

Part VI

Right to Self-Determination

Paper 20

'Peace' Process in Sri Lanka: The Hidden Agenda

Dr. S. Sathananthan

20.1 THE PRELUDE

The emergence of the Ceylon Tamil national liberation movement in Sri Lanka (Ceylon until 1972) was predicted with stunning accuracy forty-three years ago, during debates in Parliament in 1956 over the Official Language Bill. The *Mahajana Eksath Peramuna (MEP)*, a coalition of Sinhalese nationalist parties dominated by the Sri Lanka Freedom Party (SLFP), won the parliamentary election held that year. The new MEP Government was led by Prime Minister Mr. S. W. R. D. Bandaranaike (a Sinhalese), leader of the SLFP, and it introduced the Bill to legislate Sinhala, the language of the larger Sinhalese nation, as the sole official language of the country to the exclusion of the Tamil language, the mother tongue of the smaller Tamil nation.

Many Tamil Members of Parliament (MPs) and a few progressive Sinhalese MPs from the political left strongly contested the proposed iniquitous legislation. In particular, some MPs underlined the spreading chaos following the imposition of Urdu as the official language on the Bengalis in the then East Pakistan and cautioned the Sinhalese nationalists of similar consequences in Sri Lanka if the Bill was adopted

as law. Mr. Leslie Gunewardene (a Sinhalese), for example, reasoned against the Bill; he argued that if it were adopted as law, it would result in Tamils 'deciding to break away from the rest of the country.' Mr. C. Vanniasingam (a Tamil), disputed the imposition of the Sinhala language upon the Tamil people; and he warned that the proposed legislation would be 'the beginning of the end of the Unitary System of Government. This Bill is memorable in that the foundations have been well and truly laid for a Tamil State for the Tamil-speaking people.'¹ Another Tamil MP, Prof. C. Suntharalingam, was more graphic: 'we will learn to use firearms before we learn Sinhalese. Make no mistake on that score.'²

But the Sinhalese nationalist MPs, who were the overwhelming majority in Parliament, steam-rolled the Bill into the Official Language Act and enacted Sinhala as the sole official language of Sri Lanka in June 1956. For good measure, in the same month the SLFP-led Coalition Government unleashed the first pogrom against Ceylon Tamils to repress their resistance to the new iniquitous law.

The political leadership of the *Ilankai Tamil Arasu Kadchi (ITAK)*, led by Mr. S. J. V. Chel-

¹ *Hansard*, vol. 24, col. 942-1917.

² *Ibid*, col. 1805.

vanayagam and popularly known as the Federal Party (FP) among Sinhalese, was virtually helpless against Sinhalese nationalists. The ITAK was at that time the leading Tamil nationalist party with its electoral base in the Tamil-majority Northern and Eastern Provinces, which together constitute the Tamil Homeland. But its membership consisted largely of Colombo-based Tamil politicians who avoided building a mass nationalist movement in the Tamil Homeland. One reason is that they were constantly looking over their shoulders fearing the emergence of a competing grass-roots leadership in the two provinces, a prospect that such a mass movement would inevitably heighten. Not surprisingly the ITAK limited its mobilisation of Tamils to issue-based agitation (*satyagraha*) in order to entrench its position of leadership in Tamil politics at the cost of aborting the Tamil national liberation movement. Another reason, and a consequence of operating out of Colombo, was the preference of the party to act as the political broker on behalf of the Tamil nation. This myopic tactic ensured that the Tamil people, deliberately kept politically inert by the ITAK, would continue to depend on its politicians to deal with the Sinhalese-controlled Government and, therefore, would have little choice but to re-elect them to Parliament.

Predictably the ITAK concerned itself almost exclusively with constitutional reforms and it focused on the extent and scope for changes in law within the confines of a unitary State that would satisfy the political aspirations of the Sinhalese and Tamil peoples. This conservative, a historical approach is not surprising since politicians from both sides generally have framed the issues in legalistic terms, as matters of individual rights (not of nationhood) that could be settled through legislative changes and safeguards. The

underlying premise is that reality follows law.

However, even a cursory glance at history would reveal that law follows reality. Changes in law are dictated by, and are responses to, the evolving reality and legislation at best formalises the transformation that has already taken place in society. In the political arena, law institutionalises the ground reality, that is, the balance of power.

Fundamentally most Tamil politicians were ham-strung by their vested interests (professional activities, ownership of property, etc.) and physical location in the Sinhalese-majority provinces in south-western parts of the country. They could not challenge the Sinhalese nationalists head-on for fear of undermining their interests and endangering their existence outside the Tamil Homeland. The pogroms of 1956 and 1958 underlined this disconcerting reality.

In short, the ITAK was in effect a hostage to Sinhalese nationalism; it could not seek anything more than nebulous 'concessions.' Moreover, a consequence of avoiding sustained mass mobilisation in the Tamil Homeland is that the party lacked street power, which is the essence of political power. Because they functioned from a position of weakness, Tamil politicians had little choice but to hold 'talks' (not negotiate) with Sinhalese politicians; and they were pathetically incapable of imposing their will. Consequently, their ability to secure the collective or national rights – which constitute the political backbone of nationhood – of Tamils was non-existent. They could only hope to protect their electoral fortunes by bartering away key Tamil rights under the pretext of so-called 'negotiations.'

