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Interview

The Constitutional Form of the First Republic: The Sinhala-Buddhist Perspective



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What were the main political objectives in the constitution-making process of 1970-72? Why was it considered necessary to establish a republic? Why was it necessary to promulgate the 1972 Constitution through a Constituent Assembly without amending the Soulbury Constitution through its own amendment procedure?

After the coup of 1962, our highest court found the suspects were guilty of conspiracy to topple the government. But according to the 1947 Constitution, they had an opportunity to make the very final appeal to the Privy Council in the United Kingdom. They were acquitted and discharged by the Privy Council. This was considered a 'political' decision by the then Sri Lanka Freedom Party (SLFP)-led government because that government was nationalist in one aspect: there was a Buddhist flavour, Sinhala flavour, because they nationalised oil distribution in Sri Lanka which was dominated by British companies. Secondly, the government openly showed an allegiance towards the left camp in international issues. Thirdly, Catholic schools were taken over by the government, which was considered another big blow to the Western superpowers against their wishes. So the SLFP-led government as well as the general public were of the view that this government was a nationalist one, and that is why there was a coup. Although we were a sovereign country, we failed to punish the people who tried to topple a nationalist, people-oriented government, because we still had a string attached to the British colonial rulers through the Privy Council. That is why then as a nation we began to feel that we should we become a republic.

By that time, India, because of the initiatives taken by Dr Ambedkar, was already a republic. But Sri Lanka had not bothered to become a republic because of two reasons. Firstly, there was no particular incident of political significance that compelled Sri Lanka to become a republic. Secondly, even if governments wanted it, they did not have the capacity to do it because they needed a two-thirds majority in parliament to amend the constitution. So because of the 1962 coup, the United Front coalition sought a mandate to formulate a new constitution at the election campaign in 1970, and fortunately, they were able

to secure a two-thirds majority in parliament. But they had another problem. The constitutionality of the constitution-making process or the constitutionality of the draft constitution could be challenged before the Privy Council. Since that government was anti-West, they had a genuine fear that if you follow the procedure laid down in the 1947 Constitution, any citizen can appeal to the Privy Council challenging the constitutionality of the constitution-making process. Because of this fear, they decided to have a constitutional revolution to formulate a constitution.

During the time period 1948-1970, there had been cases filed in the Privy Council on several other sensitive issues – the cases which sought to challenge the Citizenship Acts and then the Sinhala Only Act – but in all those instances the Privy Council dismissed the case or did to not want to give a judgment which would be detrimental to the powers in Sri Lanka at that time. In this light, how would you evaluate this fear of the Sri Lankan politicians at that time that the constitutionality of a new constitution could be challenged?

Actually, all those incidents happened during the early part of the independence period. The Citizenship Act was passed in 1949, the Sinhala Only Act in 1956. But the Catholic schools were taken over and oil companies were nationalised in 1961. The first socialist-oriented government came to the power in 1956 as the Mahajana Eksath Peramuna (MEP). But the main leftist parties, namely the Lanka Sama Samaja Party (LSSP) and the Communist Party of Sri Lanka (CP), were in the opposition, and they were in fact obstructing the SLFP-led government at that time. But all these left-oriented parties were part of the 1970 government. So this government was more pro-Soviet bloc than the 1956 government. Pre-1956 governments were clearly pro-West governments. But the SLFP-led government in 1956, we could say was a 'Non-Aligned' government, which advocated the middle path. Mr Bandaranaike always said, 'we are advocating the middle path.' But the subsequent SLFP-led governments were left-aligned governments. Though they talked about a non-aligned policy, in their actions they clearly showed that they were

aligning with the left camp. So the West had a genuine concern about the Sri Lankan government. Sri Lanka was a strategically located country and it was their model colony, so they were worried about it.

The British granted universal franchise in England itself only in 1929, and just two years after that they granted universal franchise in Sri Lanka (but it was granted to India only in 1935). So, Sri Lanka was their model colony, they tried out new things in Sri Lanka, and so when Sri Lanka was going out of their grip, they were naturally concerned about it. Of course I am not making a judgement whether the Privy Council was politically motivated or not when delivering its judgment in the 1962 coup case. But there was a feeling in Sri Lanka, especially among the nationalist people in Sri Lanka, that the Privy Council was politically motivated in that judgment. The most important thing is not the reality, but the perception, and the people were of that view.

What were the most important features of the 1972 Constitution in your view?

The first one, the unitary character. Second one, granting the foremost place to Buddhism. Thirdly, the introduction of fundamental rights.

Was the 1972 Constitution a continuation, or a restoration, of the constitutional tradition of Sri Lanka, which had been disturbed by colonialism? If so, in what ways? If not, in what ways was it different from local customs of government?

Now we are looking at the models of government through the Western perspective. We did not have a constitution as such, we had traditions, ethics, values, and those governed the country. Now, when we go to courts, we debate and argue whether this is constitutional or not, legal or not. Those days we only looked at whether it was moral or not, whether it was right or wrong, whether legal or illegal. So our systems were different. In any other monarchy, all aspects of government, that is the legislative,

judicial and executive powers, were concentrated in the monarch. That was the case in any other part of the world. But our model was different. We had three different segments of government, but these were different from the Western perspective: the king, the people, and the Buddhist monks. So, our system was different. In Western societies, the king was considered as a person who got a mandate from the almighty god to rule the country. He was supreme, very powerful and very sacred as well. But, according to Buddhist literature, if you specially go to the *Anguttara Nikaya*, which talks about governance according to the Buddhist teaching, the king is only the custodian and not an almighty ruler. He has to look after the people, on behalf of the people. The Buddhist teaching says, 'the King's role is to maintain law and order and defend the people from external aggression; for this duty he is paid with a part of the earnings of the people.' Then Buddhist monks, anybody can become a Buddhist monk, from any stratum of society. Buddhist monks were in fact superior to the king. That was a unique situation in Sri Lanka. Now, religious clergy in any other country were the second layer of society. And they used to respect the king. But here, the king used to respect the monks. You may be a son of a farmer, but once you become a Buddhist monk, the king comes and pays respect to you. When the king wanted to seek advice, he had to go to the temple; he cannot summon the monk to the palace. The Buddhist monks were detached from their ordinary life, so they usually did not have a vested interest. They do not have properties, they do not have a family to look after, so they were considered the objective people of the society. This objective group had to ensure that the king performs his custodial duty correctly. If the king fails to do that, we have historic instances where, monks advised kings, warned kings and they have even expelled the king and replaced him with somebody else. This is a different philosophy, our model was different and it has never been restored. So this is now, neither a continuation, nor a restoration, of our constitutional tradition. Actually what we have done is, made certain amendments to the Western system of governance to make it more familiar and comfortable for our way of living. We have made it closer to our system but fundamentally this is a Western system.

Many feel that the Sinhala Only policy was a historic mistake. What is your view?

