

The end of the ethnic problem. (1993, November 07) *The Sunday observer*.

FEATURES

The end of the ethnic problem

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nd of the Cold War the new world order was to era of comparative peace. Instead ethnic wars are in all parts of the globe. Why? Ethnic problems there is a deliberate policy by the State to deprive a group of what it could reasonably say are rights and equally share with the majority community. These rights are:

right to form associations of their own
right to reside in any part of the country that they see to
right to a religion that the group professes
right to use freely and without obstruction a that they traditionally use

right of that particular language to have equal status or languages used in the State.
right to have schools and places of religious worship
rights to dress as they like and
right to practise their cultural traditions, like dance dramas etc.

important also that the minority group should have es for the exercise of such rights in the law and in stitution of the country. There should be also sms by which the state should ensure that if those e restricted by any person or any administrative act, the possibility to obtain redress in the courts or some impartial tribunal.

one examines the legislative framework and the mechanisms and arrangements made to satisfy the ns of the minority groups living in the Sri Lankan e can definitely say that over time, every reasonable

attempt has been made to provide for persons of the minority groups, an equal place in the society with persons of the majority group.

Consider some of the key areas:

Language

While by the Sinhala Only Act of 1956, Sinhala was made the one Official Language in the country, and a few years later, Tamil was given a reasonable place, since 1987 the position is quite different. Tamil too has been made an Official Language and even English given the status of a link language. In addition, an Official Languages Commission has been set up with Mr Desmond Fernando, P.C, as chairman to examine instances where the status given to Tamil by law has not in fact been accorded.

Fundamental Rights

The provision on Fundamental Rights - Chap 3 of the Constitution which came in 1978, guarantees equality of treatment before the law to all citizens, whatever ethnic group they may belong to. The fundamental rights are now justiciable and any executive or administrative act which has the taint of discrimination on the grounds of race, can be taken to the Supreme Courts for relief. So the Supreme Court as the court of last resort is always there to ensure that the rights of the minority group are not trammelled as far as the fundamental rights of a citizen are concerned. The mechanism of the Human Rights Commission also was set up in the J. R. Jayewardene administration under the Sri Lanka Foundation Law to deal with cases of alleged discrimination.

Education

This is generally a vital area of concern for any minority group. Tamil children have had the right to be educated and

examined in their medium of instruction for a long time. Wherever there is a reasonable concentration of Tamil children, the State has endeavoured to either ensure a Tamil stream in government schools, or set up separate Tamil medium schools. All State examinations can be taken in the Tamil language - GCE (O/L), (A/L), etc.

University education was a controversial issue in the 1970/71 period with the introduction of standardization. This was stated to be unfair by the Tamil students. In 1978 Government abolished standardization and resorted to the earlier practice. The only deviation from the merit criteria on recruitment to the University is by providing some weightage for the less advantaged educational districts. By this, students from Mullaitivu, Vavuniya, etc. would be able to enter the University through the advantage of a lower cut-off marks point.

Recruitment to the State Services

Since there was a claim that the numbers entering specified services of the State were in some instances less than the ratio of that group in the total population, the Government has administratively agreed on a policy of following the ethnic ratio (in addition to merit) in the filling of vacancies in the state sector and in the case of promotions. There have been some court cases in connection with the application of this administrative directive.

Religion and culture

The State has ensured a proper place for minority religion and culture by the institution of a separate ministry which coordinates and looks after such interests - e.g. Hindu Religious and Cultural Affairs. The large number of kovils and the participation of many thousands of all groups at festival time, bears testimony to the lack of discrimination as far as the practice of religion by any group is concerned.

Similarly, the existence of Dance Schools, Radio and TV Programmes, etc. also testify to the acceptance by the public at large of the cultural forms of the minority group. Restaurants selling food, typical of the minority group, abound in predominantly Sinhala areas.

Employment

The open economy has changed the pattern of employment totally. Earlier the economy was dominated by the state-run corporations. But with privatisation the State activity was reduced and the Private Sector expanded. This created opportunities for employment based on merit alone to increase. The private sector - unlike the public sector - does not necessarily make appointments on the basis of political patronage. Most of the public sector corporations were agencies where politicians favoured their constituents. The expansion of the private sector has removed this political patronage based on personal or racial considerations. While in the past it may have been held that employment in state corporations particularly favoured the majority community, the breakup of the public corporations and their privatisation might be taken to mean a greater chance for those in the minority, of course provided they had the necessary ability.

Residence

In many countries, minority groups live in ghettos - e.g. Harlem for the blacks to provide protection. We find that there is the right for all groups to live wherever they choose within the law. The only exception to this appears to be a consequence of the operation of the Thesavalamai law which mediates against the majority community buying private law in areas where this law applies.

Where a minority group resides predominately in a particular area, there has been in many countries, particularly recently, the claim for some autonomy in the conduct of their affairs. This is clearly to ensure that decision - making and control of matters affecting the ordinary life of the people, are handled by members of the same minority group. The fear clearly if this is not done, is that the majority view would prevail in Parliament, Provincial Councils, Municipalities, etc., which may lead towards persons of the minority being even in a subtle way, discriminated against.

Devolution and Decentralization

Bearing this in mind, the Sri Lankan political structure itself has been re-formulated, through the agreement of all political parties, to provide for Provincial Councils, and even at a lower level, Pradeshiya Sabhas. These bodies have been given considerable powers which regulate the lives of the persons resident in such areas. Provincial Councils came into being in 1988 and have now been entrenched in the Constitution as well.

Obviously, it is clear that it is the Tamil parties which are opposed to a settlement. Their argument that no concrete proposals have been put forward by the southern parties is totally untrue. The Select Committee, headed by Mr. Mangala Moonesinghe, has come up with recommendations which has the approval all the leading Southern parties. But the intransigent attitude of the Tamil parties is holding up the process of working out an acceptable formula to all communities. This is the problem that is facing the nation. The blame rests entirely with those who refuse to negotiate or insist only on a settlement on their terms ignoring the other communities affected by terrorism.