

## **IT IS THEIR BUSINESS TO PROTEST STRONGLY**

'Democracy diabolically destroyed and devastated' is the damning opinion angrily expressed with concern by many an organisation and several respected citizens of this country, condemning the recently conducted Wayamba provincial council elections. This condemnation is, no doubt, an indictment on the People's Alliance government, in that, it is the onus and responsibility of the government to have ensured the holding of free and fair elections, zealously protecting the franchise of the people.

The business leaders, who published a full page beautifully worded appeal in the print media, the very day before the elections, exhorting that violence be shunned, only received a loud scornful rebuff. After the elections, the business leaders under the Chairmanship of *Deshamanya* Lalith Kotelawala published a quarter page notification in the print media, stating briefly that – "We join all sections of civil society in condemning the violence witnessed at the Wayamba provincial council elections". Having funded the election campaign and activities, would not those leading business types also be parties to this orgy of violence and malpractice destroying democracy ?

The condemnation from the business leaders, however, was not so loud as their appeal – it appeared more like a whimper, compared to the robust appeal. On the contrary, one would have expected the business leaders to have courageously given leadership to public condemnation of what had transpired. As accreted that, as business leaders, they ought to be able to "bite the bullet" and hold those responsible unambiguously accountable. It was, *inter-alia*, stated:-

"Men of business are quite adept in ascertaining and in skillfully sorting the correct facts and data and rationally analysing them and drawing conclusions therefrom; devoid of any emotion. Accordingly, the business leaders ought to be able to figure out without much difficulty, what actually transpired at the Wayamba provincial council elections. As independent business leaders, devoid of any hidden agenda, surely they ought to act fearlessly without any political subservience and hesitation. Otherwise, such pontificating public messages would be worthless."

### **HYPOCRISY & IMMORALITY**

Amongst those, who gave leadership to such public condemnation, putting the business leaders to shame, was the Bishop of Chilaw, Rt. Rev. Marcus Fernando. The Bishop addressing a large gathering at the annual prize giving at St. Peter's College was reported to have stated, that the people of Wayamba had become second class citizens of Sri Lanka as a result of the violence that they had to face at the Wayamba provincial council elections. Bishop Marcus Fernando had been quoted to have stated:-

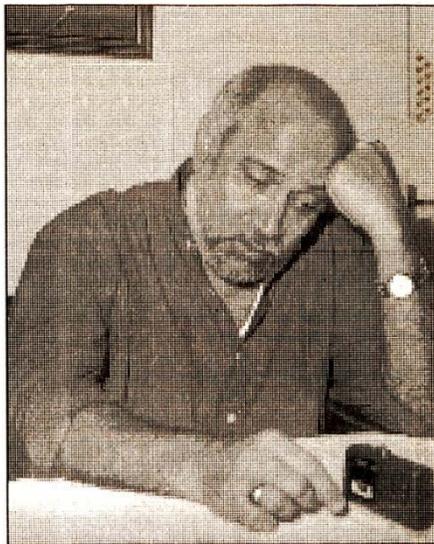
"I like to touch upon a subject which is of great topical and national interest. A few days ago, we had an election – if indeed it can be called an election – in the North Western Province. Surviving that event was like surviving a war. We hear people speaking of violence and fraud in the past. Certainly nobody justifies wrongdoings of the past. But there is so much that is ugly, hypocritical and immoral in the present, that there is no need to harp back to the past."

"Violence and fraud can never be justified. We want deeds, not words. One should honestly ask 'Can any governing body that grabbed power by blatantly unethical means, win the respect of the governed ? Is such a body morally legitimate ? The fabric of our national life is coming apart. We cannot go on like this. I dread to think of what would happen to our country, if we were to face a few more exercises of this type."

"People will lose all confidence in the democratic process. Divisions and tensions will increase and become a permanent feature. Such a polarisation, fostered by politicians, is not the desire of our people. They want to live in a peace and fellowship."

Bishop Marcus Fernando was addressing, amongst parents, the young children at a school prize giving – they are the future generations of this country. The Bishop obviously thought that it warranted the drawing of attention to the threat to the democratic social fabric. Education it is said is not the assimilation of knowledge or the acquisition of title, but the formation of character. This, no doubt is underscored by Bishop Marcus Fernando's words of wisdom.

