



SRI LANKA'S ETHNIC PROBLEM AND SOLUTIONS

Editor
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**Centre for
Policy Alternatives (CPA)**

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A word

No doubt the ethnic conflict is Sri Lanka's tragedy. Perhaps it is the most disputed one. Many are the books written about it. Yet, the books couched in simple, direct and convincing language are a rarity today.

We believe this booklet written by our colleague, Lionel Guruge will help fill the gap. It points to the failure on the part of the Sinhala majority to promote a viable solution to the legitimate grievances of the Tamil minority. In this analysis the author stresses the importance of a negotiated settlement for the conflict via devolution of powers.

Since a consensus among positive thinking people on a negotiated settlement is a necessity, the author





sought the support and guidance of CPA as a multi-ethnic think tank committed to a negotiated political settlement.

We have great pleasure in presenting this booklet to our readers. We hope it will cater to the needs of those particularly interested in peace.

Sunanda Deshapriya

Media Unit

Centre for Policy Alternatives



In Search of a New Direction to Resolve the Ethnic Conflict

The ethnic conflict remains the core of the current political dialogue. The importance of finding a permanent solution forms the nucleus of the continuing social-political debate.

The negligence on the part of the successive governments in ignoring the rights of the Tamil minority and the undemocratic methods resorted to, led the Tamils to lose confidence in the democratic process.



When one thinks about the colossal amount of money and the human and material resources wasted on a protracted armed conflict, the conclusion that if the war breaks out again it would precipitate the country into catastrophe is inescapable! Perhaps that may be the very reason for a number of major and minor political parties to agree to a negotiated settlement.

Here the question of devolution of powers and to what extent the devolution should be pursued, whilst preserving the identity of different ethnic communities needs further probing by us.

The lack of consensus among the main stake-holders has largely contributed to the



present uncertainty- no war, no peace! In this context it has become necessary to reexamine the history of the ethnic crisis and its fall-out so that repetition of bad precedents can be avoided and opportunities for peace, grasped.

The wiser counseling provided by the multi-ethnic think-tank helped enrich the second edition of this booklet with fresh ideas and suggestions.

I am greatly indebted to Professor Jayantha Seneviratne, Professor Jayadeva Uyangoda, Shiral Lakthilake attorney-at-law, Uvindu Kurukulasuriya, Sarojini Sivachandran, A.M. Ameen, Ravindra Chandralal, Sunila

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suggestions.**

**I am specially thankful to
Sunanda Deshapriya and Dr.
P. Saravanamuttu without
whose support and
encouragement my effort
would not have been a
success.**

Finally I believe this second
edition will make a
contribution, in a small measure
at least, to the current socio-
political discourse which aims
at resolving the ethnic crisis.

Lionel Guruge

Author

26.10.2004

Background to the Ethnic Problem

Since Sri Lanka is a multi ethnic
and multi religious polity the
discourse on the necessity to
protect linguistic and cultural
identities of the different ethnic
communities was started in the
1920's. It was in this context that
S.W.R.D. Bandaranaike presented
the concept of federalism as early
as 1926.

Next followed the up-country
chiefs who pressed for a federal
form of government due to fear

They made
representations
before the
Donoughmore
Commission for a
political
confederation with
separate
government for
Tamils in the North
and East, Low-
country Sinhalese
in Western and
Southern provinces
and
upcountry
Sinhalese in
Kandyan
provinces.



they would be deprived of their privileged social status in view of the increasing economic and political gains enjoyed by their low-country counterparts.

In 1927 they made representations before the Donoughmore Commission for a kind of **political confederation with separate government for Tamils in the North and East, Low-country Sinhalese in Western and Southern provinces and Up-country Sinhalese in Kandyan provinces.**



S.W.R.D. BANDARANAYEKE

S.W.R.D. Bandaranaike's revolutionary thinking on the particular constitutional model for this country was later subordinated to narrow political gains. Had a



federal form of government been introduced in independent Sri Lanka, perhaps the subsequent political turmoil and unrest would not have arisen. On the contrary legislative reforms since Donoughmore times to date took different turns at different stages.

The second decade of the 20th century during which the electoral process came into practice was significant in that representatives were elected to parliament not on communal basis, despite caste consciousness among the people.

Sir Ponnampalam Ramanathan was elected to the state council in the 1912 election by the majority Sinhala vote. The Ceylon National Congress established in 1919 was predominantly Sinhalese but Sir

However, the Donoughmore reforms as well as other constitutional changes were seen farthest from a federal model



Ponnampalam Arunachalam was elected its first president.

Donoughmore Reforms

The Donoughmore Commission recommended the establishment of consultative committees for certain administrative functions. Escalating state expenditure and lack of administrative skills according to the governor led him to veto the proposal. The Donoughmore reforms however, opened the way subsequently for the Sinhalese majority to elect a parliament of majority Sinhalese and an entirely Sinhala Board of Ministers in 1936 under the system of representative democracy.

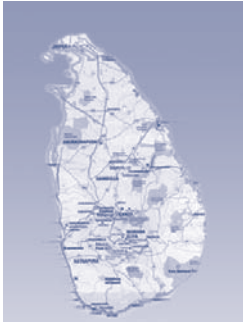
The Donoughmore reforms however, opened the way for the Sinhalese majority in the country to elect a parliament of majority Sinhalese and an entirely Sinhala board of ministers under the system of representative democracy.

Consequently, a situation was created in which the rights of the minorities were endangered, because even an act of parliament detrimental to minority interests could be passed. The birth of the Ceylon Tamil Congress was seen as an initiative to safeguard the minority Tamil rights.

The distrust and stand off at times between the Sinhalese and the Tamils, the two major communities eventually led to the deteriorating relations between them. Similarly the distrust between Sinhala and Tamil leaders also had its repercussions.

Soulbury Reforms

Again the problem that the rights of the minorities were not



LORD SOULBURY



safe cropped up when the Soulbury constitution with its majority representative system was launched in 1947. Parliamentarians who represented the majority communities realised that legislation inimical to the Tamil interests, but favorable to the Sinhalese could be passed by the Sinhala majority vote. It was this fear which prompted veteran Tamil politician. G.G. Ponnampalam to put forward the fifty- fifty representation demand in the late 1930s.

It really meant fifty per cent for the Sinhalese and the balance fifty per cent for the minorities. Of course, it was not a demand to bifurcate the country! In fact the rationale behind the proposal was to prevent legislation detrimental

The demand for fifty/fifty representation meant 50% for the Sinhalese and the balance 50% for the minorities. It was not bifurcate the country!

to the minority interests being passed by the national parliament.

For the Tamil Congress leader, G.G. Ponnampalam, it was an irony of fate to join hands with the UNP government voted to power in 1947 and became a minister.

During his stewardship, Minister Ponnampalam opened four factories located in the northern and eastern provinces. They are, Valachchenai paper factory, Paranthan chemical factory, Kankasanthurai cement factory and Pulmodai mineral sands factory. These were however the last industrial ventures to be cited in the northern and eastern provinces.

The inaction on the part of the subsequent governments alienated



the Tamils from the mainstream of politics and also marginalize the rivals.

Citizenship Act

The Citizenship Act presented to parliament by the Prime Minister D.S. Senanayake in 1947 disenfranchised around one million Up-Country Tamils and stripped them of their citizenship.

What compelled the government to give effect to this piece of legislation was the pro-left identity manifested by the estate workers during the 1947 general election.