That is not so. The Roman Empire first used the now notorious divide and rule policy to administer their vast colonies, around two thousand years ago. Thereafter, this policy was very skilfully and tactfully used by the British to administer their colonies, and they applied the same rule here. The minorities were favoured, and as a result, the minorities were always loyal to the colonial masters. Minorities were also loyal to the colonial rulers because if those rulers departed, the minorities would get their due place, instead of the favoured place. Nobody likes to get downgraded. So especially Tamils, more than the Muslims, were very loyal to the British rulers because of this reason. Under colonial rule, the first layer of society was the British, then Tamils, then only the Sinhalese. The British had good reasons to take Tamils as the second layer of society. Before arriving in Sri Lanka, the British were in the southern part of India, and they found that Tamils and Dravidians overall were a very loyal, tamed community, so they trusted them more than anybody else. That is why wherever they had plantations they took Tamils all over the world. Be it to Africa, to Fiji and other Asian countries, including Myanmar, so not only Sri Lanka, they took Tamils everywhere because they found these people were loyal and trustworthy. Then, as a result, Sinhalese, the majority community were the third layer of the society and the best schools were in Jaffna because Tamils should be trained to be the second layer or the administrative layer. Since Tamils were in the administration, naturally other Tamils were able to comfortably do business, and the business world was also became dominated by Tamils. In that time if you look at the majority of the administrative officers, surveyors, accountants, all these government officers were Tamils.

In 1945, J.R. Jayewardene made a very interesting revelation. This was just two years before the Soulbury Constitution. He showed out of forty-five department heads, the majority were of course British and Europeans. There were an equal number of Sinhalese and Tamils as department heads, although Sinhalese constituted around seventy per cent of the population and Tamils were only thirteen per cent. The reason was that Tamils had

better access to education, in addition to which they had won the trust of the British rulers.

The classic example is the election in 1911 under limited franchise. In that election, only people who had English literacy and who had assets more than one thousand rupees were qualified to be electors. Out of two thousand nine hundred and fifty eight (2958) local voters, one thousand one hundred and sixty (1160) were Tamils. I got this information from Nira Wickramasinghe's book *Ethnic Politics in Colonial Sri Lanka*. If you go through that book you will find these statistics. She has quoted the Government Archives. We can get the picture because during that time people were classified according to ethnicity, caste, religion, etc. So, although Tamils were just thirteen per cent of the society at that time, they were forty per cent of the elite society. This clearly established the fact that they were the favoured community during the British rule. The majority Sinhalese were not fluent in English, because of that they did not have access to education, as such they could not become professionals, they could not become administrative officers and they could not engage in business at higher scales like the import-export business, big companies, distribution, etc.

That is why the Sinhala language was made the official language in 1956. At that time Sinhala was the mother tongue of more than seventy per cent of the country. Now, compare this with similar decisions taken by our neighbouring countries in their post-colonial period. In India, Hindi was made official language. But, Hindi is considered the mother tongue only by forty per cent. Then Bahasa was declared as the official language in Indonesia. It was spoken only by thirty per cent. Against those parallels, Sinhalese had a better right to make Sinhalese the official language. If it is not English, the best next candidate was Sinhalese.

Secondly, unless the Sri Lankan government protected and fostered the Sinhala language, there was no other government at national or subnational level to protect the Sinhala language. This language is unique to Sri Lanka. But the Tamil language originated not in Sri Lanka but in India. It is a regional language in India; there is Tamil Nadu to look after the future of that

language. There are a lot of countries, like Singapore, Malaysia, Fiji, Papua New Guinea, which consider Tamil as a community language or official language, or state language, national language, regional language, some kind of protection has been given to Tamil in certain countries. But Sinhala language has any kind of recognition only in Sri Lanka.

Thirdly, Sinhala has been the traditional language in Sri Lanka. Sinhala has been the native language of this country. All other languages that we speak, be it English, be it Tamil or any other version of Tamil which is spoken by Muslims, has come to Sri Lanka from foreign lands. So, Sinhalese received its due place in 1956. A lot of people complain that Tamil people were discriminated against and that they lost their opportunity to engage in governmental activities and that as a result Tamils felt like outcasts from the newly emerged Sri Lankan nation, and that that is why they were forced to take up arms after the 1956 language policy. That is a myth.

If you clearly go through the Official Language Act of 1956, it says that the effective date of the Act was 1st March 1960 or 1st January 1960.² Then in 1958, before implementation of the Sinhala Only Act, the very same government brought the Tamil Language (Special Provisions) Act. The effective date of that Act was the very same date as the Official Language Act. So, the day Sinhala was made the official language, on the very same date, Tamil became the regional language in the north and east. Now, the true homeland of the Tamil language is in Tamil Nadu, or in India. But India has granted only regional status to Tamil, not the official language status. Now of course Sri Lanka has granted official language status but in India Tamil is still considered only as a regional language. But whatever it is, Tamil was made a

² **Interviewer's Note:** Section 2 of the Official Language Act of 1956 states: 'The Sinhala language shall be the one official language of Ceylon... Provided that where the Minister considers it impracticable to commence the use of only the Sinhala language for any official purpose immediately on the coming into force of this Act, the language or languages hitherto used for that purpose may be continued to be so used until the necessary change is effected as early as possible before the expiry of the 31st day of December, 1960, and, if such change cannot be effected by administrative order, regulations may be made under this Act to effect such change.'

regional administrative language for the north and east on the very same date Sinhala became the national language.

Do you know the fact that, according to this provision, when Sinhalese in Trincomalee or Ampara go to their courts, they did, and they still do, communicate with the courts in Tamil? Sinhalese in Pothuvil still receive their birth certificate in Tamil. There are a lot of non-governmental organisations which talk about Tamil language rights, but nobody talks about the Sinhala language rights in the north and east. This status was given in 1958, to be effective from 1960. So the day Sinhala became the official language as our administrative language for the Sinhala majority areas, on the very same date, Tamil became the administrative language for Tamil majority areas.

Why was protecting Sinhala and also having a language policy which made both languages national languages considered mutually exclusive? Would making Tamil also an official language have been inimical to fostering or protecting Sinhala? Considering that after the Tamil Language (Special Provisions) Act, Sinhala people in the Northern and Eastern Provinces had to conduct business with the government in Tamil, would not a more logical approach have been to make both languages national languages so it would not be a problem for Sinhala people living in the north and east and Tamil people living outside the north and east?

Frankly, that is what I highlighted. Even our neighbouring countries chose one language, although the percentage of the population who consider it as their mother tongue was very much lesser than Sinhala language speakers in Sri Lanka. There was a reason. Because at that time, Sri Lanka was very poor compared to what we are today and we had a lot of development aspirations. When we have to translate every government document to Tamil and Sinhala, it takes a lot of time, to make decisions, communicate decisions and implement decisions. We had to be efficient, as we had to compete with other countries for foreign investments and foreign aid. When other countries maintain one

language policy, if Sri Lanka chose two languages, we would have to spend time, wasting time I would say, translating every single document into two languages. So my point is, when we have two languages, when our competitors for trade and investment are having one language, we of course become inefficient.

Secondly, you cannot consider the Tamil language to be on par with the Sinhalese language. Because Sinhala is not only the native language, it is spoken by seventy per cent of the population. The other language is very much less than that. Sinhala was not made the official language overnight. This was first proposed by J.R. Jayewardene during colonial rule. So it was debated for decades before the final decision was made. Everybody also forgets the fact that the Tamil language was made the regional administrative language for the north and east on the very same day the Sinhala language was made the national language. So the majority of Tamil speakers were not barred in engaging in governmental activities. So I do not think it was a mistake.

