

IN PLACE OF THE SPIRAL OF VIOLENCE

INTERNATIONAL CONFERENCE ON DEMOCRATIC RIGHTS AND CIVIL LIBERTIES IN SRI LANKA

INTRODUCTION

The assassination of Mr. Lalith Athulathmudali, the leader of the Democratic United National Front on 23 April 1993 and the detonation of a bomb which killed Mr. Ranasinghe Premadasa and several others on May day demonstrated the extent to which the gangrene of political violence had permeated the body politic of Sri Lanka.

In the last decade and a half, political dialogue and debate has been replaced by political violence both by the state and by others ostensibly fighting the violence of the state. In addition to the security forces the government has authorised the setting up of armed para military groups which have not been subject to any control. Immediately after the death of Mr. Premadasa a number of politicians including the new President have spoken of the need to end the spiral of violence. This is indeed a welcome sentiment and we sincerely hope that it could be translated into action.

It is important to move much further than hopes and sentiments. Otherwise after the initial reaction of horror and disgust, it is easy to relapse into old habits. Unfortunately there are people both inside and outside the security forces who have become accustomed to routine use of violence, torture, abduction etc. Some have amassed large quantities of lethal weapons. Therefore the issue of rebuilding democratic structures and establishing democratic norms of conduct require more than pious words and sentiments.

BUILDING A DEMOCRATIC SOCIETY

The process of building a democratic society requires not only the recognition of certain inalienable democratic rights and civil liberties, the establishment of an institutional framework, including a clear separation of powers amongst the executive, legislature and the judiciary, in which those rights and liberties could be guaranteed, but also their acceptance by the widest possible cross section of the people of Sri Lanka. The genuine concern expressed by people of different political, ethnic and religious persuasions against political violence must now be harnessed to develop a mass democratic movement which unceasingly campaign for the recognition, establishment and protection of democratic liberties. Although more than a month has elapsed since the death of Mr. Premadasa no new initiatives have been taken by the government or the opposition to deal with these problems.

Moreover, the initial signs of change that was seen in the first few days after the death Mr. Premadasa have been negated by recent decisions of the government. The decision of the government to appoint two members of the ruling party as Chief Ministers of the Southern and North Western provinces even though they failed to get an overall majority at the recent provincial council elections seems to indicate that there has been little change in the modus operandi of the ruling party and the government. Clearly the results of these election showed that the majority of people wanted to change the status quo, where one party and one leader had the monopoly of power. Despite this the new President seems to have decided to ignore their wishes and hoist upon them leaders of a party that does not command overall majority in those assemblies.

Even more ominous is the decision of the two major parliamentary parties - the UNP and the opposition SLFP - to manipulate the Parliamentary Select Committee originally appointed to explore a solution to the ethnic conflict in order de-link the Eastern province from the North-East Provincial Council despite the opposition of all the Tamil parties in Parliament including the Ceylon Workers Congress [CWC] led by Mr. Thondaman, who is a cabinet minister and who normally supports the government. It is important to note that the Muslim Congress has also opposed this referendum. On the other hand the UNP and the SLFP have completely ignored the four point formula put forward by seven Tamil parties and endorsed by the CWC. It has now been decided that a referendum should be held in the Eastern province on the de-merger. Although on the face of it such a referendum may seem to be an attempt to ascertain the wishes of the majority through a democratic process, in the context of the very large number of refugees who have been displaced and forced to live outside the Eastern province, the Muslim-Tamil conflict engineered by the STF and other government agencies and deliberate sabotage of the functioning of the North-East Provincial Council by the government, clearly it is a naked manoeuvre designed to obstruct a political solution to this question. Such manoeuvres pushed through the Parliament by the main Sinhala parties in the face of the opposition of all Tamil parties including the CWC, is hardly likely to inspire confidence in the UNP or the SLFP amongst the Tamils or to enable them to find a political solution to the ethnic conflict.

On the other hand, it is idle to believe that human and democratic rights could be established and guaranteed in Sri Lanka without finding a durable solution to the ethnic conflict. The systematic use of repression and violence to resolve political problems began not in 1989 but in 1979 when the government opted for a military rather than a political solution to the ethnic question. Ten years later the same draconian legal provisions, same military and paramilitary organisations such as STF, same methods of torture, same methods of subversion of democratic rights was utilised in Southern Sri Lanka. It would therefore be naive to believe that human and democratic rights could be established in one part of the country or in respect of one section of the people while denying them for others. The achievement of a negotiated political solution to the ethnic conflict is therefore the most urgent and fundamental task.

The failure of both major parliamentary parties to advance a viable solution to the ethnic conflict is symptomatic of their lack of understanding, concern or

commitment to human and democratic rights in general. Consequently there has been little discussion about human and democratic rights of various sectors of the people and how they should be guaranteed. Therefore it is only through a broad discussion at grassroots level of the society, the identification and recognition of human and democratic rights by ordinary people and the building of a mass democratic movement, that the rule by repression and violence could be replaced by democratic processes, procedures and mores. Therefore it is important to encourage and facilitate the broadest possible discussion and debate on democratic rights and civil liberties in Sri Lanka and assist the long and arduous process of building a mass movement committed to the establishment and preservation of those rights in Sri Lanka.

