

# CHANDRIKA'S FEDERAL PACKAGE: A POLITICAL ANALYSIS

Partha S. Ghosh

**T**he Sinhala-Tamil ethnic strife is now about four decades old. Still, there does not seem to be any ray of hope at the end of the tunnel towards its peaceful management. The war between the government forces and the LTTE is becoming more and more fierce and one knows what would its final outcome be. How this point of no return has been reached is a long story but it would suffice here just to underline the harsh reality that successive Sri Lankan governments and Tamil leadership have missed one opportunity after another to address the problem from a realistic sense of judgement. Their succumbing to all kinds of pressures of existential politics is now making them bear an unacceptable cost which the present strife has brought in its train.

This of course, is not peculiar of Sri Lankan politics. All societies suffer from similar myopia. Only when matters go out of hand do the leadership realize the gravity of the situation. But by then it is already too late. What Machiavelli had said about half a millennium ago sounds as valid today as it sounded then:

Physicians say of consumption (tuberculosis), that in the early stages of this disease it is easy to cure but difficult to diagnose, whereas, later on, if it has not been recognized and treated at the beginning, it becomes easy to diagnose but difficult to cure. The same thing happens in the affairs of state.

Against this perspective of philosophy of history, the two-pronged strategy of President Chandrika Bandaranaike Kumaratunga aimed at resolving the ethnic problem of her island-state deserves some careful analysis. The strategy is two-pronged because on the one hand there is an all out effort to deal with the Tigers militarily while on the other to address the deep-seated political grievances of the Tamils through striking a political deal with the latter on a long-term basis. Empirically speaking, she cannot be faulted as this is a time-tested tactic of extending the arms of friendship while keeping one's powder dry. But the problem with the LTTE militancy is much more serious than just deterring them by displaying the big stick. Even mighty Indian army had failed to tame them. But before discussing the LTTE let us see what Chandrika has to offer in terms of politically empowering the Tamils of the North-Eastern province.

On August 3rd, Chandrika announced her federal package. (Incidentally, the Reuters had leaked the news about a week earlier.) In the package she took cognisance of all the major grievances of the Tamils, namely, the question of language, land settlement, law and order, and the overall issue of regional autonomy. She virtually conceded on every point to

the fulfillment of the Tamil demands. Without mincing words she confessed that her primary task was to find a new approach predicated on unqualified acceptance of the fact that the Tamil people have genuine grievances for which solutions must be found.

I do not recall of any Sinhalese politician to have ever made such a categorical remark in favour of the Tamils. Objectively speaking, it was probably a bit of an over-statement.

The package contains all the conceivable provision necessary for granting autonomy to the Tamils. Pending the redemarcation of the boundary of the Tamil-majority North-Eastern province, it has been proposed to divide the island into eight autonomous regions (hitherto, called provinces). Thus, instead of being a unitary state Sri Lanka would now be a Union of Regions. The territories comprising the cities of Colombo and Sri Jayewardenapura-Kotte would be excluded from this arrangement and although geographically within the Western region they would be directly administered by the Center.

The regions would be fully autonomous both in terms of executive and legislative powers. Article 76 of the Constitution which gives absolute power of legislation in the country to the Parliament is to be abrogated as the same power is now to be shared by the Regional Councils as well. The respective powers of the Center and the regions are contained in the Reserved List and the Regional List respectively. The former has 58 subjects while the latter 45. There would be no Concurrent List. To ensure that the center does meddle in the affairs of the regions it has been clearly provided that the Chief Ministers cannot be removed from office so long as they enjoy the confidence of the Regional Councils. The Governors are not supposed to be the watch dogs of Central interests as is the case in India and their appointment by the President will be strictly with the concurrence of the Chief Ministers.

To resolve disputes between the Center and the regions or between and among the regions there will be a Permanent Commission on Devolution appointed by the Constitutional Council. The Commission would have powers of mediation as well as adjudication. There will be a National Finance Commission entrusted with the job of allocating grants to the region keeping in view balanced regional development. The Regional Councils will have the power to borrow as well as to set up their own financial institutions. International borrowings beyond a prescribed limit will, however, require the concurrence of the Center.

In short, the package is the most ideal devolutionary arrangement one can think of. But all good things do not necessarily work, least of all, in the realm of politics. It is surmised that the very genuineness of the offer itself could become its liability. There are forces both within the Sinhalese and the Tamil populations which have reasons to oppose the move. In respect of Tamil response to the proposals the very fact that the latter tend to receive the approval of the majority of Tamils it would be opposed tooth and nail by the LTTE. Since the proposals have the potential to wrest from the LTTE their own constituency, that is the Tamils of the North-Eastern province, they cannot agree to them.

