

Dilemmas of Power Devolution in Modern Sri Lanka

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Abstract

In post-Prabhakaran phase, once again, it is absolutely essential to re-commence the peace process through devolution of political powers in Sri Lanka. Till date the government's actions have divided the people and not united them. From the first Bandaranaike-Chelvanayakam Pact of 1957 to the present proposal of Mahinda Rajapaksa the yester governments have denied the basic characteristics. The internal ethnic war does not develop in vacuum or automatically, but stems from deep rooted socio-economic and political grievances that cannot be redressed by normal political means. Even in Sri Lankan context all the people whether they be Sinhala, Tamil, Muslim or Burgher - all accept that the territorial integrity of the country must be safeguarded. Let us commit ourselves to a negotiated political solution acceptable to all communities based on democracy to save Sri Lanka from division and establish peace in the country and harmony in society as well. The power devolution model of Sri Lanka can also be useful for other countries of the region and in the world where ethnic identities has reached the staged of ethnic war.

Keywords: Sri Lanka, Tamils, Sinhals, Power distribution, developmental prospect.

Commonality of Sri Lanka

Most of the countries in South Asia are multicultural and multi-national. These countries are composed of plural societies, communities or cultures. They have their independent cultural traits and world views and they need careful management, especially because that leads to inevitable competition and often conflict among these disparate groups. As Sri Lanka is a mosaic of cultural, religious, ethnic and linguistic diversities, the heterogeneous nature of the island is responsible for generating a plethora of internal and external threats to the nation. It is suffering from the problem of ethnicity and struggling to establish peace and social stability since independence. The communal and ethnic conflicts, the separatist tendencies, inter-state terrorism and the practice of militarization are the prolong challenges to the island (Khobragade, 2009). If Sri Lanka had been provided with the federal constitution at the time of independence the Sinhalese and the Tamil leaders might have been able politically to bargain with each other from their political power bases at the centre and the region and the prolonged ethnic conflicts could have been prevented (Khobragade, 2007). In addition, Sri Lanka's ethnic conflict has attracted inter-state concern partly because of the socio-cultural interaction between the Tamils of Sri Lanka and Tamils across the Palk Strait while the cross-state links of the immigrant Indian Tamils have figured even more positively in Indian concerns. This had enhanced creating the singularly complex situation of a majority community, the Sinhalese, developing a minority psyche which aggravated the Sri Lankan ethnic strife (Bastiampillai, 1990) waver, the roots of the conflict in Sri Lanka has its roots in colonial period and earlier as well.

Despite the small size, the island of Sri Lanka is marked by a relatively wide diversity with pluralism, which accommodates diversity and regards diversity as inevitable. The Sri Lankan society is composed of the mutually exclusive Sinhalese, Ceylon Tamils, Moors, Malays, Burgher and Eurasians, Europeans, Afghans and Baluchis and Veddas. Among them the principal ethnic community in Sri Lanka is the Sinhalese who constitute about 74 per cent of the population. The second largest ethnic group, the Tamils, constitute about 18 per cent. Another important ethnic group is that of Moors or Muslims who make up some 7.4 per cent of the total population while other small minorities like Malays and Burghers constitute some 0.4 per cent. The caste system of Sri Lanka has also developed its own characteristics and shares an occupational role with its Indian prototype but it is based on hereditary roles and functions rather than on principles of purity and impurity. Its political life has been closely bound up with these communal and other traditional social differentiations. These traditional groupings formed the basis of politically most significant loyalties, interests and demands (Jacob, 1983). Hence today Sri Lanka has to recognise that its patriotic identity of Sri Lankan must be built upon a confederative principle that recognises the existence of several communities as well as three nations within the entity Lanka (Ceylon). The three nations are the Sinhalese, Tamils and Muslims. The communities are the Malays, Burghers, indigenous Vaddas, Colombo Chetties, Borahs, Sindhis, Parsees and Memons (Roberts, 2009). In other words in many individuals their Sri Lankanness has been generated through their ethnic identity as Burgher, Malay, Sinhalese, Tamil, and so on.

