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**on**

**“ Essentials of Post-Conflict Resolution  
& India’s Concerns”**

## **Essentials of Post-Conflict Reconciliation & India's Concerns**

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### **I. Introduction**

**The world witnessed a historic event in May 2009, when in a final assault of the Sri Lankan armed forces, a treacherous and murderous terrorist outfit called the Liberation Tigers of Tamil Eelam [LTTE] was decimated. Its Supremo V. Prabhakaran and his main associates were killed on May 19th. It was heralded the world over as milestone in the war against terrorism.**

**Correctly disregarding the call from several countries for a ceasefire and negotiated settlement, the Sri Lankan President Mahinda Rajapakshe chose to bring a 29 years sordid chapter of terrorism to a decisive end by military means. By this victory, India was a major beneficiary.**

**Much has improved in Sri Lanka since the formal end of violent strife on that historic date of May 19, 2009 in Sri Lanka, when coming to know of Prabhakaran's death, the rump LTTE surrendered and laid down arms.**

**Thus, the spate of paralyzing suicide bombings of a quarter century causing killing and maiming of tens of thousands of innocent civilians, both Tamils and Sinhallas, especially in**

**southern parts of the island nation ended with the destruction of the LTTE.**

**But in the process, a large number of Tamil civilians were dislocated and many crossed the shores to become refugees in India. Many civilians and army personnel perished in the cross fire between the army and the LTTE amidst allegations of human rights violations and torture.**

**The Sri Lankan Government set up a high powered committee called Lessons Learnt and Reconciliation Commission [LLRC], under the chairmanship of the former Attorney General Mr. Chittaranjan De Silva to go into all these allegations and identify the responsibility that devolves for the same.**

**The Commission has submitted its Report containing 135 main recommendations. The Sri Lankan President has appointed his Secretary Mr. Lalith Weeratunga as Head of a Task Force to implement these recommendations. More than 30 recommendations of national import have been identified for immediate implementation by the end of 2013, some within this year.**

**Today, Tamil families no more fear the so-called Tigers' forced recruitment of their children, disruption of their education, and their various brutalization and abuses. The extortion of funds from civilians to finance terrorist operations of the LTTE has also ended. Normalcy in daily life has returned after three decades.**

**The credit for this victory over terrorism naturally must belong to the political leadership of the President Mr. Rajapakshe and his ability to inspire the armed forces to fight on and die for the cause.**

**The people of India recognize this as a contribution to our national security and fit for being honoured by India's highest award in the future.**

**The Sri Lankan people gave the President a huge mandate in the subsequently held General Elections. With this halo and public mandate, it is clear that President Rajapakshe is now crucially positioned to effectively take necessary steps to solve another pending and pressing issue: the need for a healthy Sinhala –Tamil reconciliation, by finding a mutually acceptable way to heal the festering Sinhala-Tamil divide, and to bring about a meeting of minds of the two communities.**

**Decades of brutal insurgency have unfortunately polarized communities and undermined institutions that guarantee civilian rights. However this was not the only insurgency that the Sri Lankan state had waged. In 1970-71, the Government had battled the JVP, a terrorist Left wing Sinhala chauvinist outfit then, and wiped them out.**

**The JVP later re-tooled themselves as a parliamentary group, and became a part of the solution instead of remaining a problem. The LTTE failed to learn from that example, and chose to remain a brutal part of the problem, for which not only the LTTE but the Tamil populace whom in its hubris the LTTE claimed to be the sole representative, paid a heavy price.**

**While the immediate problem to be tackled after May 2009 was the rehabilitation of the victims of the insurgency, of providing solace to the bereaved families of those killed in the cross fire, the displaced and the injured, nevertheless the more fundamental long term problem before Sri Lanka today is the essential reconciliation of those across Sri Lanka who are scarred mentally and emotionally by the past brutalities that they had faced, and the uncertainty today in their minds about their place in Sri Lanka's future.**