What was the thinking behind giving Buddhism the ‘foremost place’ in the constitution? Why was it so important for Sinhala-Buddhists? Why is it necessary to have such a constitutional provision?

The best answer you can find is the reply speech given by Dr Colvin R. De Silva in a 1972 Constituent Assembly debate. As the architect of the 1972 Constitution, he had to justify every single clause in it. So he explained the historical, ideological background of each provision of the constitution. He had addressed this very well. But I will give my own reasoning. Sri Lanka’s relationship with Buddhism is unique. We have been practicing Buddhism as the majority religion for the last two thousand four hundred years. There is no other country in the world which has practiced one religion as the majority religion for such a long period of time. The majority of countries are either Christian dominated countries or Islam dominated countries. But all these religions are around two thousand years old. So, none of these countries can match our record. Even countries with a long history like India, China, Egypt, and Greece: all these countries have changed their

major religion from time to time. So Sri Lanka's relationship with Buddhism is unique and unparalleled by any other country in the world. A lot of countries in the world who have a less significant relationship with their traditional religion – such as Anglican Christianity in England, Catholicism in Italy, or Spain, Brazil, Hinduism in Nepal, most of the Arab countries – have made their traditional religion the state religion. But, we have not given the status of state religion to Buddhism. Most of the Arab countries and some of the European countries have considered their traditional religion as the state religion. But we have not done it here.

When a third generation Muslim citizen in England, challenged the *Satanic Verses* of Salman Rushdie in the courts claiming that it was defamatory to his religion, the courts held that British courts have an obligation to punish people who defame only the British traditional religion, namely Anglican Christianity. We do not have such a status here. If you look at the British traditional constitution, their head of state should be an Anglican. It is an irrevocable condition. They do not have a written constitution but that is a part of the constitution. The king cannot change the religion. If he changes his religion he will be disqualified to be the king. They have ensured that their king or the head of state would be an Anglican. The Norwegian constitution has a constitutional provision to that effect that Evangelical-Lutheran Christians should bring up their children according to the Evangelical-Lutheran Christian teachings.

But the Sri Lankan constitution has not given supreme status to Buddhism. It does not say our head of state should be a Buddhist. But Sri Lanka has a right to protect Buddhism more than any other state's right to protect their traditional religion because our relationship with Buddhism is unique. But what is meant by the foremost place? It has been explained in Article 9 (of the 1978 Constitution). It says, give Buddhism the 'foremost place.' Leading Buddhist monks have been insisting from successive governments that there must be an authoritative interpretation of this article. There is no judicial interpretation for this article and there is no legal interpretation through an Act, so they have been insisting that there must be some kind of an interpretation for this article as otherwise it is useless. But in a way this article is self-

explanatory. They have used the words, 'Sri Lanka shall give to Buddhism the foremost place and accordingly...' and I stress the word 'accordingly' here, 'it shall be the duty of the State to protect and foster the *Buddha Sasana*.' Then what is meant by the foremost place is explained subsequently. But there is a state duty 'to protect and foster the Buddha Sasana.'

Then, there is another valid question: what is *Buddha Sasana*? It has never been defined. So President's Counsel Manohara De Silva and Prasantha Lal De Alwis were all involved in an attempt around five or ten years ago to prepare an Act called the Buddha Sasana Act, merely to define the *Buddha Sasana*, to elaborate what is meant by *Buddha Sasana*. Usually the traditional explanation is, *Sasana* means '*Bhikkhu bhikkhuni*' and '*Upasaka Upasika*' (monks and nuns, and male and female lay people). That was the traditional explanation, but they wanted to include Buddhist teachings, books, Buddhist places of worship and all that to make it broader.

However, there is an international norm that if anything is older than one hundred years it has an antique value and the government has a duty to protect it. So that is why there is an Archaeological Department and if something is more than one hundred years old they have the right to declare it as a place of archaeological importance. Because Sri Lanka's relationship with Buddhism is more than two thousand three hundred years old, Sri Lanka has virtually become the centre of Theravada Buddhism. So, Saudi Arabia for Islam, the Vatican for Catholicism, likewise Sri Lanka is for Theravada Buddhism. But Saudi Arabia has more protective provisions in their constitution for Islam. The Vatican state's paramount objective is 'to protect and foster Catholicism.' So in this context, the protection already granted is not adequate from the Buddhist perspective in light of the historical relationship the Sri Lankan state has with Buddhism. And unfortunately, it has never been properly interpreted and it has never been exercised.

In 2006 or 2007, there was an academic analysis of budgetary provisions for each religious department in the Ministry of Religious Affairs for that year. By per capita expenditure, Buddhism was the lowest. The government can abstain from allocating funds for other religions, because the state's duty is to

guarantee the rights in Article 10 and 14(1)(i)(e), but there is an additional obligation towards Buddhism according to Article 9, to 'protect and foster.' In that backdrop, even if the government allocates funds only for Buddhism, nobody can constitutionally challenge it. But in 2006 or 2007, Buddhism had less per capita allocation than other religions. So the obligation towards Buddhism is not practiced and it has not been clearly defined through interpretation or through application. So there is a historical requirement. But, it is not in practice. That is why the present government practices it. But the previous two governments, namely the governments led by Chandrika Bandaranaike and Ranil Wickremesinghe did not bother about this and they did not do their constitutional obligation.

We wanted to make it a constitutional provision because of two reasons. Firstly, to show the world the significant relationship we have with Buddhism. Secondly, to remind our heads of the state of their duty. In the past, whoever was in possession of the sacred Tooth Relic was considered as the true king of the country. Because of that it was not only a duty; it was the best way to protect their throne. But in the present context, we need a constitutional provision since even in the recent past our heads of states have ignored their historical duty.

What is the scope of the Buddhism clause? Does it establish a non-secular Buddhist state? What effect does it have on the principle of secularism?

Sri Lanka has not been made a Buddhist state and it has clearly guaranteed equal status to all irrespective of their religion under Article 10.

Between 2003 and 2006, there were several Supreme Court judgments which could be read to mean that the incorporation of religious institutions which also had financial backing was unconstitutional and hence needed a two-thirds majority to be passed. What impact did these judgments have on the scope of Article 9?

Actually those Bills were considered unconstitutional not because of Article 9 but mainly because of Article 14. Let me explain this. If you look at the Indian Constitution, Article 25 guarantees freedom for the propagation of religion. But our constitution does not guarantee the right to propagate religion; it only protects the right to teach religion. So we have to distinguish the difference between the teaching and the propagation of religion. Propagation has been identified as an intrusion into privacy. It is like this: now I am talking to you and we are having a discussion fixed by prior appointment. Somebody comes and knocks at the door and says, 'We are from this group, we have brought the message from God and we want to talk to you.' All that kind of thing is propagation. But if they put up a public notice saying, 'We have a lecture or a lesson on this aspect of Christianity, or the message of God, or Biblical truth, or whatever, on such and such a date at such and such a time, at such and such a place.' Then, people who want to go there will go there; those who do not want to go there will ignore it, but that is teaching. Those judgments distinguish between propagation and teaching, and so it was held by the Supreme Court that there is no constitutional guarantee for the propagation of religions. You can practice your religion. There is another important aspect a lot of people ignore. In Article 10, we use the words, 'every person is entitled to freedom of thought, conscience and religion.' Article talks about 'every person', but Article 14(1) only talks about 'every citizen.' In most of these cases there were foreigners who bring funds into Sri Lanka for charitable activities. They were not citizens. And they were not entitled to even teach the religion. They can only practice. Teaching is of course a right of a citizen. Nobody has a right to propagate. But the state has a duty to foster and propagate Buddhism.

