

Reply to Hon' Milinda Moragoda regarding his utterance on 16.01.2024

Erstwhile Sri Lanka's High Commissioner in India and the presently activated Founder of the Pathfinder Foundation has recently called for the abolition of the Provincial Councils system and has advocated direct devolution of powers to strengthen and reconfigure Local, Urban and Municipal Councils. He has argued that an additional layer of administration in the form of Provincial Councils is unnecessary.

He has proposed achieving necessary coordination between the centre and the periphery through a District Level framework involving Members of Parliament.

He has argued that the Provincial Councils have proven to be redundant, costly, divisive and inefficient. In lieu of the Provincial Council layer he has recommended establishing an empowered Senate or Upper House to handle matters related to religious, ethnic and regional diversity.

He had earlier advised Gothabaya Rajapakse similarly asking 13th Amendment to be repealed to abolish "the dysfunctional and expensive" Provincial Councils.

Once when the then Prime Minister Ranil Wickremasinghe visited KKS when I was Chief Minister he suggested to me that a *kibbutz* type of community farms be established bringing in the Armed Forces and our local Tamil farmers together in a joint venture. I told him first the Military must leave our North and East and thereafter if need be we could discuss about community farms. He did not speak to me thereafter until he left.

Again Hon' Ranil Wickremasinghe when he was Prime Minister suggested strengthening the ground level peoples' organizations in the North and East to fully devolve power to the villages' based local government units. I told him that we have no objections if such strengthening is done through us the Provincial Council and not by the Central Government.

By now our readers would have understood what this "direct devolution of power to strengthen and reconfigure local, urban and municipal councils" mean. The idea is to do away with the Provincial Councils and

bring the North and East directly under the Central Government. Mr.Moragoda no doubt speaks for the Government, more specifically for the President.

Firstly, his reference *to direct devolution of power* is technically wrong. Under the Unitary Constitution that we have it would be decentralisation of power not devolution of power. In fact both the Government and Mr.Moragoda are not interested in strengthening the periphery. They want the Centre to be all powerful. Centre would be the citadel of ethnocratic power.

Secondly the Provincial Councils were intended for the Tamil speaking North and East and not for the Sinhala areas. In fact, the Indo Sri Lanka Accord of 1987 was prepared with the idea of granting some powers to the North Eastern Tamil speaking areas. It was Mr.J.R.Jayewardena as President who wanted the Provincial Council system to be made applicable to the whole of Sri Lanka. The racist he was (*"The Tamils can have Peace or War as they please " -said so when Tamils were being butchered during the 1983 pogrom*), he did not want the Sinhalese to think that he was granting any favours to the North Eastern Tamils.

Thirdly, Mr.Moragoda's argument that an additional layer of administration in the form of Provincial Councils is unnecessary, may be true about the seven provinces outside the North and East. But not so with the North and East. Actually North and East is not part of Sinhala Sri Lanka. It is Tamil Eelam - the Tamil part of Sri Lanka. The word Eelam in Tamil and Elu in Sinhala are both derived from the Tamil word "Ealu"(seven) which described the Division in the Kumari Kandam (Lemurian Continent) to which the present Sri Lanka then belonged.

Fourthly, the Indo Sri Lanka Accord of 1987 carries the following portions –

1. "1.4 - Also recognising that the Northern and Eastern provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples who have at all times hitherto lived together in this territory"
2. "2.8 -Elections to Provincial Councils will be held within the next three months in any event before 31st December 1987. Indian observers will be invited for elections to the Provincial Council of the North and East.

3. "Item 2 of the Annexure to the Agreement – "Similarly, both heads of government agree that the elections of the Provincial Council mentioned in paragraph 2.8 of the Agreement (vide above) will be observed and all para military personel (sic) will be withdrawn from the Eastern and Northern Provinces with a view to creating conditions conducive to fair elections to the Council". (**The Council** refers to the North Eastern Provincial Council).

Thus the Agreement inter alia speaks only of the North and East. The Provincial Council system was contemplated for the North and East. The Provincial Council system was devised for the North and East under a unitary constitution though it did not grant the power of self-determination nor proper devolution which was clamoured for on behalf of the Tamils of the North and East.

It would be seen that Mr.Moragoda's allegation regarding the "dysfunctional, expensive Provincial Council" actually is relevant to the seven Sinhala majority Provinces not to the North and East. The idea of abolishing the Provincial Council system is another way of stopping interference by India under the 1987 Accord.

China is considering presently of walking into Taiwan. If it does most certainly India would have reasons to walk into Maldives, Sri Lanka and certain Chinese influenced North Eastern States of India in the Himalayan Region. Already the powerful country Russia has invaded its neighbour -Ukraine. The powerful country Israel has invaded its neighbour –Palestine. If powerful China walks into its neighbour Taiwan what prevents India from walking into its pro Chinese neighbours Maldives, Sri Lanka and certain border States in the Himalayan region?

May be Mr.Moragoda wants to reduce the possible causes that could give India an opportunity to walk into Sri Lanka. So far India has not forced Sri Lanka to hold the Provincial Council Elections. Certainly India does have the right to take up the cause of the North Eastern Tamils and insist on the Provincial Council system to continue though the Provincial Council system is no solution at all to the Tamil speaking people of the North and East.

Mr.Moragoda has not uttered these sentiments as a scholar or a political observer. He is certainly carrying out the bidding of the Sri

Lankan Government. The reason why the Provincial Councils are being recommended for abolition is to strengthen the hold on the North and East by the Sinhala Centre.

There had been ethnocratic governments so far in Sri Lanka since Independence similar to Israel according to Professor Yiftachel of the Tel Aviv University, Israel. So far they have been Governments of the Sinhalese, for the Sinhalese, by the Sinhalese!