It is also apprehended that the more the Tigers sharpen their teeth against the package, the greater would be the distance between the latter and the moderate Tamils, if not for anything else but at least for their personal security. The LTTE is capable of driving such fear into the spines of all Tamil politicians, notably those located in the North-East. To politically compete with the Tigers for the same hearts of the North-Eastern Tamils the moderate Tamil parties would be obliged to pose as if they are equally on guard against the possibility of being taken for a ride by Chandrika, a game which, according to the Tamils, the Sinhalese politicians have been playing ever since the days of S.W.R.D. Bandaranaike (1956-59). In this kind of a situation their demand for the "Tamil homeland" would come in handy to them thereby raking up the issue of permanent merger of Northern and Eastern provinces without any tampering of the existing boundaries. The TULF leader, M. Sivasithamparam, has gone on record to say that this is one thing which is "non-negotiable". To any student of Sri Lankan politics it is elementary knowledge that the matter is politically loaded and all kinds of ethnic sensitivities are intricately intertwined.

Then there is also the problem of dealing with the Sinhala hardliners. Since the package warrants constitutional amendments which require two-thirds majority of the Parliament and then a popular endorsement through a referendum, the possibility of their running into rough weather is high. In the 225 member Parliament the two arch rivals, the UNP and the SLFP (the present ruling coalition, the PA-People's Alliance is dominated by the SLFP), are more or less evenly balanced with the UNP having 94 members and the PA 105. The Tamil parties account for 14 and the Muslims for seven. The remaining five seats belong to the small parties. It has been Sri Lanka's experience that the party in power is generally accommodative of the Tamil demands but the one in Opposition gathers all its strength to sabotage it. This has been true right from the Bandaranaike-Chelvanayakam (BC) Pact (1957) through the Dudley Senanayake-Chelvanayakam (DC) Agreement (1965) through the Indo-Sri Lanka Accord (1987).

The UNP which is virtually leaderless after all its prominent leaders, Lalith Athulathmudali, Ranjan Wijeratne, R. Premadasa and Gamini Dissanayake, have been killed by the LTTE is likely to grab the opportunity of projecting itself as the defenders of the majority Sinhala-Buddhist interests. The revolutionary recommendation in the devolution package to declare the state as a Union of Regions in place of a unitary

state would provide it the necessary handle to excite the Sinhala masses against the package. Though the UNP Parliamentary Party leader and the Leader of the Opposition, Ranil Wickramasinghe, has been discrete, Susil Munesinghe, another prominent UNP leader, has gone on record to say: "You cannot have anything other than a unitary state". It is the general guess that a significant section of the Buddhist clergy holds this position.

The other point that the Opposition parties would use to embarrass the government is with regard to the suggestion to make the post of the Chief Minister of a region inviolable. As mentioned above, according to the package the Chief Minister cannot be removed by the Center as long as he enjoys the confidence of the Regional Council. Given the tradition of Sri Lankan Tamil politics which has veered round the demand for a "Tamil homeland" the spectre of partition of Sri Lanka looms large in an average Sinhala mind. No wonder that the Chandrika Government has already mellowed its tone. G.L. Peiris, the Justice Minister and the chief architect of the package, has clarified that the Central Government would have the powers to dismiss a Regional Government if it threatened the integrity and sovereignty of Sri Lanka.

There are also some conceptual problems with the package insofar as the basics of a pluralistic democracy are concerned. There has been no effort to distance the state from religion. One of the subjects in the Reserved List is "Buddhism", meaning thereby that there is no intention to do away with the special status clause for Buddhism in the Constitution. Religion is always a divisive political symbol which a democracy can ill-afford.

The most vexed question of all would, however, be the redemarcation of the North-Eastern region, an issue which Chandrika's detractors would exploit to the hilt. She has proposed the redemarcation "in full consultation with a view to reconciling Sinhala, Tamil and Muslim interests". If the Muslim and Sinhala majority areas of the present North-Eastern province are excised from it and added to other Sinhala majority areas then effectively what it would mean is that there would be an almost exclusive Tamil-Hindu area in the North-Eastern region but there would be two or three Sinhala majority regions with Tamil-Muslim or Estate (Indian) Tamil districts where they would predominate locally. Far from palliating the symptoms of ethnic distrust it may exacerbate them. From a long term perspective it is unwise and dangerous to freeze the geo-ethnicity of the island. It would divide the communities for all time to come. In that situation it would never be possible to think of a North-Eastern Tamil becoming the President of Sri Lanka. Both ideally and realistically speaking if a minority Tamil or Muslim community can stay in a Sinhala-majority region what is so sacrosanct about Tamil ethnicity that it cannot accommodate a Sinhala minority within its territory. There are serious matters and must be so treated lest the price may be too high for the state in the long run.

