

# POLITY

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## DIFFICULT TIMES

**S**ri Lanka is once again going through a difficult time. There is uncertainty as to who is in charge of governance. The President and the Prime Minister, the two highest office holders in the system of governance, have been at loggerheads with each other for several months on this question of who is in charge. They continue to engage in bickering and back stage manipulation meant for one-upmanship. It is quite clear that a President and a Prime Minister, who have successfully defied the pressure coming from many sources to work in consensus to advance the processes of peace, conflict transformation and economic development, have taken Sri Lanka's political process hostage.

The unresolved conflict between the President and the Prime Minister is also affecting the peace process in a negative manner. When the LTTE presented its proposals for an interim administration, the stalled negotiations could have been resumed in order to find a common ground on a short and medium term process of post-conflict development in the North-East. On November 03, just three days after these proposals were unveiled, the power struggle between the President and the Prime Minister broke open. The President's move to sack the Wickremesinghe administration did not succeed. Yet, her taking over of three key ministries of the UNP regime, including the defense portfolio, remains the main stumbling block in the way to the normalization of relations between the two sides. Since then, all the energies of the Southern political society are being wasted on the fruitless exercise of finding for them a framework of cohabitation.

There are three fundamentally negative consequences of this protracted dispute between the two rival power centers in Colombo. Firstly, it has stalled the negotiation process. The Norwegians suspended their role of facilitators and went home, on the argument that after November 03 there was no clarity as to who was really in charge in Colombo. The Prime Minister refused to lead the peace

process on the argument that he was no longer in control of the defense apparatus while the President wanted him to continue with the peace process. It appears that the stalemate in the peace front, which began in April last year when the LTTE withdrew from negotiations, is going to continue for some time. In the meanwhile, Sri Lanka is certainly losing the momentum in the peace process. Someday, later rather than sooner, the Prime Minister and the President might find a way out from their dispute only to find that the initiative for peace with the LTTE has slipped past them.

The second negative outcome of this stalemate is the loss of momentum for economic recovery. After its disastrous crisis in 1999-2001, the Sri Lankan economy showed signs of recovery in 2002, primarily in the context of the cease-fire agreement between the government and the LTTE and the internationally facilitated peace negotiations. With the initial progress in peace talks, the international community pledged significant economic assistance to Sri Lanka for reconstruction and development. But, that assistance is linked to the progress in peace talks. The year 2003 went wasted with little advance in Sri Lanka's economic recovery program. The Sri Lankan economy may not collapse; yet without political stability in Colombo or stabilization of the peace process, it will certainly not take off for rapid growth. In fact, this period constitutes another lost opportunity for economic recovery and accelerated growth in Sri Lanka.

The third dimension is the decay in the institutions of governance. While the executive and the legislature are in conflict, the two leaders and their camp followers have also been working to undermine the authority of institutions occupied by each other. In this process, public confidence in the political leadership has also significantly eroded. When the essentially political question of who was in charge of defence responsibilities was brought before the judiciary, the judges also

gave the impression that the judiciary was not above politics. And indeed, all the three main institutions of governance – the executive, the legislature and the judiciary – have suffered an enormous deficit in public legitimacy, although their incumbents might not be aware of it.

This unresolved crisis of governance has also created space for new forces of destruction and destabilization to emerge in Sri Lankan society. The newly emerged anti-Christian movement, led by extreme Sinhalese-Buddhist political groups, is using violence

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and intimidation against the Christian minority. During the past two years, there have been over one hundred incidents of attacks on and intimidation of Christian and catholic places of worship. During the past few weeks, particularly after December, there has been a marked increase in these attacks particularly in Homagama and Kalutara. Yet the government and the law enforcement machinery have so far been both so ineffective and apathetic to these incidents of anti-minority violence that the perpetrators appear to act with courage and impunity. While the war and violence on ethnic identity lines have shown signs of abating, extreme groups in Sinhalese society have now moved into inflaming religious violence. This, coupled with the political and

governmental apathy towards preventive action, has the potential to push Sri Lanka into yet another phase of bloodshed.

