

NOTES AND COMMENTS

Federalism: The Debate Re-opens

It took an Indian to tell the Sri Lankans the plain and simple truth: find a federalist alternative, if you want Sri Lanka to be peaceful, democratic and united.

N. Ram, editor of *Frontline*, in Colombo this August to deliver the A. Amirthalingam memorial lecture, provocatively titled his presentation "Why not Federalism for Sri Lanka?"

Ironically, the late Mr. Amirthalingam was the Tamil leader who virtually presided over the transformation of the Tamil political demand from federalism to a separate state called Eelam. The struggle for Eelam has had a chequered history; after nearly fifteen years and three phases of a bloody war, now in 1992, Eelam no longer signifies a separate sovereign state except for diehard LTTE and some Tamil communities in exile. An ethnic unit, with power devolved politically within the territorial framework of a united Sri Lanka, seems to be the consensus goal, workable and practical, for the majority of Tamil groups.

How much devolution to the North-east and in what manner should power be shared have been the central issues that have characterized the debate on the ethnic question ever since provincial councils were set up in 1988. The debate, nonetheless, has so far remained inconclusive, seemingly fruitless and at times bitter. Indeed, Mr. Ram stepped in bringing his federalist 'advice' at a time when the terms of the debate were in need of a radical revision.

Mr. Ram is of course not the first person to argue, in the post-1987 political debate, for a federalist alternative for Sri Lanka. Nor is he the first to open up the debate. A number of Sinhala and Tamil intellectuals have, over the past few years, made the federalist point at various fora. Two years ago, Mr. H. L. de Silva, a leading constitutional lawyer, wrote a tract *contra* federalism which was reviewed by Professor G. L. Pieris in a major essay published in the *Daily News*. Yet, the discussion did not really pick up momentum, because the Tamil and Muslim political parties largely ignored it. They were busy with negotiations among themselves, within the framework of the All Party Conference, about power-sharing arrangements in the Eastern province.

Non-ethnic Solutions to Ethnic Questions

Ram's suggestion of federalism for Sri Lanka had an interesting conceptual grounding. Sinhalese and Tamils in Sri Lanka should approach federalism as a democratic solution to the ethnic question, and not as an ethnic solution. "You need to redefine the ethnic question in democratic terms. It is not a mere nationality question. It is a democratic question," said Mr. Ram, urging the Sinhalese to give up the 'Sinhala-only mentality' and the Tamils 'the Eelam mentality.' (Eelam is a pipe-dream, said Ram, the man who reportedly played a key mediatory role between New Delhi, Colombo and Jaffna in the run up to the Indo-Lanka Accord of 1987).

Ram's reference to Eelam as an impossible 'pipe dream' made the TULF leadership uncomfortable. In his vote of thanks, Mr. Sivasithambaram responded, quite contrary to usual custom, with an emotionally charged defence of the Sri Lankan Tamil demand for Eelam. Many other Tamil intellectuals in the audience later commented in private that they were profoundly disturbed by the Indian editor's rejection of the historical validity of the Eelam demand. "I am very perturbed," said an academic from Jaffna.

Ram's intervention drew a further response from Mr. Sivasithambaram, the leader of the TULF in an interview published a few days later in the *Island*. He said that the implication of Ram's argument - that the Tamils should first formally abjure the notion of a separate state - was untenable; it was necessary that the government should first put on the table a concrete alternative proposal the basis of which could be a federal political structure and the Tamils could then decide whether it was an adequate alternative to Eelam. Even the TULF seems unable to draw out the theoretical implications of their present political strategy.

