

## **UK style devolution for Sri Lanka – Why President Mahinda Rajapakse Is Wrong**

By Usha S Sri Skanda Rajah

Mahinda Rajapakse is wrong when he says a UK style regime of extensive devolution is the maximum he is prepared to concede to the Thamils and nothing more – this under his so called “maximum devolution under a unitary state” concept.

It’s a great pity that Mahinda Rajapakse is living in another world far away from reality. How could anyone negotiate with a man who has only a tenuous connection to reason? It is becoming more and more evident that there is a yawning and ever widening gap between the day-dreamer that is Mahinda Rajapakse and his “followers” and the Tamil demand rightly defined by the LTTE as a political settlement that’s guided by three cardinal principles that of “Homeland, Nationhood and Self-rule”.

One cannot help but detect a kind of insincerity in his pronouncements - a reluctance to face up to reality and effect a just peace. He does not even come close to what might be termed as “Tamil aspirations”. This, despite a Tamil demand for a separate state has been suspended by the LTTE at the “Oslo accords”. A compromise made in good faith in the hope that the other party would fulfill its obligations in the bargain to move towards a negotiated settlement. Mahinda Rajapakse has nothing but utter contempt for the Tamil People’s real and legitimate expectations.

### **Mahinda’s Bright Idea is a pie in the sky**

Let’s study Mahinda Rajapakse’s bright idea – “a UK style regime with extensive devolution.” He thinks he has the British on his side, on this. The British - the “Colonizers” who brought it all upon us. It was once said “the sun never sets on the British Empire.” The same British, who owe it to us to settle this “fair and square” and soon! It is their moral, ethical and legal duty. It’s their moral and ethical duty because as “Colonizers” they must “right a wrong” that they created. It’s their legal duty because it’s an international human rights and humanitarian law issue.

Mahinda Rajapakse imagines he has one sure ally in the British at least in the English - one he can muster for his unitary concept. The latest development from the UK is that even the English want their own parliament and wish for more regional autonomy similar to the Scots, Welsh and the Northern Irish. It then begs the question what powers do these parliaments have under a unitary system? We shall examine it as we proceed.

One could almost see a “what a bright kid I am” type of smile on Mahinda Rajapakse’s face. It’s one less country to persuade or trick eh - he believes.

Is Mahinda Rajapakse going to emulate a UK style regime of extensive devolution? Or only adopt the extensive devolution part? In both cases his bright idea is laughable!

Not that the UK unitary system is ideal or suitable for the island of Sri Lanka which has two distinct races, speaking two different languages, professing Muslim, Christian, Hindu and Buddhist religions, living in historically deemed traditional homelands and each

having a historical right to self rule. In the case of devolution the powers that have been devolved to Scotland, Wales and Northern Ireland are not worth celebrating or writing home about. But I dare say in the UK's case the lack of any real power to the devolved parliaments is tolerable because of the constitutional and institutional safeguards that are inbuilt and entrenched in the UK system that would prevent the deliberate persecution and alienation of any nation in the union of the United Kingdom. This said, Scottish and Welsh Nationalists and the Northern Irish Catholics may not agree with the view that independence should be denied or that devolution that's down right inadequate must be tolerated on these grounds.

### **Contentious Issues – Mahinda going nowhere**

I wish to elaborate on these contentious issues with background perspectives and comparisons to prove that Mahinda Rajapakse and his followers are going nowhere on the route they are taking! I shall give my opinion in two parts.

- 1. UK style regime**
- 2. Extensive devolution**

#### **1. UK style regime**

##### **Sri Lanka can never hope to emulate UK system**

Sri Lanka can never hope to emulate a UK style regime. Mahinda Rajapakse is wrong in having such an ill-conceived notion. He can't be serious in making such an ill-advised statement because Sri Lanka is not UK and could never be. The Sri Lanka Constitution is unlike the British constitution. A constitution that is unique on its own; famous for its unwritten nature; and has within it, important constitutional conventions one of which is the quintessential principle of parliamentary supremacy. A constitution that prides itself as having a long history; with traditions galore; which has evolved over time; has a constitutional monarchy and a House of Lords. A constitution that has inbuilt safeguards; that which has enabled the UK to sign a treaty with the European Union (EU); taking UK to a league that Sri Lanka could not aspire to; the EU where equal treatment is the norm and "Subsidiarity" the rule. The EU being the best thing that happened to Europe and the UK which keeps its members committed to the principles of harmonization and equalization and in line with accepted standards of behavior making sure no member violates its laws and no area within its borders is left behind.