**The situation facing the Tamils is particularly delicate. The war conducted by the Sri Lankan armed forces against a sinister terrorist organization, had also by the sensationalized propaganda of international interlopers and busy bodies, more or less become polarized into a conflict between the Sinhala and the Tamil communities which unfortunately was abetted by the political miscalculations of some short sighted leaders of the two communities over the last three decades.**

**The LTTE in fact had wanted that polarization, and Tamil leadership fell into the quicksand created by it. They were egged on across the Palk Strait by selfish leaders in Tamil Nadu, many of whom were being financed by the LTTE.**

**As an Indian and a Tamil, let me say at this point that the overwhelming proportion of the people of Tamil Nadu had rejected the LTTE whenever they were made to make a call.**

**When the dismissal by the Union Government of India of the DMK led state government in January 1991 took place-- for colluding with the LTTE-- and which dismissal I had supervised as a senior most Union Cabinet Minister holding the Law & Justice portfolio, there was overwhelming support from the people of Tamil Nadu.**

**In June 1991 General Elections, the DMK was reduced to a tally of 2 in a House of 234 MLAs, and to zero MPs elected from the state to Parliament.**

**Not a single incident of violence took place when the dismissal was carried out. It became apparent then that the Tamils of the state think of themselves as Indians first and Tamils afterwards.**

**Therefore, let me assure you that for us patriotic Indians, national interests come first, and if state, sectarian or regional interests clash with it, then it is the latter provincial interests that will be sacrificed.**

**Hence, I can tell you with full conviction today that the Indian people wish Sri Lanka well. We in India in fact feel kinship with you Sri Lankans, emotionally, historically, religiously, linguistically and also for the benefit of our mutual national security. As recent genetic research reveals, Indians and Sri Lankans have the same DNA.**

**Thus, we Indian people do not necessarily agree with our government on every decision it takes against the interests of Sri Lanka on political compulsions, which is not unusual in a democracy.**

**For example, an overwhelming majority of the Indian people disapproved of the Indian Government decision to support the US sponsored Resolution in the UN Commission on Human Rights on the alleged extrajudicial killings carried out in the final stages of the insurgency of the LTTE.**

**But I make it clear at the same time, even the most ardent well wisher of Sri Lanka in India wants to see that the present feeling of marginalization that seems to have gripped the Tamil community for real or imagined reasons, including sections**

**which were never with the LTTE such as the Plantation Tamils, is ended by a reconciliation process wherein the Tamils feel empowered to participate in nation building as if the LTTE era had never happened.**

**This empowerment would require devolution within the basic structure of the unitary Constitution of Sri Lanka, for which the exact proposals must come from the within the Parliament of Sri Lanka, and can never be successfully imposed from abroad. This devolution is moreover not an Indian demand, but certainly it is our concern and expectation as well wishers of Sri Lanka who stood by you in your grueling fight against terrorism.**

**The devolution must, we in India recognize, be within the comfort zone of Sinhala majority feelings and at the same time be considered adequate by the Tamil minority.**

**Does such a possibility exist given the polarizations of the past? I think so, and that is what propose to expound here today.**

### **Real and Imagined Sinhala-Tamil Differences**

**Sri Lanka situated at the southern extremity of the Indian peninsula, and separated by a 34 kms stretch of sea called Palk Strait/Gulf of Mannar.**

**India's Sanskrit texts have for long called the island as Lanka, and the nation's Constitution in 1972 formally adopted the name 'Sri Lanka'.**

**Because India's unique relationship with Sri Lanka, viz., as geographical neighbour, cultural sibling, and as historical cohort since the people of Orissa, Andhra Pradesh and West Bengal**

**have historic links with the Sinhala community [which is 75 percent of the total Sri Lanka's population]. Also, the people of Tamil Nadu and Kerala have long-standing and continuing links with Sri Lankan Tamils going back in ages. There is no real ethnic differences between Tamils and Sinhalese or even Indians. Ethnicity based on race is an imaginary concept foisted by the British Imperialists.**

