bring back to life the Legislative Assembly and the Ministry.

★ While the Court 'will not interdict' the issuance of a presidential proclamation or the exercise of any other power under the proclamation, in appropriate cases it will have the power by an interim injunction to restrain the holding of fresh elections to the Legislative Assembly pending the final disposal of the challenge to the validity of the proclamation. This it can do to avoid a *fait accompli* and to prevent 'the remedy of judicial review (from) being rendered fruitless.'

The most far-reaching aspect of the Supreme Court's judgment lies in its splendidly uncompromising championing of secularism as a basic and inalienable feature of the Constitution – a feature nobody has any right to work against. The majority agreement on the secular imperative is contained in this conclusion in the judgment delivered by Justice Sawant (on behalf of himself and Justice Kuldeep Singh): 'Secularism is a part of the basic structure of the Constitution. The acts of a State Government which are calculated to subvert or sabotage secularism as enshrined in our Constitution can lawfully be deemed to rise to a situation in which the government of the State cannot be carried on in

Continued on page 28

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accordance with the provisions of the Constitution.'

An excellent exposition of secularism is offered in Justice B.P. Jeevan Reddy's judgment (for himself and Justice S.C. Agrawal): 'While freedom of religion is guaranteed to all persons in India, from the point of view of the state, the religion, faith or belief of a person is immaterial. To the state, all are equal and are entitled to be treated equally. In matters of state, religion has no place. No political party can simultaneously be a religious party. Politics and religion cannot be mixed.'

In this powerful exposition of secularism as something permanently embedded in the Constitution, Justices Reddy and Agrawal demolish every one of the building blocks of *Hindutva* (and every other type of communal) ideology:

It is 'absolutely erroneous to say that secularism is a 'vacuous world'

or a 'phantom concept.' The Indian Constitution has several provisions which strongly express its commitment to secularism. This means equality, non-discrimination and justice for all its citizens and no one can be permitted to be less or more equal than any other. It means equal liberty of conscience. It is impermissible to treat minorities as 'second-class citizens.'

Secularism does not mean a hands-off state policy towards religion, but it certainly means the state has no religion and it is unconstitutional for it to tilt in favour of any religion. 'In short, in the affairs of the state (in its widest connotation) religion is irrelevant; it is strictly a personal affair.'

The founding fathers read the concept of equality-fairness-and-justice-based secularism into the Constitution 'not because it was fashionable, but because it was an imperative in the Indian context.'

Above all, it is constitutionally illegitimate for either the state, or

any political party, to mix up religion and politics; to use communalism as a political mobilisation strategy; and to fight elections 'on the basis of a plank which has the proximate effect of eroding the secular philosophy of the Constitution.' A party or organisation which 'acts and/or behaves by word of mouth, print or in any other manner' to bring about the effect of mixing up religion and politics will certainly be 'guilty of an act of unconstitutionality.' It will 'have no right to function as a political party.'

The apex court has done the country and the political system proud. Its judgment is a tremendous blow to the BJP, to the cause of *Hindutva* and Hindu Rashtra, and to every other brand of communalism. In the battle against the adversaries of secularism, the corner has been turned, constitutionally speaking. The path has been cleared to introduce intelligently targeted and tough legislation against the mixing up of religion and politics.

THE ASSASSINATION PROBE

Bogged Down Without Much Progress

By T.N. Gopalan

More than three years after the assassination of former Prime Minister Rajiv Gandhi, the Indians are nowhere near conclusively solving the murder mystery — meaning that though the needle of suspicion does seem to point to the LTTE, nothing much is known about the actual contours of the conspiracy which led to the assassination or of the exact motives of, or the details of interaction between the *dramatis personae* involved.

Neither the Jain Commission probing into the conspiracy angle at New Delhi or the Special Court trial of the accomplices at Madras have made much of a progress. Further recently there have been some developments which seem to have effectively paralysed both the processes.

It may be recalled here that in the first place it was the Justice Verma Commission which had been entrusted with the omnibus task of unravelling the mystery, tracking down the guilty and pinpointing the security lapses which led to the tragedy.

But Mr J.S. Verma, a sitting judge

of the Supreme Court, preferred to confine himself to the security lapses angle, saying the whodunit part was being probed into by the Special Investigating Team of the Central Bureau of Intelligence.

The Verma Commission did submit its report in march last year, blaming, predictably, various security agencies involved, but in effect it was stating the obvious, or at least whatever it said did not add to what was known in the matter.

In the meantime the Centre appointed Justice M.C.Jain, a retired Chief Justice of the Delhi High Court, to go into the conspiracy angle.

It started off on a very pompous note, issuing notices to all and sundry, and vowing to get at the root of it all.

When leading politicians queued up before it for deposition, there was excitement in the air.

When it majestically ruled that its proceedings would cover all the events since the beginning of 1981 and not since the signing of the Indo-Sri Lanka Accord in July 1987

as prayed by the Cong-I government at New Delhi and the AIADMK government in Tamil Nadu, people started taking it seriously.