Article 9 does not talk about the rights of Buddhists, it talks about the state's duty: 'The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State...' When you say 'the state' it is entirely different from the individual citizen. So just because I am a Buddhist I do not have any individual right over you just because you're a Christian. The constitution-makers wanted to highlight that fact, emphasise that fact. You cannot interpret Article 9 alone, you have to always interpret Article 9 in the light of Article 10 and 14(1)(e). These are

minority-friendly clauses. It has not strengthened the Buddhist; it has strengthened the non-Buddhist.

Although the Soulbury Constitution was also unitary in character, it was the 1972 Constitution that expressly established Sri Lanka as a unitary state. Why was this important? What are the main arguments in favour of the unitary state?

The Soulbury Constitution was also a unitary constitution. But it had to be interpreted as a unitary constitution since it was not expressly stated in the constitution. So there was a danger.

Tamil separatism commenced in 1949, or more precisely, 1951, at the first annual convention of the Ilankai Thamil Arasu Kachchi (ITAK) held in Trincomalee. They passed a resolution claiming that Tamils were a distinct nation and that the north and east of Sri Lanka was their traditional homeland, that Tamils have a right to self-determination in respect of the north and east, and that all Tamils who reside in Sri Lanka have a right to be citizens of Sri Lanka. This secessionist trend started long before 1956; a lot of people claim that Tamil secessionism was triggered by the Sinhala Only Act, but if you go through the 1951 [ITAK] convention resolutions you will find that this is not so. In the light of growing secessionist trends and the campaign for a federal state at that time, our constitution-makers wanted to avoid the possibility of our judiciary interpreting our constitution to be a federal constitution. We have to also consider the experience in our neighbouring country, India. Indians so far are not sure whether their constitution is unitary or federal. Because of this risk, in order to avoid our judiciary interpreting the constitution as a federal constitution, in 1972 constitution-makers expressly stated that Sri Lanka is a unitary state. This is very important.

There is a Tamil secessionist movement in this country since 1951. They demand federalism on the basis that the north and east is their homeland, and that they have a right to self-determination. A homeland is a place which gives birth to a particular civilisation. If you take the Sinhala civilisation, nobody claims that the Sinhala civilisation came to Sri Lanka from India or any other part of the

world. There are no Sinhalese in any other part of the world. True, Prince Vijaya came from India but even then we had a rich civilisation. That is why Kuveni was weaving cotton cloths. Vijaya got mixed into the existing community. Vijaya was not the first one or the last to come from India. Thousands of people if not tens of thousands of people passed this thirty-two kilometre passage [the Palk Strait] and came to Sri Lanka and mixed into the mainstream. Now, I have a lot of friends who migrate to Australia or UK. Time to time I visited them, they are more British or Australian than Sri Lankan now. Their younger generation of course, they do not have any Sri Lankan or Sinhala features at all. So their next generation would not be bothered about Sri Lanka. Likewise, those days a lot of people crossed this thirty-two kilometres and came to this country and assimilated or diluted into the mainstream. That is the case anywhere in the world, not only in Sri Lanka.

Sri Lanka is the birthplace for Sinhala civilisation. So Sinhalese are a nation in Sri Lanka. Sinhalese are an ethnic group in any other country. What is the birthplace for Tamil civilisation? There were several states called Chola, Pandava, Soli, Kerala during the 6th to 9th centuries. This is called the Sangam period in Tamil history. That was the time the Tamil nation was formed. So Tamils are a nation in Tamil Nadu. The meaning of Tamil Nadu is *Tamil country*. So that was the place the Tamil civilisation began. So Tamils are a nation in Tamil Nadu and they are an ethnic group in any other country.

If you look at the United Nations Declaration of Minority Rights of 1992, it talks about several minority groups: ethnic, religious, linguistic and national. There is no definition given by the UN distinguishing ethnic minorities and national minorities. But what is the difference? Tamils in Sri Lanka are an ethnic group. So Tamils are an ethnic minority in Sri Lanka. But Tamils in India are a nation. So Tamils are a national minority in India. Tamils in India and Tamils in Sri Lanka are different. Tamils in Sri Lanka are quite similar to Tamils in Singapore, Malaysia, UK, USA, Australia, South Africa or anywhere else. They have migrated at different times. But they have migrated from their nation – from their historical state – to other states. So they have become ethnic minorities in those countries, but they are a

national minority in India. Therefore Tamils have a right to self-determination only in Tamil Nadu, as they are a nation only in Tamil Nadu.

They have opted to be a member of a union of states. It is called the union of India. I do not say that they opted for it. What happened was that in 1919, the first federal constitution was introduced to India. Tamils demanded a 'Dravidastan' for what are presently four states, namely, Karnataka, Kerala, Tamil Nadu and Andhra Pradesh. The British turned it down. In 1935, when the franchise was introduced, the second federal constitution was introduced. In those deliberations, they demanded a separate state for Tamils. But the British turned it down. So, in 1962 they started a movement called 'We are Tamils.' It was a military movement to establish what they failed to establish through negotiations with the British. But Nehru using the powerful Indian army crushed it.

Tamils like the Jews are a very powerful community all over the world. A lot of African countries and Asian countries have a significant population of Tamils in their midst because during the British colonial period, Tamils were taken as estate labourers to all those countries by the British. So not only in Sri Lanka, there are Tamil communities all over the world. But they are second or third communities in those countries. Like any other community they have a dream to have a country of their own. The Jews realised that dream by establishing Israel. So the Tamils are now demanding the establishment of a country called Tamil Eelam in part of Sri Lanka to realise that dream. If you go through Professor A.J. Wilson's book you will find that after the 1962 military defeat of the Tamils in India, they had an international conference in London. At the same time, S.J.V. Chelvanayakam visited London to get treatment for Parkinson's disease. He had the rare opportunity of addressing this International Tamil Global Forum, and he said, 'We can never establish a Tamil State in India though it is our rightful place, we can never establish it fighting with mighty India. The place is poor little Sri Lanka'. This is the ideological aspect. But Tamils are not a nation in the north and east of Sri Lanka as they claim. If they have a right to self determination in Sri Lanka, then they have a similar right in any other part of the world to which the Tamil communities have

migrated at different times. Tamils have migrated to Sri Lanka for thousands of years but they have assimilated into the Sinhala mainstream.