**The current Tamil-Sinhala emotional divide can end, by partly exorcising a few false notions in the minds of Tamils and Sri Lankans embedded by text books and sustained false propaganda authored by the British Imperialists and their tutees, and nurtured on both sides of the Palk Straits for political convenience. How this divide has manifested itself over time, may be seen from a brief review of this history.**

**But the origins of the current tension between the two communities, are therefore not ancient but born in the Sinhala's perceived role of the Tamils as beneficiaries during the British colonial period post 1850.**

**The British-Tamil friendly equation became possible because of the British familiarity with Tamils in India before coming to Sri Lanka. This familiarity led to collaboration between many Tamils and the British, as in India of the so-called Dravidian Movement, in ruling the occupied Lanka nation. Tamils**

**of this Movement had fully cooperated with the British in India too.**

**In fact the so-called Self-Respect Movement which later became the Dravidian Movement in Tamil Nadu was inspired by the British Imperialists to subvert the Freedom Movement led by the some upper caste leaders like Rajagopalachari, Satyamurthy Subramanian Bharathi, and other enlightened leaders such as Muthuramalinga Thevar, V.O. Chidambaram, and Kamaraj.**

**The result of the British-Tamil collaboration in Sri Lanka was that the Tamils, despite being a minority, became disproportionately influential in the management of the Sri Lankan political and economic affairs right till the time of the country's independence in 1948. The Tamils became better educated, and economically successful in the non-agricultural sectors of Sri Lankan society.**

**Thus the antagonisms were compounded by the Sinhalese feeling of being discriminated against, unfairly treated by the British and that too with the support of Tamils.**

**This antagonism according to my understanding is at the root of the Sinhala resistance to constitutional devolution of power to Tamil populated areas. This is something that must be exorcised.**

## **Minimizing the Real Differences Between Sinhala and Tamils**

**A deeper subconscious apprehension in the Sinhalese psyche about Sri Lanka Tamils demand for greater devolution is their 'minority complex' that manifests when the Tamils of India extend support to Tamils of Sri Lanka.**

**Though the Sinhala community constitutes over 75 per cent of the population of Sri Lanka, it often views the Tamils not as a minority but as part of the looming Tamil political and demographic presence to the north of the island in Indian peninsular area of Tamil Nadu, a population of 65+million, which is seen as the natural support base for Sri Lankan Tamils.**

**Thus the proximate linguistic political and cultural links of the Sri Lankan Tamils with Tamil Nadu, makes the Sinhala feel threatened with dismemberment of their country – which the Sinhala feel could be initiated by India under pressure from its own Tamil citizens.**

**Hence, the Sinhala aversion to respond spontaneously to any just Tamil demand for devolution of power or autonomy. India needs to be constantly cognizant of, and concerned with this Sinhala apprehension, without sacrificing the right to voice support in a friendly way for the human rights of the Tamil minority.**

**The Indian Government however needs to rein in the sub-national jingoism that erupts from time to time in Tamil Nadu triggered by slanted media reports.**

**Of course in a modern democracy, decision on governance issues are determined by counting heads – as representing “the will of the people”, the opinion of the majority of the people. The problem with such a dictum in real life is that if the minority and the majority are distinct mutually antagonistic communities, human rights violations and sacrifice of fundamental rights result.**

**If democracy be the rule of the majority, the protection of minorities against injustice and hegemony is not a matter of compassion of the majority. *It is definitely not!* The reason is that modern constitutional democracy itself lays the legal basis for minority rights.**

**Human rights in a democracy are held to be inalienable – no human being could be deprived of those rights in a democracy by the will of the majority of the sovereign people.**

**This is the basic governance norm of democracy that was forgotten, especially since 1979 in Sri Lanka by the majority.**

**There however is no ethnicity involved in Sinhala majorityism. It is instead fanned by antagonism of the past and fears about being swamped by the perceived patronage of Tamil**

**Nadu by the Union government. These fears need to be constantly addressed by the Government of India.**

**On the question of ethnicity, Tamils and Sinhala are two linguistic communities but not ethnically different. They are, as I said earlier, of the same DNA genetic structure, and are all ethnically Indians.**

