

SOME OF THE SUGGESTIONS, OBSERVATIONS AND PROPOSALS FOR DEVOLUTION OF POWER RECEIVED BY ALL PARTY CONFERENCE

OBSERVATIONS OF TAMIL UNITED LIBERATION FRONT - SEPT 1989

The provisions contained in the 13th Amendment to the Constitution and the Provincial Councils Act are both in qualitative and quantitative terms inadequate in substance and content.

It is regrettable that the political leadership in this country has shown reluctance to follow the numerous examples of the resolution of internal conflicts in multi-ethnic diverse and plural societies, such as Canada, Switzerland, Yugoslavia, USSR, and India by the evolution of systems of government which ensure power sharing, equality and justice to all their peoples.

No Constitution that has been framed thus far in this country has been founded upon a Tamil consensus. Need for such a consensus, we submit has become an inescapable reality.

MAHAJANA EKSATH PERAMUNA

To initiate negotiations between representatives of all sections in the North and the East in which the ethnic crisis originated and thereby install a new devolved structure suited to the particular provinces and abolish the present provincial council system.

THE LIBERAL PARTY

The adoption of a federal constitution with a bicameral legislature and on the basis of nine provinces.

The powers devolved upon the Provincial Legislatures and Provincial Governments should be based upon those set out in Part II of the Programme of the Democratic Peoples Alliance.

The boundaries of the current Eastern Province could by mutual agreement of all interested parties be redrawn.

DPLF'S OBSERVATIONS - 19TH SEPTEMBER 1989

Devolution based on a Canton system could be an answer to the national question.

The canton system is based on linguistic regions. The Tamil speaking region has a large Muslim community, whose language though Tamil, has a distinct identity of its own - religion, culture and way of life. Their numbers are greatest in the East where they comprise a substantial percentage of the population.

This community feels that in the North-East Province they will be reduced to the status of an innocuous minority.

TAMIL EELAM LIBERATION ORGANISATION

The present constitution deserves to be replaced by a new and dynamic one, socialistic in content and federal in its

form. Though we do not disapprove of the executive Presidential System and the proportional representation system, we believe that the country needs a new constitution providing for a union of states and ensuring equal justice in socio-economic and political terms to all sections of the people. In such a federal set-up we demand that the Northern and Eastern Provinces should together form a Tamil linguistic state in which the Muslim majority areas would be granted autonomy under an autonomous council.

THE EPRLF

When we say that devolution is a function of a development it means that it establishes the right to develop a nation's language, culture, economy and the mode of its polity.

Powers that should be devolved in all subjects on the North-East Provincial Government should not be less than the powers enjoyed by the Indians States. The relationship in the administration and the finances between the Central Government and North-East Provincial Government should not be less than that between Indian-Central Government and the state Government of India.

It should be assumed that the North-East Province will not be bifurcated at any stage and in anyway and it will continue to be one Province.

The Provincial Government should have the powers to negotiate with foreign countries or foreign countries' agencies regarding investments and donations. In the event of the negotiations ending successfully decisions arrived at these negotiations if are not contrary to the general foreign policy and the general economic policy of the Sri Lankan Government.

The Provincial Government should have legal rights not less than the rights enjoyed by the private sector in the establishment and maintenance of economic institutions.

THE EKSATH LANKA JANATHA PAKSHAYA

It is our contention that the desired devolution can be realised through self-government.

It may be created at a district level or at a provincial level. Such a unit, however, must be the link between the Parliament and the Local Authority. These councils shall be constituted from the members elected at the general and local elections. No separate elections should be held to elect members to the councils. All Chair-persons and Mayors of all local authorities in an area concerned and all

members of Parliament elected from the area shall become members of the Provincial Council.

THE CEYLON WORKERS' CONGRESS

CWC wishes to re-iterate its position on the need to create ethnic community oriented Pradeshiya Sabhas wherever feasible in order to enable ethnic minority communities that are dispersed and may be concentrated in limited areas to have focal points of development. Such focal points are imperative for development and for fostering the culture of the different ethnic communities.

THE DEMOCRATIC WORKERS CONGRESS

There shall be a predominantly Tamil unit comprising of what is the combined Northern and Eastern Provinces but excluding the area covered by the predominantly Muslim unit.

There shall be a predominantly Muslim unit comprising the predominantly Muslim areas in the Amparai District as the base and the identified predominantly Muslim areas in the Batticaloa and Trincomalee Districts.

All state powers, legislative executive and judicial, except those reserved to the centre, shall be devolved to democratically elected bodies called provinces. Parliament shall, however, be able to override legislation of the provinces by a 2/3 majority of its whole membership, with a minimum of 50% Members of Parliament of the minority communities voting for such a motion.