These, indeed, are difficult times. They are particularly difficult because Sri Lanka is in a period of transition from a protracted civil war. Managing this transition is a challenge from which the political leadership cannot escape. It requires an innovative vision as well as a program of change grounded on the idea that the Sri Lankan polity needs to be re-built. If the political leadership fails in this task, the impetus for peace and rapid economic development is quite likely to be weakened in the midst of the re-emergence of forces for disintegration from within the Sinhalese polity. **P**

## ANTI-CONVERSION LAW SHOULD NOT BE PURSUED

### danger of encouraging lawless elements

The adoption of legislation to regulate a change of religious belief or faith is not, in the view of the Civil Rights Movement (CRM), a measure the government should take in response to the issues that have recently been raised regarding "unethical conversions".

It is neither practicable nor desirable to try to legislatively define conversions by "unethical" means, while protecting the constitutional right to manifest one's religion or belief. Such a law must necessarily be imprecisely defined. The right to abandon the religion one is born into and the right to adopt a religion of one's choice has always been recognized in our society. People change their religions for a multiplicity of reasons, sometimes very personal; in the sphere of thought and belief the law cannot delve into people's minds. Legislative definition cannot hope to deal with the diversity of situations in which conversions may take place. Conversion

may at times be comparatively sudden, in other instances it may be a process that takes place over a considerable length of time. It may be prompted by a wide variety of motivations, and by a combination of them. Conversions in certain contexts have long been known to, and treated with tolerance by, society. One example is a change of religion on marriage, which can be due to various factors. Another is where a religion change coincides with engagement in electoral politics. Is the law now to probe into and possibly criminalize such actions too?

Another factor is that persons subject to the alleged "unethical" conversions are frequently from amongst the more disadvantaged groups in society. Is the law to bar them from obtaining solace where they can find it? In fact in some countries people disadvantaged by a cruel caste system have converted to other religions - including to Buddhism - to gain acceptance into a community where their basic human worth and dignity is accepted. Are we to say that they are unfairly induced to abandon their religion of birth?

One has only to contemplate the diversity of situations that arise to highlight the complexity of the subject and the impracticability of state intervention.

Attempts to make people change their views on various subjects are part of the normal interaction of members of society. Support for this political party or that, the open economy versus protectionist measures, the consumption of alcohol as against teetotalism, and many other issues are constantly canvassed with passion and even aggression. At election time in particular, tremendous efforts are made to influence people to adopt certain views, with varying degrees of success. This is a manifestation of the freedom of expression and freedom of belief. People are free to campaign for various causes, though this may often serve as an irritant to those committed to other loyalties. Persons who try to convince others that their particular brand of faith is the true religion must be accorded the same freedom and tolerance by society. The fact that the right to manifest one's religion can be subject to restrictions as may be prescribed by law in the interests of public order, or for the purpose of securing due recognition and respect for the rights or freedoms of others, should not lead to hasty laws that can harm the peaceful existence of religions in the country.

There is also the real danger that for the government to now make "unethical" conversion an offence will be seen as appeasement of, and encouragement to, the lawless elements which have been engaged in deplorable acts of violence and intimidation against Christians and places of Christian worship in recent times. It might result in not less, but more, attacks, using the excuse that the offenders are only intervening to prevent activity

that the state has now deemed unlawful. It could appear to legitimize the lawless acts already perpetrated. The likely result of an "anti-conversion" law will be arbitrary arrests and prosecutions, and the harassment of believers of minority religions.

It is preferable that groups in society, if they have complaints of this nature against the practices of other groups, should seek to tackle such issues amongst themselves, with the assistance of civic-minded citizens, rather than seeking the intervention of the law. Harmony achieved in this

manner is more likely to be lasting, whereas court proceedings produce acrimony, bitterness and a sense of persecution. In this regard CRM notes that a serious effort is being made to set up an inter-religious body that can take meaningful steps to address the question of conversions. This is a responsible approach towards defusing tensions; tensions which in our already fragile and fragmented society would only be exacerbated by the passage of hasty and ill-considered laws.

Suriya Wickremasinghe  
Secretary