**Nor can it be said that the Hindu and Buddhist religions in the two countries respectively, are at least since the last 12 centuries, antagonistic theologies. We in India consider Buddha as a Hindu by birth, and who never repudiated the core concepts of Hinduism. He was a reformer and opposed to orthodoxy. Today Hindus own Buddha as one of their own- and revere and worship Buddha.**

**In Sri Lanka about three-fourths of the population is Sinhala who profess Buddhism; Hindu, Christian, Muslims Tamils form twenty four per cent of the population, of which more than twelve per cent are Sri Lankan Tamils whose forefathers have been in the island for over hundreds of years; the rest of them are plantation workers brought over by the British as industrial labour in the last century, plus those Muslims descended mostly from Hindus, and whose mother tongue is Tamil. .**

**The core cause of the Sri Lanka strife is thus not ethnicity or religion as the West is prone to project, but an erroneously**

**perceived distinction in the minds of the Sinhala and Tamils on language-Sinhalese and Tamil.**

**Even the linguistic distinction is artificial and which distinction is an infection injected by British colonialists and their comprador historians. Sinhala and Tamil languages have deep connection with Sanskrit and with Brahmi script.**

**Another cause is the recent past history of broken agreements between the leaders of the two communities.**

**After independence the Sinhala majority adopted two policies that have been the source of much discontent amongst Tamils (and later cause of much violence): a "Sinhala only" language policy and "standardization" of marks for entrance to universities.**

**At the time of independence the Tamils had 32% of the voting power in the Legislature. Upon the disenfranchisement of the 'Estate' Tamils (who worked on the plantations) the percentage dropped to 20%. At the General Elections, the Sinhala majority secured more than a two-thirds majority in Parliament. Then came the new Constitution of 1972, adopted by the predominantly Sinhalese Parliament in which Section 29 of the Soulbury Constitution was deleted; constitutional protection being denied, the minority became restive, and one event cascaded into another, inevitably to violence by the end of the 1970s.**

**In 1975, in a study prepared for the Minority Rights Group, Walter Schwarz prophetically wrote:**

**"If Sri Lanka is not to experience communal violence or terrorism... there will have to be more readiness for compromise and moderation than has yet been shown - It would be a pity if Sri Lanka's leadership waited for bombs to explode and for the prisons to fill up again before conceding that the Tamils need reassurance that they have a place in the future of the Island."**

**Lack of appreciation of the perils of a conflict led to the riots of July-August 1981 and then to the more shocking near genocidal events of July 1983 led by Sinhala mobs triggered by the assassinations carried out by the LTTE. India's direct intervention followed, because of what was perceived in India as a genocide of Tamils.**

**That year, 1983, may be taken as a turning point and defining moment for the Sri Lankan current crisis. The basic problem was however embedded in the island's history.**

**The failure to compromise, to resile from erroneous positions, and to learn from history thus is at the root of the Sri Lanka divide. I can do no better at this stage than repeat Walter Schwartz's 1975 prophetic warning.**

**The present stalemate in Sri Lanka is not acceptable to the Tamils, even to those of us in India who oppose Tamil chauvinism and terrorism, and to the democratic world in general.**

**The moment of truth has therefore arrived. Sri Lanka should, we feel, respond to the regional aspirations of the Sri Lanka Tamils and chart the mutually acceptable path to reconciliation within a fixed target date. It is India's concern, but the choice on how to do it is for the sovereign government of Sri Lanka.**

**A future Indian government which hopefully is not so precariously placed as today's, will ensure love and support for a united cultural sibling nation of Sri Lanka, so that hot heads in Sri Lanka and in Tamil Nadu do not rear their ugly and violent heads again. Sri Lanka thus must build a reconciled society on the historic victory achieved in 2009 against the LTTE.**

**The solution lies in the simple device of devolution--federalism or quasi-federalism. The US is the model for the former and India for the latter. However any proposal for devolution runs into the fear psychosis of both Tamils and Sinhals and hence that must be constantly addressed and minimized.**