During the Kotte period, the Sinhalese were very weak. So the Tamils maintained an independent state only in the Jaffna peninsula, where they had just migrated. There was thick jungle in the Vanni between the Jaffna peninsula and the Sinhala kingdom. During this period the Sinhala king was very weak, and there were four or five Sinhala kings fighting each other. So there was no powerful king to influence the Jaffna peninsula, so they were able to peacefully have a country of their own only for the Jaffna peninsula. We do admit that there had been a Tamil state for a period of nearly three hundred years in the Jaffna peninsula. But whenever the Sinhala king became powerful, they went there and conquered it. So the Tamils are not a nation in Sri Lanka, and therefore they do not have a right to self-determination, and so they cannot claim a federal state.

There are only twenty-six federal countries in the world. Out of two hundred and six countries recognised by the international community, only twenty-six federal countries. There are ninety-one countries which have a bigger percentage of minorities than Sri Lanka, but are still unitary countries. Although countries like UK, France, Norway and Japan are advocating a federal set up for Sri Lanka, only twenty-six countries in the world are federal states.

In 1969, Czechoslovakia transformed from a unitary to a federal state. And in the 1990s it disintegrated into two countries, now the Czech Republic is on one side and Slovakia is on the other. So firstly, Tamils do not have a right. Secondly, there is no administrative, environmental, geographical basis in Sri Lanka to establish a federal state. Countries like USA, Canada, Australia, South Africa, these federal countries use federalism as a unification tool, not a divisive tool. It is an important aspect. Historically all these federal countries, even Switzerland, used federalism as a unification tool, to unify independent states into one bigger country so as to have the military might to face external aggression. It is not a divisive tool to divide small countries into further smaller units. Thus historically federalism is

a unification tool; some countries have federal arrangements because they want to manage the country. Sri Lanka does not have such features. Thirdly, we should not do it anyway since there is a secessionist trend and the Czechoslovakian example teaches us that we should not have a federal state when there is a secessionist trend.

What is the history of the unitary state in Sri Lanka?

Unitary states have been in existence for thousands of years. But people never recognise them as unitary states. Because there wasn't any alternative. Unitary states have been identified so only after the concept of federal states came into existence. There were times Sri Lanka disintegrated into different smaller states. Around two thousand five hundred years ago, because of the lack of communication and transportation facilities, whenever the centre was weak there were independent states. Whenever there were weak kings in the capital city, provincial nobles or provincial leaders declared independence and ruled those provinces or areas as they wished. But whenever there was a strong ruler in the centre, they defeated those provincial rulers and took those territories back into the rule of the capital city. Whenever it was one state, it was a unitary state. We never had federal states as such. We used to devolve power as early as King Pandukabhaya's era (Pandukabhaya was ruling this country around two thousand four hundred years ago). The 'Grama Rajya' concept was there. According to the historic scripts available, even when there was a tax evader, this council of the 'Grama Rajya' had the authority to decide whether that particular person was genuinely not in a position to pay tax or he was evading. That was decided at the 'Grama Rajya' level although taxes were collected on behalf of the king who was in the centre. Income to be collected for the centre was a subject of the centre. Devolution of power was not something new to us; we used to devolve power to the grassroots level as much as possible. That is why the Jathika Hela Urumaya (JHU) proposed at the All Party Representatives Committee (APRC) to have smaller units for power devolution instead of bigger units like Provincial Councils, because you cannot get closer to the general public by having bigger units. So the unitary state has been in existence since time immemorial.

Has it always been a unitary state?

There were times when country disintegrated into different states. But it was never a federal state as such.

What was the nature of the system of government before colonialism? What can we learn from the past? What elements of the local constitutional tradition are relevant for today?

According to our historical chronicles, we have a theory called 'Maha Sammatha Vaadaya.' This is a much better concept than Western democracy. In functional democracies, we make decisions with the majority's consent but according to 'Maha Sammatha Vaadaya' decisions are made with the consensus of everybody. That was the practice in the country. This was the case even in the King's Council. The first king in Sinhala, according to Arisen Ahubudu who has gone into the history of Sri Lanka through folk stories, was Manu. Manu was selected as King through 'Maha Sammatha Vaadaya,' through the consensus of every single person present at that meeting. As a result the king was considered as a custodian of the people. If you take the western theory, western kings were considered by the people as being mandated by the almighty god to rule them. But our traditional kings considered their authority to be derived from the people, not from god or any unforeseen force. (See also above the explanation on the role of Buddhist monks in society).

Do you feel that the Constituent Assembly was right to reject the Federal Party's demand for federalism?

Yes, because the Federal Party's demand for federalism had no logical, historical or legal basis. As I have explained earlier, they do not have a right to self-determination.

Do you think the Federal Party was right to walk out of the Constituent Assembly after its demand for federalism was rejected?

I am of the view that this is a historical blunder made by the Tamil nationalists. Throughout history, Tamil leaders, instead of convincing the Sinhala majority about the justification of their demand used pressure tactics to force the Sinhalese to accept their demands. That was the case throughout the post-independence history. We can clearly divide the Tamil struggle in the post-independence history into three eras.

The first era, the non-violent era, led by S.J.V. Chelvanayakam. They demanded the right to self-rule and self-determination using non-violent pressurising instruments such as hartal, protest marches, protest rallies. They never presented facts and figures to justify their demand as to why they should be given self-determination. They never argued their case before the general public; they never tried to convince Sinhala leaders that they have such rights. Instead they always tried to pressurise the Sinhalese leaders to grant their demands. If you look at the negotiations between the Federal Party and Prime Minister Bandaranaike during the 1950s, they would say unless you give us these demands we will start a hartal from this a date. So why should we give in to their demands? Because they will start a hartal unless we grant their demands? That was a non-violent struggle which started from 1949 [when the ITAK was established] to 1972.

From 1972 to 2009 was second phase of Tamil struggle, where they used violent instruments to win their demands. The LTTE never discussed their demands at any of these negotiations. If you look at Thimpu talks, if you look at the Indo-Lanka Accord, thereafter talks with President Chandrika Kumaratunga's government, talks with Prime Minister Ranil Wickramasinghe's government, talks with President Mahinda Rajapaksa's government, at none of these instances did they try to justify their demands. They firstly talked about relief for the people, actually those were militaristic demands covered with humanitarian gestures. They would say take this camp out of this particular area because ordinary people have a lot of hardship, but actually the reason was military strategy. The LTTE during their period from 1972 to 2009 never attempted to justify their demands with facts and figures. Instead they used violent instruments such as bombs,

guns, massacres, to force Sinhalese leaders to concede to their demands.

The period after 2009, which we can call the post-violence phase, is where we are at the moment. The Tamil National Alliance (TNA) led by Mr Sampanthan does the very same thing. He merely follows the failed instruments of Mr Chelvanayakam and Velupillai Prabhakaran. He used international media such as Channel 4, international organisations such as the UN Human Rights Council, states such as India and USA to pressurise the Sri Lankan government, to force the Sri Lankan government to meet their demands even when we have invited him to come to the Parliamentary Select Committee to discuss. The JHU made a public statement that we are ready to come to the Parliamentary Select Committee without fixing any precondition and we are ready to accept even Tamil Eelam if you convince us with facts and figures. We are the solitary political party in the south which has openly declared that we are ready to accept Tamil Eelam.