It is no accident that the recently elected leader of the Illankai Thamizh Arasu Kadchi has called for a federal constitution directly instead of referring to the Thirteenth Amendment. We have given all chances to the Centre to correct itself. But it continues to think ethnocratically.

Not so long ago together with Dr.K.Vigneswaran, I had occasion to discuss the 13th Amendment with the present President. He was very enthusiastic about giving back the powers of the Provincial Councils usurped by the Central Government to the periphery. In fact work had already started by a Committee of Experts whom we had identified on collecting details of powers of the Provincial Councils directly or indirectly taken over by the Centre. The Committee had also started preparing statutes to be used by the Provincial Councils once elected by the people. The new Provincial Councils could change, amend or withdraw such draft statutes if necessary later.

But the President showing so much of interest in the process, yet neglected clothing the Committee with legal powers. He did not gazette the appointment of the said Experts Committee. Even today it remains same.

We now know after Mr.Milinda Moragoda's utterance of the 16th of January 2024 that there is a conspiracy to do away with the Provincial Councils. Already Provincial Council elections were not held in order to dilly dally until the time comes. Now finally cry for the abolition of the Provincial Councils has arisen. If this is Mr.Milinda Moragoda's position regarding power sharing in Sri Lanka, then this reveals that he and the Sri Lankan government's peace talks with the LTTE in 2002 and their Oslo declaration to explore a solution based on the Federal principle were a complete sham and fake play.

The Sri Lankan government is now worried that India might take up the cause of the Tamils of the North East if such a course of action is needed for India geo - politically.

Therefore Mr. Milinda Moragoda has been called upon to pave the way for the abolition of the Provincial Councils. The loss of Provincial Councils to the Tamils of the North and East would not be felt at all emotionally by the Tamils if the Sri Lankan government is prepared to give a Federal Constitution to Sri Lanka in the presence of India and/ or any other powerful country which could ensure that the ethnocratic Sri Lankan government would not play truant. Our discussion with the Government about implementation of the provisions of the Thirteenth Amendment was only a stop gap arrangement until full-fledged Federalism or Separation is imposed on the Country by the International Community in the near future. Now that the present President is not even interested in implementing the provisions of the Thirteenth Amendment under a Unitary Constitution it is but fair that Hon' Sivagnanam Shriritharan, the new leader of the ITAK, insists on the granting of a Federal Constitution.

Mr. Moragoda speaks of an empowered Senate as a solution to the travails of the Tamils of the North and East. Obviously Mr. Moragoda like other Sinhala leaders is not aware of the problems of the Tamils. Let me briefly state it.

The Tamils were the Original inhabitants of this Island. Tamil language was spoken in this Island when Buddhism was introduced to the Island. Buddhism brought the Pali Language into the Island.

Today in Chennai a new language is being formed. They intersperse lots of English phrases and words into Tamil and speak a mixed language. Very soon this world will have a new language called Tamlish. Just like this process taking place in Chennai now, a similar process of mixing Pali with Tamil took place in Sri Lanka for over a period of thousand years since the arrival of Buddhism. Around 6th and 7th century AD a new language was thus born called Sinhala language being a mixture of Tamil and Pali and maybe some words from the Veddah dialects.

The same people who spoke the Tamil language soon spoke the Sinhala language and they formed the majority in the Southern Provinces. The

Sinhalese and Tamils both belong to the Dravidian Race as brought out by the DNA tests carried out recently.

Under the British all communities were treated equally by them and hence there was no discrimination. As soon as Independence was granted the ethnocratic Sinhala politicians started depriving the Tamils of their rights and began discriminating against them. When the Tamils reacted they used brutal violence in the form of pogroms and riots to quell such reactions. Lands in Tamil speaking areas were colonised by the majority Sinhalese; the language of the majority was foisted on the North and East where the prepondering majority were Tamil speaking; Armed forces were sent to the North and East to subjugate the Tamil speaking; standardisation in education was introduced depriving lots of Tamil students entering Universities. And when the repression, discrimination and ethnocratic behaviour of the Sinhala Centre became unbearable, the Tamil youth took up to arms just like the discriminated Sinhala youth in the South took up arms in 1971.

Soon the fight for independence by our youth was categorised as Terrorist activities and the then Sinhala government with the help of 22 other countries brought to an end brutally the Armed insurrection by the Tamil youth.

The Tamils expected the Sinhala leaders to learn a lesson from the thirty years' war. But they had not learnt any lesson. They continued their discrimination against the Tamils, Militarisation of the North and East, expropriation of lands and resources in the North and East by the Forces and Government Departments, deprivation of the means of livelihood of the locals through the Armed Forces and in recent times identifying old Tamil Buddhist sites in the North and East as Sinhala Buddhist places of worship and in the process destroying Hindu places of worship.

Ethnocratic governance by the Sri Lankan Centre continues.

The Tamils are a Nation in terms of the provisions of the International Covenants and they are entitled to Self- Government in their traditional homelands in terms of such International Covenants.

The Tamils therefore ask for a Federal Constitution so that they could govern themselves while being within the same country. Belgium, Switzerland and so many other Countries with more than two languages have taken to a Federal

dispensation. What prevents a Country with two languages delineated by defined boundaries opting for a Federation?

In fact, the Country's Leaders spoke in favour of reconciliation and 13th Amendment plus plus in the presence of foreign dignitaries soon after the end of the war in 2009.

If Mr. Milinda Moragoda wants to abolish Provincial Councils, he must state what he intends doing for the Tamil speaking people of the North and East. Would he want to grant federation to the Tamil speaking areas of the North and East with a unit within the North East for the Muslims to govern themselves? Or still insist on an insipid Senate to solve the problems of the Tamils?

It is high time the International Community insisted on a Referendum/ Plebiscite among the people of the North and East under UN supervision.

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