The reason behind the demand for restricting the scope of inquiry was that the ten-year time-frame contemplated by the Jain Commission would cut across the investigation already conducted by the SIT apart from jeopardising the assassination trial itself.

But everyone knew both the Centre Cong-I and the AIADMK were afraid that innumerable skeletons — on the LTTE connection, that is — would tumble out of their respective cupboards if any serious probe was done into the origins of the Indian interaction with the Sri Lankan Tamil militants.

There were genuine fears too that if the Commission came to a different conclusion from that of the SIT, the entire trial would be thrown out of gear. But those more interested in getting at the truth of it all than in getting at some persons or other indicted in the name of patriotism pointed out that more than the SIT inquiry and subsequent prosecution, marked by a distinct missionary zeal to collar those responsible 'for felling a prince of India in the prime of his life,' a judicial probe seeking to cover the footprints over a longer time-frame could be expected to reveal a great lot of interesting things.

But no, there are vested interests at work, and they would not like the Commission to go the way it pleased. Curiously a public interest petition was filed by one Mushtaq Ahmed, a Supreme Court advocate, in the Delhi High Court seeking the quashing of the very notification appointing the Commission. (Nothing much is known about this advocate as to what his interests are or background is). The High Court promptly directed, without even a formal notice to the Commission, though the Centre and Tamil Nadu government had been so notified, that the Commission's probe could cover only the events which took place after July 27, 1987 when the Indo-Sri Lanka Accord was signed.

Worse, the Court also restrained the Commission from going into the areas covered by the charge-sheet (of the SIT) as also the persons and agencies alleged to have been involved in the assassination. Its rationale was that the probe into the areas covered by the SIT would be tantamount to a parallel inquiry.

Incidentally the High Court pronouncement came close on the heels of an outburst from Mr Justice Jain himself saying that the government was placing hurdles in its path and claiming secrecy for most of the relevant documents.

And there is now another petition on the matter, also from a Supreme Court advocate, pleading for modification of the injunction on the Jain Commission and for widening its scope than even provided for before the High Court order.

This petitioner accused the Central agencies of adopting all types of dilatory tactics to frustrate the Commission's efforts and noted that the Commission had not been able to even start its 'real job' all these years and was stuck at the very interpretation of its terms of reference.

Whatever the fate of that petition, the DMK has struck a further blow against the credibility of the Commission by abruptly withdrawing from its proceedings saying that the new cut-off year would only help to cover up the tracks (of those who aided and abetted the LTTE in the early eighties).

But the Commission itself remains, or professes to be, unfazed. It says that the High Court's order was only interim in nature and that the final order could change the scheme of things for it.

But then so far neither the Centre nor the Commission itself have bothered to ask the High Court to reconsider the interim order. Turning the knife in the Commission's wound, the Centre has sought deferment of its proceedings till the final disposal of the writ petition before the Delhi court.

The trial troubles

Meantime things are no better with the Rajiv assassination trial at Madras. The SIT had filed its charge-sheet in September 1992 and listed as many as 1,014 witnesses.

The examination of the witnesses which started early this year has come to an abrupt halt with the defence lawyers staying away demanding parity with the prosecution for the purposes of remuneration from the government.

These defence lawyers, appointed by the court itself, have been performing their duty since the trial began last year, without, they claim, being paid a single praise by the government for their efforts. Though they had agreed to a paltry sum of Rs.50 per appearance (against Rs.1,500 per appearance for the prosecution) so far they have not collected fees even for a single appearance.

Now it so happens the prosecution lawyers, appointed as they are by the SIT, that is the Centre, have been receiving their payments regularly, the state government has been remiss on its part, say the defence lawyers.

Why the defence lawyers waited till July 5 when they walked out midway through the proceedings to register their protests and whether they had not received payments from any of the 26 accused are questions for which answers are difficult to come by.

Anyway the fact remains injustice has been done to the defence lawyers and they are justified in their protest.

While the state government is keeping mum on the matter, a majority of the accused have already moved the Supreme Court and Madras High Court seeking their intervention to end the impasse. The case remains stalled.

It is not known whether the Special Court can and will go ahead with the hearings in the face of the boycott by the defence lawyers. Already the Government of India is faced with a rather embarrassing

situation over the trial (apart from the Jain probe that is) in that an extremely sensitive case in which international public opinion is or should be evincing a keen interest is being handled very secretly, leaving a lot of scope for allegations of miscarriage of justice.

The proceedings are held in camera and cannot be reported on in any manner whatsoever. Even the identity of 179 of the 1014 witnesses are kept secret for reasons of security. All the 26 accused are detained under the anti-terrorist law – in the normal course of things they all would have been enlarged on bail by now. I know Mr. T. Gnanasekaran, father of Perarivalan, one of the accused in the trial, has gone before the High Court with a prayer that the Designated Court be directed to conduct the Rajiv assassination trial in an open court. When the Verma Commission had conducted its proceedings in public, and the Jain Commission is following suit, what harm would come if the Designated Court too proceeds along the same lines, the petition wonders.

