

THE ALL PARTY CONFERENCE



REPORT TO THE PLENARY SESSIONS OF THE ALL PARTY CONFERENCE

BY

HIS EXCELLENCY THE PRESIDENT CHAIRMAN OF THE COMMITTEE OF LEADERS OF DELEGATIONS TO THE ALL PARTY CONFERENCE

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INTRODUCTION

Before the All Party Conference commenced its Session in January 1984, the Sri Lanka Government affirmed that with the help of the People, it would defend the Integrity, Independence and Unity of Sri Lanka. The Government of India also said it supported this decision.

2. In that context the Sri Lanka Government also affirmed that :

- (a) it would fully implement the laws relating to District Development Councils so that every District would enjoy a measure of autonomy so that the People could be able to participate meaningfully in the administration of the District ;
- (b) the use of Tamil as provided for in the Constitution would be implemented ;
- (c) it was prepared to initiate a dialogue offering amnesty to those guilty of violence provided violence was given up ;
- (d) it would discontinue the active part the Army plays in Jaffna provided terrorist violence was ended ;
- (e) it would remove the provisions of the Prevention of Terrorism Act on the undertaking that terrorist violence would be given up ;
- (f) the demand for separatism would be given up.

These were some of the matters suggested for the formulation of an agenda for the All Party Conference.

3. It was further announced that proposals regarding amendments to the District Development Council laws would be placed before an All Party Conference.

The proposals would include :

- (a) the giving up of the idea of a separate State ;
- (b) the merger of District Development Councils within a province after acceptance by the Council Members and a Referendum in the District ;

This proposal is applicable to the whole Island.

- (c) The President and the Parliament would continue to have overall responsibility for all subjects not transferred and generally for all other matters relating to the maintenance of the Sovereignty, Integrity, Unity, Security, Progress and development of the Republic as a whole ;

- (d) The Constitution and other laws dealing with the Official Language, Sinhala, and the National Language, Tamil, would be accepted and implemented as well as similar laws dealing with the National Flag and Anthem ;

- (e) The President made it clear on several occasions that he would resume any discussion with the TULF to consider the possible lines of a solution if they give up their call for a separate State, and that according to available information the TULF was prepared to give up its call for a separate State if a solution to the Tamil problem that was acceptable to them is worked out.

THE WORK OF THE ALL PARTY CONFERENCE

4. Consequently on Wednesday 21st December 1983, His Excellency the President summoned a meeting of 8 political parties, namely, the All Ceylon Tamil Congress, the Ceylon Workers' Congress, the Communist Party of Sri Lanka, the Democratic Workers' Congress, the Lanka Sama Samaja Party, the Mahajana Eksath Peramuna, the Sri Lanka Freedom Party and the United National Party, together with a delegation of Government Ministers to go into the question of summoning an All Party Conference for the purpose of discussing the daily growing problems of the country in regard to ethnic affairs and terrorism.

5. At this meeting the participants decided unanimously that the President should invite the Tamil United Liberation Front, the Janatha Vimukthi Peramuna and the Nava Sama Samaja Party to join in the proposed Conference. The President agreed to invite the T.U.L.F. in accordance with their wishes, but in regard to the J.V.P. and N.S.S.P., since they were proscribed parties, he said that he would have to consider the advice given to him by the security authorities before he could decide. It was decided that the Conference should be held at the B.M.I.C.H. commencing on Tuesday 10th January 1984 and that it should continue till 20th January 1984. In order to assist the Conference to proceed with its work expeditiously, it was agreed that H.E. should send the invitees the relevant documentation for their study. Annexure A, B & C were therefore sent.

6. The Conference met on 10th January 1984 as scheduled (without the J.V.P. and N.S.S.P.) and continued to meet for six more days till 20th January 1984. At the earlier meetings of the Conference it was decided to enlarge the participation in the Conference by inviting representative bodies or associations other than political parties. In terms of this decision the Supreme Council of the Maha Sangha, the Christian Organisations, the Sri Lanka Buddhist Congress, the Sinhala Associations, the Hindu Organisations, the All Ceylon Muslim League and the Council of Muslims of Sri Lanka were invited to participate in the deliberations. The S.L.F.P. and the M.E.P. who joined originally withdrew from the Conference after some Sessions.