A closer perusal, however, of Ram's appeal to the Sinhalese and Tamils to give up their ethnic politics and work towards a democratic solution has a valid basis. Unlike classical nationalism, modern ethno-nationalism—whether Sinhala, Tamil, Georgian or Serbian—can, evidently, play only a historically limited role. The contemporary experience of ethno-nationalisms graphically demonstrates that ethno-nationalism has only a limited and fixed task; it can not do more than highlight and bring to world



attention ethnic grievances. It cannot bring about solutions. Though examples of an extreme nature, Sri Lanka and erstwhile Yugoslavia sufficiently testify to the sheer inability of ethnic forces—extreme as well as moderate—to move towards even a cessation of hostilities, let alone a solution. To make the point more forceful, acutely politicized ethnicity can have a disabling effect on political practice, because it provides political actors with an essentialist and uni-dimensional world-view. Ethnicity, in ethno-politicizing communities, also dialectically negates democratic politics; it de-politicizes them. Even the enormous human suffering and destruction brought about by ethnic wars cannot move the ethno-nationalist mind. The LTTE's militaristic aggression and the TULF's political inertia are in a way products of this disabling ethno-nationalism as much as the Sinhalese political insensitivity to Tamil political rights is a result of the social-blindness of other communities to ethnicity.

The lesson, then, is actually an uncomfortable one for ardent believers in ethnicity: ethnic questions have no ethnic solutions. There are only democratic, and therefore de-ethnicized, solutions to ethnic questions.

The Price of Free Expression

When the Free Media Movement started its campaign of public meetings two months ago, its most active participants were journalists from independent newspapers. The state-owned Lake House Press responded to the Free Media Movement with a typical Lake House smear campaign. A journalist from the *Observer*, however, had the courage to join the media movement and participate actively in its campaign; he addressed a number of its rallies in Colombo and other cities.

Keerthi Kelegama, the journalist in question, is, according to reports in the non-state press, in trouble. The management had asked him to explain why he spoke at anti-government rallies. He may or may not be penalized for his act of rare courage. Yet, the very act of calling for an explanation is clearly intimidation by the management. The cruel irony of the Kelegama case is that this journalist spoke for the freedom of expression; the implication is that talking of media freedom is a punishable offence at Lake House—the leading agit-prop agency of the state.

Third Coming of the JVP?

If the statements made by government spokes persons are to be relied upon, the JVP has the life cycle of a phoenix; it constantly regenerates itself from its own ashes.

During the past two months, the government has been more or less warning of a resurgence of the JVP. Whenever hidden arms and ammunition, allegedly belonging to the JVP, are discovered by the police, a familiar news commentary also appears: 'these are weapons intended for a major JVP operation.' Recently, the *Daily News* quoted a police source saying that they were aware of the re-grouping of the JVP, specifically in the campuses. The *Sunday Island* too recently carried, on two consecutive weeks, feature articles on the theme of JVP's resurgence in the universities.

Are the stories of the JVP's resurrection mere bogey or truly indicative of the re-grouping of JVP-DJV elements? There are two theories gaining currency. According to the first, believed to come primarily from sources connected with the state, the recent spate of big robberies are clearly evident of preparations being made by JVP elements to reorganize their military wing. An added factor in this theory is the alarming increase in desertions from armed forces; according to recent newspaper reports, nearly 8,000 servicemen have deserted, often with their automatic weapons.

The second theory, meanwhile, states that the government has been exaggerating the JVP issue for political gains. Among these political objectives, according to this school of thought, is that of using the threat of a resurgent JVP as an excuse to maintain the state of emergency, in the face of growing domestic and international pressure to withdraw at least from the south.

Despite such contending readings of events, one should not rule out a scenario in which the JVP could come back with a bang. The prevailing political confusion in the country, if it continues unabated, would provide ideal conditions for the JVP or any other militant oppositionist movement to emerge. One factor that many people have forgotten is that the JVP had in the past found necessary political space whenever the opposition to the UNP regime remained weak, fragmented and ineffective. It has always succeeded in mobilizing people on an oppositionist footing, eating into opposition constituencies and presenting its own program as the most effective and immediate oppositionist project. To put it briefly, the tendency of the JVP has been to re-emerge first as an alternative to a weak and dilapidated mainstream opposition and then to move ahead as an alternative to the regime.