It is with object of promoting such a discussion that the **Committee for Democracy and Justice in Sri Lanka [CDJ]** has decided to organise and international conference on DEMOCRATIC RIGHTS AND CIVIL LIBERTIES IN SRI LANKA. We hope to publish all discussion material from this conference in Sinhala and Tamil and disseminate them widely in Sri Lanka thereby encouraging discussion and debate within Sri Lanka itself.

PROPOSED AGENDA

We consider that conference papers should be commissioned on the following topics:-

1. Political solution to the ethnic conflict.

The failure of all the governments to address this problem finally led to the armed conflict which has ravaged the country resulting in massive loss of lives, displacement of tens of thousands of people, and the squandering of scarce economic resources. After nearly 15 years of armed conflict we do not seem to be nearer a solution to this problem than when it began.

2. Democratic control of the central government.

The greater concentration of power at the centre occurred with the creation of an executive presidency. It had no system of checks and balances. There is an urgent need to rectify the current situation in order to prevent future abuses of the type we saw in the last 15 years.

3. Devolution of power to provinces, districts and villages.

There is a broad consensus in the country about the need to devolve power although there may not be agreement about the extent to which power should be devolved. The late President Mr. Premadasa sought to replace the Provincial Councils with village level councils. This may have only reinforced the atomization of political power at the grassroots and further concentration of power in the executive presidency. On the other hand there is an urgent need to devolve power at all levels without which there could be no true empowerment of the people. It

is essential to define clearly the functions and powers of the centre as well as the devolved body be it the provincial council, district council or the village council any other such unit. Devolution of power to districts may also be an important means by which rights of minorities within province could be safeguarded.

4. Independence of the Judiciary.

There has been a gradual erosion of the independence and in particular since about 1977 judges and magistrates have been subjected to intimidation and political pressure. Political rather than judicial considerations have determined the appointments to judicial posts. The ability to determine without fear or favour all issues that need to be adjudicated including constitutional issues relating to individual freedom is essential for any democratic society.

5. Ensuring control and accountability of security forces and upholding the rule of law.

Instead of being law enforcement agencies the security services and in particular the police have become goon squads of ruling party politicians. Instead of learning and using intelligent and efficient techniques of criminal investigation the police have got accustomed routine use of torture. Persons arrested by the police have no legal safeguards and the emergency powers have enabled them detain people for indefinite periods. It is therefore essential to put in place effective safeguards against these human right violations.

6. Eliminating ethnic, caste, religious and sex discrimination.

There are no legal provisions which prohibit discrimination against various minority groups. A fundamental law that outlaws all forms of discrimination on the grounds of ethnicity, caste, sex or religion would be an important step towards the promotion of equal opportunities for all.

7. Ensuring Children's rights

In Sri Lanka children are one of the most oppressed groups and their oppression is scarcely recognised. While all children need protection it is the children of lower income groups that suffer most. For instance the use of very young children as domestic servants, who are often subjected to physical punishment by their employers is very common. In general the society as a whole rarely recognise the fact that a child is person who must be respected and recognised. They are often teased, patronised, treated as possessions and repressed. The repressive nature of the society may well have its roots in the repression of children.

8. Guaranteeing the right to life and liberty, freedom of expression and assembly

Although in theory these rights are embodied in the constitution effectively the State has prevented people from exercising them particularly when individuals have sought to express opinions critical of the government. Therefore it is necessary to consider ways and means of guaranteeing these rights. One possible

solution may be the establishment of regional human right watch dogs such as an South Asian UN sub- committee to regularly monitor human rights in South Asian countries and the establishment of an Asian Court of Human Rights.

These are some of the themes that must be explored and confronted by all those who are concerned about the need to establish human and democratic rights in Sri Lanka. The proposed conference would be an important step in a in a long an difficult process in the struggle for a movement for democracy in Sri Lanka. Such a process requires widest possible discussion and debate encompassing all shades of opinion. It is in order to facilitate that process the CDJ has decided to commission conference papers on all these topics immediately. All contributors are requested to submit their papers not later than 31 August 1993. Thereafter the CDJ proposes to call a two day conference in early autumn 1993. We would like to ensure the participation of all shades of opinion and to involve leading representatives of different political and social movements as well as grassroots activists.

WHAT YOU CAN DO

In order to ensure the success of this conference we request you to

- (a) sponsor this conference
- (b) help us financially to defray the expenses of the conference
- (c) assist in the organisational work of the conference
- (d) submit papers, ideas or suggestions to make the conference a success.

All Correspondence to:

CDJ, 1A, Tower Mansions, 136, West End Lane, London NW 6.

All Cheques to :

Committee for Democracy and Justice