Meanwhile, when G.G. Ponnampalam as a government minister extended his support to

The Citizenship Act presented to parliament by the Prime Minister D.S. Senanayake in 1947 disenfranchised around one million Up-Country Tamils and stripped them of their citizenship.

the Citizenship Act, the Tamil people began to entertain misgivings about the conduct of their leaders. This dent in the Tamil political leadership provided the opportunity for S.J.V Chelvanayakam to launch the Federal party in 1949. It contested the 1952 general election at which the emphasis was laid on devolution of power to the Northern and Eastern provinces which were to be merged to form a single political entity. The results, with only two seats won, were dismal.

It bore testimony to the fact that the Tamils had not still entertained any federal idea but chosen to win their rights within the existing political framework.

The Federal party contested the 1952 general election at which emphasis was laid on the devolution of power to the Northern and Eastern merged together to form a single political entity.



S.W.R.D. Bandaranaike was the first-ever Sinhala political leader to understand the importance of a federal form of government to cure the political ills of the country. A speech made by him as early as 1926 was proof of his conviction. His speech:

“Minorities in Sri Lanka look at each other with some suspicion. It is however not reasonable to assume that the differences among them are fundamental. Those differences were not there about an hundred years ago, the reason being that the Tamils, low-country Sinhalese and up-country Sinhalese were together governed by the British. From the time our people thought of wresting power from the British, differences began to surface.”

S.W.R.D. Bandaranaike was the first-ever Sinhala political leader to understand the importance of a federal form of government to cure the political ills of the country

Ceylon Morning Leader.
17th July 1926.

Bandaranaike also gave two lectures on the ethnic harmony at the Y.M.C.A. Colombo and in Jaffna in addition to contributing series of articles to the Morning Leader on the same subject.

Despite its different forms, federalism retains its common attributes such as ethnic diversity, right to national sovereignty and political pluralism.

Sinhala Maha Sabha

In 1940 the Sinhala Maha Sabha led an island-wide mass campaign to make Sri Lanka a Sinhala Buddhist country. Its main demand was to make Sinhala, the official



Despite its different forms, federalism retains its common attributes such as ethnic diversity, right to national sovereignty and political pluralism.



language and Buddhism, the state religion. The United National Party too supported the “Sinhala only” policy. The Sinhala Maha Sabha was able to create a vibrant public opinion in the country prior to the 1956 general election.

Bandaranaike, who espoused the cause of progressive politics as early as 1926, shifted his stand and began to support the "Sinhala only" policy. This volte-face however, ensured him a landslide victory at the 1956 general election.

Tamil parliamentarians who opposed the "Sinhala Only" policy of the new regime held a mass satyagraha campaign in front of the parliament. The government reacted harshly and quelled it,

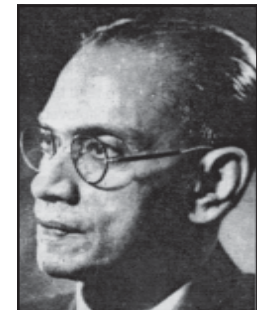
Bandaranaike who espoused the cause of progressive politics as early as 1926 shifted his stand and began to support the "Sinhala only" policy. This volte-face ensured him a landslide victory at the 1956 general election

making room for island-wide protests by the Tamils.

Later it would have been perhaps Bandaranaike's hindsight that laid the foundation for the Bandaranaike- Chelvanayakam Pact.

Bandaranaike - Chelvanayakam Pact

Although the federal party leadership discussed many issues such as federal form of government, independent electorates and annulment of the Official Language Act, the Prime Minister did not accede to them. The Prime Minister who took note of the federal party proposal gave thought to the establishment of regional councils as a viable alternative. Meanwhile, the federal



S.W.R.D. BANDARANAYEKE

party clamoured for the parity of status to the Tamil language.

B/C Pact – Proposals agreed to between the two parties

- 1.1. Recommendations accepting Tamil as the language of the minority to be included in the proposed draft.
- 1.2. Tamil to be made the language of administration in the Northern and Eastern provinces.
- 1.3. Necessary powers be made for the non-Tamil speaking minorities in the Northern and Eastern provinces.
- 2.0. Revision of the Citizenship Act



CHELVANAYAKAM

- 3.1. Provision to be made available in the Bill for the Northern province to form one regional area (b) two or more regions to amalgamate even beyond provincial limits and for one region to decide itself subject to ratification by parliament. Further provision is to be made in the Bill for two or more regions to collaborate for specific purposes of common interest.
- 3.2. Provision to be made for direct election of regional councillors.
- 3.3. Definition of powers regarding agriculture, co-operative movement, lands and land development, establishment of colonization schemes, health, industries, fisheries, education, water supply, housing, social



A PROTEST WALK
ORGANIZED BY J.R.
JAYEWARDENE AGAINST
B/C PACT



services, electricity and roads to be included in the Act.

4.0. Powers regarding alienation of lands for colonization schemes within the regional

council areas and provision of grants to regional councils and powers of taxation and borrowing.

Bandaranaike Tears-up the Pact

Bandaranaike-Chelvanayakam pact provides for Tamil language to be the language of administration in the Northern and Eastern provinces, amendments to the Citizenship Act elections under the regional council system, special powers, colonization schemes and special provision for

Opposition led by the Bhikkus with strong backing from J.R. Jayewardene forced Bandaranaike to tear-up his pact with Chelvanayakam.



taxation and borrowings. Opposition led by the Buddhist clergy with strong backing from J.R. Jayewardene forced Bandaranaike to tear-up the pact signed with Chelvanayakam.

Bandaranaike's words were prophetic:

If you are against this pact I would certainly tear it up but it will jeopardise the future of the country. You have to think about it.



BHIKKUS PROTESTING AGAINST THE PACT. HANDING OVER A PETITION TO PRIME MINISTER, BANDARANAYAKE

“If you are against this pact I would certainly tear it up but it will endanger the future of the country. You have to think about it.”



Sinhala for the entire country

The Sirima Bandaranaike regime was known for its attempts to force Sinhala only down the throats of the Tamils. Her government passed an Act to the effect that Sinhala be the language of courts. Problems arose as to how the litigants, lawyers and judges could work in Sinhala. This policy caused serious injustices to Tamils in the northern and eastern parts of the country. People in the north and their counterparts in the south equally opposed the government's Sinhala only policy. The peaceful satyagraists in Colombo's Galle Face Green led

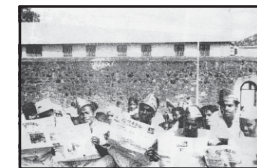


FEDERAL PARTY
DEMONSTRATING AGAINST
LANGUAGE ACT AT GALLE
FACE GREEN ON JUNE 5,
1956

by the Tamil parliamentarians were attacked by the mobs. Kachcheri premises in the north and east became the venue for Sathyagraha campaigns organized by the Tamil political parties.

The government for its part responded to the unrest declaring a state of emergency. The non-violent struggle was summarily contained. The Sirima Bandaranaike government resorted to such harsh action surprisingly, though there was no threat to the regime by any armed political organization.

The Federal Party was the main political ally of the Dudley Senanayake National Government of 1965. Despite United National Party's revolt against the Bandaranaike- Chelvanayakam Pact, in 1965 Dudley concluded a



PERFORMING SATYAGRAHA
AGAINST LANGUAGE ACT.
ARMY WAS DISPATCHED TO
THE NORTH IN VIEW OF
THE CIVIL DISOBEDIENCE
CAMPAIGN

pact with the Federal Party leader, S.J.V. Chelvanayakam.

Dudley- Chelvanayakam Pact

01. Action to be taken under the Tamil language (Special Provisions) Act to make provision for Tamil to be the language of administration and record in the Northern and Eastern provinces.
02. To amend the Language of the Courts Act to provide for legal proceedings in the northern and eastern provinces to be conducted and recorded in Tamil.
03. To establish District Councils with power vested with the government to give directions in the national interest.