LET us now discuss the real issue for everything else is secondary without its solution-the million dollar LTTE ques-

tion. Howsoever might the Chandrika Government claim to address the Tamil problem without the Tigers, the hard reality is that no solution can be possible without either accommodating them into the system or breaking their backbone completely. The way the war is being waged against the LTTE it seems that the government wants to talk to them from a position of strength.

The Indian Tamil (CWC) leader S. Thondaman's suggestion that the LTTE should be offered to form the government in the North-Eastern region under the new scheme deserves mention in this regard. Indirectly what Thondaman has meant is that the Tigers should join the political process. But is this not exactly what the Chandrika Government tried to achieve by initiating the peace process in the first instance? It has been the experience of all, whether it is the Sri Lankan Government or the Indian Government, that the Tigers are too wily in their political deals and once they weather the current difficulties they go back to their old demand of Eelam. As such if it is hypothetically agreed that the LTTE joins the political process, but given the military power that it commands is it not likely that in the elections they would use that muscle to browbeat the voters to fall in line. Some kind of "booth-capturing" may be introduced to Sri Lanka's electoral process which the nation is still mercifully free from. Would not an LTTE Government so installed in power become a greater liability to the state?

But granting that Thondaman has proved himself to be the most seasoned Tamil (estate) politician who has extracted maximum benefit for his community from the Sri Lankan Government by sheer pragmatism, one should be advised against poo-hooing his suggestion as mere gibberish. But in the present case his advice does not seem to have many takers, neither in the government nor in the Opposition. Probably he wants to play the role of a go-between to revive the peace process. It is not unlikely that his ulterior motive could be to emerge as a politician of national stature.

The conflict between the LTTE and the Sri Lankan state has reached such a bind that it is extremely difficult for either party to extricate itself from the mess. For the LTTE they have reached the end of the road. Even if it is hypothetically conceded that they carry the day and overpower the Sri Lankan army in several decisive battles, it does not follow that their dream of Eelam would be achieved. Without external recognition a new state is never created in the modern world. Given the success of Sri Lankan diplomacy lately it is almost certain that they would not get international recognition which is one of the most important ingredients of a modern sovereign state. One may recall that almost immediately after the breakdown of the peace process in late April the international aid donors pledged an unprecedented US \$850 million. This underlined the fact that the international community was in favour of a negotiated settlement of the ethnic problem and had full confidence in the Chandrika Government.

To add to the complication is the request of the Indian Government to extradite the LTTE supremo, Velupillai Prabhakaran, the prime accused in the Rajiv Gandhi assassi-

nation case, although everybody knows how childish is the demand in the real sense. But herein lies the danger of Sri Lankan decision-making becoming a hostage to the ups and downs of Indian politics. There should not be any doubt in anybody's mind that the real shots in the LTTE are called by the one and the only man-Prabhakaran-and it was for the first time that the real and substantive one-to-one exchange had taken place between him and the head of the Sri Lankan state. There was an exchange of more than forty personal letters between Chandrika and Prabhakaran prior to the breakdown of talks. Imagine a situation that the talks succeeded and Prabhakaran came out of his jungle hideout to form a government in the North-Eastern region! And then the demand for extradition is renewed.

FROM the foregoing, the following conclusions may be drawn although in the Sri Lankan situation all conclusions have to be tentative only.

One, it must be conceded that whatever misgiving one might express about Chandrika's federal proposal it is a bold step for which she deserves kudos. Even her staunchest critics do not see her as a wily Sinhala chauvinist politician who does everything keeping the next election in mind. This is her biggest asset.

Two, this asset is her liability too for it forecloses the LTTE dream of an Eelam coming true resulting in prolonged military and state repression. The danger is that any slightest mishandling of the situation can lead to anti-Tamil riots putting the clock back to the position of 1983.

Three, the war between the Sri Lankan Government and the LTTE would have to be a war of attrition. In any war of attrition the state has the natural advantage. It all depends on how long it is able to drag it without of course causing hardship to the Tamil people of the North-East and violating human rights of the variety as has surfaced recently-the killing of several Tamil youth in Colombo by the Special Task Force (STF) and throwing their bodies in a lake adjacent to the Parliament house.

Four, India has a very responsible role to play. It must be able to view the success of the Sri Lankan army, if any, with equanimity and steer clear of the pressures of Tamil Nadu local politics to intervene as it happened prior to the food-drop in Jaffna by the Indian Air Force in June 1985. Such temptations must be resisted keeping in view the larger regional security interests of the country.

Five and last, let us all agree that in any case no political solution can be foolproof at the first instance itself. What is indeed is a healthy debate in the press, pulpit and platform so that some of the more obvious holes in the package can be plugged. But ultimately that would be possible only if the present government remains stable and the disruptive potential of the LTTE is curbed. Together the door must be kept ajar for the latter to come back to the negotiating table. India may have to seriously reconsider in that case at some point of time its demand for Prabhakaran's extradition.