

JULY 11, 1985

Continuing the presentation, HW said that he has the authority to discuss substantive issues - on the list of subjects in the Committee 'A' report and wondered whether they could appoint a Committee from both sides to go into the question. (The EPRLF Representative <sup>intervened</sup> informed and said that he has a statement to read on the ceasefire violation "and that they will have to see the peace process in its totality". After discussion on ceasefire violation, HW continued and said that he would suggest two committees to be set up - one to discuss the 'unit of devolution' and the other, 'power of devolution'. Amrithalingam intervened and said that the talks are futile unless there is a return to normalcy and that act of violations of ceasefire by Armed Forces can not be equated ~~with~~ <sup>to</sup> the act of groups who are not fully under the control of Tamil groups. <sup>HW said that</sup> On the devolution model, discussion would revolve around unit of devolution, method of devolution and extent of devolution. HW replied that they have put forward the units of devolution - If there are alternatives to be put forward "we are willing to discuss". Regarding extent and method, he has been fully authorized to discuss. The basic list is in Committee 'A' report - it lists also government powers and "we can use this as a basic working document and arrive at the extent and method"- Mr. Kedeswarana of EPRLF intervened and said " Before we go into the devolution of unity etc, what is required to be ascertained is whether the proposal itself would amount to devolution of power and if so whether it corresponds with regional autonomy which is the minimum demand of the people". This does not imply that we have decided on regional autonomy. HW replied that they have taken note of it. Kedeswarana continued and said that any discussion should revolve around 3 aspects :

- 1) right of self determination
- 2) recognition of the concept of traditional Tamil homeland
- 3) right of Tamils to govern themselves.

HW replied "what we are seeking to do is to grant autonomy

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within the unitary constitution of Srilanka" and we cannot discuss it without knowing what powers are expected. Srilanka is a unitary state and no change can be made unless it is in conformity with the constitution and the unitary nature of the constitution cannot be changed since it would require a referendum and a 2/3rd majority in the House. "We appreciate the fact of autonomy being claimed" - Please accept the basis of devolution and we shall see.

Sivasithampathan, of TULF intervened and said that the TULF is committed to the regional councils - but it is not an issue here - the points he made were (1) It is useless to discuss the model without finalising as to what is the unit and the system of government. (2) Our mandate is not to discuss proposals within the existing constitution. (3) We are certainly not bound by the constitution - to which we were not a party. (4) We also do not want a solution without the consent of the Sinhalese people - if need be, may go through a referendum.

S.W. Vesilva on the Srilankan side said that there are basically two questions. (1) Unit of devolution (2) subjects/powers/functions given to the unit of devolution. "You will have to form a judgement whether the unit is acceptable or not"- H.W. said that in his opinion - the proposal gives vast extent of powers - "We are prepared to concede this". There are only a few areas of disagreement which are not irreconcilable, if more powers are required it could be discussed. Pradeshiya Council, Regional Council, District Councils are just names and are irrelevant and no time need be wasted on discussing the terms.

H.W. then referred to the Indian constitution and said that through it is a federal constitution, in effect it is only a quasi-federal and on two occasions the Supreme Court has delivered judgement to the effect that it is unitary. It all depends on the powers of devolution, to what extent it is unitary and to what extent it is federal.

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H.W. concluded the presentation and said " You are the representatives of the Tamil people. I am not questioning the authority - your people want autonomy i.e. the right to manage your own affairs. We are prepared to give this within the constitution - The present set of proposals are a fresh set of proposals - You have been given an opportunity to study these proposals and let it not be said that you have gone home without considering these proposals."

we have taken to arms. The only solution now is Tamil Eelam. There is no other way. For this you are responsible. We are not a minority, we are a nation. We have the right of self-determination. We are not seeking a loan and we know how to get it. Amidst deaths in our ranks, we have come to seek "peace and harmony". We do not oppose the Sinhalese. We want to live together. It is in your hands and we will not give up our objectives. The backboneless proposals you have put forward are an insult to us. In one word we reject it. We shall give you another chance. Bring out conditions to bring us together. Mr. Shankar of Eros talked about the search for democratic rights and the creation of a new order. (copy attached).

HW said that he cannot go into the unit of devolution before discussing about the powers at the grass root level or the intermediate level. On the question of unitary or federal system - mechanism will have to be worked out by the local experts from both sides, but it should be such that there will not create problems in implementation. He wanted to go into greater details on the powers to be devolved and distributed three documents, in amplification of the details in a Committee report. The Tamil groups said they would listen without making comments. The three documents were : (1) Subjects assignable to the Pradishiya Sabhas. (2) Executive power which may be delegated by the appropriate Minister to District Councils. (3) First schedule to the District and Provincial Councils Bill.