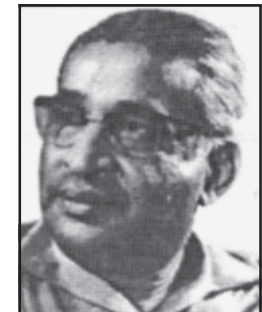
Federal Party remained the main political ally of the Dudley Senanayake national Government of 1965. Despite UNPs' revolt against the B/C Pact, in 1965 Dudley concluded a similar pact with Chelvanayakam of the Federal Party

04. To amend the Land Development Ordinance and in the granting of lands under colonization schemes, priority will be given to Tamil speaking landless persons in northern and eastern provinces and Tamil speaking persons in other parts of the country.

Obstacles to the Pact

The government had to face various obstacles in its efforts to give effect to the Dudley-Chelvanayakam Pact. The SLFP along with the Buddhist clergy led a crusade against the pact.

However, in view of the inordinate delay in the implementation of the pact, the Federal Party left the government in 1966.



DUDLEY SENANAYAKE



Tamil Language (Special Provisions) Bill

Tamil Language (Special Provisions) Bill

The Tamil language (Special Provisions) bill was presented to parliament on January 8, 1968, to provide for Tamil to be the language of administration in northern and eastern provinces of the country. The Act of course, does not enjoy the official language status. The special clause in the Official Language Act No 33 of 1956 “without prejudice to” corroborates this.



CHELVANAYAKAM

The SLFP in collusion with the Buddhist clergy mobilized forces against the government when the Tamil language (Special Provision) bill was tabled in parliament. It gave the impression to the Tamils that the political leaders in the south were not ready to grant even the bare minimum of their demands. Violence that flared up in the country forced the Prime Minister, Dudley Senanayake to abandon the pact without concurrence from his counterpart, Chelvanayakam.

The Lanka Samasamaja Party and Communist Party of Sri Lanka which clamoured for more justice to the Tamils under the Bandaranaike- Chelvanayakam pact later shifted their position and condemned the provision of the Dudley Senanayake- Chelvanayakam pact, with such humiliating slogans as, “Dudleyge



J.R. JAYEWARDENE WHO
OPPOSED
BANDARANAYAKE -
CHELVANAYAKAM PACT
BECAME THE APOSTLE OF
FEDERAL - UNP
COALITION OF 1965



Baday Masala Wadai”. This political behaviour on the part of the leftist parties turned to be the irony of history.

Tamils who were continuously denied their legitimate rights in this manner began to entertain the idea of a separate state during 1970 s.

Hitherto the peaceful democratic struggle of the Tamils was directed to secure their right to be educated in their mother tongue, right to represent their people in the legislature and also ensure their fair share of government. For them the term, “Tamil speaking people” always meant the Muslims living in northern and eastern provinces as well as other parts of the country.

Violence that flared up forced Prime Minister, Dudley Senanayake to abandon the pact without concurrence from Chelvanayakam

Idea of a Separate State

When Prof. C. Suntheralingam a minister of the first UNP government and V. Navarathnam, a Tamil politician who contested the 1970 general election as independent candidates put forward the novel idea of a separate state, it was the Federal Party that appealed to the voters not to vote for candidates who wanted to divide the country. Prof. Suntheralingam suffered a humiliating defeat at the election.

It was surprising that the Tamil parliamentarians themselves took the lead to defeat the proponents of secession.



UNP AND OTHER PARTIES PARTICIPATED AT 1971 CONSTITUENT ASSEMBLY PROCEEDINGS, BUT TAMIL PARTIES BOYCOTTED

Constituent Assembly of 1972

The Federal Party presented three demands to the Constituent Assembly held by the United Front government.

- I. A federal form of government comprising five regions.
- II. To provide for the Tamil Language (Special Provisions) Act presented to the parliament in 1966 under the Duddly-Chelvanayakam Pact, in the republican constitution of 1972.
- III. Tamil language to be recognized as the medium of instruction for Tamil students

A veteran leftist leader Dr. Colvin R. De Silva was the

It was surprising that the Tamil members of parliament themselves took the lead to defeat the proponents of separate state policy.

Minister of Constitutional Affairs in the Sirima Bandaranaike government of 1970. Along with him several more leftist leaders represented the government. Rejection of the Federal Party demands by the United Front government in which leftist leaders held important cabinet positions created suspicion as well as frustration within the Tamil parties that the rights of their community could be won by democratic means.

Deletion of section 29 (2) of the Soulbury constitution which prevented legislation prejudicial to minority interests being passed by parliament, from the new republican constitution of 1972 stripped the minority of the special constitutional safeguard hitherto enjoyed by them.



The language-based standardization introduced by the UF government in 1974 restricting the Tamil student's university admission created anti-government sentiments in the hearts of the Tamil youth.

The language-based standardization introduced by the United Front government in 1974 restricting the Tamil student's university admission and created anti-government sentiments in them.

Further, the set of proposals presented to the 1972 constituent assembly by a wider representative body comprising the All Ceylon Tamil Congress, Federal Party and U.N.P. parliamentarians, K.W. Devanayagam and Thambirasa were outright rejected.

Their Proposals:

01. Parity of status for Tamil language.
02. Grant of citizenship to Tamils who were stripped of



citizenship with the introduction of the new Citizenship Act.

03. The state should be secular with equal protection accorded to all communities and religions.
04. The state should ensure freedom and valid fundamental rights guaranteeing equality of persons.
05. Constitutional provision for abolition of caste.
06. Decentralized structure of government to ensure meaningful participatory democracy.

So it became clear that the Tamils were gradually losing the opportunities available to them to secure their rights!

Peninsula Protests

Feelings of estrangement entertained by the Tamils due to the multitude of safeguards being enjoyed by the Sinhalese under the new republican constitution eventually led them to resort to passive resistance in the North and East.

Tamil youths including activists such as Uma Maheshwaran and Kasi Ananthan were arrested by the police.

In 1974 in Jaffna at the end of the conference of the International Association of Tamil Research nine people were killed in an incident in which the police fired at an electric wire. Thus when the state began to let loose repression against Tamils the disappointment and opposition to the policies of



BY 1974 TAMIL YOUTH HAD FORMED A MILITANT ORGANIZATION. LTTE SUPREMO VELUPILLAI PRABHAKARAN KILLED THE JAFFNA MAYOR DOREAPPA ON JULY 28, 1975

the traditional Tamil political leadership began to take root in the minds of Tamil youths.

The first JVP insurrection of 1971 also inspired them. Driven by the traditional homeland concept, the Tamil youths began to tread a radical path abandoning the traditional policies of their old school politicians. The traditional Tamil leadership appeared to have exhausted all available means in its arsenal to fight for the rights of its community. In 1972 the Federal Party with four other Tamil political parties jointly formed the Tamil United Liberation Front, with the main objective of protecting Tamil rights.

Meanwhile, the students in North and East took to the streets to protest against the university standardization. The government as



AMIRTHALINGAM



PONNAMPALAM



THONDAMAN

TAMIL UNITED LIBERATION FRONT WAS FORMED ON MAY 22, 1972

usual took prompt action to maintain law and order.

The police attack on the conference of the International Association of Tamil Research of 1974, and the deaths of nine Tamil youths coupled with the arrest of Tamil youths began to change the direction of Tamil politics. Accordingly the Tamil United Liberation Front at its national convention held in Vadukkodai on May 14, 1976 passed a resolution calling for a separate state for Tamils.