Sinhalese politicians were quick to recognise the weakness of their Tamil counterparts. The Parliamentary Secretary to the Ministry of Fi-

nance, Mr. Nimal Karunatilake (a Sinhalese), articulated in 1958 the undisguised contempt of Sinhalese nationalists for the fawning Tamil politicians succinctly: 'probably the best attitude that should be adopted to all these loud protests is to regard them with a certain amount of indifference, because leaders of this [Tamil] community seek to choose on every occasion to ask for 100 per cent and be satisfied with 25 per cent.'³

20.2 THE TWO-TRACK APPROACH

The backdrop to the exchanges between the Sinhalese leadership and Tamil politicians was a complex one. The multi-faceted political crisis generated by the arrogant attempt to establish the dominance of the Sinhalese nation over the Tamil nation, symbolically expressed in the hierarchically superior position accorded to the Sinhala language as the official language, obviously could not be resolved through the crude application of force. Subordination of the Tamil nation also required that its territorial base be undermined in order to emasculate it into an ineffective minority within the Tamil Homeland. This demographic engineering was already in motion in 1956 through State-aided Gal Oya land colonisation scheme to settle Sinhalese populations in the Eastern Province. The Sinhalese-controlled Government, however, needed to buy time since the population manipulation could be affected only gradually.

Moreover, victory for the SLFP over its traditional rival, the Sinhalese United National Party (UNP), at subsequent elections crucially depended on Tamil voters who held the electoral balance in numerous Sinhalese-majority electorates outside the Tamil Homeland. Hence

³*Hansard*, Vol. 33, col. 1140.

it was necessary to inveigle Tamils into believing that the SLFP is genuinely striving to 'grant' Tamils their rights.

Provision had also to be made to allow electoral alliances with Tamil parties for the SLFP could be compelled to seek ITAK's support in Parliament to form a future government. So it was prudent to throw a few 'concessions' to the party to prevent it from moving too close to the UNP.

The 'concessions' suited the ITAK well since they would bolster its credibility as the defender of Tamil rights and, more to the point, enhance its prospects for electoral success in the two provinces. And if they included in the first instance at least a reduction, if not a moratorium, on Sinhalese land colonisation within the Tamil Homeland, then ITAK could hope to retard the erosion of its Tamil-majority electorates.

The so-called 'negotiations' that took place between the SLFP and ITAK could, therefore, be described as follows: the SLFP walked the political tight rope between promoting the national domination of Tamil nation by the Sinhalese nation on the one hand and, on the other hand, constructing the facade of accommodating the rights of Tamils. The ITAK colluded by deceiving the Tamils that at least some rights are being 'granted' to propitiate the SLFP, hoping desperately that Sinhalese nationalists would in turn stand by their glib assurance not to erode its electoral base in the Tamil Homeland. It resorted to the deception also to prop up its own sagging credibility and pre-empt a competing grass-roots Tamil leadership.

20.3 BANDARANAIKE-CHELVANAYAGAM PACT

The 1957 Bandaranaike-Chelvanayagam Pact, known as the BC Pact, made between the leaders

of the SLFP and ITAK is a good example of this unprincipled compact.

1. On the issue of power sharing in the Centre, the ITAK agreed to abandon its demand for a federal system of government. Under the Pact it accepted that 'the Prime Minister [Mr. Bandaranaike] was not in a position to discuss the setting up of a Federal Constitution, or regional autonomy' (Part A). The SLFP thus rejected devolution of power and, therefore, denied recognition of the right of national self-determination of the Tamil people. The ITAK betrayed the Tamil nation by concurring with that rejection.
2. The SLFP offered political decentralisation through new, elected local government institutions, the proposed Regional Councils (RCs). The ITAK was willing to settle for what amounted to glorified Municipal Councils. Political decentralisation could help to dilute the concentration of power in Central Government. However, when, within a multi-national unitary State, the decentralisation coincided with the territorial boundaries of nations without a corresponding power-sharing between nations in the Central Government, the result is often catastrophic. The larger nation inevitably consolidated its grip on power in the Centre while the smaller nations, denied veto or even decisive power in the Centre, invariably are marginalised to the political and geographical periphery and their political power is weakened further. The inescapable consequence is the introduction of the infamous Bantustan model, the creation of Tamil (and Muslim) 'Bantustans.'

By accepting the RCs and agreeing that the Sinhalese-dominated 'Parliament was to delegate powers to the proposed Regional Councils' (Part A), the ITAK in effect capitulated to the Sinhalese-controlled Government's insistence on the reviled Bantustan model for the Tamil Homeland.

3. With respect to the Language Question, ITAK formally reiterated that Sinhala and Tamil languages must enjoy parity of status. But it accepted that 'the Prime Minister was not in a position to take any step that would abrogate the Official Language Act' and agreed to an 'adjustment': Tamil was to be accorded the status of 'the language of a national minority of Ceylon' and made 'the language of administration' in the Northern and Eastern Provinces 'without infringing the position of the Official Language as such' (Part A). Put in simple language, the ITAK conceded Sinhala as the sole official language of the country and bartered away the linguistic national rights of Tamils.
4. The ITAK failed dismally to stem land colonisation. The most it could do was to plead that 'the powers of regional councils shall include the power to select allottees to whom lands within their area of authority shall be alienated and also power to select personnel to be employed for work on such schemes.' This provision obviously does not prevent the Government from overriding the Councils, which are local government organisations, to send in Sinhalese allottees and employees. Indeed the ITAK could not arrest Sinhalese colonisation; this was patently evident in the vacuous phrase, that 'the position regarding the area at present

administered by the Gal Oya Board in this matter requires consideration' (Part B). So the ITAK proved incapable of defending the territorial integrity of the Tamil Homeland.