##### **Unwritten Constitution with Conventions playing an important role**

British Constitution is unwritten – which means there is no one written document that contains it. It can be best described as a collection of conventions, statutes and judicial precedents and out of these, conventions form an important part of the constitution.

Conventions exist in every area of the affairs of state and have evolved over time; but they are not enforceable as they do not have the validity of law, yet are never the less observed. A constitutional crisis could arise if a convention is not followed, and in many cases it could lead to embarrassment, could mean resignations and could generate a public out cry in the worst scenario. For these very reasons conventions are seldom

broken. The concept of individual and ministerial responsibility and that Cabinet ministers are accountable for their actions to parliament was born out of conventions. That the monarch must grant the royal assent to all legislation passed by parliament and that parliament is supreme are conventions. One example when a Convention was controversially broken and was superseded by law is the Parliament Act of 1911.

Conventions therefore play an important role in UK affairs. The Westminster Parliament will not legislate on a devolved matter without the consent of the Scottish parliament since 1999 is known as the Sewel Convention.

It's difficult to imagine for an unwritten constitution such as the British Constitution to be adopted in full in Sri Lanka and for conventions not to be broken especially such as the Sewel convention which defines the extent of devolved power and is a relatively recent convention.

### **UK Statutes and Precedents do not have racist or divisive undertones**

In the case of statutes and precedents the other two main elements, which form the British Constitution neither parliamentary legislation nor judicial precedents have been known to have ever alienated nor discriminated against a race nor created policy nor introduced oppressive measures against the English, Welsh, Scottish or Irish races since the Acts of Union were passed if not at least from the 20<sup>th</sup> century. In the UK legislation prevents the promotion of racial hatred and racially motivated acts. Anti Discriminatory laws exist to protect a multicultural society. The Human Rights Act received royal assent in 1998 and came into force in October 2000.

### **Unitary system colossal failure in Sri Lanka**

The British constitutional framework is unitary in its make up, which means power resides in the central government composed of an executive Cabinet and Prime Minister and a Westminster Parliament as opposed to power being divided or shared as in a federal model. The UK Parliament has 646 seats and out of this Scotland has 59; Wales has 40 and Northern Ireland 18 seats. This unsatisfactory typically unitary arrangement in the UK with the English holding the majority of seats (529) in parliament some argue is still hanging by the thread in the UK. At any length it's far better than the one in Sri Lanka where it has proved to be a colossal failure and thought too late for repair.

### **Failure of unitary system due to Sinhala Hegemony over Thamils**

The relative success of the British unitary model in the UK is due to the apparent respect, and goodwill that exists between races in the UK with no one race exercising hegemony over the other, discriminating against another or persecuting the other as it exists in Sri Lanka. The majority will in parliament is used to Sinhala advantage. Thamils subject to discriminatory laws and policies have been at the receiving end of violent attacks and terrorism by racists and chauvinists who are in tow with the government. The colonization of Thamil land was a form of ethnic cleansing in Sri Lanka to blur the demography and territorial integrity of the Thamil nation. The social cultural economic and political benefits for the Thamil nation under a unitary system in Sri Lanka have been negligible where foreign aid or development of any kind has been diverted from the

Thamil nation and this is not a recent phenomenon. The lack of decision making powers for the Thamil nation on determining its affairs is really the crux of the matter. All this is before Thamils took up arms. The embargo imposed during war time made worse by the occupying Sri Lanka Armed Forces in Thamil areas debilitated the Thamil nation's economy subjecting the people including children to undue hardship and ruin. War had taken its toll on the Thamil people and their habitat. More than 65,000 lives have been lost in this racial conflict. The tsunami which took 20,000 lives is a good example where racially motivated acts prevented foreign aid from reaching the victims from areas devastated in the NorthEast.

### **In UK main political parties not divided on racial lines**

A point that illustrates stark racial divisions do not really exist in the UK system as it does in Sri Lanka is evident by the fact that except for the Scottish Nationalists, Welsh Nationalists (Plyd Cymru) and Northern Ireland parties the political parties are not divided on racial lines (or religious lines). You have the British Labour Party (now New Labour) the Liberal Democrats (LibDems) and the Conservative Party (Tories) to a lesser extent running in the whole of Britain across the board and beyond the racial divide. Prime ministers, cabinet ministers and party leaders and leaders of the Opposition have come from all the three races. Prime Minister David Lloyd George was Welsh so was Neil Kinnock the Labour Leader of the Opposition to Margaret Thatcher. Prime Ministers Harold McMillan, Ramsey McDonald and Alex Douglas Home and many more were Scottish. The present Prime Minister Tony Blair is half Scottish; the Chancellor of the Exchequer is Scottish.