The main discussions at the early meetings were procedural. These discussions were followed with expressions of opinion by the various delegations as to what they thought were the main grievances of the various peoples who make up Sri Lanka and the solutions they had in mind to offer.

7. More Plenary Sessions followed and after a consideration of the views of the Conference, it was decided at the meeting of the 6th February that two committees should be set up. These two committees were enjoined—

- (a) to examine the grievances presented on behalf of all communities and to consider and recommend appropriate solutions therefor including provision for the participation of the people at all levels in the system of government,
- (b) to examine the causes of ethnic violence and all forms of terrorism in all parts of the country and the means to eradicate them.

8. Discussions on how the Committees should work went on at subsequent meetings. The final view being that it would be preferable for the Committees to meet together rather than separately. The members of the delegations were asked to prepare working papers expressing their point of view which could be submitted to the Committee.

As guidelines for the work, it was felt that the working papers could contain suggestions for –

- (a) the maintenance of the unity and integrity of the country and accordingly to evolve a system of government to ensure that members of all communities should live in harmony and continue their vocations peacefully in all areas,
- (b) providing fair opportunities in education,
- (c) providing fair opportunities for employment,
- (d) providing systems of land settlement,
- (e) providing systems of security for the inhabitants of all areas,
- (f) providing opportunities for economic growth, and
- (g) any other matters.

The joint Committees continued to meet and consider the views of the various Delegations.

9. On 20th March, H. E. summoned a Plenary and at that meeting he stated that consensus had been reached in the following areas :

“System of Government.—(1) There has been general consensus on the need for devolution of Central Powers to enable the people’s participation in Government at all levels. However, no final understanding had been reached as to the forms of government to which devolution of powers can be applied.

(2) (a) The Maha Sangha, the Christian Organisations, U.N.P., C.W.C., All Ceylon Muslim League, L.S.S.P., C.P., Hindu Organisations (Visha Hindu Parishad), Sinhala Association (All Ceylon Sinhala Buddhist Organisation) and the Sri Lanka Buddhist Congress have all supported a revival of an elected local government system at grass root level with more powers (including more delegated powers and functions from the Centre) and finance.

The U.N.P. proposal is that the Gramodaya Mandalayas (4,500) which are voluntary organisations at the Grama Sevaka level be assigned duties at village level by the elected authority (Pradesheeya Mandalaya) which should be at the A.G.A. Level (250 of them). They will have more powers (including more delegated powers and functions from the Centre) and more finances.

(2) (b) The method of election has not been discussed in detail by all parties.

(3) **The Stateless.**—The Maha Sangha has stated as follows in regard to the resolution of the problem of statelessness :

“We should not have a category of persons who call themselves Indian. This can easily be achieved by sending back those who have to be sent to India as stated in the Sirima-Shastri Pact and giving citizenship to the rest. Even though the numbers may be a little more, the Supreme Sangha Council declares that the Council is not opposed to their being given citizenship in order to arrive at a solution to this problem.”

This principle enunciated by the Maha Sangha had the support of the Christian Organisation, Hindu Organization (Visva Hindu Parishad), C.W.C., D.W.C., and L.S.S.P. The Communist Party of Sri Lanka was of the view that all stateless persons of Indian origin who wished voluntarily to return to India should be assisted to do so and the remainder should be made citizens of Sri Lanka on the basis of equality with other citizens.

There have been no contrary views expressed.

(4) **Ethnic Violence and Terrorism.**—There has been acceptance by all participants at the conference that causes of ethnic violence and all forms of terrorism in all parts of the country must be eradicated.

10. The Conference resumed in Plenary on Wednesday 9th May. His Excellency informed the delegates then that he proposed setting up two committees now –

- (1) to work out the structure, powers and functions of the unit of devolution under the Chairmanship of Hon. R. Premadasa, Prime Minister – Committee “A”, and
- (2) to consider measures that need be implemented with regard to the equalisation of opportunities in Education, Employment and Exercise of Language Rights under the Chairmanship of Hon. K. W. Devanayagam, Minister of Home Affairs – Committee “B”.