Thus the Pact is an utter betrayal of the national rights of Tamils. Mercifully, the SLFP abrogated it in May 1958 not out of altruism but when the UNP whipped up Sinhalese chauvinist opposition to it in a Machiavellian manoeuvre to derail the Pact and sabotage a potential electoral alliance between the SLFP and ITAK. Nevertheless, ITAK flaunted the impotent Pact as a major first step and exhorted Tamils to increase their support for the party. The SLFP blamed the UNP for the so-called 'failure' of negotiations; and, exploiting the collaboration of ITAK, it was able to deceive many Tamils that some advantage could have been gained under the BC Pact; and that there is hope for the future. Simultaneously the SLFP continued its discriminative policies, Sinhalese land colonisation schemes and political repression of Tamils in the ruthless attempt to make the Tamil claim to nationhood untenable.

The first track of the Sinhalese-controlled Government's two-track strategy, therefore, created the illusion of seeking a political settlement with pliant Tamil politicians in order to buy time to implement the second track, which is the subordination of the Tamil nation to the Sinhalese nation. The strategy had acquired an additional dimension of military repression when the almost exclusively Sinhalese armed forces of the State were deployed in the cultural heartland of Ceylon Tamils, the Jaffna peninsula, in 1961 to suppress Tamil resistance. The political and military repression intensified; and Tamil nationalists reacted by forming the Liberation Tigers of Tamil Eelam (LTTE) in 1974 and launching

the Tamil national liberation movement. This two-track approach, shored up by Tamil politicians, remained the central motif of subsequent so-called 'negotiations' supposedly to end the armed conflict between the Sri Lankan State and the LTTE-led Tamil national liberation movement.

20.4 INDO-SRI LANKA AGREEMENT AND THE 13TH AMENDMENT TO THE CONSTITUTION

About thirty years later the situation remained unchanged in all its essential attributes when the Indo-Sri Lanka Agreement to Establish Peace and Normalcy in Sri Lanka was concluded in July 1987 between the UNP Government and the Government of India. The Tamil United Liberation Front (TULF), the successor to ITAK, is composed of essentially the same membership and is similarly crippled by its inherited collaborationist political culture; predictably, it endorsed the Agreement.

1. The Sinhalese-controlled Government obstinately insisted that the Agreement must be made within the provisions of The Constitution of the Democratic Socialist Republic of Sri Lanka; that is, it refused to repeal or amend Article 2 of the Constitution, which categorically rejects a federal system of government. It states: 'The Republic of Sri Lanka is a Unitary State.' The opposition to federalism is hardly different from the SLFP Prime Minister being 'not in a position to discuss the setting up of a Federal Constitution' in the BC Pact. The Indo-Lanka Agreement, since it is premised on the Constitution and the unitary State, foreclosed devolution of power and, consequently, disallowed the right of national self-

determination of the Tamil people. Moreover, no provision whatsoever was made for power-sharing within the Central Government so that the Sinhalese continued to monopolise political power in the Centre. The TULF again betrayed the Tamil nation by acquiescing to the Agreement.

2. Article 76(1) of the Constitution reinforced further the unitary State; it specified that 'Parliament shall not abdicate or in any manner alienate its legislative power, and shall not set up any authority with any legislative power.' This provision is a categorical rejection of devolution of power and in effect re-stated the then Prime Minister's stance in the BC Pact, that he is 'not in a position to discuss regional autonomy.' Moreover, under Article 76(3) such 'authority' may have only subordinate legislative power at the pleasure of the Sinhalese-controlled Government; for it authorised 'Parliament to make any law containing any provision empowering any person or body to make subordinate legislation for prescribed purposes.' When Article 76 is read with Article 2, it is clear that the Provincial Councils (PCs) set up under the 13th Amendment to the Constitution were intended to be, and still are, institutions of local government. In principle they are identical to the RCs suggested in the BC Pact, for the PCs are merely channels of political decentralisation. Given the absence of power-sharing in the Centre, the temporary administrative merger of the Northern and Eastern Provinces into the North-East Province (NEP) (Clause 2.2) created for all intents and purposes the Tamil Bantustan. The TULF, true to its collabora-

tionist streak, enthusiastically welcomed the bankrupt 13th Amendment with open arms and mystified the PCs as avenues for devolution of power. It did so in the vain hope that it could pick up the crumbs of provincial office and simultaneously politically marginalise the Tamil national liberation movement and its cutting edge, the LTTE, which constitutes the new grassroots Tamil leadership of the mass movement in the NEP.

