

*The following essay, appeared in Sunday Times in December, 1993, raises some key issues regarding Sri Lanka's recent efforts towards the resolution of the ethnic conflict. The final report of the Parliamentary Select Committee, submitted in November last year, failed to generate the anticipated political momentum towards a conflict settlement. We re-produce Dr. Coomaraswamy's essay for its incisive critique of the politics of conflict resolution in Sri Lanka.*

## SELECT COMMITTEE: THE FAILURE OF POLITICS

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The Parliamentary select Committee convened to study the ethnic relations was greeted with great expectations, but concluded its deliberations in relative obscurity. For those who continue to believe that a political solution is necessary with regard to the ethnic conflict regardless what happens on the military side of the equation, the failure of the Select Committee is a major setback to what had begun as a constructive, all-party effort.

The final report of the Select Committee accepts the need for devolution of powers along the lines of the Indian Constitution which scholars have called a quasi-federal model. It goes further to say that the North and east should retain separate provinces and that local government elections should be held in the eastern province so that a new generation of leadership can emerge.

In some sense, if one were to look at the proposals from the perspective of Sinhala politics, the report has come a long way. Both major political parties, the SLFP and the UNP appear to have accepted the need for a quasi-federal arrangement as a solution to the ethnic conflict. They still shy away from federal terminology but the concepts point to an arrangement which is federal in form. This is, of course, a major advance in Southern political thinking and should be heralded as such though it has been downplayed for political reasons.

The failure of the Select Committee has been its inability to come up with an acceptable compromise formula with regard to the North-East merger. The report categorically resists any such merger while the Tamil parties appear to have boycotted the sittings demanding that merger be one of the first principles.

Analysts of the process may argue that the Committee should have addressed issues on which there was a consensus first and then moved onto the problem of the North-East merger. In that sense, outstanding issues on the question of land, finance and law and order might have been analysed in depth and some compromise might have emerged from the deliberations. But, because attention was drawn to the North-East merger as the first

issue of contention under this quasi-federal model, the deliberations stalled and eventually failed. The only compromise offered was the notion of two councils of the North and the East respectively and an apex council for management and policy making with regard to the North and the East. The proposal failed because there was no agreement on the powers that should be given to the apex council.

On the one hand, the North-East issue appears to be an intractable problem. Part of the difficulty emerges from the fact that both sides seem to accept the boundaries of the two provinces as sacrosanct — boundaries which were drawn for us by the British. If the principle of re-demarcation is accepted, there emerge countless possibilities for compromise and give and take. NGO think tanks have put forward various solutions. One that seems most plausible is the redemarcation of the North and East into the following ethnic council areas:

- (a). The Tamil Ethnic Council in the North and a corridor through Trincomallee to Batticaloa.
- (b). A Sinhala Ethnic Council made up of Amparai town, west Amparai and South Trincomallee, and
- (c). A Muslim Ethnic Council made up of Amparai without the town area.

These Councils would enjoy full devolution of powers with perhaps an Apex Council to co-ordinate policies. In this suggestion everybody wins, in that the Tamil areas are merged and the Sinhala and Muslim areas are de-merged and there is ethnic experimentation in communal give and take at the level of the Apex Council. This suggestion for the North-East is only one of many proposals which could be entertained by the Committee if it was ready to accept the concept of redemarcation, a principle that it did not adopt or entertain.

The issue of law and order, land and finance were also unaddressed by the Committee in its months of deliberations since the negotiations were stalled on the issue of the North-East merger. There was no discussion on what should be the organising principles to guide policy in these



areas. There would have to be a separation of powers in which there is a rational connection to the respective requirements of the centre and the province. Such schemes were not entertained by the Committee. Therefore, though there is a general agreement on federalism or devolution along Indian lines, the actual details of that devolution or federalism are not clearly worked out. So, we are left with a set of questions.

What should be the provincial police be in charge of as opposed to the national police and how would this operate at the community level? What is the role of the Provincial Commissioner of Police? Is he responsible to the Chief Minister or to the Centre of both? What would be the role for the national Police Commission and what are the issues which should be under its jurisdiction? The same type of questions exist with regard to the issue of land. Land is a central resource for all the provinces. In this regard, should land vest in the province or in the centre or should land be shared according to given formulas? Should the mahaweli formula be used for all other irrigation schemes? With regard to the future state-aided schemes, should preference be given to people of the district and what type of formula should be worked out? What is the role of the National Land Commission and what are the issues that come under its jurisdiction? All these questions remain unaddressed.

The same unanswered questions remain in the area of finance. They relate to the role of the Finance Commission, the tax base the Province, the sources of its revenue, the budget requirements, and the accounting procedures. There has also been no discussion of the various lists and the need to review the Provincial List, the Concurrent List and the National List when it comes to a separation of functions. There are also no recommendations with regard to the power of the governor and the need to find a formula which will maximise legislative power of the Provincial Council while safeguarding the interests of the Centre.

The Select Committee was interested in trying to work out broad areas of agreement and disagreement. As a result, the details that are necessary for any solution were cast aside for another deliberation. By doing this they did not capitalise on their strength — the notion that there would be a quasi-federal form of government and what that would mean in terms of details. In that regard, the Committee might have been able to work out a full scheme of devolution with only the unit of devolution for the North and the East being the outstanding factor.

This would have allowed the select Committee document to be a blueprint for devolution in future negotiations. At the moment, since it is only asserting broad principles, everyone is uncertain as to what this would mean in practice if the principles were to be adopted.

The failure of the Select Committee is not only a reflection of the complexity of the issues that are facing us, but also a pointer to the fact that parliament has not developed the process of the Select Committee to make it an effective element in public decision-making. A forty member committee which accepts representations and then attempts to deliberate among itself cannot be an effective channel of decision-making.

The size of the Committee has to be smaller and the political parties concerned should prepare working papers which would be the subject of deliberations. Or, as in international negotiations, a large secretariat is created to back up the chairman with technical expertise to ensure that the best possible conditions exist for negotiations and that different option papers are circulated for consumption and analysis. Neither of these developments took place. The political parties did not put forward ideas, nor was there the kind of secretariat which allows committees to function as policy-making bodies. This experiment then should point to the need to revise the process of the parliamentary Select Committee when it is sitting on issues of policy.

The failure of the Parliamentary Select Committee on the ethnic question is the failure of politics and the style of politics that does not allow for the resolution of conflict. The Tamil parties also exhibited a certain juvenile tendency to boycott sittings at will if what they asked for did not emerge.

A dissenting report would have allowed them their say at the end of the proceedings. But the need to take the deliberations as a serious process and not search for excuses for withdrawal is the only way that politics will finally triumph over the military side of this conflict. For the Tamil parties who participated in the deliberations, politics is their only option. In that context, their cavalier approach to the Select Committee must have been a serious disappointment to the Chairman as well as to the Tamil constituency.

The Select Committee on the ethnic conflict has accepted the broad principle of federalism as a means of resolving this conflict. The future rests on negotiations over the North-East merger and the details and substance of devolution. Who will discuss and negotiate these issues?