The TULF fought the 1972 general election on a radical platform of Eelam for the Tamils. The party won almost all the 18 seats and became the official opposition in parliament. The electoral success was regarded as

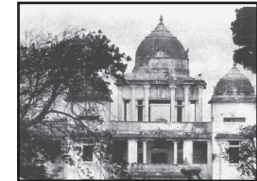


TAMIL UNITED LIBERATION FRONT LEADER AMIRTHALINGAM BECAME LEADER OF OPPOSITION IN THE NATIONAL PARLIAMENT AFTER HIS PARTY WON A LARGER NUMBER OF SEATS THAN THE SLFP IN 1977 GENERAL ELECTIONS

proof of majority Tamil support for a separate state. The United National Party which started the drafting of a new constitution in 1978 went back on its earlier pledge to hold an all party conference. As in 1972 this time too, a republican constitution was promulgated alienating the Tamils from the mainstream politics of the country.

State Repression in Place of Minority Rights.

The state repression let loose after the introduction of the 1978 constitution was worse than what followed the first republican constitution of 1972. The United National Party which capitalized on the Sinhala only policy and the discrimination perpetrated against



JAFFNA LIBRARY WAS BURNED DURING THE DISTRICT DEVELOPMENT COUNCIL ELECTIONS HELD ON JUNE 01, 1981



the Tamils by the Sirima Bandaranaike government after 1972, went back on its own pledge to provide a solution to the Tamil problem.

Both the 1972 and 1978 constitutions which failed to address the Tamil grievance created a situation for the Sinhalese to dominate governance. Rule by the Sinhalese and Buddhism being made the state religion appeared to be the outstanding feature of the new dispensation.

The emergency declared in 1979 continued to be in force. Under the Prevention of Terrorism Act an, “operation to weed out terrorism in the North and East” was undertaken and Tamil youths in large numbers were taken in to

In 1972 the Federal Party with four other Tamil political parties jointly formed the TULF, with the principle objective of protecting Tamil rights.

custody. Many of them were beaten or killed.

Repression Begins

The United National Party government whilst justifying the war to the people in the south pursued a policy of repression in the north. Meanwhile, a committee was appointed to look in to the feasibility of establishing district development councils as a solution to the ethnic crisis. The Sri Lanka Freedom Party, Lanka Samasamaja Party and Communist Party of Sri Lanka together turned down the government request to participate in the district development councils.



A SCENE AT COLOMBO GENERAL CEMETERY ON JULY 24, 1983 ANTI - TAMIL VIOLENCE ERUPTED IN COLOMBO AS A REACTION TO THE KILLING OF 13 SOLDIERS BY A BOMB EXPLOSION AT JAFFNA

The Tamil United Liberation Front, however contested the elections to the district development councils to reactivate their struggle to secure the rights of the Tamil community within the democratic framework. The Lanka Samasamaja Party and the Communist Party too contested, whilst the Sri Lanka Freedom Party abstained.

The United National Party leaders who visited the north indulged in thuggery and terror as a means to win the election. Rival parties were attacked. The series of violent acts culminated in the burning of the treasured Jaffna library. Two hundred houses including that of Jaffna M.P, Yogeshwaran and Eelanadu newspaper building were destroyed by arson. It was estimated that around 95,000 books were destroyed when the library was set on fire.

The TULF however, contested the elections to the development councils to reactivate their commitment to secure the rights of the Tamil community within the democratic framework. The SLFP and CP too contested, whilst the SLFP abstained.

Around 140,000 citizens in the peninsula could not cast their votes due to the prevailing violence. However, the United National Party was defeated at the election.

Tamils lost even the iota of confidence they had in the southern political leadership as a result of the spate of violent acts unleashed against them.

Planned Killings of 1983

The 1982 referendum planned by the government was a ploy to prevent the opposition, including Tamil parties, from winning a larger number of seats under the proportional representation system introduced by the 1978 republican constitution. The referendum was acknowledged to be full of corruption. The majority of the Jaffna people cast their



A SCENE OF FIRE AT BORELLA ON JULY 25, 1983. ACCORDING TO GOVERNMENT SOURCES LIVES LOST 471, ARSON ATTACKS 8077 AND CASES OF LOOTING 3833 DURING 1983 BLACK JULY VIOLENCE

votes against the postponement of parliamentary election, but the government won the referendum.

In July 1983, thirteen soldiers were killed in Jaffna. The United National Party seized the opportunity to unleash violence against the Tamils. Organized mobs in the capital city killed the Tamils. They were singled out and beaten. Violence continued for several days. Non-intervention by the security forces to quell the riots and contain lawlessness in the early days created suspicion that the government had a hand in the ugly incidents.

The infamous Black July helped Tamil politicians to muster international support to promote their avowed objective of creating a separate state. Meanwhile, the UNP government proscribed the JVP and a number of leftist parties

Around 140,000 citizens in the peninsula could not cast their votes because of the violence that prevailed. However, the UNP was defeated at the election

on the alleged involvement in the Black July violence.

The 6th amendment introduced into the constitution, outlawed the concept of separate state. TULF members of parliament refused to take the oath of allegiance made under the 6th amendment. Consequently, the TULF members of parliament lost their parliamentary representation and the Tamil population in the north and east of the country became unrepresented in the parliament.

The JVP which went underground resorted to armed struggle again. The two armed struggles in the north and south posed a serious challenge to the government. The political and the armed struggles launched by the Tamils in the north appeared to be fully committed to realize Eelam.



TAMIL REFUGEE CAMP IN COLOMBO. TAMILS IN COLOMBO CAMPS EXCEEDED 80,000



Thimpu Talks - 1985

Talks aimed at seeking a permanent solution for Sri Lanka's ethnic crisis were held in Thimpu, Bhuthan in 1985 with the participation of all Tamil political parties-EROS, PLOTE, TELO, TULF, EPRLF and LTTE.

Tamil political parties presented four principles to the conference.

01. Recognition of Tamil as a distinct nationality.
02. Recognition of an independent Tamil homeland



THIMPU DISCUSSIONS IN
PROGRESS

and guarantee of its territorial integrity.

03. Recognition of the right of self-determination of the Tamil nation.
04. Recognition of the right to full citizenship and other fundamental democratic rights of all Tamils who look upon the island as their country.

The Tamil armed groups who took part in Thimpu discussions appeared to not intend or expect serious negotiations. They had simply presented their agenda to the meeting. It appeared that the government delegation too was not very serious about the proposal submitted by the Tamil representatives. Recognition of Tamil peoples' right to self-determination, recognition of



The Tamil armed groups who took part in Thimpu discussions appeared to not intend or expect serious negotiations. The government delegation too was not very serious about the proposal submitted by the Tamil representatives.



Tamil as a distinct nationality and recognition of traditional Tamil homelands within a united state formed the basis for the talks. Even today it is the very same proposal to which the Tamil parties are committed. The UNP government which did not agree to the Thimpu proposals was intent upon containing the escalating terror.

India intervenes

Military operations by the government in the north resulted in the exodus of Tamil refugees in their thousands to South India. The situation was created for India to intervene in view of the youth rebellion in Jaffna and government reaction to counter it. This eventually led to the Indo-Sri Lanka Peace Accord concluded between President J.R.



NATIONAL SECURITY
MINISTER, LALITH
ATHULATHMUDALI
MEETING GEN.
KOBBEKADUWA AFTER
VADAMARACHCHI
OPERATION OF JULY 26,
1987

Jayewardene and Prime Minister Rajiv Gandhi. Consequently the 13th amendment to the Sri Lanka constitution was introduced and provincial councils were established. Under the Peace Accord, the Tamil armed groups were required to surrender their arms and get absorbed into the democratic political mainstream of the country. It appeared to be only a political success, as events began to unfold later.