Incidentally of the 500-odd witnesses likely to be examined in the course of the trial, only 51 persons have been disposed of in the last seven months. Even as the 52nd witness was being examined, the defence walked out. So one can easily realise the possible time frame involved and the mental agony it could all cause to the accused if the proceedings are going to continue at the present snail's pace.

To be noted here is that but for a couple of persons, the rest are all only peripherally involved even by the prosecution's contention. Even Nalini and Murugan, perhaps the two key accused, could have nothing much to reveal by way of the conspiracy, directives and so on.

With the perpetrator vanishing with the act itself and the other master-mind killing himself, nothing much is going to come of this trial except for some patriotic breast-beating, and in the process many more lives, unwittingly caught in the web, are going to be ruined, if they have not been already.

Some more transparency is indeed called for in the interests of justice.

But when the state government does not care too very much even about prompt payment to the defence lawyers, this aspect is unlikely to engage its mind.

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MATRIMONIAL

Sri Lankan Tamil parents in Australia seek preferably qualified partner, mid-thirties to early forties, for their attractive graduate daughter in good employment, Australian citizen. Send details to P.O.Box 1227, Narre Warren 3804 Victoria, Australia.

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Jaffna Hindu parents residing in Norway seek good looking bride, 23-28, for son, 31, Norwegian citizen in employment, prepared to sponsor if in Sri Lanka or elsewhere. Send horoscope, details. M 747 c/o Tamil Times.

Jaffna Tamil Christian doctor seeks bride for London accountant brother, 37. Religion, horoscope immaterial. Send photo, details. M 748 c/o Tamil Times.

FORTHCOMING WEDDING

Sitsabesan - Ambika

Sitsabesan son of Mr. V. Sivasupramaniam (Principal Emeritus, Alaveddy Arunodaya College) and Mrs. Sivasupramaniam of Ayanarkovilady, Vanarponnai, Jaffna; presently Post Box 644, Victoria, Republic of Seychelles to be married to Ambika daughter of Mr. K. Arunasalam (Principal Emeritus, Chulipuram Victoria College) and Mrs. Arunasalam of Sithankerny, Vaddukoddai, Jaffna on Wednesday, Seventh September 1994 at Hotel Ranmutha, Kollupitiya, Colombo, Sri Lanka.

WEDDING BELLS

We congratulate the following couple on their recent wedding.

Bahuleyan son of Mr. & Mrs. V. Sithamparanathan of 2 Edward Place, Dehiwela, Sri Lanka and Niruba daughter of Dr. & Mrs. R. Paramathanan of 13 Sandacre Road, Nine Elms, Swindon SN5 9UU, U.K. On 20.8.94 at Ealing Town Hall, London W5.

Sivaseelan son of Mr. & Mrs. M.K. Sabaratnam of 'Sivapuram', Sithankerny, Jaffna and Valarmathy daughter of the late Mr. Balasubramaniam & Mrs. P. Balasubramaniam of Navindil, Karaveddy, Jaffna on 21.8.94 at Heath Clark High School Hall, Cooper Road, Croydon.

Ramanan son of Mr. & Mrs. S. Vivekanandan of 101 Melrose Avenue, Mitcham, Surrey, U.K. and Sumathy daughter of Mr. & Mrs. V. Ponniah of 94 Havers Avenue, Hershaw, Surrey, U.K. on 21.8.94 at Civic Suite, Wandsworth Town Hall, London SW18.

OBITUARY



Mrs. Sivapakiam Kulasingham of Tellippalai, Sri Lanka, beloved wife of late Sinnathamby Kulasingham (Retired Post Master); loving mother of Dr. Gunapoopathy Ponnampalam (Brunei), Tharmarajah (UK), Vijayaladchumy (UK), Sivapalan (Australia); mother-in-law of Ponnampalam (Brunei), Chandravathana (UK), Ramanathan (UK), Manjula (Australia); sister of late Saravanamuthu, Navaratnam and Mrs. Chinnappah, passed away peacefully on 8th August 1994 and Funeral took place on the 15th August 1994 in the United Kingdom. - 38 Sheldon Avenue, Clayhall, Ilford, Essex IG5 0UD, UK. Tel: 081-550 0908.

IN MEMORIAM



In ever loving memory of **Mrs. Thanganachchiar Supramaniam**, born in 1903, at No. 37 Bar Road, Thamaraiakerny, Batticaloa, on the first anniversary of her passing away on June 6th, 1993.

Sadly missed and fondly remembered by her only daughter Roobasothy (Retired Head Mistress) son-in-law K.V. Sithamparapillai, Notary Public and Justice of Peace, her beloved grand children Kanthan (USA), Nesan (USA), Kumar (Attorney, Canada), Dr. Kantha (UK), Kanthini (Batticaloa), Mohan (UK), Verl (USA) and Siva (USA).