In the social set-up of Sri Lanka it is commonly held that the Sinhalese originally came from north India and settled in the island about 500 years before the Christian era (Chaudhury, 1985). They used a Sanskrit - derived language and most of them are Theravada Buddhists, but with the influence of the Hindu caste system also readily apparent (Rose, 1972). Most of the Sinhalese practice a variant of Buddhism which had received

continuous support from the rulers since it was introduced on the island in the 3rd century BC. Caste in Sinhalese society is the result of the impact of Brahminical Hinduism on a Buddhist social structure wedded more to egalitarian concepts of birth and status. Politically too, the relevance of caste is significant and even at the time of making the first constitution of independent Sri Lanka several commissions and draft schemes advocated provisions on caste-basis (Ryan, 1953). From a geographical standpoint, the Sinhalese are categorised as Low-country and Up-country or Kandyan Sinhalese. The Low-country Sinhalese are mostly concentrated in the west and the south of the island and have a experience of 400 years of European rule. Unlike them the Kandyan kingdom maintained its independence for long time and was late in coming under the European influence. They have largely preserved their social pattern which was feudal, hierarchical and conservative in nature. As an effect of European while the Sinhalese of Low-country took to Christianity and English education, the Kandyan Sinhalese have emphasised traditional Buddhist education rather than English education.

Characteristics of Sri Lankan Society

The Tamils of Sri Lanka in racial and cultural terms, possessed distinct identity as a minority group and traced their ancestry to the same period as that of the Sinhalese arrival and challenge the Sinhalese versions of the historical origins of Sri Lanka. They are, however, divided into Sri Lankan Tamils and Indian Tamils depending on their descent. The Ceylon Tamils, also called the indigenous Tamils, are the descendants of those Tamils who reached Sri Lanka in the wake of the Chola invasions beginning with the rule of the Chola Prince, Elara. The Ceylon Tamils ultimately settled in Northern and Eastern provinces which constitute the dry zone of Sri Lanka as opposed to the wet zone inhabited by the Sinhalese. The largest concentration of the Ceylon Tamils is to be found at Jaffna in the extreme north (Chattopadhyaya, 1979). The Ceylon Tamils are mostly Hindus, the rest of them being Christians. In a sense, the Ceylon Tamils are both Ceylonese and Tamils - Ceylonese because they enjoy Ceylonese citizenship, and Tamils because they have cultural affinity to the Tamils of South India. The Ceylon Tamils make up about 12.6 per cent of the total population.

The Indian Tamils, on the other, are the people who had been brought from the Indian mainland by the British to work on the coffee, tea and rubber plantations in the island. They began to immigrate into Sri Lanka from the first half of the 19th century in the wake of the introduction of the plantation economy into the island were composed of two categories of persons-estate labourers and non-estate immigrants. The estate-labourers were mostly Tamils, hailing from the Tamil-speaking districts of South India (Ceylon Census of Population, 1921). The non-estate immigrants, also called free immigrants, were commuters between India and Sri Lanka holding temporary residence permits, and were composed of miscellaneous passengers from the north, south and west India and of the South Indian labourers who were employed otherwise than as estate labourers. The Indian Tamils constitute 5.7 per cent of the total population and are mostly concentrated in the plantation areas situated in the central highlands. Although Indian Tamils are not indigenous to the island they had the same legal status as the Sinhalese and the Sri Lankan Tamils during the British rule.

The Ceylon Muslims comprise two groups-the Ceylon Moors mostly of Arab and Indian extraction who came as traders to the island during the seventh to the fifteenth centuries and inter-married with the natives, and the Malays of more recent origin, descendants of Javanese mercenaries brought by the Dutch. A large proportion of the Muslims on the east coast are herdsmen and cultivators, but generally there are Muslims engaged in minor commercial pursuits and these activities take them to the interior and remote parts of the island (Wilson, 1979). Most of the Muslims are Tamil-speaking and they live adjacent to the Ceylon Tamil community residing in the northern and eastern parts of the island. However, on the issue of language there is a divergence of opinion between the Muslims of Sinhalese areas and the Muslims residing in the Tamil-speaking areas.