Both the JVP, which remained proscribed by the government and the SLFP, led an island-wide crusade against the Indo-Sri Lanka Peace Accord. Firing by the security forces resulted in a large number of casualties among the protesters who took to the streets. Damage caused to public property in the country was tremendous.



Consequently the 13th amendment to the Sri Lanka constitution was effected and provincial councils were established. Under the Peace Accord, the Tamil armed groups were required to surrender their arms and get absorbed into the democratic political mainstream of the country.

A state of anarchy seemed to prevail in the country.

Nominations were called for the local government election with preliminary work such as publicity being launched only to be followed by the death warrants issued by the JVP against the candidates and party supporters. A large number of political activists in the south were killed.



SRI LANKA PRESIDENT J.R. JAYEWARDENE SIGNED INDO - LANKA ACCORD WITH INDIAN PRIME MINISTER, RAJIV GANDHI ON JULY, 1987

13th Amendment

Provincial councils were set up under the Indo- Sri Lanka Peace Accord of 1987. This gave expression to the notion that Sri Lanka is a multi-ethnic and multi-lingual plural polity. It was also conceded that every ethnic community has its own special cultural and linguistic identity and the northern and eastern provinces were traditional home-lands of the Tamil speaking people of Sri Lanka where they lived in unison with other ethnic communities.

It was also historic to have created a near federal administrative structure in Sri Lanka which continued to be a unitary state.



Although the 13th amendment failed to give effect to the full devolution of powers to the periphery, Dr. Shirani Bandaranaike held the view that the powers devolved on the provincial councils in Sri Lanka far exceed those enjoyed by the Indian states under the Indian constitution.

Powers devolved on the provincial councils under the 13th amendment are contained in three lists.

01. Provincial list (List No. 01) which includes decentralised items.
02. Central government list (List No. 02) items retained with the central government
03. Concurrent list (List No. 03)



NORTH - EAST FIRST CHIEF MINISTER, VARTHARAJA PERUMAL FELL OUT WITH THE CENTRAL GOVERNMENT AND DECLARED EELAM UNILATERALLY. LATER, HE LEFT SRI LANKA

According to section 154 G (5) (b) of the 13th amendment although the provincial councils may make



laws with respect to any matter in the concurrent list, it has to be done in consultation with the parliament. But the procedure to be followed has not been explained in the constitution.

Section 154 G (6) states:

If any provision of any statute made by a provincial council is inconsistent with the provisions of any law made in accordance with the preceding provisions of this Article the provisions of such law shall prevail and the provisions of such statute shall to the extent of such inconsistency be void.

Accordingly all matters contained in the concurrent list are subject to parliamentary control.

According to 154 G (2) no provincial council matter should

Accordingly all matters contained in the concurrent list are subject to parliamentary control.

become law unless such matter is passed by 2/3 majority in parliament.

According to 155 (3) (a) the emergency regulations brought into force under the Public Security Act shall have the power to supersede, amend or suspend the operation of the Provincial Council Act.

The 13th amendment outlines the devolution of powers for provincial councils but conflicts have arisen between the central government and the provincial councils in the actual implementation of the provisions.

The north-east provincial council due to a variety of reasons has become inoperative whilst all other provincial councils are in operation.

The 13th amendment outlines the devolution of powers for provincial councils, but conflicts have arisen between the central government and the provincial councils in the actual implementation of the provisions

It was only under the 13th amendment that statutory provision was made for devolution of power to the periphery through the establishment of provincial councils.

It was historic to have created near federal administrative structure in Sri Lanka which continued to remain a unitary state.

Provincial Council Structure and Powers

A provincial council shall consist of such number of members as may be determined by or under law having regard to the area and population of the province on which the provincial council is established.



A provincial council shall consist of a governor, chief minister, board of ministers and council members. The governor being the highest official shall be appointed by the President of Sri Lanka.

The governor is vested with powers enabling him to dissolve the provincial council. The governor exercises his powers in accordance with the advice of the chief minister so long as board of ministers' commands in his opinion, the support of the majority of the provincial council.

Matters falling under the purview of Provincial Councils

Police, public order, education, planning, national highways and other roads which are not ferries, rural development, bridges and agrarian services, lands, health and indigenous medicine.

Matters shared by the central government and provincial councils

Planning, education and educational services, higher education, national housing and construction, acquisition of property, social services rehabilitation, agriculture and agrarian services, health and irrigation work.



SLFP LEADER, SIRIMAVO BANDARANAYAKE AND M.E.P. LEADER, DINESH GUNAWARDENE, THE TWO CHIEF PARTIES TO THE NEWLY - FORMED DEMOCRATIC PEOPLES' ALLIANCE SIGNING THE JOINT PACT



Sri Lanka felt the need for an administrative structure for devolution of power to the periphery as a result of the struggles launched by the Tamils to win their rights. Strange enough, the provincial council system is not in operation only in the north and eastern provinces for which it was meant, but in all other provinces in the country where the majority are Sinhalese.

Paradoxically, provincial council system is not in operation only in the north and eastern provinces where there is a Tamil majority, but in all other provinces in the country where the majority are Sinhalese

Further, despite the devolution of substantial power to the periphery, the costs of maintaining an unwieldy legislature at the centre and the newly established provincial councils at the periphery have become a heavy burden on national coffers.

Proposals of the Democratic People's Alliance

The SLFP and a number of other political parties which had opposed the 13th amendment presented a set of proposals for devolution of power under a new political organization styled, Democratic People's Alliance.

These proposals for devolution of power far exceeded the provisions of the 13th Amendment. It provided for suspension of the establishment of new colonization scheme until the formulation of a new land policy based on ethnic principles, removal of legal snags affecting citizens by registration and recognition of Tamil as an official language.





True to form, the UNP opposed the proposals! As usual after its defeat at the 1988 General Election the SLFP went back on its policies and began to indulge in communal politics.

The Mangala Munasinghe Select Committee appointed by the parliament in 1991 on the initiative of the then President R. Premadasa was given the mandate to go into the ethnic conflict and make its recommendations toward an early solution.

Proposals presented to the Mangala Munasinghe Committee by the UNP and SLFP were far apart from those of the Tamil parties. Whilst the UNP and SLFP opposed the federal structure and the North-East merger, the Tamil parties embraced these wholeheartedly.

Whilst the UNP and SLFP opposed the federal system and the North-East merger the Tamil parties embraced them wholeheartedly.



Finally the major political parties in the South together with their Tamil counterparts agreed to treat the North and East as two distinct entities. However, later the SLFP went back on its policies and opposed the adoption of federal system. The 1993 agreement between the late Lalith Athulathmudali and Sirima Bandaranaike provided for devolution of powers to a limited degree.

A Permanent Peace

Chandrika Bandaranaike entered the national political arena via 1994 general election with a firm undertaking that a permanent solution would be found to the ethnic problem. It was also given prominence in her election manifesto.

True to form, the UNP opposed the proposals! As usual after its defeat at the 1989 Presidential Election the SLFP went back on its policies and began to indulge in communal politics.



The JVP contested the 1994 general election as a party for the liberation of the nation. Their election manifesto promised regional autonomy to the minorities

The UNP was seen back in the old game of communal politics when it accused the SLFP of trying to betray the country. But the People's Alliance secured a handsome victory under the leadership of Chandrika Bandaranaike.

The UNP presidential candidate Gamini Dissanayake presented to the country a package based on a federal model for devolution of powers.