Gently with love your memory is kept
Your affection and kindness
We will never forget
You are always in our thoughts
And for ever in our hearts.

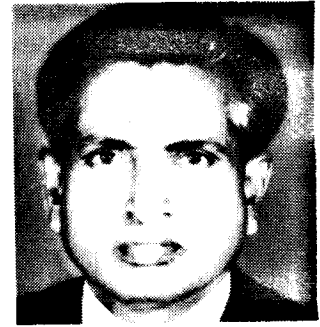
'Grand Children'

- Nesan S. Sriskanda, H-6, Carolina Gardens, Columbia, SC 29205, USA.



In loving memory of **Herbert Rasiah Kanagarajah** on the third anniversary of his passing away to glory on 25.7.91.

Sadly missed and fondly remembered by his loving wife Mani; children Dhayanthi, Vasanthi, Mohan and Suhanthi; son-in-law Devakumar; grandchild Rebecca; and sisters Selvaranee, Amirtharane and Thevaranee - 31 Donald Street, Blackburn South, Melbourne, Victoria 3130, Australia.



Mr. Mayilvaganam Velummayilum, J.P., U.M., Attorney-at-law and former Chairman, Urban Council, Point Pedro, Sri Lanka passed away on 31.8.1989 and the fifth anniversary of his demise falls on 31.8.1994.

Sadly missed by his loving wife, children Thayanandarajah (U.K.), Nithyanandarajah (New Zealand), Mayilvaganarajah (U.K.), Chitra, Anandarajah, Krishnarajah and Jayanthi (all of Sri Lanka), in-laws, relatives, friends and a host of grateful constituents - 59 Edgware Gardens, Edgware, Middx., HA8 8LL, U.K.



Mrs. Yogamany Kandiah departed on 2.9.91. Fondly remembered on the third anniversary of her passing away by her beloved husband: children Chandrakumaran (Canada), Chandrakumary (Bury, U.K.), Chandrasekeran (Epsom, U.K.), Chandramalar, Chandrakanthi, Chandramohan (all of Canada) and Chandrakala (Australia); sons-in-law Rajasooriyar, Wigneswaran, Sivasekaran and Pathmanandavel; daughters-in-law Usha, Shanthini and Mirunalini; brother Yogarajah and several grand children - 49 Courtlands Drive, Ewell, Epsom, Surrey KT19 0HN, U.K.



In fond memory of **Mrs. Srinathangam Suppiah** (Retired Headmistress, Arunasalam Vidyasalai, Alaveddy, Sri Lanka) on the sixth anniversary of her passing away on 20.8.88.

Sadly missed and fondly remembered by her children Sivathasan and Sivarupavathy; daughter-in-law Sivadevi; son-in-law Sivasubramaniam and grandchildren Kahan, Nirupa, Meera and Parathan - 303 Hempstead Road, Gillingham, Kent M37 3QJ.

FORTHCOMING EVENTS

- September 1** Eekathasi.
Sept. 3 Pirathosam.
Sept. 4 6.00pm 'Vadhya Virundhu' presented by the Students of Smt. Rudranee Balakrishnan in concert in Violin, Veena & Flute at Kalyana Mandapam, London Sri Murugan Temple, 76 Church Road, London E12 6AH in aid of Temple Building Fund. Tel: 081 478 8433.
Sept. 5 Amavasai.
Sept. 9 Vinayagar Chathurthi.
Sept. 10 7.00pm S.C.O.T. presents Bharatha Natyam Recital by Mallika Sarabhai with music accompaniments from India at The Logan Hall, 20 Bedford Way, London WC1 Tel: 081 904 6472/9227.
Sept. 13 Aavani Moolam.
Sept. 14 Feast of the Triumph of the Cross.
Sept. 15 Eekathasi.
Sept. 16 Feast of St. Cornelius & St. Cyprian.
Sept. 17 Pirathosam. Purattasi Sani - 1st week.
Sept. 18 11.30am Kokuvil Hindu College Old Students' Association (U.K.) Annual Lunch and A.G.M. at Thomas Tallis School Hall, Kidbrook Park Road, London SE3 9PX. Tel: 0895 251507.
Sept. 19 Full Moon.
Sept. 20 Feast of St. Andrew, St. Kim and Companions.
Sept. 21 Feast of St. Matthew.

Sept. 24 Purattasi Sani - 2nd week.

Sept. 28 Feast of Saints Wenceslaus, Lawrence Ruiz and Companions.

Sept. 29 9.30am J.S.S.A. (UK) Cricket & Netball Festival 1994 at Warren Farm Sports Centre, Windmill Lane, Southall, Middx. Tel: 081 952 7293.

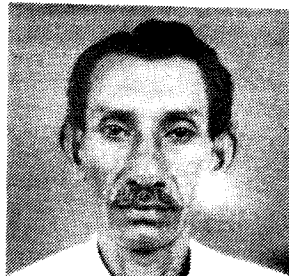
Sept. 30 Feast of St. Jerome.