Both these Committees were to be assisted by groups of senior Public Servants and Legal Experts. The T.U.L.F., the All Ceylon Tamil Congress and the Communist Party of Sri Lanka stated that they would not participate in the work of these two Committees but would rejoin the Conference when it resumed in Plenary and were prepared to consider the Reports put up by the Committees.

Before the Sessions closed the President said :

“These two Committees have important functions to perform. Many youngsters in the North are looking more to the Committee dealing with Employment and Education. Devolution of power means political powers to a few in the political parties.

Broad-basing employment and educational opportunities means helping a large section of the future generation. We await anxiously the Reports of these Committees.”

11. His Excellency the President was away from the Island on two Presidential Visits from the 19th May to 31st May to the People’s Republic of China, Japan and South Korea, and from 14th June to 2nd July again on the invitation from the Heads of these States – the USA, Great Britain and India – but the Committees – A & B – however continued to work under their respective Chairmen in the meantime.

12. On the President’s return, the Conference resumed in Plenary. In the Plenary on 23rd July, the President said that discussions were getting deadlocked because of two irreconcilable positions. On the one hand there were those who advocated “District Councils and no more” and on the other there were others who asked for “Regional Councils and no less”. It was therefore important to consider proposals to bridge these two positions without harming the fundamental premise

of each side. A Memorandum setting out proposals for a Second Chamber was then presented by the President. It was decided that in the sessions to follow, the Second Chamber proposal and the Reports of the two Committees – A & B – would be discussed.

13. There were four Sessions including and after that of 21st August. These were meeting of Leaders of Delegations. At these meetings views were expressed on the Reports and the Second Chamber Proposal. At the last meeting of 2nd September the President stated that he would put forward proposals, after considering the views expressed so far.

14. The participating delegations represent all shades of opinion in the country. Political parties (not only in Parliament but in the country generally) include the leading political parties of the Tamil Community like the TULF, the Federal Party and the All Ceylon Tamil Congress, the political parties comprising essentially peoples of Indian Tamil origin like the C.W.C and the D.W.C., racial groups like the All Ceylon Muslim League, the Council of Muslims, Sinhala Associations, religious groups like the Supreme Council of the Maha Sangha, Sri Lanka Buddhist Congress, Hindu Organisations, the Christian Organisations and a delegation of Government Ministers too.

15. It has indeed been a considerable achievement to have been able to get so many political bodies, religious and racial groups round a table to discuss such sensitive, emotional and inflammable questions like ethnic issues, changes in the system of government, terrorism, etc. dispassionately. These groups have to listen sometimes to very radical view points expressed by others, completely opposed to their points of view, and they have to necessarily think on them and accept, modify or reject them in the light of their own thinking.

16. The Conference has been able so far to achieve consensus on the need to give increased power to grassroots level democratic organisation whilst reserving admittedly defined central powers for the Government. The Conference has also been able to obtain consensus on the need to settle those 90,000 odd so-called stateless people originally of Indian origin as citizens of Sri Lanka if they are not accepted by India, and wish to remain in the country. The Conference has also been able to obtain consensus that terrorism in all its forms should be eradicated.

The Chairman also expressed the view that there was consensus regarding the setting up of a Second Chamber as a means of solving the ethnic problem which the All Party Conference has been charged with considering and deciding. The two means are –

- (1) to afford a forum from the minority members living in the Districts to function in the Supreme Legislature, and
- (2) to create a reservoir of members in the Second Chamber who may be chosen as Ministers to function in the Provinces by His Excellency the President.

17. There have been 33 Meetings so far 15 of which were Plenary Sessions, 14 were Meetings of Committees and 4 were Leaders' Meetings.

18. The following proposals which have a large measure of support emerged from the Conference:

19. **Systems of Government.**—(1) The basic unit of Government to be the Pradesheeya Mandalaya covering an Assistant Government Agent's area. The actual composition of its members will have to be decided.

(2) The next unit to be Urban Councils and Municipal Councils as at present constituted.