**The latter's fear of devolution as being the fore runner of secession of the fertile lands of the north east and the outlet for take-over by India. The Tamils fear the present devolution proposals of the so-called 13<sup>th</sup> Amendment are feeble and just**

**time-buying tactics of the Sinhala community, and therefore being short of a properly devolved quasi-federal state, there is no long-term security. They cite past broken agreements.**

***The Bandarnaike-Chelvanayakam Pact* (July 1957) the first such attempt of the two linguistic communities to solve by devolution. The pact was between the then Prime Minister, Mr S W R D Bandaranaike and the then leader of the Tamil Federal Party, Mr S J V Chelvanayakam, inter alia provided for a wide measure of autonomy through Regional Councils to be set up in the Tamil areas of the north and east. The Councils were to have powers over a wide range of subjects including agriculture, cooperatives, land and land development, colonisation, education, health, fisheries, housing, social services, electricity, water supplies and roads.**

**It also provided for Tamil to be recognised as a language of the national Tamil minority of Sri Lanka and as the language of administration in the northern and eastern provinces. It further recognised that "early consideration" should be given to the question of Sri Lanka citizenship for plantation Tamils. Had this Pact been implemented, the country would have been spared much subsequent strife and violence.**

**However no sooner it was signed, an island-wide campaign was, mounted by the then opposition United National Party (UNP) and the Buddhist clergy denouncing the pact as a 'betrayal of the Sinhalese/Buddhist people.' On April 9, 1958, a large number of**

**leading Buddhist monks stormed the Prime Minister's residence and demanded that the Pact be abrogated forthwith. A besieged PM capitulated, but the monks insisted on getting this promise in writing. The Prime Minister obliged and gave the written pledge to the monks [Emergency 1958 by Tarzie Vittachi].**

**In 1965 effort was made by the then leader of the UNP, Mr Dudley Senanayake, and Mr S J V Chelvanayakam both as coalition partners in a new Government. The provisions of this agreement were similar to but not as detailed as the earlier 1957 Pact. In part fulfilment of the agreement, the government introduced regulations for the "reasonable use of the Tamil language".**

**The SLFP, in Opposition, now led by Bandaranaike's wife Sirimavo, formed the same alliance with the Buddhist clergy, replicated the earlier UNP/Buddhist operation in 1958, mounted a campaign characterising the regulations as a "sell-out to the Tamils".**

**Although the regulations received parliamentary approval, these were never implemented since the government failed to honour the provision of the Agreement by enacting appropriate legislation, the Federal Party of Chelvanayakam resigned from the government and went into opposition. The seeds were planted for polarisation and confrontation.**

**The United Front Government under the SLFP led by Sirimavo Bandaranaike gained an absolute majority in the 1970 general elections. This government introduced of "standardisation" for university admissions, the marks equalization scheme, whereby a Tamil to get 25% more marks to be imposition of further restrictions on the employment prospects of Tamils.**

**The promulgation of the 1972 Republican Constitution contributed to a further widening of the differences between Tamil and Sinhalese, since it removed the vestiges of the theoretical protection accorded to the minorities in the Independence (Soulbourny's) Constitution of 1948, such as Article 29 of the 1948 Constitution.**

**Not only was this Article dropped without any similar provision being substituted, the 1972 Constitution, inter alia, granted constitutional status to Sinhala language as the sole Official Language. It also allocated to Buddhism the status of a state religion by giving it a "foremost place" and enjoining the state to afford protection to Buddhism.**

**Although the Tamil Federal Party (TFP) had, since its formation in 1949, adopted the position that Sri Lanka was comprised of two distinct communities Sinhala and Tamil and advocated a federal system of government as the most suitable constitutional structure for a country with two peoples speaking**

**two different equal languages, it had, nevertheless, remained unreservedly opposed to a division or separation of the country.**