3. The Indo-Sri Lanka Agreement reiterated that Sinhala is the sole official language of the country. The relevant provision of the Agreement read: 'the official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages' (Clause 2.18). And the 13th Amendment amended Article 18 to read: '(1) The official language of Sri Lanka shall be Sinhala. (2) Tamil shall also be an official language. (3) English shall be the link language.' Sinhala, therefore, remains 'The' official language of 'Sri Lanka'; that is, the whole country has only one official language, Sinhala. Tamil is 'also' an official language but whether it is so for the country, province or district is unspecified. In this regard the BC Pact had sounded marginally better since it proposed to recognise Tamil as the language of a 'national minority', which perspective found expression in the 1958 Tamil Language (Special Provisions) Act; although in practical terms that made little difference since Sinhala continued to be the sole official language of the whole country. By acquiescing to the Agreement and the Amendment, the TULF failed to prevent the Sinhalese-controlled Government from violating the linguistic national

rights of the Tamil people.

4. The situation is unchanged also with regard to land colonisation. The Agreement pompously declared that 'the Northern and Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples' (Clause 1). But the Clause is an empty phrase. Given the unitary character of the State, the Sri Lankan Government possessed the power to continue the settlement of Sinhalese populations in the Tamil Homeland. The Mahaveli settlement schemes and the formulation and implementation of the Manal Aru (Weli Oya) colonisation scheme thus went ahead while the Agreement was being negotiated and thereafter. Indeed the Indo-Sri Lanka Agreement was silent on the matter of land colonisation. And the supine TULF politicians could only bleat in protest.

It will be evident from the above that the Sinhalese-controlled Governments have not relented between 1957 and 1987; rather a considerable hardening of position is evident. Article 76(1) had appeared as 45(1) in the 1972 Constitution of the SLFP-led United Front (UF) Government. Then it was a discretionary provision; for the word 'may' was employed instead of 'shall.' In the 1978 Constitution the word 'may' was replaced by 'shall' to make the denial of devolution of power mandatory, to 'close the door on federalism' sneered the then President JR Jayawardene (a Sinhalese).

Sinhalese nationalists in the UNP bought time by engaging in the charade of 'consultation' during the 1984 All Party Conference (APC), of 'peace talks' in Thimpu in 1985 and of 'consensus building' in the 1986 Political Parties Con-

ference (PPC); and by paying lip service to 'negotiations' leading to the 1987 Indo-Sri Lanka Agreement. Meanwhile they held on to the unitary State; rejected the right of national self-determination of Tamils; condescended merely to irrelevant political decentralisation through proposed local government institutions; kept Sinhala as the sole official language of the whole country; escalated the military campaign in the NEP; and continued the systematic Sinhalese colonisation of land in the Tamil Homeland.

20.5 REPORT OF THE PARLIAMENTARY SELECT COMMITTEE ON CONSTITUTIONAL REFORM

Ten years later the Minister for Justice and Constitutional Affairs GL Peiris, in the Peoples Alliance (PA) Coalition Government, released the fourth version of the so-called 'devolution package' on 24 October 1997, titled *Report of the Parliamentary Select Committee on Constitutional Reform*. The previous three incomplete versions were the President Kumaratunga's Devolution Proposals (August 1995), the Draft Provisions of the Constitution Containing the Proposals of the Government of Sri Lanka Relating to the Devolution of Power (January 1996) and the Draft Constitution of the Republic of Sri Lanka (March 1997).

Minister Peiris neither communicated the 1997 document to, nor sought the concurrence of, the Cabinet of Ministers or the membership of the SLFP, the dominant member of the PA, or of other parties of the PA.

To mask the lack of endorsement by the PA, Minister Peiris, as Chairman of the Parliamentary Select Committee (PSC), created the impression that he had routed the document through the Committee; for he presented it in Parliament as the appendix to a three-page cov-

ering note, the PSC statement. Moreover, his PSC statement misleadingly described the appendix as 'The Government's proposal on constitutional reform.' This cunning and disingenuous procedural manoeuvre conjured up the illusion that the Government is officially presenting its 'devolution package.' At the same time, it ensured that neither President Kumaratunga nor her SLFP could be held accountable for the document, that they could 'maintain deniability', since it supposedly is the official report of the PSC.

Moreover, by presenting the document as an alleged PSC report, Minister Peiris attempted to project it as the consensus position of all parties represented in the PSC. This manoeuvre was foiled when he was challenged in Parliament. Party representatives, including those of the coalition partners of the SLFP, denounced the PSC statement. They categorically declared that they had neither discussed nor approved the alleged PSC report; and indeed that they refused to sign the PSC statement, which, consequently, cannot be taken to validate the appendix.⁴ In other words, PSC members rejected the Minister's implied claim that the document is the official report of that Committee.

The decrepit deception did not end there. The Opposition UNP pointed out that the document is incomplete, arguing that the chapters on transitional provisions and definitions are missing.⁵ To make matters worse, when Minister Peiris released the shoddy piece in Parliament as a White Paper it was titled Report of the Parliamentary Select Committee on Constitutional Reform. But when his Ministry published the same for public consumption and for the ben-

efit of the international community, it was deceptively titled The Government's Proposals for Constitutional Reform. This sleight of hand dishonestly projected the misbegotten document as the PA Government's official proposal to negotiate an end to the armed conflict.

The deception is compounded by the fact that the 1997 document re-stated essentially the position that had been articulated in the 1957 BC Pact but in convoluted legalese. Although the document is of uncertain pedigree, its key provisions nevertheless reveal the atrophied mindset of the Sinhalese nationalist politicians.