The JVP contested the 1994 general election as a party for the liberation of the nation. Their election manifesto promised regional autonomy to the minorities

Proposals Presented by the UNP Presidential Candidate, Gamini Dissanayake

Gamini Dissanayake's package for devolution of power was far ahead of all previous ones. An outstanding characteristic of his proposals was the firm undertaking to abolish the provision empowering the President or Parliament to revest with them the powers delegated to the provincial councils under the 13th amendment.

His proposals reinstated that the geographical unit of devolution would be decided only after extensive consultation with the political groups who represent the north-east provinces. This approach is an important development of



GAMINI DISSANAYAKE UNP
PRESIDENTIAL CANDIDATE
1994

consensual politics. Therefore the Gamini Dissanayake devolution proposals were considered to be the most comprehensive federal structure so far presented to the country.

People's Alliance Constitutional Proposals 1995

In 1995 the People's Alliance presented its draft constitution on the decentralization of powers. Although it largely resembled the Gamini Dissanayake proposals, the Peoples' Alliance proposals on decentralization of finance and judicial powers were far more comprehensive. Both the JVP and UNP opposed the Peoples' Alliance package on different grounds.



CHANDRIKA
BANDARANAYAKE
KUMARATUNGA,
PRESIDENT OF SRI LANKA

Peoples' Alliance Constitutional Proposals 1997

Peoples' Alliance constitutional proposals on devolution of powers presented in 1997 were similar to the Gamini Dissanayake package in many respects. But such areas as decentralization of judicial powers and increased opportunities for the provincial councils to negotiate foreign aid far exceeded the scope of Gamini Dissanayake proposals. However, many of the proposals were similar to those of the UNP. Both the JVP and UNP desisted from supporting them.

By 1997 the
UNP leader
Ranil
Wickremasinge
proposed the
idea for asym-
metrical devolu-
tion of power

Draft Constitution 2000 burned

The UNP and the Peoples Alliance together drafted a new constitution in 2000. Later the UNP alleged that though the objective in drafting the new constitution was to grant self-determination to Tamils, the People's Alliance had fraudulently included provision to consolidate the executive presidency and the Peoples' Alliance government, withdrew its support. Some UNP MPs had even gone to the extent of burning the constitution inside the parliament. The JVP and Sinhala Urumaya branded it as a piece of legislation meant to divide the country.

Constitutional Reforms 1997 – 2000

Systematic devolution of power as an alternative to separation and abolition of executive presidency were the two cardinal items in the election manifesto presented to the country by Chandrika Kumaratunga in 1997. The package far exceeded the parameters of the 13th Amendment.

The main attribute of a federal structure is distribution of powers. In the absence of such a structure a council of chief ministers to iron

Systematic
devolution of
powers as an
alternative to
separation and
abolition of
executive
presidency
where the two
cardinal
proposals



out differences between the centre and the regions had been proposed.

The draft constitution of 2000 was largely based on the 1978 republican constitution and the 1997 constitutional proposals.

The concept of “indissoluble union of regions” entrenched in the 1997 proposals had been changed. According to the draft constitution of 2000, the republic of Sri Lanka is “one, free, sovereign and independent state consisting of the institutions of the centre and of the regions which shall exercise power as laid down in the constitution”. The “Region” had been identified as the territorial unit of devolution.

Whilst the provisions of the draft constitution of 2000 far exceeded the 13th amendment, the special powers of dissolving a

It was the Indo-Lanka Peace Accord of 1987 which first conceived the idea of interim administration as a solution to the ethnic conflict.



regional council were conferred on the governor.

It was the Indo-Lanka Accord of 1987 which first conceived the idea of interim administration as some sort of solution to the ethnic conflict.

Objectives of the Indo-Lanka Peace Accord

01. To preserve the unity, sovereignty and territorial integrity of Sri Lanka,
02. Recognize that each ethnic group has a distinct cultural and ethnic identity which has to be carefully nurtured to enable all citizens to live in equality, safety and harmony.
03. Recognize that the north and east have been areas of historical habitation of Sri



Even though the discussions between the government and the LTTE during 1994/95 failed to produce a positive development toward solving the ethnic conflict, the set-up of a Presidential Task Force as agreed to by the both parties and their mutual agreement to establish a reconstruction authority comprising government and LTTE representatives were considered an important steps towards an interim administration

Lanka Tamil speaking people who have at all times hitherto lived together in this territory with other ethnic groups.

To realize these objectives it was proposed that there should be an interim administration in respect of the period following the elections to the temporarily merged North-East province and till a referendum was held in December 1988.

Even though the discussions between the government and the LTTE during 1994/95 failed to produce a positive development toward solving the ethnic conflict, the set-up of a Presidential Task Force as agreed to by the both parties and also the mutual agreement to establish a reconstruction authority comprising government and LTTE

representatives were regarded as important steps towards an interim administration.

It is true that no reference was made to interim administration in 1997 constitutional proposals but the Peoples' Alliance government and UNP had reached consensus on certain matters, after consultations between them.

Foremost among them was the establishment of a council for interim administration in northern and the eastern provinces and administration of north and east as separate provinces if the proposed referendum would not be held.

Further, the northern and eastern provinces will remain linked together until such time a referendum was held in the eastern province and if a referendum



It is true that no reference was made to interim administration in 1997 constitutional proposals but the PA government and UNP had reached consensus on certain matters



would not be held within a period of five years the northern and the eastern provinces which remain linked, would be de-merged so that it would continue as two separate administrative districts.

The Sinhala Commission report which opposed the Peoples' Alliance government's devolution package of 1997 proposed a political framework which exceeded the provisions of the 13th Amendment.

This new development merits special consideration. The referendum provided for in the People's Alliance draft constitutional proposals of 2000 was meant exclusively for the eastern province.

The rationale behind the proposed referendum was to seek

The Sinhala Commission report which opposed the PA government's devolution package of 1997 proposed a political framework which exceeded the provisions of the 13th Amendment



the approval of the people in the eastern province for the merger of the east with the north which comprises Jaffna, Kilinochchi, Vauniya, Mannar and Mullative districts.

However the reality was that the various constitutional proposals presented in 1987, 1994, 1995, 1997 and 2000 never got off the ground.

Proposal for Interim Administration

The Peoples' Alliance constitutional draft of 2000 provided for interim administration for a period of ten years with necessary powers vested in the proposed regional council.

The UNP government belatedly communicated to the LTTE its proposals for the interim administration



The UNP's election manifesto of 2001 too promised an interim administration.

However the Cease-Fire agreement signed with the LTTE shelved the idea of interim administration, and other matters were taken up for discussion. According to 1997 constitutional proposals the council for interim administration was to consist of 12 representatives- 7 LTTE, 2 TULF and 3 to be appointed by the President.

The draft constitution of 2000 provided for the President to appoint members for the first five years of the ten year official tenure of the interim administration.

The interim administration was to be in force till a body for

The interim administration was to be in force till a body for permanent devolution of powers was installed



permanent devolution of powers was installed.

Although there is general consensus among the main stakeholders, the LTTE, PA and UNP, over the interim administration issue, there is no agreement among the political parties in the south on the framing of the necessary legislation to give effect to it.

The political power struggle has been identified as the major cause for the deadlock.

The UNP government belatedly communicated to the LTTE its proposals for the interim administration. The LTTE which rejected them clarified its stand as follows:-



What Prabhakaran proposed was a new council for interim administration invested with adequate authority and legal status, ensuring wider representation for the LTTE so that it could productively engage in decision-making, reconstructing war-ravaged economy in the Tamil homelands and restoring normalcy

“What Prabhakaran proposed was a new council for interim administration invested with adequate authority and legal status, ensuring wider representation for the LTTE so that it could productively engage in decision-making, reconstructing war-ravaged economy in the Tamil homelands and restoring normalcy”

It further said “LTTE believed that UNP which received a mandate from the electorate for its manifesto which included the issue of interim administration would itself prepare the framework for interim administration as the political rivalry among the southern political parties would not permit devolution of powers through constitutional means and solve the basic problems of the

millions of people displaced due to the war.