At the Bhawan Centre, 4A Castletown Road, London W14 9HQ. Tel: 071 381 3086/4608.

Sept. 9 7.30pm Ganesha Chaturthi Bhajans, Puja & Prasad. All welcome.

Sept. 17 7.00pm Veena Recital by Geetha Bennet from India.

Sept. 3, 10, 17 & 24 5.30pm Gita lectures by Sri Mathoor Krishnamurti. All welcome.



Eelam Poet Passes Away

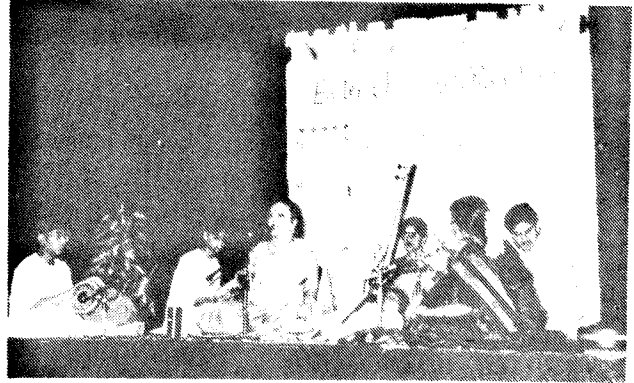
Mr. Guy de Font Galland, popularly known as Eezhathu Rathinam, who played a leading role in the making of Tamil and Sinhalese cinema, was involved in a tragic accident, his moped colliding against a government transport bus in Madras on June 19, and he succumbed to injuries in a government hospital the next day. Mr. Rathinam (58), hailing from Batticaloa district, had a stint in Tamil film-making in Tamil Nadu in the late fifties and early sixties, went back to Colombo and wrote lyrics and scripted dialogue for a number of Tamil films. He also went on to direct a number of Sinhalese films and made a name for himself.

But when the 1983 riots broke out, he too was among the worst hit, and he sought refuge in India along with his family. After undergoing untold

miserics in the refugee camps, he finally found his vocation in the Organisation for Eelam Refugees Rehabilitation where he served as the in-house poet, counsellor for other refugees and went all out to acquaint the Tamil Nadu leaders of the problems faced by refugees in the changed situation after the assassination of Mr. Rajiv Gandhi.

DMK president M. Karunanidhi was seen breaking down when he was listening to a lyric penned by Mr. Eezhathu Rathinam, on the plight of the refugees who ran away from troubles at home only to find themselves further immiserated here. - Thanjamendru naangal vandhom indha mannille, yenjiyadhu kanneer yengal iru kannille. ...ran the song.

Charumathy's Concert



The Carnatic vocal concert on 18th June last at the Acton Town Hall by the front rank musician of Madras, Smt. Charumathy Ramachandran was a real bonanza for the discerning classical fans of London. Charumathy, was passing through London on her way back home and obliged some friends to sing here with the assistance of local accompanists - Dr. Lakshmi Jayan on the violin and the young Pararajasingam brothers Jason and Jonathan on the mridangam. It was one of the best concerts we listened to in London in recent times. Many years back we heard Charu in Madras when she was in her prime, and now her voice is richer and toned down attractively. Her Kalyani raga alapana and the Papanasa Sivan kirthanam 'Unnaiyallal' stood out superbly elegant. The alapana reminded us of the authentic Tanjavur nadaswara bhani. Her staying on the line 'neeye Meenakshi, Kamakshi, Neelayadakshi' in charanam and the niraval evoked devotion. Lakshmi Jayan stood out best in her elements particularly in this alapana and piece.

A special attraction in this concert was the handling of mridangam accompaniment by the young lads Jason and Jonathan (15 and 13 years respectively). These London born students were initiated in the art by Adyar Balu (son of the late Vittal Iyer, Mridanga vidwan of Kalakshetra) and la-

ter trained by Balasri and presently looked after by Kirupakaran of the Sruthi Laya school, had their Arangetram just three years back. Having had opportunities to play for senior vidvans they show immense prospects in their handling of the mridangam with skill and devotion. In this concert their accompanying to the Sriraga Pancharatna kirthanam at the start itself was impeccable and beautiful in both rhythmic and tonal quality. They were able to go through the difficult Pallavi piece admirably. It is a pity that a number of our youngsters in London who have had their Arangetram in violin or mridangam have not exposed themselves at similar performances, either due to lack of self-confidence or parental support, we do not know. The standard achieved by Jason and Jonathan is due to the advantage they had to play for a number of junior and senior vocalists. It would do well for them to go through a course in vocal music training, so that they will be able to grasp the phraseology of Carnatic compositions. S.S.