**The 1970 General Elections the Federal party had made a categorical appeal to the Tamil people "not to lend their support to any political movement that advocates a bifurcation of the country". And the Tamil people supported the appeal in a very large measure by voting for the TFP.**

**The situation radically changed following the 1972 Constitution represented of the promise made to the Tamil electorate. In May 1972, a renewed sense of radical unity among the Tamils dawned with the formation of the Tamil United Front (later the Tamil United Liberation Front), an umbrella organisation of the main Tamil political parties.**

**The TULF organised protest demonstrations and campaigns in the Tamil areas against the new Constitution. Tamil youth campaigned strongly against the new Constitution. "Standardisation" for admissions to universities was the trigger since it produced predictable resentment among the Tamil youth.**

**The government responded with strong counter measures with draconian measures. Hundreds of Tamil youth were arrested and sent to prison without being charged. Allegations of torture were widespread. There soon emerged sections of the Tamil youth who reacted violently. For the first time in Sri Lankan Tamil politics, the use of violence in pursuit of political purposes began**

**to emerge as a viable option, phenomenon giving a new and alarming twist to the heightening conflict.**

**In May 1976, the TULF adopted a resolution which stated for the first time explicitly that the Tamils constituted a nation and that they had a right to self-determination. It committed itself to the "restoration and reconstitution of the Free, Sovereign, Secular, Socialist State of Tamil Eelam based on the right of self-determination inherent to every nation" and declared that such a state "has become inevitable in order to safeguard the very existence of the Tamil nation in this country".[Vaddukoddai Convention, May 14, 1976].**

**The TULF resolution also called upon the "Tamil youth in particular to come forward to throw themselves fully in the sacred fight for freedom and flinch not till the goal of a sovereign socialist state of Tamil Eelam is reached".**

**Although the Secretary General of the TULF Mr.M.Sivasithambaram in a letter to the PM declared "Ours is a non-violent, civil disobedience movement. According to the tenets of Gandhiji's teachings, we shall suffer whatever stern action you (Sinhala) propose to take. History has also shown such sacrifices triumph in the end".**

**In 1977 the United National Party (UNP) led by J R Jayawardene won an unprecedented electoral victory in the**

**General Elections to Parliament held in July 1977 winning 141 of the 168 seats in Parliament. The TULF became the largest opposition party, and Amrithalingam the leader of the Opposition in Parliament. The polarization spread to the Sri Lanka electorate and competitive radicalism began to pollute Sri Lanka's democratic politics.**

**A reorganised UNP under the leadership of Mr. Jayawardene, as President, had recognised before the elections that "the lack of a solution to their problems has made the Tamil speaking people support even a movement for the creation of a separate state". The UNP manifesto upon which it secured its massive victory, inter alia, stated:**

**"The United National Party accepts the position that there are numerous problems confronting the Tamil speaking people. The lack of a solution to their problems has made the Tamil speaking people support even a movement for the creation of a separate state. In the interest of a national integration and unity so necessary for the economic development of the whole country, the Party feels such problems should be solved without loss of time. The party, when it comes to power will take all possible steps to remedy their grievances in such fields as**

**(1) Education**

**(2) Colonization**

**(3) Use of Tamil Language**

#### **(4) Employment in the Public and Semi-Public Corporations.**

**We shall summon an All-Party conference as stated earlier and implement its decisions. The decisions of an All-Party Conference, which will be summoned to consider the problems of non-Sinhala speaking people will be included in the Constitution."**

**It is generally accepted that, except where the TULF candidates contested, the UNP received the largest number of Tamil votes. The Ceylon Workers Congress representing the bulk of the plantation Tamils also supported the UNP, and its leader, Mr S Thondaman, became a cabinet minister in the Jayewardene led government. The TULF, although having a mandate on its separatist platform, was also amenable to a solution.**

**A unique opportunity had thus been created in which a fair and permanent solution to the Tamil problem could have been achieved through the means of a round table conference as promised by the UNP. The Parliamentary vote had established that Tamils as a community has a grievance. Time was ticking away.**