(3) The third unit should be District Councils and their composition and method of election and powers and functions will have to be re-defined. Their area of operation to be the present Districts.

(4) The District Councils would be directly elected by the people of the Districts. The Chairman and the Vice-Chairman would be the first and second names in the list of the party receiving the highest vote, if the election were held on the basis of proportional representation.

20. **Inter-District Co-ordinating and Collaboration.**—Inter-District Co-ordination to be permitted in defined spheres of activity. District Councils must vote for this Co-ordination. If they wish to have a referendum in the District a referendum should be held.

If Units are constituted for this purpose they should include the Chairman and the Vice-Chairman of each District Council and a limited number of additional representatives elected by each District Council. The relationship between such institutions and the District Councils from which they are constituted has to be worked out.

21. **Second Chamber.**—There are several precedents where the instrument of a Second Chamber has been successfully employed to ensure a more equitable exercise of political power by all members or sectors of a multi-ethnic society.

To that extent if any proposal to establish Inter-District collaboration or co-operation is required well defined spheres of activities may very well be examined, since this proposal offers the possibility of various combinations of two more districts for different purposes as well as the establishment of co-ordinating bodies for inter-district functional operations.

The Chairman and the Vice-Chairman of each District Council would be ex-officio members of the Second Chamber. Since these members of the Second Chamber are those who enjoy the confidence of the majority of the members of the District Council or the Units of Co-ordination between Districts, the Second Chamber would be a reservoir for the purpose of appointing Ministers to function for Inter-District Co-ordinating Units.

Ministers who enjoy the support of the majority in either the Inter-District Co-ordination Units or in a District Council could be appointed by the President and removed also by him. Their functions, duties and obligations have to be discussed. The question of these Ministers being answerable to the Co-ordinating Units in the exercise of their executive functions will have to be studied and a procedure for implementing any decisions taken will have to be worked out.

22. **Composition of Second Chamber.**—

(1) With regard to the composition, the powers and functions of the Second Chamber, consideration should be paid to the President's Memorandum presented to the All Party Conference on the Second Chamber Proposal on the 23rd July, 1984.

(2) The Second Chamber may be constituted as a Chamber with adequate representation for all major and minor ethnic communities.

(3) Provision may be made for representation of minority communities from districts where there are substantial or significant concentrations of such minority communities. The District Councils in the respective Districts could also elect or nominate such members. Thus the four ethnic groups in the Island, the Sinhala, Sri Lankan Tamils and Tamils of recent Indian Origin and Muslims should be represented in such a way as to ensure representation which will create a source of fair participation.

(4) The two members from each District to be directly elected at the same time as at a general election. The Second Chamber's term of office therefore coincides with that of the First Chamber. When there is a dissolution of Parliament, it would mean the dissolution of both Chambers. The District will be the constituency.

23. Some Powers of Second Chamber.-

(1) There must be a sharing of powers between the two Chambers in regard to the exercise of legislative power in respect of all proposed legislation affecting fundamental rights and language rights guaranteed under the Constitution. In this regard no proposed legislation should become law unless approved by the President.

(2) The Second Chamber may be vested with the implementation of the provisions of Chapter IV, Section 22 of the Constitution dealing with the National Language Tamil.

(3) The Second Chamber could also constitute Select Committees to inquire into and report on all aspects of ethnic disputes such as those relating to university admissions, educational facilities, employment of communities. Land Settlement, exercise of language and cultural rights and development of backward regions would also be considered. The recommendations of Committee "B" will be considered in this context.

24. The Stateless.-There was support too for the proposal referred to earlier in this Report that the Stateless (some 90,000 of them) be given citizenship - vide paragraph 9 (3) of the Report.

25. Ethnic Violence and Terrorism.-There was acceptance too that the causes of ethnic violence and all forms of terrorism in all parts of the country must be eradicated - vide paragraph 9 (4) of the Report.

26. Devolution of Executive and Legislative Functions.-

The Report of the Officials of Committee "A", "to work out the structure, powers and functions of the unit of devolution" will be considered when decisions are taken on the powers and functions of District Councils and the relationship between the units constituted for inter-district co-ordination and collaboration.

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