1. It excluded Article 2 of the Constitution and instead the alleged report of the PSC proposed to re-name the country a 'Union of Regions' (Article 1(1)). The use of the word 'Union' evoked images of the Indian federal model. Moreover, the absence of Article 2 held out the possibility of moving beyond the Constitution to introduce radically new political structures.
2. But Article 1(1) is another sham, for the alleged PSC report reproduced Article 76 of the Constitution word for word as Article 92. It retained in effect the unitary State, made no provision for power-sharing in the Centre, foreclosed devolution of power and, consequently, rejected the right of national self-determination of Tamils. It follows that the apparent intention, implied in Article 1(1), to break out of the confines of the Constitution is intentionally misleading. The phrase 'Union of Regions', and 'The Devolution of Power to Regions' (Chapter XV) and other related provisions in the alleged PSC report are little more than political window dressing to mask the implications of Arti-

⁴ *The Island*, 25/Oct/97.

⁵ *The Island*, 12/Jan/98.

cle 92, which emptied the devolution terminology of political relevance or constitutional meaning. The RCs proposed by the alleged PSC report (Art 132) are once again institutions of political decentralisation, as had been suggested in the BC Pact; and the Tamil and Muslim Regions amount to nothing more than Bantustans, which would be irrelevant to securing the national rights of Tamils. So the Government's oft repeated assertion that the alleged PSC report offers 'federalism in everything but name' is naked duplicity.

3. Article 32 in the alleged PSC report seemingly proposed bi-lingualism; it declared that 'The official languages of the Republic shall be Sinhala and Tamil.' The formulation exposed the injustice perpetrated against Tamils by the provisions of Article 18. However, Article 32 too was eye-wash. For the primacy of Sinhala language is in fact maintained by providing that 'Sinhala shall be the language used for the maintenance of public records by the national and regional public institutions and local authorities in the Capital Territory [Municipalities of Colombo and Sri Jayawardenapura] and all the Regions other than the [Ceylon Tamil and Muslim majority] Regions' (Art 35(2)) within the NEP. The domination by Sinhala language is reinforced by the provision that 'a Regional Administration of local authority which maintains its public records in Sinhala shall be entitled to receive communications from and to communicate and transact business with any official, in his or her official capacity, in Sinhala, and a Regional Administration of local authority which maintains its public

records in Tamil shall be entitled to receive communications from and to communicate and transact business with any official, in his or her official capacity, in Tamil' (Art 37(2)). The apparent reciprocity offered to the Ceylon Tamils and Muslims masks the fact the regime is controlled by the Sinhalese and that the Ceylon Tamil and Muslim-majority regions will, in practice, be compelled by the Sinhalese-controlled regime to communicate in Sinhala with the Centre and Sinhalese-majority provinces. Thus the alleged report of the PSC in effect maintained the status quo established under the 1956 and 1958 legislation: Sinhala is retained as the sole official language of the whole country; Tamil is marginalised to an obscure regional status. The TULF, with characteristic obsequiousness, is ready 'to give it a try.'

4. The State-aided land colonisation by Sinhalese have continued unabated in the northern Vanni; and some Tamil villages have been christened with Sinhalese names (for example, Manal Aru became Weli Oya). The TULF continues to bleat.

The following conclusions here are inescapable. The PA Government has completed four years in office without either reaching agreement on, or officially committing itself to, a framework for negotiating a political settlement to the armed conflict. At the risk of repetition, it must be emphasised that the Government has no proposal for the devolution of power up to the time of this writing. The PA's claim to the contrary – that the Government has a so-called 'devolution package' – is a Goebbelsian lie, a big lie repeated unrelentingly.

It follows that the speculation about whether or not the UNP and LTTE would respond favourably to the alleged report of the PSC is at best ill informed; at worst, it is a cynical red herring.

The PA propagandists have exploited the alleged PSC report for important propaganda aims. Firstly, they seek to delude the Sri Lankan public and the Tamils in particular that the Government has designed a constitutional basis for negotiations and that it is sincerely seeking a political solution to the armed conflict. They also take advantage of the Pavlovian hostile reactions of the extreme Sinhalese-nationalist factions – especially that of the National Movement Against Terrorism (NMAT) – to the Tamil national liberation movement. The factions mindlessly lunge at even the illusion of devolution and the propagandists skillfully played up their opposition to the alleged PSC report in order to reinforce the deceitful claim that a so-called ‘devolution package’ does exist.

Secondly, the propagandists dubbed the document as the PA’s supposed democratic political response, in order to seek legitimacy for the genocidal military onslaught against the Tamil nation in the NEP.

Thirdly, their propaganda portrays the Government as the reluctant combatant compelled to do battle by the ‘intransigent’ LTTE, which is accused of rejecting what in fact is a non-existent ‘devolution package.’ The propagandists hope that the Sinhalese people have been led to conclude that, regrettably, the military response is the only answer to the Tamil national liberation movement.