In Sri Lanka there are openly racist Sinhala and Buddhist chauvinist parties like the JVP and JHU who are invariably always aligned with minority coalition governments in power.

### **Parliamentary Supremacy/Sovereignty is quintessential to UK system**

#### **Parliament cannot bind its Successors**

Convention says Parliament is supreme and sovereign and some analysts go as far as saying Westminster parliament can create legislation proclaiming "that all the pigs in no man's land belong to the UK." This is a humorous but also a serious example of the absolute power and wide authority bestowed on the UK parliament. Parliamentary supremacy also means no parliament can bind its successor. Which means the courts cannot question the validity of an Act and would only interpret and uphold the later law whenever there was a question of conflict.

### **Constitution not supreme – Parliament is supreme in UK**

The principle of parliamentary supremacy is the quintessential characteristic of the British constitution and its unwritten nature. There is no constitutional document that is binding or supreme, it's parliament that is supreme. The significance of parliamentary supremacy and the efficacy and adaptability of the British Constitution has become so manifestly clear. It also goes to show that the existence of conventions in certain areas rather than a rigid body of law could be a useful and flexible tool in a constitutional dilemma and could be used in exceptional circumstances for expediency. For example the

Act of Union with Ireland states that the Kingdom of Great Britain and Ireland are united “for ever”. Despite this “for ever” clause Parliament permitted Southern Ireland to separate into a distinct nation. The Anglo Irish Treaty of 1922 created an Irish Free State. In other words Parliament bound its successors by this treaty by a simple majority. This is the exception rather than the rule.

Another more recent example is UK’s membership to the EU under the European Communities Act 1972. This act has curtailed parliamentary sovereignty because UK’s entry into the EU for practical purposes is a “done deal” and almost irrevocable unless of course the EU itself collapses which is a remote prospect. Withdrawing from the EU membership would be at a political and economic cost to UK which would prevent such a move from occurring for its own good.

**Sri Lankan Constitution is supreme, rigid and is binding on successors, requires two-thirds majority and referendum for amendment**

The Sri Lankan Constitution on the other hand is a written document that nevertheless, keeps being replaced is binding on successive parliaments and could be amended only by a two-thirds majority in parliament as well as the people’s majority approval in a referendum. The Thamil demand for autonomy for the NorthEast is one subject that cannot be raised in the Sri Lanka parliament under what is known as the 6<sup>th</sup> amendment to the 1978 constitution. "...The key to its effect is paragraph (1) which runs as follows:- 'No person shall directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka'. "Anyone who contravenes that provision becomes liable to the imposition of civic disability for upto 7 years, the forfeiture of his movable and immovable property... the loss of his passport... the right to engage in any trade or profession. In addition if he is a Member of Parliament, he loses his seat"

There is no such clause in UK legislation that ties the hand of Westminster parliament. On the other hand it’s noteworthy that the 1982 Canada Act removes the right of Westminster parliament to legislate for Canada. The Canadian request which if not granted would have forced Canada to unilaterally declare its independence in regard to its legislative capability free from interference from the Westminster parliament.

The members of the Sri Lankan Delegation in the Geneva peace talks of Feb 22 and 23 2006 took refuge in the Constitution of Sri Lanka when they said the cease-fire agreement signed in 2002 was in breach of the Sri Lankan constitution. The JVP and the JHU have petitioned the Courts to declare the Ceasefire agreement unconstitutional.

The profound difference between the binding nature of the constitution in Sri Lanka and the principle of parliamentary supremacy in the UK is crystal clear.

Any amendment to the Sri Lanka constitution requires an onerous two-thirds majority in parliament and approval by referendum. As it is, no agreement between the parties will satisfy the terms of the constitution; this is according to the Sri Lankan delegation to the Feb 2006 Geneva talks. In other words no settlement can take effect so long as no

amendments are made. A lot then would depend on the prevailing attitude of both the Sinhalese people and a Sinhala dominated parliament.

### **Monarchy and House of Lords strengthens and unites all nations in UK**

A constitutional Monarchy in the UK as (figure) head of state is a unifying force in many ways. The Monarch is scrupulously neutral and impartial. The fact that the monarch must accept and act on the advice of the Government (his or her Ministers), who are responsible to Parliament for that advice and that the monarch cannot ignore that advice are conventions that are strictly followed. The monarch is monarch of all the people, having castles in all the nations in the UK and is known for bridge building and nation building two very important functions that keep the union going.

