



AUSTRALIAN TAMIL MANAGEMENT SERVICE

Equal Opportunity or Devolution?

Many writers have registered their thinking on the 13th Amendment to Sri Lanka's Constitution. The way I have registered the relevance of the 13th Amendment is that it is important in relation to recognizing and satisfying the need for self governance through the establishment of Provincial Councils. The alternative to my mind is Equal Opportunity Laws that would help us merge with global participants.

In his Sri Lanka Guardian article '**Where can we take the 13th Amendment?**' Victor Cherubim says – *'The clarion call of the people heard even as far away as England is that they are not happy with the working of the 13th amendment.'*

Mr. Victor Cherubim however does not demonstrate his identification with the current needs of Sri Lanka – taking into account the pain and loss by all Sri Lankans. Every genuine expression on behalf of the needy would go towards real solution.

In turn, in his article '**Gotabhaya's Talk about Abolishing the 13th Amendment**' Professor Laksiri Fernando who is well respected in intellectual circles says *'Devolution and the 13th Amendment are the 'trophies' that the government has been showing the international community and the UN as indications of Sri Lanka's commitment to resolve the ethnic question in the country. Backtracking on them would undoubtedly spell disaster for the country in the international sphere.the abolition of the 13th Amendment is completely against the recommendations and spirit of the LLRC Report'*

It is stated about Professor Laksiri Fernando *'He was also the Executive Director of the Diplomacy Training Program (DTP) at the University of New South Wales during 1995-97 after Jose Ramos-Horta of East Timor.'*

The *Racial Discrimination Act 1975* is also Australia's 'trophy' at the international level – to confirm the Australian Government's victory over 'white Australia policy'. University Administration sent their security officers followed by armed Police Officers to have me arrested (unlawfully as per my reading of the legislation used). The legal officer of the University was nowhere to be seen during the arrests. My experience with the Courts confirmed to me that the officers concerned were clueless about the issue over which I sought to see the Vice Chancellor - through Due Process and they were also clueless about the relevant provisions of the legislation in whose name they arrested me. Hence when it comes to taking sides – Australian Police would naturally be on the side of Sri Lankan armed forces. Likewise their respective governments. Neither would give preference to the law over their own subjective powers. Neither would place the interest of the citizen before their own.

Given the accolades carried by Professor Laksiri Fernando, it is important that he studies the reality of Australian Universities with devolved powers in relation to practice of the law.

My own need to see the Vice Chancellor was due to the persecution I was experiencing after I did my duty as per my assessment of my position requirements – to democratize the financial management system. As is the usual pattern in Australia, I was running too fast for the liking of the oldies. I went as far as I could – without acting in breach of any law as interpreted by me genuinely. Until I know otherwise, I am entitled to interpret laws and policies as per my genuine investment in that law in particular and in the laws of my environment in general. Likewise, the other side – and given that they held higher positions – in the eyes of the police and judges – I was punished. The real judgment was delivered through foreign students with weak investment in Australian law. Even if there is one genuine participant – Natural Justice becomes active. Then God is the Judge and genuine participants would identify with that real judgment. To me it was no coincidence that I was fighting for Equal Opportunity principles whilst Heads of Faculties were fighting for Devolution. University Central Administrators who have failed to be accountable to their higher Central / parent authority – the Government – would naturally fear devolution to lower levels. They fear that the devolved units would do to them what they had done to their parent unit. To my mind this is also the case with the Sri Lankan Government.

It would be unfair to expect Sri Lankan institutions with lower status than Australian Universities to follow the law more sincerely and with greater commitment to show ‘justice’. In real terms they may be more just than Australians. But showing that real value is not easy for a minority power. Every Sri Lankan who consciously and/or subconsciously takes on the authority of a high status nation – such as Australia - without studying that country’s own records in parallel issues – is being unjust to Sri Lanka.

My recent contribution to Lessons in Human Values included the following ‘*Some students learn at the surface level and therefore need the repetitive learning path. This does not register deeply but in some environments this would produce immediate results. When the lesson is taken in with the Guru, such knowledge gets registered more deeply. This facilitates opportunities at high levels. Beyond this, when the student learns with deep focus and therefore without calculating returns – benefits nor opportunities – the learning energy of the student merges with the teaching energy of the Guru to render Universal power. This is why Lord Krishna said to do our duty without expecting benefits.*’

India is naturally the Guru for Sri Lankan Tamil leaders in relation to Devolution on cultural basis. Sinhalese leaders who do not consider Indian leaders as their gurus, would tend to surface-read the 13th Amendment. Likewise those who pay lip-service to the Constitution. Tamil leaders who go through Tamil Nadu are likely to read the 13th Amendment more deeply due to the common culture. But whether they would practice the 13th Amendment is another question. Like the way *Racial Discrimination Act 1975* is a passive showpiece for Australian Government, the 13th Amendment is likely to be a showpiece for Sri Lanka. Neither is a tool through which the government connects to reality, leave alone the citizen.

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Ultimately, whatever we do – be it good or bad – we do for ourselves and those who are a part of ourselves. That is the law of karma which never fails.

The citizen's alternative to Devolution is Equal Opportunity Laws. Citizen's power is individual's power and individual is the smallest unit to which power could be devolved. That would preserve the real value of loss and pain of the ethnic war – at the individual and small group level. Such preserved value is the Lesson we have Learnt from the war. If we are capable of learning at our individual level – we do not need group power. If it happens – it is a bonus. The more self governing we are as individuals – the greater the real power of governance to the side that includes us. Given that majority of us do not have the power to directly influence Governments – we are better off working on improving our self governing skills at individual and small group levels. When someone is in need of support – we would then be free to add ourselves to that side. We do not need anyone's permission nor any law to do this. Truth alone is enough. Others may not even know it but it will happen to deliver just results for all genuine participants. The rest is maya/delusion which causes stress.

During a recent meeting, many well educated Sri Lankans of Sinhalese origin also expressed their preference for small-group level of governance. That is the level at which we are able to complete the real experience. Like with the Australian officers - the rest is for grades/jobs – largely due to attachment to benefits - and should not come by fooling the naïve citizen. The genuine citizen does not need an external government. A consolidated pool of such genuine citizens is the real government of that group.

Gajalakshmi Paramasivam 26 October 2012