In short, the PA Government is lunging for a military solution. The so-called ‘devolution package’ or political response is an integral part of the Government’s war strategy. Two days af-

ter the first version, the President’s proposals, was released in August 1995, Minister Peiris ventured to outline its utility for the military response thus: ‘we do expect that the military effort will have the effect of diminishing the strength of the LTTE. But the political proposals will also have a role in that regard because they will go a long way towards convincing the Tamil people that the Government should be supported and that will alienate the Tamil people from the LTTE. So there is a connection between the two things.’⁶

A week later Minister Peiris explained the ‘connection’, that is, how the political response would legitimise and strengthen the military response, thus: “some want to know the necessity for a political solution when a war is raging. True, what we need to win the war is armaments not a political solution. But we have been able to procure military hardware because we have presented a political solution. The President’s leadership has gained international acceptance today. Therefore, we experience no difficulty to get our arms requirements. The President and the Government have succeeded in convincing the world community that restoration of peace is possible through the political package. *We cannot expect the co-operation of the international community [to execute the military campaign] without seeking a political solution.*”⁷

The strategy to legitimise the war is not limited to the secular political response; it included also the powerful religious dimension. reveals the self-delusion of the Sinhalese-controlled Government. It believes that it possesses military superiority over the LTTE-led Tamil national liberation movement; that it could given suffi-

⁶ *The Island*, 6/Aug/95.

⁷ *Daily News*, 15/Aug/95; emphasis added.

cient time, bought by facetious 'negotiations', and resources, obtained principally through foreign aid, exploit this advantage to impose its political will upon the Tamil nation.

20.6 UNP'S OBSERVATIONS

Driven primarily by the need to build a competing 'peace image' in preparation for the forthcoming parliamentary and presidential elections in the year 2000, the leadership of the UNP crafted its Observations on the alleged PSC report. The first instalment was made public on 1 February 1998; the second instalment was released on 8 March 1998; and the party claims that the third and, presumably, final part would be released later.

The Observations (second instalment) did not pledge to repeal Article 2 and 76. They underlined the need to maintain the unitary State: they emphasised 'the indivisibility and unity of Sri Lanka as a nation' (para 1.1) and envisaged 'devolution of power within the framework of an indivisible Sri Lanka' (para 2.1). In the Sri Lankan political context, these phrases clearly indicate the UNP's resolve to retain Article 2. The discussion on the elimination of the Concurrent List of subjects, supposedly to make the legislative power of the Centre and the PCs mutually exclusive (paras 2.3, 2.4 and 2.5), buttressed the illusion that devolution is being contemplated by the UNP.

But the provisions are in reality an elaborate red-herring to mask the fact that the UNP intends to retain Article 76; that the PCs would continue to be institutions of local government, channels for political decentralisation, which are irrelevant to devolution of power. It follows that a future UNP Government would reject the right of national self-determination of the Tamil people and continue the war with even greater fe-

rocity to impose a military solution.

The Observations (first instalment) criticised the alleged PSC report for ignoring power-sharing in the Central Government and claimed to support 'the sharing of power amongst all communities at the Centre.' They proposed 'a Second Chamber where the minorities would be adequately represented', the 'adequate representation of minorities in the Cabinet of Ministers' and 'a President and two Vice-Presidents to represent the three major communities [Sinhalese, Tamils, Muslims]' (page 7). In other words, the UNP views the Tamils as a 'minority', not a nation.

Moreover, the UNP does not provide for the sharing of power – for instance, no provision is made for a double majority system or for diluting the near-absolute executive power of the (Sinhalese) President. Rather, it has shifted attention to the sharing of representation. The verbiage about 'adequate representation of minorities' (who is to define what is 'adequate'?) disguises the fact that the Sinhalese would constitute the overwhelming majority in both houses of Parliament; it denies the Tamils veto power in Parliament and ensures the maintenance of status quo.

The Observations do nothing to remedy the Sinhalese monopoly of power in the Centre and, therefore, cannot prevent and in fact would encourage the marginalisation of Ceylon Tamils to their 'Bantustan' in the NEP.

The Observations (both installments) are silent on the subject of official language, indicating that the UNP intends to keep Article 18.

20.7 PEACE LOBBY AND CONFLICT ESCALATION

The human rights and conflict resolution organisations, such as the Movement for Inter-

Racial Justice and Equality (MIRJE), the National Peace Council (NPC) and the Centre for Society and Religion (CSR), in Colombo campaigned vigorously to popularise the alleged report of the PSC. These Sinhalese-dominated organisations, generally known as the peace lobby, held countless seminars, conferences and workshops to analyse threadbare and discuss exhaustively the Constitution as well as the alleged PSC report.

However, the peace lobby neither drew attention to Article 76 of the Constitution nor exposed the ruse of incorporating it as Article 92 in the alleged PSC report. The NPC, for instance, issued numerous press releases exhorting the Government to begin negotiations and cajoling LTTE to join the political mainstream. But not once did the NPC condemn the subterfuge of including Article 92; nor did it demand that the Government must first confirm its sincerity of purpose by excising the Article before the LTTE could take the document seriously. As regards MIRJE, the less said the better. By endorsing the alleged PSC report as it stood to be a valid starting point, they vouched for the integrity of the otherwise spurious document and misled the Tamil nation and the world at large.