The Monarch is also the Commander in Chief of the Armed Forces and she has under her command Scottish, Welsh, Northern Irish (Ulster) and English regiments. The Monarch stays away from politics; has never been known to make any racist or derogatory remarks about any of her subjects and is both conscious and cautious in not alienating any race by her actions or words.

The House of Lords the other body of the bicameral parliament in the UK has been recently reconstituted, has been made more democratic and is now minus any future “hereditary” peers. The Lords are now made up of elected and appointed peers and is representative of races and cultures in the UK. The Lords could delay, scrutinize, encourage intellectual debate and modify legislation to improve the final product.

Both the Monarchy and the House of Lords are ancient and traditional institutions that are thought to enhance and strengthen the whole UK system. Features such as the rule of law independence of the judiciary, separation of executive, legislative and judicial powers with checks and balances further provide inbuilt safeguards.

### **Sri Lankan Presidential Powers wide and could be used for oppressive measures**

Sri Lanka does not have a second chamber, presidential powers supersede parliament, the executive President is powerful having the final say to withhold or enact legislative instruments by executive action which could be used for oppressive measures. Mahinda Rajapakse the incumbent is not only known to be “Hawkish”, styling himself after SWRD Bandaranaike whose racist policies fueled racist animosity and tensions.

### **EU standards binding on UK system. EU has a unifying and inclusive influence**

Additionally UK is a member of the European Union (EU) and Sri Lanka is not. Therefore it could never be in the league of such countries as the UK which form part of the body of the EU. The EU is fast becoming a powerful yet unifying, equalizing and inclusive force which sets standards which are binding on all members and from which UK cannot retract or extract itself easily. It would not want to. The benefits are great that it won't. The Commonwealth of which Sri Lanka and UK are members is not powerful like the EU and is considered past its time. The EU is effective and has real clout. It is a union with a common body of laws – regulations and directives that are enforceable in the European Court of law. It also has a common currency the Euro. It keeps its members

in line on many issues even if it means in recent history to interfere in the internal affairs of member states to maintain harmony and equality in trade, technology, immigration, environment, etc.

EU also believes in the principles of Subsidiarity and Proportionality. Subsidiarity means ‘tasks should never be allocated to a body higher up in a political hierarchy if they can be effectively carried out by a body lower down’. Proportionality maintains member states’ independence.

EU is the ultimate harmonizing and equalizing body further strengthening the unity of all nations within it, not allowing any members not to conform to less than accepted standards or leaving behind any areas under neglect. South Yorkshire for example receives “Object 1” funding from the EU as a deprived area.

## **2. Extensive devolution**

### **Scots and Welsh forced to join the Union under duress.**

Going back in history Scotland signed Act of Union with England in 1707 under duress. The Scots were “blackmailed” into joining the union. Many Scots were against the union and their attitude changed when the English parliament threatened to ban Scottish imports of cattle potentially bankrupting the Scots with many of them facing economic ruin if the English carried out their threat. The impending riots in a number of Scottish towns did not stop the Act from being signed. Scotland retained its own education and legal system and own church despite the Act.

Wales was formally brought into the union in 1536 and 1542. These Acts forbade the use of the Welsh language in the administration of the country. From 1746 - 1967 any law that was passed by parliament that referred to England automatically included Wales.

### **Thamils lost sovereignty to colonizers and then to the Sinhalese**

In the case of Sri Lanka the island made up of three kingdoms one of which is the Thamil Kingdom came under the administration of the East India Company during the time it was colonized by the British. Hugh Cleghorn , “the agent by whose instrumentality the island of Ceylon was annexed to the British Empire” in his famous “Cleghorn Minute” dated 1<sup>st</sup> June 1799 on the Dutch Administration of Ceylon says, “Two different nations from a very ancient period have divided between them the possession of the island: First the Sinhalese inhabiting the interior of the country, in its southern and western parts, from the river Walouve, to that of Chilaw, and secondly the Malabars who possess the northern and eastern district. The word Malabar was synonymous with Thamil.”

In her paper “Understanding Self-Determination The Basics” presented by Karen Parker in Aug 2000 to the First International Conference on the Right to Self Determination, United Nations, Geneva explains a defective de-colonization process:

“Sri Lanka is a good example of a situation where a smaller component of a part of a colonially-created “unitary” state agreed to continue the unitary state but with no particular opt-out agreements signed. Rather, there were either verbal or negotiated written arguments about how the rights of the smaller group would be protected in the

combined state. However the smaller group experiences severe curtailment of their rights over a long period of time by the dominant group and may lose the ability to protect its rights by peaceful means.