ALL CEYLON MUSLIM LEAGUE

It is necessary to strengthen the Executive powers of the Chief Minister and Board of Ministers, and provide sufficient funds to carry out the works, which come under their purview. The Institutional Organisations for the proper functioning of the Provincial Councils should be established without delay, otherwise Provincial Councils will go the same way as District Development Councils.

Employment in Provincial Councils should be in the ethnic proportion of the Province which should be distributed in the ethnic proportion of the district.

SRI LANKA PROGRESSIVE FRONT

Urban Councils and Village Committees should function progressively with more vested power in them. The system of Village Committees should be modernized. No Provincial Council should exceed the powers of the Central Government.

Comments on Devolution

I have had the benefit of perusing the article on "Devolution of Powers and Provincial Councils", given to me.

Development oriented boundaries is not an essential prerequisite for the effective functioning of Provincial Councils. It must not be forgotten that the Provincial Council system was adopted only as a possible political settlement to the Ethnic Problem. Therefore, it is best to leave the Provincial boundaries as they are. If they have to be redemarcated, let it be done so for political reasons - to ease tensions and maintain peace.

The reason why the District Development Council system failed miserably was because the politicians, who helped to introduce that system as a political solution to the tensions of that time, sought to hoodwink the masses by trying to explain that accelerated economic development would take place by such a system. Let the same mistake not be made with regard to the Provincial Council System also.

No doubt the present provincial boundaries are a relic from the colonial times. The politicians will want to redemarcate the boundaries in one way; the economists will want to redemarcate the boundaries in another way. Whose will should prevail? Each would have their different, and perhaps valid, reasons to do so.

I will not subscribe to any "interim measures" as regards the redemarcation of boundaries. It is far too sensitive a matter to be tinkering with at regular or given intervals. If a redemarcation of boundaries has to be done, then it must be a once and for all matter. One cannot be allowed to experiment with boundaries.

I was particularly interested in one statement in paragraph 1.6. That is the sentence "the Muslims of Kinniya and of Mutur should be free to decide whether they prefer to be a minority within a majority or a minority within a minority". Are you not bringing in politics into the redemarcation of the Mahaveli Catchment area? Either Provinces have to be carved out for political reasons or for economic reasons. I think we cannot have both.

If I understand the present Tamil dispensation correctly, they would never agree to the Mahaveli Catchment Area No. 60 as you have shown on the map - whether the Muslims agree or disagree to your suggestion. It cuts off the Northern Province from the Eastern Province and the present Tamil dispensation will go to war on this issue!! That is why I think that your idea to eventually have no Province which is landlocked would not work - certainly not if you are seeking a corridor through the Northern or Eastern provinces.

Again, your statement that "the Eastern Province boundary cannot be altered without the consent of the people of the Eastern Province" is conceding the position that ultimately political considerations will govern reasons for redemarcation of provincial boundaries and not economic arguments.

I would alter the first sentence of paragraph 1.9 to read "only meaningful devolution of powers to politically oriented territorial units will be conducive to stability, to economic development and to the sharing of prosperity". Devolution of powers must be such as would reduce the Concurrent List to a bare minimum otherwise it will lead to considerable controversy with attendant delays.

I do not know how the principle of the right of self-determination is relevant to the article under consideration nor will I agree with Mr. Nihal Jayawickrema's proposition that the right of self-determination "means that cohesive ethnic groups have the right to choose for themselves a form of political organisation and through such organisation to freely pursue their economic, social and political development". I would rather say that the right of self-determination is the inalienable right that an ethnic group, which satisfies the definition of a nation, has to determine its own destiny. The right of self-determination of the Tamils of the North does not by any means end with determining for themselves whether they want Pradeshiya Sabhas, Gramodaya Mandalayas, Village Committees, etc. and their boundaries. If this is what Mr. Jayawickrema or some understand to be the right of self-determination, then we are heading for a lot of trouble.

I will also disagree with your proposition that "at least one party in the North will not be laying down its arms unless and until a genuine scheme of devolution is conceded". Not a single Tamil militant group, who have all been now officially recognised as political parties, will ever give up the arms in their possession. Each party has its own reasons to keep their arms. These reasons have nothing to do with any scheme of devolution.

On the subject of colonisation, referring to the D. P. A. Manifesto of November 1988, you ask for definition of the word 'area' and the phrase 'demographic complexion'. As one of those involved in the drafting of the D. P. A., Manifesto, I must say that we certainly did not have any given area in mind, like the Pradeshiya Sabhas or Grama Sevaka Divisions. We were thinking of areas in relation to ethnic groups. For instance, take the two areas mentioned in your article - Kinniya and Mutur. We would recognise these places as Muslim areas and the 'demographic complexion' of these areas would be Muslim. A situation contemplated by you in Maduru Oya catchment area was certainly not the type of situation we were contemplating, because it was not relevant as it goes outside the principle explained by us in the Manifesto (and quoted by you under para. 7.1).

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All Ceylon Tamil Congress.