Moreover, activists in the peace lobby mindlessly chanted that 'the Government can satisfy the political aspirations of the Tamils but not the military ambitions of the LTTE' to lend credence to the Sinhalese-controlled Government's ideological fiction that the Tamil nation is separate from, and unconnected to, the LTTE. In effect they justified the military campaign in the NEP and ratified the Government's claim that it is directed against only the LTTE. They attempted to drive a wedge between the LTTE and the Tamil people by spreading the political fiction that after defeating the LTTE the Govern-

ment would grant autonomy for the Tamil people. In short, the propaganda of the peace lobby asserted that the Government and the armed forces would gladly concede at the negotiating table all or most of what was won on the battlefield, a proposition that flies in the face of history!

Rather than expose the duplicity of Sinhalese politicians, the peace lobby sanctified the two-track approach by underwriting the fraudulent PSC report as a potentially viable 'devolution package.' The more recent entrants into the lobby, the religious groups, rarely challenged the dishonest machinations of the Government. Instead they embarked on political pilgrimages to the north, ostensibly to divine what the LTTE 'really wants.' In this way the peace lobby cunningly projected the LTTE as the primary obstacle to a negotiated settlement. An inter-religious group undertook one such 'pilgrimage' in February, 1999. Its members met President Kumaratunga on 26 April to brief her on their visit. But they made no reference to Article 92 and nimbly side-stepped the question of the veracity of the alleged report of the PSC. In this way they insinuated suspicion about the LTTE's intentions while enthusiastically granting President Kumaratunga the benefit of doubt. The members of the inter-religious group, like those of the rest of the peace lobby, are thus ideologically crippled by their reactionary tendency, that of a habitual deference to what is perceived as the duly constituted authority.

If the LTTE does not take the peace lobby and its activists seriously, they surely cannot complain.

20.8 CITIZENSHIP: FROM THE INDIVIDUAL TO ETHNICITY

An over-riding political imperative that forces the Government to seek a military solution is its perverse drive to deepen the integration between citizenship and Sinhalese-Buddhist ethnicity and entrench Buddhist theocracy. The retrogression was set in motion when the UNP, under its 1948 Ceylon Citizenship Act, disenfranchised the most vulnerable national group, the Up-Country Tamils. The UNP also adopted the Lion Flag of the Sinhalese as the national flag in 1952, which underlined the primacy of the Sinhalese nation and symbolically expressed the emerging political link between citizenship and Sinhalese ethnicity. The next step reinforced the link: the SLFP-led MEP Government enacted the 1956 Official Language Act, which, by legislating Sinhala as the sole official language, in effect elevated only the Sinhalese to the status of the *bhoomi putra* (sons of the soil). The fourth step, which further restricted the political grounds for citizenship, was taken by the SLFP-led UF Government when it closed the door on secularism: it bestowed 'the foremost place' (Art 6) upon the Buddhist religion in its 1972 Constitution. Thereafter, the citizenship-ethnicity link essentialised the Buddhist-Sinhalese attribute and Article 9 of the 1978 Constitution of the UNP reaffirmed 'the foremost place' for Buddhism.

The alleged PSC report of the SLFP-led PA made matters worse; it not only confirmed Article 9 of the Constitution but added the proviso that a 'Supreme Council' of Buddhist Clergy (Art 7) would be constituted to advise the Government.

The UNP's Observations, too, did not depart from Article 9 of the Constitution.

It will be evident that citizenship is firmly

linked to Buddhist-Sinhalese ethnicity. An outcome is the Sinhalese nationalist world-view that places the Tamil 'minority' hierarchically below the Sinhalese nation and incoherently justifies the resulting national oppression of Tamils on grounds that the Sinhalese people belong to the supposedly superior Aryan race while Tamils are relegated to the presumed inferior status of Dravidians. Sinhalese nationalist thus define political citizenship in Sri Lanka by reference to race (Aryan), language (Sinhala) and religion (Buddhism), which has chilling parallels to Nazi Germany where political citizenship was based on German ethnicity, defined by race (Aryan), language (German) and religion (Catholicism).

The link between citizenship and Buddhist-Sinhalese ethnicity must be dismantled as a pre-condition for a negotiated settlement in Sri Lanka. The following major changes are necessary (though not sufficient) for re-establishing the congruence between citizenship and the individual and the equality between the Sinhalese and Tamil nations. The national flag must be redesigned; both Sinhala and Tamil should be declared as the official languages and languages of record of the whole country; and Article 9 of the Constitution has to be repealed. But the current Sinhalese leadership, either of the SLFP or UNP variety, has excluded precisely these changes. It is committed to defending the status quo and is sliding towards Buddhist theocracy.

Moreover, the prospects for creating the indispensable condition of political symmetry between the Sinhalese and Tamil nations are virtually extinguished by the obdurate hostility of the Buddhist clergy, whose political power is amply demonstrated by the additional provision conceded in Article 7 of the alleged PSC report. They have resisted, and will resist, any dilution of theocracy and the consequent diminution of

their power.

It is extremely unlikely, then, that the Sinhalese leadership could, in the foreseeable future, ensure the important pre-conditions for a negotiated settlement; it can neither re-link citizenship to individual nor roll back Buddhist theocracy. The Sinhalese-controlled Government will doggedly seek to impose a military solution upon the LTTE-led Tamil national liberation movement in the futile hope of eliminating a problem it cannot resolve.