You said there was no effort on the part of Tamil leaders to convince Sinhala leaders as to why federalism is suitable for Sri Lanka. But during the Constituent Assembly debates, Mr V. Dharmalingam made a speech on behalf of the ITAK about why federalism should be accepted. It is a very lengthy speech and in that speech he actually does everything you ask for. So is it fair to say that Tamil leaders did not engage with Sinhala leaders?

My argument is based on fact; they may have made the same statement to Parliament so many times. Frankly, Tamil leaders like Suresh Premachandran, Nadarajah Raviraj, Sumanthiran, Mr Sampanthan have made these arguments at different forums with us. There was a certain forum organised by CPA where I have explained my viewpoint during the time given to me, and he explained his viewpoint during the time given to him, and thereafter we had a right to reply as well, but at the end we left the place without making a final decision. Even in parliamentary debates there are allocated time slots and there is a pre-

determined stand about these issues. Even in the Constituent Assembly, we went and discussed based on party lines. The SLFP had a pre-fixed stand so SLFP MPs made speeches defending and explaining their stand. Likewise Federal Party explained their stand. Do you know a single parliamentary debate where Parliament reached consensus? What happens is we reach consensus outside the Parliament. Making speeches is not trying to convince.

What was the purpose of the Constituent Assembly if it was not to argue these things and come to a consensus about the constitution?

Actually, the whole objective of the Constituent Assembly was to avoid any challenges against the new constitution before the Privy Council. That was the solitary objective of having the Constituent Assembly, because if they followed the constitutional amendment process prescribed in the 1947 Constitution, people who were against the constitution had a right to go before the Privy Council. So they introduced a constitutional revolution. Parties had their predetermined stands. As you know, before holding meetings of the Constituent Assembly everybody knew that the stands taken by the government will be the law at the end, because they had a two-thirds majority. All parties had predetermined stands, nobody was ready to move an inch from there and everybody made speeches, explaining and defending their stands. There was no engagement as such. In the speeches made in the Constituent Assembly, the Federal Party's objective was not convincing the other side but appeasing their own side. The Tamil people were listening to what their leaders were to saying on their behalf. The Federal Party was addressing the people outside the Constituent Assembly, not the people on the other side.

Now, take the Mediation Board. They negotiate and try to reach a settlement between the parties to avoid them going before courts of law. They are trying to convince each other and both are trying to convince the mediators, those are the forums where people try to convince each other. But in Parliament or parliament-like assemblies, they never attempt to convince the

other side. The speaker only explains his side and their true objective is to communicate with the people outside that assembly.

For the last twelve years, I have been debating with Vickramabahu Karunaratne on these issues. Have I been able to convince him? After arguing with him for the last twelve years, I have not been able to convince him at all. But listening to our debates, this country was convinced that the LTTE should be defeated. In 2000, we were the solitary party who sought a mandate to defeat the LTTE militarily. We got only 1.5 per cent of votes. Thereafter the JVP joined our ideology because it had become popular among people. Then the SLFP joined in 2005. And we got a mandate firstly. Secondly, we were able to do it on the ground because people were convinced about it. We started convincing people by debating with people like Vickramabahu Karunaratne, Vasudeva Nanayakkara and the even Dr Rajitha Senarathne, who is now with the government. So what I am explaining is that those debates are not meant to convince the opponent, but to convince somebody else or appease somebody else. Now the Parliamentary Select Committee is going to be appointed to reach consensus and come out with a single document. As an example, the JHU proposes 'Sri Lanka should be a unitary country,' the TNA says 'no we are against.' Before adding this line to the PSC final report we have to argue, discuss and reach consensus about it. It does not necessarily say that the PSC must reach consensus. If we fail to reach consensus there are two options. We can either drop it completely or we can mention it saying for this clause these parties were in favour and these parties were against.

How did the Federal Party's walkout of the Constituent Assembly impact the political relations between the Sinhalese and the Tamils?

Until 1948 there was a ruler for all indigenous communities in the Sri Lanka. When Sinhalese had a problem with Tamils they petitioned or complained to the British. That was the case for Muslims and Tamils as well. But after 1948, we had no superior force to complain and to seek redress for our grievances. We had no choice but to talk among ourselves and resolve any issues. The

walkout of the Federal Party gave a very strong message to the Sinhalese. It was, 'we are not ready to work with you, and we are not ready to find solutions through discussions. Instead, if you do not meet our demands, we will fight.' That signalled that the Tamil community is not ready to work with the majority people of this country. It was a pity because they were ready to cooperate with the very small minority who used to govern us (i.e. the British). It was totally undemocratic but they never tried to topple that rule. They never tried to go against the British; instead they wanted to be like the British. They got the western education, western cultural habits, western attire, food and they wanted to be what some people called 'brown sahibs.'

But when democracy came into place where the majority controls the country, they should have been fascinated with that concept and they should have tried to work with the majority community because that is more logical than the previous regime. But they genuinely had a problem. It was confirmed at this walkout. They genuinely thought they were superior to the Sinhalese. The British used their notorious divide and rule policy in Sri Lanka. The Tamils were a community known to the British because of their rule in India. So in the Tamils they had a very loyal community, so they made this minority community a privileged community in Sri Lanka. And Tamils thought that the first layer of Sri Lankan society was the British, the second was the Tamils, and thirdly the Sinhalese. But after independence the Sinhalese became the first layer because they were the majority, so slowly but surely they became the ruling majority of the country. That is what democracy is about. But the Tamils could not bear this.

This is like something that happened in South Africa in 1992. For ages the whites used to rule the majority blacks and all of a sudden blacks have become the rulers and white people could not bear that at all. So a lot of whites decided to migrate to countries like Australia, UK and USA because they could not bear the concept of being ruled by the blacks, who used to be their slaves a few years back. That is the same mentality that Tamils had. Tamils' arrogance at the Constituent Assembly, their rejection of engagement with the Sinhalese, really confirmed that they were still in an arrogant mind-set. An arrogant mind-set where they think that 'we are the rulers, they should listen to us, when we tell

them something they should accept it, when they say “no” we cannot be there anymore’ and they walked out.

I think it badly affected the Sinhalese who were trying to restore their pride. They used to rule this country, they are the majority, they have a historical relationship, and they have some kind of an exclusive position in relation to Sri Lanka. Now when you take Tamils, their homeland is in India, Tamil Nadu, and Tamils are all over the world. There are so many countries in the world where Tamils are a sizable community. But Sri Lanka is the only country in the world in which the Sinhalese are a sizable community. So they have a kind of pride associated with this land and this pride was lost for more than four hundred years and they were trying to restore this traditional pride and this process was challenged by the Tamils. So I think the Sinhalese were hurt and got frustrated with Tamils. I think the decision of Tamil leaders, namely Federal Party leaders, had an adverse impact on the Sinhala-Tamil relationship in the years to come.

Do you think that establishing a federal state, or some other form of devolution, would have prevented Tamil separatism and terrorism? Why do Sinhala-Buddhists reject federalism or devolution as a means of power-sharing with the minorities?