**The Jayewardene government, however, did not summon its round table conference as promised. It pushed through instead the 1978 Republican Constitution within a matter of weeks when the country was still under a State of Emergency.**

**The TULF urged that provision be made in the proposed Constitution for a measure of autonomy for the Tamil regions of the north and east. When this was rejected, the TULF MPs took no further part in the making of the Constitution.**

**Thus, as in the case of the 1972 Constitution, the 1978 Constitution was also promulgated without the participation of the elected representatives of the Tamil people.**

**The pre-eminent and dominant Constitutional position given to the Sinhala language and Buddhism was ensured in the by making provision for Sinhala to be the sole official language and to "be the language of administration throughout Sri Lanka". It also enjoined that the State "shall give Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana (Administration)". Sasana incidentally is Sanskrit word.**

**It also declared Sri Lanka to be a single "Unitary State", without provinces as we know them, thereby apparently diminishing any chance for a solution of the conflict.**

**Militant groups, including the newly formed LTTE, began depicting TULF leaders as capitulationists, as people who could be taken for a ride by the Sinhala leadership. They argued only an armed rebellion can get Tamils justice, and Eelam was the only answer.**

**The violent events of July 1983 and the resulting flight of nearly 80,000 Tamils to the neighbouring South Indian State of Tamil Nadu left India no alternative but to take an active role in the island. The then Indian Prime Minister Mrs.Indira Gandhi's special envoy, visited Sri Lanka a number of times to discuss with the government, major political parties and the Buddhist clergy a possible solution.**

**But Mrs.Gandhi was also not above playing politics. She despised Jayewardene personally, and saw the Sri Lankan crisis more as she had seen the East Pakistan crisis of 1971.**

**After several rounds of discussion between her emissary Sri Lankan government leaders and the TULF, a document which came to be known as 'Annexure C' was drawn up and finally agreed with President Jayawardene when he visited New Delhi for the Commonwealth Leaders' Conference in November 1983.**

**The contents of Annexure C were to be the basis for negotiations at an All Party Conference (APC) to be convened by President Jayawardene.**

**Annexure C, inter alia, provided for the following:**

**(a) District Councils were to be the basic unit of devolution. However, District Councils within a province may combine into one or more Regional Councils if the districts so desired and approved at a Referendum;**

**(b) in the case of the northern and eastern provinces, the union of the District Councils within each province be accepted;**

**(c) each Regional Council was to have a Committee of Ministers drawn from among the elected members and headed by a Chief Minister;**

**(d) the Regional Councils were to have legislative and executive powers over specified areas including internal law and order, justice, social and economic development, cultural matters and land policy. They would also have power to levy taxes and mobilise resources through loans in addition to receiving block grants from central government;**

**(e) membership of the armed forces should reflect the ethnic ratio and the police ... force in the north and east should reflect the ethnic ratio in those provinces;**

**(f) Subject to a national policy on land settlement to be worked out later, all settlement schemes should be based on ethnic proportion so as not to alter the demographic balance; agreement to be reached upon settlement schemes for major projects.**

**(g) The Constitution and other laws dealing with the official language Sinhala and the national language Tamil, the National Anthem and the National Flag to be accepted.**

**Nine political parties were originally invited to participate in the APC which commenced on 10 January 1984. Later participation was widened to include the Buddhist, Christian, Muslim and Hindu clergies together with other interest groups. A Conference of political parties summoned to arrive at a political solution to the ethnic conflict was soon transformed into one of groups representing a multitude of conflicting vested interest groups.**

**Annexure C, which was agreed to by the President as the basis for negotiation, was later abandoned after objection to it was raised by Buddhist organisations. The APC lasted throughout 1984 with postponements and long delays between meetings. The absence of the second largest Sinhalese political party, the Sri Lanka Freedom Party (SLFP) which boycotted the APC due to the fact that its leader, Mrs. Bandaranaike, remained deprived of her political rights, due to certain criminal cases foisted on her by the Government, seriously undermined any chances of solution based on consensus. The APC become a non-starter, a dead letter.**