20.9 THE NATIONAL SECURITY SYNDROME

As the military campaign escalated throughout the 1980s and 1990s, civil society was militarised; and rather than rely on the civil administration (including the Police) to govern the country, the Government became increasingly and dangerously dependent on the armed forces. Over the past decade the armed forces have been transmuted from a ceremonial institution into the dominant political force. The army decides almost everything, from traffic flows in major cities to when it is safe for the Parliament to sit. The children of armed forces personnel enjoy preferential treatment in admission to schools and universities. Defence related industries are the more prosperous ones in the country. In October 1998, the Defence Ministry audaciously 'requested' every public sector employee to donate one week's salary towards the National Defence Fund. Although it is supposedly a voluntary donation – and a powerful private sector trade union rejected the request – the consequences for the vulnerable majority of not conforming to the 'request' are not difficult to discern.

The armed forces and the army in particular have emerged as a State within the State, a result of the 'creeping coup', which began in the early

1990s and is in progress. The fact that most members of the officer corps in the army were trained in Pakistan has had a decisive, formative influence on the army's perception of its political role in the country.

Negotiations between the Government and the LTTE cannot begin without the consent of the State's armed forces. Nor could their outcome have political validity unless they are endorsed by the armed forces, for senior officers have no intention of conceding at the negotiating table that which was won, or could conceivably be won, on the battlefield. The decision whether or not to negotiate no longer rests in the hands of the Sinhalese political leadership. Rather it is determined by the military/political ambitions of the armed forces.

20.10 CONCLUDING REMARKS

It will be obvious from the foregoing that Tamil politicians, with the important exception of the members of ACTC, have neither the will nor the capacity to secure new, or defend existing, rights of Tamils. It is also obvious that the Sinhalese political leadership – whether of the SLFP or UNP hue – has not conceded any ground whatsoever over the past four decades on the questions of national self-determination, devolution, official language or land colonisation.

The history of exchanges illustrates a principle of real politik: that genuine negotiations are possible only between equals in power. Under conditions of asymmetric power relations, the strong invariably impose their decisions on the weak; and negotiations boil down to the weak bargaining the terms of oppression. The phrase 'failure of negotiations' therefore is a misleading formulation that masks this negative dynamic of uneven power relations. The TULF, and ITAK before it, were terminally handicapped by the

asymmetry in power relations largely of their own creation and, ironically, to their disadvantage.

The LTTE-led Tamil national liberation movement is the only political force among Tamils that has redressed the unequal balance of power by meeting the oppressive might of the Government's armed forces with a credible military capacity of its own. The LTTE's armed response conforms to President Nelson Mandela's dictum: it is the oppressor who determines the mode of struggle. The LTTE alone has, for the first time in the history of Tamil resistance, the power to engage in genuine negotiations with the Government. That explains the desperate military onslaught of the Government's armed forces in order to 'weaken' the LTTE and reduce it to political impotence similar to the self-inflicted senility of Tamil parties. The obvious intention of the Government is to make negotiations at most a formality and impose a farcical political settlement – in the form of a revamped local government institution – upon the Tamil nation.

Given the dominant position of the military establishment within the Sri Lankan State, the achievement of a political solution now has metamorphosed into primarily a military question. The military success of the LTTE is, therefore, essential for successful negotiations in the future. In other words, might must be on the side of right.

Many naively believe or arrogantly presume that the Government's military solution will succeed. They would find it instructive to reflect on the observations made by the then Finance Minister, Mr. J. R. Jayawardene, long before under his rule as President the army, led by his nephew Brigadier Weeratunga, blundered into the Jaffna peninsula in July 1979. Speaking in Parliament on 21 January 1955, he condemned British colo-

onialism. He drew parallels with the Roman invasion of England and quoted the English Queen Boadecia: 'Rome shall perish write that word/In the blood that she has spilt/Perish hopeless and abhorred/Deep in ruin as in guilt.'⁸

About the Author: Dr. Sachithanandam Sathananthan read for the Ph.D degree at Wolfson College, Cambridge. He was Assistant Director at the Marga Institute, Colombo where he was a coordinator of research on South Asian regional cooperation conducted by the Committee for Studies on Cooperation in Development (CSCD) in South Asia. He is the Chairman of Mandru (Institute for Alternative Development and Regional Cooperation) which he co-founded in 1989. He is the principal author of *The Elusive Dove: An Assessment of Conflict Resolution Initiatives in Sri Lanka, 1957 to 1996*, (1996).

Dr. Sathananthan has produced two films on nationalism in South Asia: *Where Peacocks Dance*, (1992), delves into the cultural roots of Sindhi nationalism in Pakistan; and *Suicide Warriors* (1996) explores the Tamil national liberation movement in Sri Lanka with focus on the role of women in the LTTE. Both films were broadcast by Channel Four Television, London. *Of Mothers, Mice and Saints* (1994), which he produced for Zweiten Deutschen Fernsehen (ZDF), German Television, is a social anthropological journey into the lives of childless women who seek divine intervention at the shrine of the 16th century Sufi Saint, Shah Dauley Shah, in the Pakistan Punjab.

He is the Founder-Secretary of The Action Group Of Tamils (TAGOT) in Sri Lanka. Dr. Sathananthan is a Visiting Scholar at the Jawaharlal Nehru University, New Delhi.

⁸ *Hansard*, vol 20, col 1707.