Given the fact that Oedipal and sibling rivalries within the SLFP leadership have set the party, which claims to be the main opposition party, along a path of self-destruction, and the general state of political despair among the rank and file of the opposition, should the JVP alone be blamed for its Third Coming?



Detainees, Embilipitiya School Boys and Human Rights

We commented in our last issue on the work of the Human Rights Task Force (HRTF) and looked forward to the publication of its Annual Report.

The report covering the activities of the HRTF for the year ending 10 August 1992 is now out. What the report does reveal is that the chairman of the HRTF has been forced to go on a voyage of discovery to 18 detention and rehabilitation camps and to 104 police stations and has found 7356 detainees in these places. He admits that many more police stations and army camps remain to be visited; and how many more detainees remain to be discovered?

These endeavours point out a depressing fact. The main task of the HRTF is to compile a comprehensive and accurate register of detainees and ensure that the conditions of detention are humane. To compile such a register two things are necessary: a list of all places in which detainees are being held and the requirement that all officials either taking detainees into custody or holding them should report to the HRTF. From a reading of the report, it is obvious that neither of these two requirements is being met; that is why the HRTF is being compelled to discover detainees.

If the government has either not instructed its security forces to fulfil these requirements or is not supervising their implementation, then one must question its sincerity and motives in setting up the HRTF. The HRTF has done some work to improve the physical conditions of detention, as, for example, their nutritional, sanitary and medical needs; but this is really the least part of its work. After one year of operation, there is still no central register of detainees.

In an effort to spruce up its own image, and that of the government, The HRTF has looked into a number of incidents which are only remotely connected with its mandate. One of these incidents is of great significance. This is the case of the Embilipitiya schoolboys.

Mr. D.L. Galappatty was the principal of the Embilipitiya Central School and the head of a school cluster; he still remains in this post. Let us reproduce the details of the incident in the words of the HRTF report:

Galappatti's son Chaminda had a love affair with a schoolgirl called Pavitra Ranmali.... The love affair caused a furore in the school.

One of the love letters which Chaminda Galappatti had written to Pavithra had fallen into the hands of a boy called Rasika Kumara Wijetunga. Rasika had shown this letter to other students and they used to have fun at Chaminda using expressions which he had written in the letter. This aggravated the hostility between the two groups. There were some incidents which culminated in an incident at a cricket match between Udagama school and the Uda Walawe school on 17.11.89. There was an altercation between Nihal of Udagama school and Janaka, a friend of Galappatti's son Chaminda. Janaka threatened to finish off Nihal of Udagama school and his friends on a tyre "male".

Some boys, including Nihal, were taken into custody by the army on same day; Others, including Rasika, were taken in on following days. The Report concludes

It is alleged that it was a well known fact that Galappatti had prepared a list of 18 boys of his school who belonged to the group against his son to be dealt with. On our investigations there is evidence of the abduction or removal of the following:

[Here follows a list of 32 schoolboys]

The report also refers to a close friendship between Galappatti and Col. Liyanage, the head of the army unit at Embilipitiya.

The report says that the "above account is based on statements made by the parents of the abducted persons and set out here without prejudice in the public interest". Mr. Soza, Chairman of the HRTF, wants the law enforcement authorities to investigate this incident and assess "the involvement and criminal responsibility of the persons mentioned."

Such an inquiry is said to be in progress. The delay is said to be because the statements of "certain army personnel who are difficult to contact as they are engaged in different parts of the country" are still to be recorded.

Can there be a lamer excuse? Are the authorities really interested in pursuing an inquiry into this incident which is symptomatic of many private vendettas carried out under the shadow of the emergency? The doubts are strengthened by the fact that Mr. Galappatti still remains principal of this school, even despite protests and demonstrations by students and parents. **P**