Pandit Navaratnam, International Astro-Palmo-Numerologist, formerly of Navalur Road, Jaffna is now in London on a short holiday and those wishing to see him please telephone him on: 081-573 6709

Memorial Service

A service of praise and gratitude for the life of **Mary Rose Richards** of Serendeeepam, Sithankerny, Sri Lanka was held on Saturday 21 May 1994 at the Bridletowne Park Church, Toronto, Canada.

Benji Ponniah who led the service told a packed congregation of friends and relatives that 'Rose Auntie was a beautiful woman, with a beautiful heart in a beautiful garden that was her own at Sithankerny and cared for everyone. No one', he added, 'was lesser or greater than the other.'

Her nephew, Ronald Jeyaseelan, led the Prayer of Remembrance, niece, Karuna Gnanasegaram, led the family choir and grandnephew, Beno Kanagaratnam, offered flowers at the altar. The lessons were read by Remy Machado and Dante Thurairatnam.

The sermon was delivered by her elder son, Richards Karunairajan on the biblical text: 'How can one be born again?', based on the question Nicodemus raised with Jesus. He spoke of the sacredness of life from biological conception to spiritual re-birth and parental obligations, all in harmony with God's beautiful bounties.

The fruits of the spirit is love, joy, peace, patient endurance, kindness, generosity, faith, mildness and self-control'. Gal. 5:22-23.

Navaratnam Navaruban - An Appreciation



Born in June 1944, Navaruban hails from Jaffna. He had his early education at St. John's College, Jaffna and passed out from the University of Peradeniya in '71 obtaining a Bachelors Degree in Civil Engineering. He soon joined the Mahaveli Development Board where he served for some years and during this period obtained his full membership of the Institute of Chartered Civil Engineers, U.K.

The 'great exodus' of technical and professional men from Sri Lanka in the late seventies included Navaruban too. Nava moved to Nigeria to join the Capital Development Board of Kaduna State in November '78 as Engineer. It did not take the Capital Development Authority long to identify and recognise the professional

skills and versatility of Nava. He had a meteoric rise from the position of Engineer to become Senior Engineer, Principal Engineer, Assistant Chief Engineer and finally attending to the duties of Chief Engineer concurrently overseeing the Electrical Department as well, two of the largest units in the Metropolitan Council with the highest number of employees. The trust and confidence placed on him was such that the Head of the State, the Military Governor always included him in the inspection team for all major engineering projects undertaken by the Capital Development Board. The Governor deemed it necessary to cut red-tape and have direct contact and consultations with Nava on major engineering projects and related matters for the metropolitan area.

Despite his close association with the head of State and top men of the bureaucracy, outside the portals of the office Nava as he is affectionately called by colleagues, friends and associates still had the simple, unassuming amiable ways. Nava may move with Governors and top bureaucrats yet does not lose the common touch. Neither foe nor loving friend could hurt him. To him all men count and none too much.

Nava loved his family. Although he had a promising future in the Kaduna State Civil Service, in the interest of the education of his children he decided to relocate himself in Canada in '87. He soon joined a leading firm of Consulting Engineers and remained there until the cold morning of 13 January '94 when under tragic circumstances in a work site accident, death laid its icy hand on Nava. The demise of Nava had even chilled the weather gods, the temperature lowered itself to an all time low for over two decades of -43c on the day he was laid to rest, the 15th January, after a largely attended funeral service.

Nava leaves behind his wife and two sons. He was a loving husband, a dutiful father, a dear brother and a good friend. His untimely death is an irreparable loss to his family and indeed to our community. May his soul rest in peace.

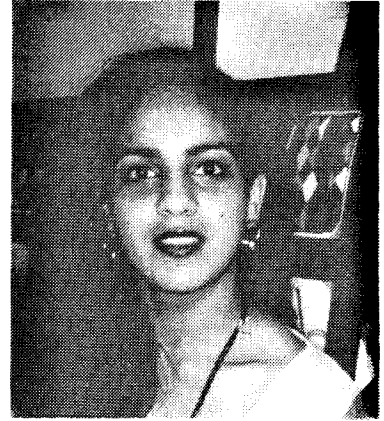
N. Jegatheesan.

Dance Drama by Nadana Bhramam

Sruthi Laya Seva Trust (UK), a London based charity which promotes Carnatic Music and Dance is having a benefit Bharatha Natya programme at the Ashcroft Theatre, Fairfield Halls, Croydon on Saturday, 10th of September 1994 at 7.30pm.

The programme is choreographed by Mrs. Giry Varothayasingham, who will be performing with the senior students of her dance school, Nadana Bhramam, that follows the traditional vazhuvoor style. The highlight of the evening will be the dance drama **Bhama Vijayam** which will be preceded by a few classical items. Musical accompaniment will be provided by leading artistes based in London.

Wins Bronze for U.K.



Parosha Chandran has won the Bronze Medal being placed third in the Diploma Examination of the International Institute of Human Rights held in Straasborg, France in July '94. She was the youngest entrant to this examination and was the only British entrant. She won her initial scholarship to Straasborg from University College, London from where she has completed her Masters.