Amidst all the public condemnations of the Wayamba provincial council elections, the two Oxford educated Ministers, Foreign Minister, Lakshman Kadirgamar, President's Counsel and Justice & Constitutional Minister, G.L. Peiris have maintained a deafening silence. By their such silence and inaction have they not clearly endorsed what had transpired at the Wayamba provincial council elections ? Would they not be collectively responsible as a part and parcel thereof ? It was not many moons ago, that they both were heard to speak very eloquently and ardently of the finer values of civilised democratic society, whilst condemning the previous regimes. Surprisingly, they are unable to do so now and thereby have they not acquiesced with the process of violence at elections disenfranchising the people ?



Minister Ashraff — Condemned the way the polls were conducted

On the contrary, it is to the admirable credit of their cabinet colleague, leader of the Muslim Congress and Ports, Shipping and Rehabilitation Minister, M.H.M. Ashraff, President's Counsel, that he courageously condemned, not only the Wayamba provincial council elections, but also the very People Alliance government, of which his party is a constituent member. Minister Ashraff had told the press :-

"As a constituent member of the People's Alliance, I am ashamed at the manner in which the PA conducted this poll. Our party joined the PA because we believed in strengthening the democratic process. All this time we have been talking about the misdeeds of the UNP. What can we tell the people now ? It is true certain MPs and ministers of the PA were involved in election mal-practices. However I cannot say I am one hundred per cent sure that the president was involved in such activities. However, we have lost faith in her as well, may be by about 25 per cent. What I wish to say is that the president must take immediate action against these PA parliamentarians, and show our party as well as the people of our country that she respects democratic values."

## **POLICY PRONOUNCEMENTS**

It would be poignantly relevant to recall, what President Chandrika Bandaranaike Kumaratunga pronounced in the policy statement of the People's Alliance government presented on the occasion of the opening of parliament on January 6, 1995. Given below are some extracts taken from the section under the heading –"The government's political agenda".

"They (the people of our land) lived through the most horrendous suppression of fundamental human rights, a state structure which was corrupt and rotten to its very core, and which frittered away our national assets with gay abandon. .... They expressed their unrelenting courage and desire for change – .... a change from oppression and terror to a truly operative democracy, in which the rule of law was firmly entrenched;"

"My government believes that political power is a trust placed in us by the people. It has a moral justification only so long as it is employed for purposes which promote the well-being of the community as a whole. The nation expects nothing less than this from our government. We shall keep faith with our people."

"It would be all too easy to slip back into authoritarian rule, employing the overriding constitutional powers accorded to the President. But our style of governance is radically different. Our resolute commitment to democracy and good governance gives us the courage, to resolve democratically the enormous problems facing the country."

"Democratic safeguards, embodied in the normal laws of the country, were overridden with impunity by the accretion of Emergency Regulations which were promulgated frequently for the flimsiest of reasons. .... Our capacity to protest had become blunted; a dissenting view was seldom heard; and our ability to feel and to express outrage was no longer capable of effective expression. No greater tragedy can befall a society which respects even the basic elements of the democratic tradition."

"There was, as well, the critical problem regarding deaths caused by violence during the election campaigns. This tended to debilitate the electoral process which forms the life blood of representative democracy .... The reports of the Election Commissioner himself and of various local and foreign human rights organisations, testify to this. Elections were transformed into a tragicomedy of Grecian proportions. They reflected in no way the will of the people but were employed fraudulently to entrench an unpopular regime in government against the will of the people."

## **DEALING WITH THE MISCREANTS**

The Commissioner General of Elections has been reported to have expressed unreservedly, that he was not satisfied with the Wayamba provincial council elections, further having stated that this was the worst elections in his long experience in the elections department. He had publicly opined that he had no power under the law to cancel the elections or to withhold the proclamation of the count.

Thereby had not the Commissioner General of Elections clearly implied, that he ought to have cancelled the elections and withheld the count, had he the power under the law to have done so ? If not, what did he actually mean ? What a sorry plight for democracy in this country ! There has been only a deafening silence from the Minister of Justice in this regard!

It had been reported that the Commissioner General of Elections had blamed the police for their failure to provide the requisite security for the conduct of the Wayamba provincial council elections and that he had so asserted in writing. The Inspector General of Police is reported to have lamented – "The police always gets the blame, but we do not always get the necessary assistance to maintain law and order. The politicians also have a duty to prevent violence. It is not fair to blame the police for everything."