Karen Parker says the systematic oppression of the Thamil people started even before the ink could dry on the 1947 Soulbury constitution which attempted to incorporate safeguards to avoid the submersion of the Thamil people. The rest is history with the Thamil struggle for freedom and self determination which started off in non-violence and turned into an armed struggle led by the LTTE.

### **Scottish and Welsh languages lost favour to English since the Acts of Union**

Convention has it that the English language be the language spoken in parliament the official language of instruction. In fact it's the Acts of Union that caused both the Scottish Gaelic language and the Welsh language to lose favour as the land-owning upper classes began to speak in English. Welsh families who went to seek fame and fortune at the Royal Courts stopped speaking Welsh.

A similar fate could befall the Thamil language in the NorthEast.

### **Establishment of Scottish and Welsh offices in the UK even before devolution as compared to ministerial appointments by patronage in Sri Lanka**

Both Scotland and Wales had Scottish and Welsh offices performing executive functions. Scotland had a Secretary of State in 1885 and since 1892, the Secretary of State has been a member of the Cabinet with a Scottish Office set up in 1928 although Wales was given more of a separate identity including cabinet position only in 1964.

In Sri Lanka such special offices did not exist. Instead the power of patronage was used by Sinhalese governments to stop some Thamil leaders from furthering autonomy and equality by offering them ministerial appointment at any one time as an incentive to obtain their loyalty. This is still a practice as can be seen with Douglas Devanada leader of a small Thamil political party (and paramilitary group funded by the Sri Lankan government) called the EPDP given a ministerial portfolio.

In the UK the “Barnett formula” is used to distribute revenue between the nations; the strict application of which favoured England because of the emphasis placed on population rather than on needs. But the system has now become more flexible with Scots and Welsh fighting for greater share of the revenue. In Sri Lanka there is no such mechanism or transparency in revenue distribution similar to the “Barnett formula”; the NorthEast gets only stepmotherly treatment and meager funding.

### **Surge of Scottish and Welsh Nationalism forced the hand of Labour Government to think of devolution before it was too late**

The Home Rule movement began to surge in the 20<sup>th</sup> century with the formation of the Scottish National Party (SNP) in Scotland and the Plaid Cymru (PC) in Wales. The SNP and CP believed in independence and encouraged the growth of nationalism. The threat

of a strong nationalist independence movement in Scotland caused the Labour party and much later the British Conservative Party to accept reasonable home rule as a viable solution to the problem.

In 1970 support for nationalism and devolution in Scotland increased dramatically in Scotland as a result of the **discovery of oil in the North Sea**. The hard-line Conservative Thatcher Government and her successor, John Major, sought to kill off the whole idea of devolving power to a parliament in Scotland. The Conservatives paid a terrible price for this; in the 1997 General Election the Conservatives lost every single one of their seats in Scotland and in turn lost Government to the Labour party that had supported devolution.

Wales turned to the issue of devolution during the Thatcher and Major era when the industrial heartland of South Wales was ruined due to the disappearance of coal mines and steel mills and with it all traditional forms of employment. Unemployment and the social ills surrounding it became a growing concern in the valleys of South Wales. In North Wales Plyd Cymru had taken root. Also the majority of government positions in Wales had gone to English Tories who could not speak Welsh, their allegiance to Wales was suspect. It did little to pacify the Welsh who saw these appointments as a way of rewarding those who had done well in London with promotions to climb the Cabinet ladder; it did not necessarily mean they had the best interests of Wales at heart.

**Devolution to Scotland, Wales and Northern Ireland is marginal and not extensive**  
Devolution of power in the UK to a Scottish Parliament and Welsh Assembly do not include major financial powers. The right to raise revenues in totality has not been given to the regional governments although the Scottish parliament has minor tax levying powers which in the case of the Welsh Assembly is further restricted. Defense matters and the control of the armed forces or the formulation of foreign policy belong to the central Westminster parliament. Scotland does have its own education system but it effectively had this before devolution.