What the LTTE waited for really took place! Immediately after the LTTE submitted its proposals on an Internal Self Governing Authority (ISGA) to the government at the end of October 2003, the People's Alliance together with JVP denounced the United National Front alleging that it was going to divide the country. Meanwhile, the President took over three ministries including defence and retained them under her control precipitating a political crisis.



Immediately after the LTTE submitted its proposals on an Internal Self Governing Authority (ISGA) to the government at the end of October 2003, the PA together with JVP denounced the UNF that it was going to divide the country.



Muslim Factor

The majority of the Muslim population in Sri Lanka continue to live in areas away from the north and eastern provinces. They speak Tamil. Prior to the onset of the ethnic war, their identity was not a contentious political issue. It does not mean that the Muslim community did not really have problems when the ethnic war broke out in 1980's.

Of course, their problems were not viewed in a political perspective. In the search for a political solution to the ethnic conflict, the Muslim community

Whilst the LTTE launched its campaign for a separate state, the Muslims put forward their claim mainly for an administrative unit which would guarantee their separate identity.

demanded a single administrative council in the eastern province. Though a similar proposal was included in the Bandaranaike-Chelvanayakam Pact, it failed to gather momentum till the 1980s. Whilst the LTTE launched its campaign for a separate state, the Muslims put forward their claim mainly for an administrative unit which would guarantee their separate identity. The government made use of the Muslim community in the north and east for only war purposes and in consequence they fell easy victims to assassinations by the LTTE. Muslims who were evicted wholesale from the Jaffna peninsula by the LTTE in 1990 sought refuge in the eastern and southern parts of the country.

A host of problems such as devolution of power, security, land



MUSLIM CONGRESS
LEADER, RAUF HAKEEM
AND LTTE SUPREMO,
VELUPILLAI
PRABHAKARAN EXCHANG-
ING COPIES OF THEIR PACT
ON APRIL 5, 2002



and levy of taxes has seriously affected the lives of the Muslim community. The Muslim congress which really brought the Muslims to the political limelight is in crisis today. After the ceasefire agreement, the Muslim Congress and the LTTE reached agreement on 06/04/2002 on the following lines:-

- Return of lands expropriated from the Muslims by the LTTE,
- Restraining levy of taxes from the Muslims,
- Cessation of violence against the Muslims,
- Recognition of Muslim Congress as the sole representative of the Muslim community.
- Establishment of peace committees at every village in the eastern province.

After the ceasefire agreement, the Muslim Congress and the LTTE reached agreement on 06/04/2002



As the compliance with these assurances were not forthcoming problems arose again between the two parties.

Devolution of power to a single regional council for north and east would result in a 17.6% reduction in the Muslim population.

It is quite natural for the Muslims to oppose any move to set up a single regional council, since their community constitutes 35% of the entire eastern province population.

However, in the event of the eastern province being carved out, the devolution of power- manner of devolution based on population and the extent of devolution- would pose a challenge to the authorities.

However once the eastern province is carved out, the devolution of power- the manner of devolution on population basis the degree of devolution – will pose a challenge to the authority.

Pondichery Model

As a possible solution to the ethnic crisis, the Muslims have manifested an interest in an Indian model put in to practice in Pondichery in South India- a centrally governed system applicable to geographically non-contiguous areas.

Ceasefire Agreement (CFA) Between Government of Sri Lanka and LTTE.

Whilst the Peoples' Alliance fought the general election 2001 on a platform for "Peace and War", its main rival the UNP sought a mandate to initiate a dialogue with the LTTE and to set up an interim administration under the LTTE.

The UNP after its victory at the general election signed a ceasefire agreement with the LTTE under Norwegian facilitation. The overall objective of the memorandum of understanding

The UNP after its victory at the general election signed a ceasefire agreement with the LTTE under Norwegian facilitation



was to bring an end to the hostilities and establish a positive atmosphere in which further steps towards a lasting solution could be taken.

A committee comprising representatives from Scandinavian countries was entrusted with the task of supervising the implementation of the ceasefire agreement.

Soon the ceasefire agreement became the object of criticism by various parties. President Chandrika Kumaratunga denounced the agreement as one concluded without her knowledge and approval, whilst some sections of the people entertained suspicion about the conduct of Norway. Certain Sinhala as well as Tamil political parties and religious organizations inveighed



LTTE SUPREMO
VELUPILLAI PRABHAKARAN
SIGNING CEASEFIRE
AGREEMENT ON FEBRUARY
23, 2002



against LTTE being recognized as the sole representative of the Tamil community.

In accordance with a decision arrived at the peace talks held in Thailand between the government of Sri Lanka and LTTE in September 2002, a Task Force for north-east reconstruction was established with government of Sri Lanka and LTTE being stakeholders. The Task Force gave priority for demining and resettlement of displaced persons. The latter however, became a difficult task.

The Opposition parties charged that SIHRN proposals were an attempt at giving effect to the interim administration.

SIHRN Committee Proposals

During the second round of the talks held in Thailand the following decisions were taken:-

- Resettlement of displaced persons.
- Rehabilitation of widows and children affected by the ethnic war.
- Release of private lands and appointment of a sub committee to ensure non-repetition of disputes and to create a positive atmosphere to facilitate the recommencement of economic activities.
- Appointment of a sub committee to ensure the two principal parties to the agreement shall jointly and



PRIME MINISTER RANIL
WICKRAMASINGHE
SIGNING CEASEFIRE
AGREEMENT OF FEBRUARY
23, 2002

separately go deep into such matters as peace initiatives and matters connected thereto, a political solution to the ethnic conflict, post dispute situation, international co-operation etc.

The Opposition parties charged that SIHRN proposals were an attempt at giving effect to the interim administration.

OSLO Statement

Some of the important decisions reached at the third round of talks held in Oslo, Norway from 2-5 December 2002 to the final round held in Japan are as follows:-

- Explore a solution founded on the principle of internal self-determination in areas of historical habitation of the



LTTE CHIEF NEGOTIATOR
ANTON BALASINGHAM AND
JAPANESE SPECIAL
REPRESENTATIVE, AKASHI



Tamil speaking peoples based on a federal structure within a united Sri Lanka

- Establishment of a north-east reconstruction fund
- LTTE in partnership with UNICEF to draw up an action plan for restoring normalcy to the lives of children (Since the Sub-Committee on prevention of Disputes in High Security Areas and Restoring of Normalcy had been rendered inactive, the LTTE decided to leave the committee)
- Immediate establishment of U.N. Fund for the reconstruction of the eastern province and World Bank being recommended as its custodian
- Invite Amnesty International ex-Secretary General, Ian Martin to initiate on human



NORWEGIAN FACILITATORS OF THE CURRENT PEACE INITIATIVE, VIDAR HELGASEN WITH HIS DELEGATION. THEIR ROLE HAS BECOME MORE CONTROVERSIAL TODAY.

rights in the context of the peace move.

- LTTE undertook to abandon conscription of children soldiers.
- The two parties mutually agreed to reactivate the Committee on Ceasefire Agreement and prevent confrontation in the seas after the Sri Lankan Navy destroyed a trawler suspected to be an LTTE craft transporting arms.
- LTTE expressed its dissatisfaction over the government's decision to hold local government elections in the north- eastern provinces.