The Institute of Human Rights was founded by Rene Cassin after he won the Nobel Prize 22 years ago. The Diploma course attracts well over 450 lawyers from 92 countries and it is the first time in three years that Britain has won a Prize.

Parosha is the only daughter of Dr. Raj Chandran, Commissioner of Racial Equality and Dr. Qudsia Chandran.

U.S. Varsity Honours Ilaiyaraaja

Music Director Ilaiyaraaja was conferred with a Doctorate on behalf of the University of Arizona by the Tamil Nadu Foundation (TNF) and the Federation of Tamil Sangams of North America (FeTNA) at the Garden State Exhibit Centre, Somerset, New Jersey, USA.

Kamalhasan, leading film actor-producer introduced Ilaiyaraaja to the gathering. Play back singer S.P. Balasubramaniam felicitated the maestro and gave a light music programme with S.P. Shailaja.

The Mayor of Teaneck, Mr. Johan Abraham honoured Ilaiyaraaja and Kamalhasan with the Honorary Citizenship of his town and presented them the 'Ceremonial Key'. Ilaiyaraaja also attended the general body meeting of the TNF.

The FeTNA president Dr. Azhagu Ganesan, the TNF president Mr. Ravi Thukaram and the convention committee chairman, Mr. O. Ravanan organised several programmes during the three-day convention which included 'Patti Manram', 'Kavirangam', music and dance.

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AUSTRALIAN NEWS LETTER

Muthamil Malai in Sydney

The Australian Tamil foundation presented 'Muthamizh Malai' at the Bankstown Town Hall, Sydney on July 2nd 1994. The foundation provides services to the Tamil community in areas such as employment opportunities, training and further education, child care training etc. The foundation receives financial support from the state government of New South Wales.

The main purpose of the function on July 2nd was to present awards to Tamil students who had achieved outstanding results in the NSW Higher School Certificate examination. The presentation of awards was preceded by a veena orchestra by students of Mrs. Yoga Thanigasalam and a dance item by students of Anandavalli.

Nitya Patanjali of St. George Girls' High School was awarded a prize donated by Dr. K. Baska and Dr. (Mrs.) Meena Baska in memory of his father Mr. C. Baskarasamy. She also received the Dr. V. Rasanayakam Memorial Trophy presented by Mr. Y. Rasanayakam and Dr. (Mrs.) Rajini Rasanayakam. Mr. Anand Narayan Ganesan of Sydney Grammar School was awarded a prize donated by Dr. A. Balasubramaniam and Mrs. Devi Balasubramaniam in memory of her father Senator S.R. Kanaganayagam. Manu Narayanaswamy of Homebush Boys' High School was awarded a prize donated by Dr. N. Sivasubramaniam and Mrs. Loga Sivasubramaniam.

After the interval Mrs. Lakshmi Raman presented 'Thamilisai' and the Sydney Tamil Poets presented a Poetry Debate. This was followed by a comedy Drama by students of Ashfield Balar Malar.

The Chief Guest at the function was the Minister of Multicultural Affairs Hon. Michael Photos M.P. The function was presided over by The President of the Foundation Mr. Shiva Pasupati.

Ganesha Visarjana Festival

Since 1991, the majority of Hindu-based organisations in New South Wales have jointly celebrated the Ganesha Visarjana Festival on Ganesha Chaturthi day. This has been the first celebration of its kind in the whole of Australia.

In 1990, Sri Sivaya Subramaniaswami, founder of the Himalayan Academy based in Hawaii and California, visited Sydney. He suggested that all the Hindu organisations in the state of New South Wales should celebrate Ganesha Visarjana as a joint function. He said it had already become a tradition in California. A committee with Dr. A. Balasubramaniam as Chairman, was then elected to organise the Ganesha Visarjana celebrations for 1991.

Since 1991, the Sri Venkateswara Temple in Helensburgh, New South Wales has hosted the celebrations. It is the first traditional Hindu temple to be built and consecrated in the whole of Australia. The original shrines to Lord Venkateswara and

Sri Ganesha were consecrated in 1985. During the last couple of years, temples to Lord Shiva, Sri Parvati, Sri Durga, Sri Subramaniaswami and the Navagrahas have been built. The Maha Kumbabishekam took place on January 23rd 1994. Work is proceeding on a very large Mandapam which will enclose all the Saiva temples. The Sri Venkateswara Mandapam will also be enlarged.

The Ganesha Visarjana Festival this year will be celebrated on Sunday 11th September 1994, at the Sri Venkateswara Temple. The religious ceremonies will begin at 7.30am with the Ganapati Homam starting at 8.15am. This will be followed by Abishekam, Alankaram and Poojas to Sri Ganesha.

A cultural show, in which over a dozen Indian-based organisations take part, will begin at 10.00am. Every year there is a Ganesha Colouring competition for children under 15 years of age. This has proved popular with hundreds of children taking part. Every child receives a certificate, with three prize-winners in each of the three age-groups.