This, no doubt, is a clear broadside by the Inspector General of Police on the politicians, who had been responsible for perpetrating the widespread election violence and malpractice. It is to be seen whether, the police chief upholding the rule of law irrespective of the persons concerned, will act fearlessly and independently to arraign those responsible and hold them accountable under the law. Significantly, had the sudden transfer of police officers on the eve of the elections dampened morale ?

The independent organisations, the Centre for Monitoring Elections Violence and the People's Action for Free Elections, who monitored the Wayamba provincial council elections have reported that widespread unprecedented violence and malpractices had irrevocably undermined the validity and irretrievably flawed the elections.

Election violence allegedly had mainly been attributed to the People's Alliance, as had been endorsed by Cabinet Minister M.H.M. Ashraff. The widespread incidents reported had included, the intimidation of voters through violence, chasing away of opposition party polling agents, capturing of polling booths overpowering the returning officers and stuffing of ballot boxes with ballot papers forcibly taken with impunity, whilst the police assigned had helplessly looked on.

*The Daily News* of January 26, 1999 reported that President Kumaratunga had suggested to the Commissioner General of Elections that the polling centres affected by alleged election malpractices and irregularities be declared null and void; thereby recognising the magnitude of malpractices perpetrated through violence. What had transpired at the Wayamba provincial council elections goes against the very dicta of the People's Alliance government's policy statement to parliament. The words of Bishop Marcus Fernando aptly re-echoes – "Violence and fraud can never be justified. We want deeds, not words ... There is so much that is ugly, hypocritical and immoral in the present, that there is no need to harp back to the past."

### **PASSION FOR DEMOCRACY**

The head of the Naga Vihare, Kotte, Ven. Maduluwawe Sobitha Thero was reported in the *Midweek Mirror* of January 29, 1999 to have stated – "Nobody accepts the (election) results declared. This election is a clear example where democracy has been destroyed ... By trampling democracy and the will of the people, we are promoting terrorism". The Chief Incumbent of the Bulupitiya Temple, Ven. Bulupitiye Dharmapala Thero is reported to have witnessed People's Alliance activists involved in malpractice and had, *inter-alia*, stated – "The election officers and police just stood by and watched them because they did not have the strength in numbers to challenge this group". Kurunegala Bishop Rt. Rev. Raymond Peiris is reported to have condemned the election as unfair and urged that it be declared null and void. The leaders of the JVP, the New Left Front, MEP and NLSSP have all condemned the Wayamba provincial council elections. This is only a cross section of the people !

The opposition and UNP leader, Ranil Wickremasinghe is reported to have charged that the People's Alliance government was destroying democracy by trampling the right of the voters and that this was a crime against the people of this country. "Let any side win. No room should be allowed to subvert the right of voters which would put democracy at stake" he had asserted, cautioning against a potential trend towards dictatorship as a consequence. Ranil Wickremasinghe has asserted his commitment to uphold democracy and democratic traditions, whilst condemning outright the Wayamba provincial council elections.

In this scenario of destruction of democracy and democratic traditions, there emerges one salutary and redeeming feature that affords a glimpse of hope for the future. In that, the leader of the opposition and the leader of the UNP, Ranil Wickremasinghe has courageously demonstrated, that he is not going to lead a political party to counter violence with violence. For the UNP to have been routed by violence speaks volumes of the change that had been brought about by the UNP leader Ranil Wickremasinghe. He has strongly advocated that he is an ardent democrat abhorring violence and malpractice. He has amply vindicated this stance at the Wayamba provincial council elections.

Victory and defeat at elections is a part of the democratic process, where political leaders and democratic parties have to necessarily bow down gracefully to the will of the people, reiterated Ranil Wickremasinghe at a recent television interview, perhaps riling the displeasure of elements in his own party that had dabbled in violence and malpractice in the past and continue to advocate the same.

Steadfastly adhering to his policy of "a new vision" and "a new deal" for the party and the country, Ranil Wickremasinghe has not only demonstrated his skillful resilience to thwart the aspirations of others sniping him to win elections at any cost, but also he has emerged as the undisputed victor for democracy, whilst his party lost the elections due to undemocratic violence and malpractice confirmed by many, resulting only in a *Pyrrhic* victory for the People's Alliance government.

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