No, not at all. The reason, as I explained before, although Tamils are a significant community in a lot of countries they do not have a country of their own like the Jewish a hundred years ago. So Tamils have an aspiration to have a country of their own. So if we granted federalism they may have already established Tamil Eelam. Fortunately, we averted this because of the correct stance taken by our former leaders. We know how Israel came into existence engulfing the state called Palestine. Up until 1917, when the Balfour accord was signed, there was no country called Israel. There were no significant Jewish colonies in Palestine. The Jewish movement decided to establish a country of their own, within Palestine, according to their historical documents they had a country of their own two thousand years ago in that territory. They went there (Palestine) funded by leading Jewish companies

and purchased land and Palestinian people sold their land as much as possible and they had a very comfortable life as the land was being purchased at excessive prices. By the early part of the twentieth century, the Jews had become a sizable community in Palestine and they were demanding self-rule and they were fighting. These communities were fighting each other. Then the British foreign minister, Balfour, was invited to look into this problem and suggest a solution. The solution he suggested was self-rule and it was granted.

So if you look at recent history, Jews had a determination to establish a country of their own, so whenever they agitated for a kind of self-rule, successive governments thought granting their demands would be helpful in stopping the violence and intercommunity clashes. So they granted those demands, the Jews got more powerful and came out with bigger demands, and in the 1940s the clash between these two communities were at a very high level. Soon after the Second World War in 1945, the UN appointed another committee like the Balfour committee to resolve this problem. Their recommendation was that these two communities cannot live together and to establish two separate states for these two communities. Then they established Israel and Palestine. Then the Palestinians thought, 'Okay, let's accept this because separate states would solve our problem.' But what happened after that? After Israel was established Jews all over the world were thrilled and they began to come in big numbers to Israel, which could not accommodate them. Then Israel kept attacking Palestine and got those territories attached to it. After eleven years, the historical country known as Palestine disappeared from the world map and this tiny dot that started in 1917 through the Balfour accord became a sizable country called Israel. Knowing this story, which happened within the last hundred years and considering the background of the Tamils, we knew very well if we granted federalism in the 1970s not only the northeast but probably the entire Sri Lanka would have become Tamil Eelam just like what happened to Palestine.

I must make clear that we are not against devolution. We are against devolution of bigger territories because it would meet the aspirations of the separatists. We are for devolution to smaller units like 'Grama Rajya' or Pradeshiya Sabhas or that kind of

thing but we do not agree with federalism as a means of devolution for reasons explained above.

Is there an ‘ethnic problem’ in Sri Lanka? If not, how do you explain the political tensions and violence we have had? What are the causes of this instability and violence?

As I have explained before, because of the divide and rule policy of the British the Tamils became a privileged community in Sri Lanka. The Tamils were the second layer of this society. After independence, very slowly, the Sinhalese began to get their due share of the society. In return Tamils began to lose their undue share in society. The loss of privileged status was misinterpreted by Tamils as discrimination. Those days, if you look at the statistics, all the big business houses, majority of the professionals were Tamils, which was out of proportion. Then especially after the introduction of Sinhala as a national language, the rural people were able to come to these streams and get positions in the government administration, the business sphere, professional bodies, etc. So in proportion the Tamils’ share was going down naturally because they were just eleven to thirteen per cent of the population. They misinterpreted this as discrimination. As I have explained before, Tamils genuinely thought, since they were the second layer of this society that when the British leave this country, they would hand over the country to the Tamils. Because they were trained to do that. On the other hand, the British considered the Sinhalese backward and untrustworthy. Because of that the Tamils never thought the Sinhalese would be the successors to the British in Sri Lanka. They had a very funny argument to justify their demand. The British took over Sri Lanka from a Tamil called Sri Vikrama Rajasinha. So, when they leave, they should hand it over back to the Tamils and it is up to Sinhalese to negotiate with the Tamils and decide their share.

First they thought they will be able to rule the entire country. When the Donoughmore Commission came to Sri Lanka, the Tamil leaders argued against universal franchise. Not because of anything else but because their dream would be shattered. But fortunately the British without accepting their arguments decided

to grant universal franchise to Sri Lanka. Then they realised they cannot rule the entire country so they modified their demand. They wanted to share power with Sinhalese on an equal basis. They came up with fifty-fifty. Frankly though it was called fifty-fifty, the real demand was more than fifty per cent. Fortunately, this fifty-fifty demand was rejected by the Soulbury Commission.

Thereafter they realised that they cannot govern the entire country, but they were a very proud community because they had been ruling the Sinhalese for a long period of time by then. Mr Chelvanayakam in 1956 at the debate on the Sinhala Only Act pointing his finger at Mr Bandaranaike said, 'you are too small to govern us.' The idea was that you are too inferior to govern us. That is why in 1949 the Federal Party came out with the concept of self-determination. They failed in securing the control of the entire country so they at least wanted to avoid being ruled by the Sinhalese. So they wanted to rule the northeast. That was the whole idea of the resolution passed at the first convention of the ITAK held at Trincomalee. There they passed a resolution introducing the four principles that have now come to be known as the 'Thimpu Principles.'

This demand for self-rule, the demand for federalism, has an evolutionary story. It did not start with self-determination for the north and east. It started with the intention of ruling the entire country and shrank down to the right to self-determination for the north and east. This is why we said there is no ethnic problem. They lost their privileged status and that is why they came out with these demands to restore that lost right.

What is your opinion about the Tamil claim that they constitute a distinctive nation in Sri Lanka? There is a perception amongst Tamils in Sri Lanka that they are unique from Tamils in Tamil Nadu, there is a sense of identity that they are a separate the people from the people of Tamil Nadu?

Tamil Nadu, the country of Tamils, was the true origin of the Tamils. There were small countries called Chola, Pandava, Kerala during the Sangam period from the 6th to 9th century

where all these smaller states formed a bigger single culture and nation. So the Tamils are a nation in Tamil Nadu. If Tamils are a distinctive nation in Sri Lanka, they can make the same claim in Singapore, Malaysia, South Africa, Canada, UK, USA. Why don't they fight for the same right in those countries? Forget the recent migration during the last hundred and fifty years. Now if you take countries like the African countries, Singapore, Malaysia, Tamils are a very sizable community but they do not fight for self-determination there. If they claim the origin of the true Tamil nation is in the north and east of Sri Lanka and not Tamil Nadu, they should be able to establish that fact with proof.

If you look at the book *An Historical Relation of the Island Ceylon* by Robert Knox, he explained that he was captured in Trincomalee by soldiers of the Kandyan king. So even in the 18th century, Trincomalee was part of the Kandyan kingdom. And 'Madakalapuwa' is a Sinhala name, Batticaloa was a recent name given during the Dutch period. There is no proper Tamil name for Madakalapuwa; to-date they use the Dutch name Batticaloa. As questioned by Mr K.H.J. Wijayadasa in his book, *Sinhala Heritage in the North and East*, why are the Tamils living only in the coastal area? If you come into the interior of the Eastern Province, it is inhabited by the Sinhalese. If Tamils were the original people in the east why is their habitation limited only to the coastal areas? Our explanation is that they were only in the north and they came by boats to the east during the Dutch period. They always challenge the *Mahavamsa* as being biased towards the Sinhalese, because it was written by Sinhalese. Even if we assume that is the case, Mr Wijayadasa in his book quotes western books written from the Greek period to the British period, from Ptolemy to British rulers' diaries, and establishes that both north and east were part of the Sinhala kingdom.