Continued from page 16

Is there a way out? Again the only light at the end of the tunnel is a solution proffered by the Civil Rights Movement. The CRM statement urges President Wijetunge to invoke consultative Jurisdiction of the Supreme Court in the matter, the relevant passages from the CRM statement are as follows:

"The problem we have raised is a matter which goes to the very basis of the system of representative democracy and the credibility of the electoral process, and should be considered above party politics. In order to see how it may best be resolved, it is necessary first to be clear about the constitutional and legal implications of the current state of affairs.

'It is, in our belief precisely to deal with this type of unforeseeable problem that the constitution has conferred consultative jurisdiction on the question of law or fact of public importance that has arisen or is likely to arise (Article 129). This jurisdiction may be invoked only by the President. The court makes its report "after such hearing as it thinks fit" Which means that it may consider submissions by political parties or other bodies. At least five judges of

From mid-day onwards a canteen will sell delicious Indian food including Dosa, Sambar, Puri, etc. After 2.00pm decorated clay idols of Sri Ganesha will be taken in procession to a nearby beach (Stanwell Park Beach) to be immersed in the water of the Pacific Ocean.

This Festival attracted a crowd of over 4000 last year and a similar crowd is expected this year too.

Ganesha Visarjana names the Ganesha Chaturthi immersion ceremony. 'Visarjana' is a Sanskrit word meaning 'departure'. The clay dissolving in the water signifies Ganesha's withdrawal into all-pervasive consciousness.

In 1893, the great Lokmanya Tilak called upon Hindus to celebrate this Ganesha festival as a public pooja in order to mobilize people to come together to build a strong, united India based on her holy traditions and scriptural teachings. Since 1988, this festival has been jointly celebrated by over 20 Hindu organisations in San Francisco. Now the same tradition continues in the State of New South Wales in Australia, fostering unity among the several Hindu organisations here.

the Supreme Court sit for the purpose. The government has its legal advisor in the Attorney General, as the ruling party it has its own other legal advisors, and likewise opposition parties have their legal advisors. However distinguished or competent such men or women may be, the fact remains that the Supreme Court is the final arbiter on the interpretation of the constitution.

'It is obviously preferable that the Supreme Court be called upon to give a ruling on this matter of public importance in a non-contentious atmosphere which is precisely what the consultative process envisaged by the constitution provides, and also that this be done early as possible. It would have been preferable to have had this matter clarified before the announcing of the general elections but it is still not too late.

'CRM has therefore urged the President to invoke consultative jurisdiction of the Supreme Court on this question. CRM has further urged the President to formulate the question to be referred to the Supreme Court in consultation, as far as it is practicable with representatives of other political parties'.

(Courtesy of The Sunday Leader, 24.7.94).

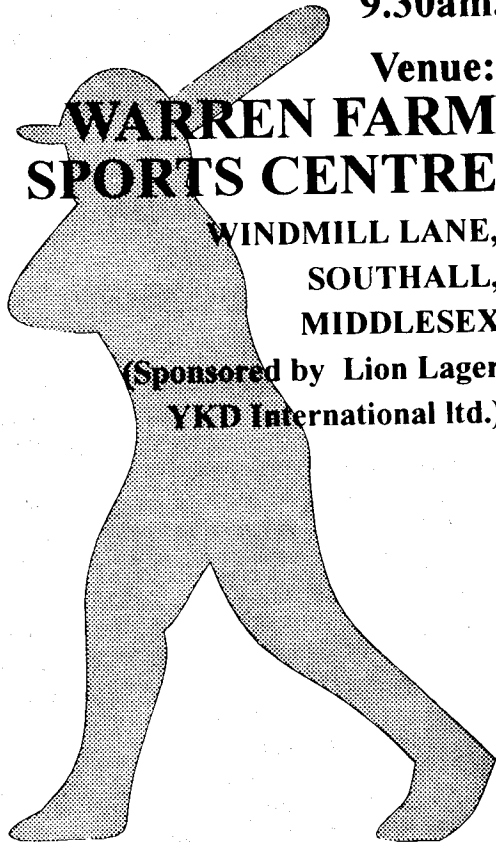
யாழ்ப்பாணப் பள்ளிகளின் விளையாட்டுச் சங்கம் (ஐ.ஐ.)
கிரிக்கட் & வலைப் பந்தாட்ட சுற்றுப் போட்டி 1994

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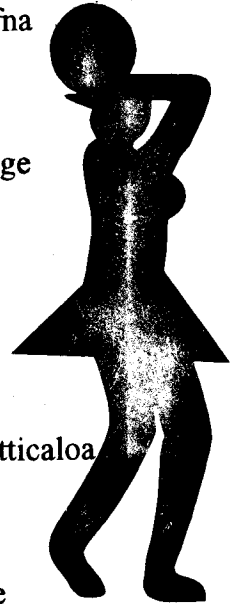
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