Devolution is where power is transferred from a superior government body such as a central power to an inferior one such as a regional level. Under the Scotland Act of 1998 although the Scottish Parliament will have the power to make the law of Scotland in devolved areas, those matters more appropriately dealt with on a UK basis will remain at Westminster as reserve powers. Among those powers reserved to the Westminster Parliament are constitutional reform; foreign policy; defense and national security; fiscal, economic, and monetary policy; employment legislation; some health issues, including abortion; social security matters; and most aspects of transportation safety and regulation amongst others. The Secretary of State for Scotland and a Scottish Office will also continue, but with newly defined roles. The Scottish Secretary of State's duty is to work with the Scottish Executive and the UK Government to ensure that Scottish interests are represented within the UK Government. See: "A Historical and Political Analysis" by Luis Rivera.

The regional governments therefore remain lesser partners in their relationship with the central government with the more important powers of government still retained by central government.

In the case of Northern Ireland the Assembly has been suspended by Northern Ireland Minister Paul Murphy and there is no word yet when it would be convened. The “Good Friday” agreement has not quite taken off as expected.

### **Parliament has power to take back devolved power**

Essentially devolution means the “setting up of an elected regional body, the powers of which are carefully and clearly defined by national governments and in every case how so ever authority has been conceded by an Act of parliament may be taken back in the same manner.” It is entirely within the powers of parliament to abolish the devolved governments in Scotland Wales and Northern Ireland.

Despite parliamentary supremacy Westminster parliament would not do a volte face - the abolition of these parliaments is not going to happen in the UK system. In Sri Lanka power that has been devolved to a lesser entity can be taken back.

### **Lack of revenue raising powers for Scottish and Welsh Parliaments**

Steve James in an article titled Scottish and Welsh Nationalism: self enrichment masquerading as social reform feels “the SNP and PC both combine calls for greater regional autonomy with demands for a larger share of all-UK tax revenues for themselves. The SNP still tends towards its previous call for Scottish secession, but in its election manifesto this is subordinated to its demand for the "completion" of the powers of the Scottish Parliament. Plaid Cymru do not mention Welsh independence at all in their message to the electorate.”

### **Cry for fiscal autonomy**

The fact that both of these once separatist parties are now seeking more fiscal autonomy than anything else to set the tax rate is a sign of the times with EU playing a major part in that change in thinking. Steve James believes “a reformist agenda of SNP and CP is in reality built upon a willful disregard and contempt for the fate of workers elsewhere in the UK – they conceal a pro-business agenda.” He recognizes “tax collection” as uppermost in the minds of these parties.

### **A clamor for an English Parliament?**

Devolution to England in the shape of regional assemblies as promised by the Labour Party is being debated with UK’s deputy Prime Minister John Prescott who is much involved in the project. It is believed a kind of parity can then be achieved between the four nations if all four nations had their own parliaments resolving the West Lothian Question. MP Tam Daylell, the actual representative from West Lothian, argued that Scottish MPs should not be allowed to vote on English matters when the English would not be able to vote on Scottish matters in the new Parliament. Scotland having representation in two parliaments seemed unfair.

In the extreme a body called the “Campaign for English Regions” expressly advocates for the “termination” of England and is instead calling for nine devolved and separate EU regions that would directly deal with Brussels.

### **“Mahinda’s ever changing Chintanaya” is a far cry**

It’s very clear that the UK system and its exercise in devolution has its share of contentious issues yet to be resolved. These issues go to the heart of Thamil autonomy. The question of power vested with the central government does not sit well with the Thamils. The fact that parliament reflects the majority will is unacceptable. The lack of tax raising powers and the absence of decision making powers in major areas of government would all be contentious ones when it comes to the question of devolution. How “extensive” is “extensive” must be clearly spelt out. Would the binding nature and rigidity of the Sri Lanka constitution with onerous requirements permit major amendments to reflect Thamil aspirations? With UK’s entry into the EU the question of devolution in the UK has taken a back seat but in Sri Lanka for the Thamils it’s a front and center issue – a bread and butter issue – a life and death issue.

As examined herein above the “extensive devolution” under the “UK style regime is not anywhere close to Thamil aspirations. Even so it’s too late to consider such an arrangement. There has been too much sacrifice and too much Thamil blood spilt and lives lost to go back in time. Besides you cannot have the so called “extensive devolution” part without the other one – the constitutional and institutional safeguards existing in the UK system which neither exist in Sri Lanka nor is it comparable; the most important of which is the fact that the UK has become part and parcel of the EU and is inextricably linked to its destiny. Whatever Mahinda Rajapakse may be contemplating in his ever changing “Chintanaya” would be a far cry.

It’s preposterous for President Mahinda Rajapakse to imagine that a “UK style regime with extensive devolution can be adopted as a solution to the Thamil National Question. He is wrong!