**In the absence of an agreement between the participants, President Jayawardene chose to submit proposals in the form of two draft Bills, describing them as the considered views emerging from the earlier Conference.**

**The proposals included provision for 3,000 village level local authorities, a further two tiers of District and Provincial Councils and also for the setting up of a second chamber of parliament to be called the Council of State, with 75 members, 50 of whom were to be nominated by the 25 District Councils and the balance by the President.**

**But his hard line Cabinet Minister, Mr Cyril Mathew, publicly opposed the proposals and exhorted the Buddhist clergy to do likewise. The SLFP also rejected the proposals, characterising them as a "legislative give away" to the Tamils with nothing in return. The TULF considered too at the other end of the political spectrum the proposals inadequate and stated that they "did not embody any scheme of autonomy which could be accepted by the Tamil people"; but it did not rule out any further negotiations on the proposals.**

**On 26 December 1984, President Jayawardene flatly announced that his government had decided not to go ahead with the proposals. He offered no other proposal or promises for the future. Another opportunity for a peaceful negotiated resolution of the conflict was thus lost.**

**From then on, Sri Lanka had been on a roller-coaster of terrorist violence and counter state measures, all causing loss of civilian lives in both communities.**

## **II. A PROPOSAL FOR RECONCILIATION**

**There are many a proposal on the desk of the Sri Lankan President Mr. Rajapakshe, so I see little point in giving another fully structured proposal.**

**Rather I shall concentrate here on certain fundamentals of any viable and mutually acceptable reconciliation between the Sinhala majority and the Tamil minority.**

**First, no proposal for reconciliation can be pushed for acceptance in Sri Lanka from abroad, whether from India, or United Nations or any from any European busy bodies. The proposal must emerge indigenously in Sri Lanka after full democratic consultations with the stakeholders, none of whom shall have a veto, and adopted by the Sri Lanka Parliament by way of a resolution or if necessary by constitutional amendment.**

**Second, since there appears already a wide acceptability in Sri Lanka of the “13+” Amendment, which is a package that has been, in principle, substantially accepted by Parliament, hence the final reconciliation proposal should be based on this Proposal, after adopting further amendments, to enhance or curtail the provisions of the 13+ Amendment.**

**Third, Sri Lanka by a Constitutional Amendment will become a Union of States, with exclusive as well as concurrent**

**power delegated under the Constitution for the Union and the States to exercise and accordingly, a Union, Concurrent, and State Lists will be incorporated in the Constitution enumerating the subjects under the three categories.**

**Fourth, the Sri Lanka Constitution will remain Unitary in character, in the sense that the Parliament will have power under the Constitution to dismiss and take over the administration of a state for specified contingencies such as a state being unable to enforce the relevant provisions of the Constitution.**

**Fifth, the Head of the state or provincial government will have primary responsibility to maintain public order through a state police constituted for this purpose, but the Union shall have a Central Reserve Police and a contingent of the Armed Forces stationed in a special conclave in the state to intervene for the maintenance of public order whenever the President determines with *ex-post* approval of Parliament, that a situation has arisen that requires such an intervention.**

**Sixth, Parliament will enact an amendment to the Constitution to empower the Union to appoint Special District Magistrates whenever necessary and whose power will supersede the orders issued in exercise of State Magistrates' power, to maintain public order.**

**Seventh, the Sri Lankan State will be secular in the conduct of its administration, even if it is accepted that culturally Sri Lanka is a Buddhist country, but will be entrusted to promote those religions which accept that all religions which if faithfully practiced will lead to God.**

**Eighth, with increasing proximity of the Tamil and Sinhala communities after devolution, as the two communities being of one genetic stock, united in history, culture with a common heritage of languages of Sanskrit and Pali, and scripts evolved from Brahmi, the resettling of Tamils in Sinhala dominated areas and Sinhals in Tamil concentration areas, must be by the Government of Sri Lanka encouraged, by incentives and security arrangements, but definitely not by coercion or state initiatives. That will be the ultimate unity to seek.**

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