There are many historic scripts, established by Sinhala kings all over the north and east. Unfortunately most of them were destroyed by the LTTE to destroy the evidence of the Sinhala civilisation in the north and east but fortunately there are a few available. The Vallipuram stone script is a classic example; it was established by King Wasaba during the Anuradhapura era. So, they may have the perception – people can have perceptions, you can believe your father is the almighty god – but when it clashes

with someone else's belief and it has been challenged by someone else's belief, you should be able to establish your belief with proof. The Sinhalese claim this has been a Sinhala country for more than two thousand five hundred years. A lot of people say Sinhala history is limited to two thousand five hundred years. That is not the case. We are the only nation in this world which has recorded its history for an unbroken period of two thousand five hundred years. But our history goes beyond that. According to even the *Mahavamsa*, when Vijaya arrived in Sri Lanka, Princess Kuveni was weaving a cloth. This is a clear example that there was a developed civilisation in this country. Therefore we have archaeological and historical evidence both local and foreign to establish the Sinhala claim. That is why we say this is the Sinhala country and Tamil Eelam is a myth.

What is the meaning of Eelam? According to the Tamil Lexicon Dictionary, published in Chennai, Eelam means 'Sinhālē' or the 'Country of Sinhalese.' Sinhālē becomes Seelam and Eelam because the 'S' sound turns into the 'E' sound according to Tamil vocabulary. That is why they call it Tamil Eelam, meaning the 'Tamil part of the Sinhālē.' The EPDP called their movement 'Eelam Peoples Democratic Party.' But the LTTE always insisted on using not Eelam, but Tamil Eelam because Eelam was the Tamil word for Sinhālē and Tamil Eelam was the north and east of Sri Lanka or the 'Tamil part of Sinhālē.' I have used a Tamil document to establish our claim. Do they have a single document to establish their claim?

Their oldest document is *Yalpana Vaipava Malai*, which was written during the Dutch period. It was a story the Dutch wrote about Tamil history, based on Tamil sources. When there are competitive groups and they are asked 'how long have you been here?', you make up your own story. But that is the oldest document that they have. No historic scripts, no relics of any kind of a Tamil establishment. There are things in Polonnaruwa because Kalinga Magha, then Chola Mummudai controlled entire Sri Lanka – except Ruhuna of course – from time to time. Sri Lanka had many invasions from the north; we were just thirty-two kilometres away. Whenever our king was weak they invaded. But having so many invasions, they do not have any evidence to establish their claim. So anybody can have beliefs. When your

belief clashes with mine and if you want to establish your belief you should come out with your proof.

What is your ideal solution to the problem of constitutionally addressing Sri Lanka's ethnic, religious and cultural diversity?

Although some people are of the view that Sri Lanka's diversity is something exclusive or a unique phenomenon, that is not so. Because of the advancement of transportation and communication during the last five hundred years, almost all countries have diverse populations. You will find non-Muslims in Saudi Arabia and non-Catholics in the Vatican. This is not something exclusive to Sri Lanka. We have already constitutionally addressed our diversity. From Article 10 up to 14 [of the 1978 Constitution] we have constitutionally guaranteed that there would be no discrimination based on ethnicity, language or religion. And we have already adhered to all international covenants with regard to minority rights. There is a United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In fact we have granted rights to minorities beyond that Declaration and we are very much ahead in comparison with most European countries in the implementation of this Declaration. As an example, Tamil is a national language in Sri Lanka. Any Tamil in this country has a right to demand a government communication in Tamil. If this is not adhered to, he has a right to go before the Supreme Court. Do Tamils in India, the true homeland of Tamils, have the same right? Tamil is only a regional language in India, only spoken and used as an administrative language in Tamil Nadu. In Sri Lanka, the government publishes every single official document in Tamil. Wherever you are, you have the right to have a government document in Tamil, but this right is not enjoyed by Tamils who live in India. We have already given minority rights well beyond the internationally accepted standards. So nothing remains to be addressed by constitutional means. What we have to do is to take the Tamil community or the Tamil leaders out of their dream. They lost their privileged status, so they decided to have a country of their own in the north and east. They used three techniques, as I explained before, by Chelvanayakam,

Velupillai Prabhakaran, and now by Sampanthan, which have all failed so far. So they should learn to live with this reality. They are demanding something they are not entitled to, and we have to explain this bitter truth to them.

Vickramabahu Karunaratne has supported Tamil Eelam throughout his political career and lives among Sinhalese. Imagine the situation if somebody talks in support of Al Qaeda in the USA? They would be killed. In Sri Lanka, even during the LTTE war, Tamils used to have religious festivals in Colombo and its suburbs, including processions, and nobody attacked them. Tamils were living with us. There was no big issue.

Even 1983, as Professor Rajan Hoole has explained, was an anti-government or anti-J.R. wave which was directed at Tamils. I was at D.S. Senanayake College, which is located just in front of the Borella cemetery. What happened was that people wanted an explanation from President J.R. Jayewardene, as after seeing the bodies of the soldiers the people were of the view that President Jayewardene was very inactive in eliminating the terrorists in the north because of his fear of India. So people decided to go to Ward Place to the private residence of the President and demand an explanation from him. The people were very emotional at that time at Borella junction. Some people within the crowd suggested attacking the BBC building (there was a big building in the middle of Borella at that time with a big clock called the BBC building), which was owned by Tamils. That is how from Borella cemetery to Borella junction, no Tamil shops were attacked. It happened only at the Borella junction. Then people forgot their original objective and began attacking Tamil shops. So it was clearly manipulated by the UNP as explained by different intellectuals in their books on the 1983 riots. After 1983, Sinhalese have never attacked Tamils.

There is no diversity issue in Sri Lanka. Tamils have had a right to live in any part of the country even when there was violence in the north and east. The Sinhalese were denied the right to live in the north and east, we were expelled, but we never tried to do the same to the Tamils who lived amongst us. Thus our constitution has addressed the diversity of our society in a much better way than most other states in the world.

Furthermore, we are also culturally accommodative. Buddhists have never attacked or invaded another country in the name of religion. Hindus, Christians and Muslims have very frequently done it. But the Buddhists have never done it. When the Portuguese expelled the Muslims from the coastal regions of Sri Lanka, they were accommodated by King Senerath. The Portuguese killed Buddhists forcing them to accept Catholicism but when the Dutch came to Sri Lanka, they did not attack Buddhists, they attacked Catholics. Then Buddhists, forgiving the things done to them by Catholics, accommodated them in Buddhist temples. Catholic refugees came to the Kandyan kingdom from Avissawella onwards. On Sundays, they had their mass inside the Dharmashala of the Buddhist temple. When Hinduism came to this country, Hindu gods were accommodated inside Buddhist temples. Buddhism is the only religion which has asked its followers to accommodate other religions. So we are culturally doing that.

So historically, culturally and legally we have accommodated diversity. But if somebody is trying to exploit our generosity and accommodativeness, and take undue advantages, that of course we have to resist.