Problems Surfaced

In October 2001 LTTE expressed its dissatisfaction over



There was perception among the Jaffna residents that the continuation of high security zones in the peninsula posed a threat to their lives. A large number of economically useful agricultural lands were occupied by the high security zones



the performance of SIHRN Committee and the delay in the establishment of the proposed North-East Reconstruction Fund. Perception was high among the Jaffna residents that the continuation of high security zones in the peninsula posed a threat to their lives. A large number of economically useful agricultural lands were declared High Security Zones by the security forces. For the security establishment it was of utmost importance to stick to them.

LTTE's response to Ian Martin's initiative on human rights was not in fact, encouraging. Accusations were levelled against the LTTE as well as the government due to failure on their part to adequately respect the human rights as demanded by the civil society.

LTTE's response to Ian Martin's initiative on human rights was not in fact much encouraging

In August 2003 the LTTE communicated to the Prime Minister Ranil Wickremasinghe that they would not participate in the peace talks for sometime but reiterated their commitment to a negotiated settlement.

Reasons adduced by the LTTE for the boycott of Peace Talks

01. Failure to invite LTTE to participate in the Washington Aid club meeting held preparatory to the Tokyo meeting
02. Delay in the restoration of normalcy in the areas inhabited by the Tamils
03. Lack of response to the grievances of the displaced families

The Peoples Alliance government of which JVP was a close ally failed to abrogate the



PROFESSOR G.L. PEIRIS AND DR. ANTON BALASINGHAM AT THE SECOND ROUND OF THAI PEACE TALKS.



ceasefire agreement reached between UNF and LTTE despite its pledge to the country. Instead, the President and her Alliance manifested an intention to abide by it, since any vacillation on their part to comply with it would result in retarding the progress of economic planning and loan facilities.

It appeared the Peoples Alliance government made several attempts at reconciling its own differences to face outside challenges.

The PA government of which JVP is a close collaborator failed to abrogate the CFA, despite its pledge to the country. Instead, the President and her Alliance manifested an intention to abide by it



Current situation of the Conflict



The year 1995 was politically significant to Sri Lanka. It was Chandrika Kumaratunga who deviated from the concept of unitary state and presented a political package to safeguard the rights of the Tamil minority in 1995. When the LTTE declared a ceasefire, the government reciprocated in several ways, one of which was the temporary suspension of the ban imposed on the transport of certain goods. However, the peace initiative collapsed due to certain ill-

The year 1995 was politically significant to Sri Lanka. It was Chandrika Kumaratunga who deviated from the concept of unitary state and presented a political package to safeguard the rights of the Tamils



conceived measures adopted by the government to mould the public opinion in its favour. Undertaking security operations and the use of political rhetoric to satisfy the communalist forces were two such instances.

Consequently, the Tamil Community as well as the Tamil militancy felt apprehensive about the government's intentions and actions. The ceasefire agreement between the government of Sri Lanka and LTTE was far stronger and more durable in character than the one reached between the People's Alliance and LTTE. Yet, the very cracks that appeared on the People's Alliance ceasefire began to repeat later in the UNP's as well.

The essence of Ranil Wickremasinghe's address to the bhikkus and the laity present at

The ceasefire agreement between the UNF government and LTTE was far stronger and more durable than the one reached between the PA and LTTE.

Gangaramaya, Colombo after assuming duties as the Prime Minister runs as follows :-

“People have become helpless due to war. Both parties have lost the economic vitality to continue the war. The international community has exerted pressure to abandon the war and enter into peace negotiation”.

Does this mean that we should grant the Tamils their rights out of sympathy considering their predicament or because of pressure exerted by the International community? Does this not give the impression that we are not still prepared to recognize the rights of the Tamil community to their linguistic and cultural identity within a self-governing system?



PEOPLES' ALLIANCE
GOVERNMENT
REPRESENTATIVES AT A
PRESS CONFERENCE



It appears that the UNP, PA and JVP, in pursuit of power even disregarded their own ethnic identities and rights of other communities as well. For example, both the UNP and PA government are still not inclined to conduct fair and free elections in the south. They always resort to violence to consolidate their political stance.

It is about the unit of devolution, the two principal political parties in the country have not reached consensus

Provision for Devolution of Power

“Under a federal constitution full powers are delegated to each federating unit. The federating units have one or two legislative bodies of their own to discuss matters concerning the whole country. Each province in Sri Lanka shall be entitled to the right of autonomy. There should be one or two legislative authorities to decide on the country’s special revenue and expenditure. Once the thousand and one arguments



In a federal constitution each federating unit is delegated full powers



The concept of the federal structure was first brought into the spotlight by a Lankan Buddhist leader about 75 years ago. Contrary to its past the SLFP's present orientation, though belatedly towards a federal form of government, is a fresh start towards a new direction

advanced against this system
subside, federalism will remain the
best form of solution for Sri
Lanka's travails"

This was the political forecast
of S.W.R.D. Bandaranaike
published in the Ceylon Morning
Leader of 17.07.1927. The
subsequent developments that took
place in the political theatre of Sri
Lanka during the past 75 years have
proved Bandaranaike's forecast to
be perfectly true!

Ironically Bandaranaike himself
had to yield to external forces in
his quest for a federal system.
During the following years, what
every political party in Sri Lanka
did was, to incite the people to
subordinate the rights of the
minorities to the dictates of the
majority.



It is about the unit of devolution
the two principal political parties
have not reached consensus.
Tamils who cast their votes against
the Tamil candidates who preached
a federal form of government had
to eat the humble pie later when
they were forced to give in to the
militant Tamil youth's murderous
politics.

The LTTE's acceptance of a
federal structure would not entail
any problems to the north or south
of the country. The reason is that
the concept of federalism was first
brought to the spotlight by a
Sinhala Buddhist leader about 75
years ago. Contrary to its past, the
SLFP's present orientation though
belatedly toward a federal form of
government is a good omen for the
future.

The very Tamil
community which
cast their votes
against their own
representation
who preached a
federal form of
government had
to eat the humble
pie later when
they were forced
to give in to the
militant Tamil
youth's
murderous
politics

Federal Structure

Federalism is something alien to this country but the concept of federalism and the legislative provisions paving the way for a federal structure are not altogether new to us. The cardinal feature of federalism is distribution of powers between the federal authority and the federating units.

The provincial council system commissioned under the 13th Constitutional Amendment marks the first attempt at devolving power to the periphery. It was also the first constitutional effort made to resolve the ethnic conflict.

Federalism offers solutions to problems that arise in a unitary state. The essence of the federal

The main objective of a federal structure is the distribution of powers between the federal authority and the federating units

system is unity in diversity. Other characteristics such as pluralist society, autonomy for distinct ethnic groups etc. are noteworthy features.

Sri Lanka is a country split on ethnic and religious lines. Such a country could be united through the instrument of devolution of powers. Secessionist tendencies among different ethnic groups in a unitary state could be contained only by guaranteeing their rights under a federal structure.

Sri Lanka is a country split on ethnic, social and religious lines. Such a country could be united through the instrument of devolution of powers



The Centre for Policy Alternatives presents to you this free copy of Sri Lanka's Ethnic Conflict and Solutions.

Your comments and suggestions may be addressed to

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Centre for Policy Alternatives

The Centre for Policy Alternatives (CPA) was formed in June 1996 in the firm belief that there is an urgent need to strengthen institution and capacity building for good governance and conflict resolution in Sri Lanka and that non-partisan civil society groups have an important and constructive contribution to make to this process.

The primary role envisaged for the Centre in the field of public policy is a pro-active and interventionary one, aimed at the dissemination and advocacy of policy alternatives for no-violent conflict resolution and democratic governance. Accordingly, the work of the Centre involve a major research component through which the policy alternatives are identified and developed.