The Burghers, a very small, are the descendants of those Portuguese and Dutch settlers who married in local families. Hence they are of mixed ancestry and include the offspring preferring to call themselves Eurasians or, more recently, Euro-Ceylonese. They speak English and are Christian in religious faith. The Burghers, during British rule wielded an influence in the public life of the island quite disproportionate to its number but with independence and the switch to nationalistic goals with the decision in 1956 to adopt Sinhalese as the official language, large number of them migrated to Australia while others have settled in Britain and Canada. Another group of minority, the Veddas are generally looked upon as one of the earliest known inhabitants of Sri Lanka and are believed to have migrated to the country originally from south India.

Thus, in a plural society such as that of contemporary Sri Lanka with solidarity patterns based upon shared religion, language, ethnic identity, caste and region commanding a loyalty rivalling at least in some situations that which the nation state itself is able to generate, a national consensus on basic social and political goals is hard to establish. With a view to keep the social and political fabrics intact in the early Post-Independence phase some attempts were made by the political parties in power to forge a measure of unity.

Initial Initiatives for Devolution.

The early governments after independence in 1948 and began pondering on the new pattern of political system

which would be based on the federal style without using the term federation. In fact the privileges enjoyed by minorities including the Tamils in the island took a U turn in Post-Independence era and internal scene changed particularly against the Tamils. The Presidential system which was adopted soon found to be unsuitable to the heterogeneous nature of Sri Lankan society pushing the country into ethnic mess. Prior to independence the Tamil interests were looked after by the Tamil Congress who broke away from the Ceylon National Congress formed in 1919. In 1951 a split took place in the Tamil Congress itself and as a result the Federal Party (F.P.) came into existence under the leadership of S.J.V. Chelvanayakam, who pleaded for a federal set up in order to safeguard the rights of the minority Tamils. In the same year the Federal Party in its resolution also stated the formation of a separate state for the Tamil community in Sri Lanka.

Both the communities-the Sinhalese and the Tamils alongwith other groups awakened to safeguard their individual identity in Post-Independence era. In this context the Sinhala-Buddhist majoritarian became forerunner. The two main groups-the Buddhist Committee of Enquiry and the Eksath Buddhist Peramuna began to enquire into the state of Buddhism in Sri Lanka. It resulted in the publication of a report in 1956 called 'Betrayal of Buddhism' which demanded several things for the protection of Buddhism in the country. It gave air to the language controversy and made the Sinhalese and the Tamils intensely hostile to each other. The enactment of the language policy the 'Sinhala only' by the coalition government under the leadership of S.W.R.D. Bandaranaike helped to bring about an intense feeling of togetherness among all the Tamil political parties of all complexions-the Federal Party, the Tamil Congress including those who resigned from the UNP Party and the UNP government. The Post-Independence political developments in the island only exacerbated communal disharmony that further strengthened the roots of alienation among Tamil groups. In a sense the unitary system of Sri Lanka has completely failed on account of the parochial and inhuman attitudes of the Sinhalese political society in satisfying the preserved aspirations of the multi-ethnic people and therefore, the demand of decentralization of democratic processes has been raised from time to time.

The general sense of alienation among the Tamils and the government language policy passed in 1956 compelled the Federal Party to adopt a four-point demand at its annual convention held at Trincomalee in August 1956 with the threatening to take direct action by non-violent means if they were not met within a year. It included among other things (a) Enactment of a democratic constitution based on the federal principles and the establishment of one or more Tamil linguistic state or states, (b) Restoration of the Tamil language to its rightful place enjoying absolute parity of status with Sinhalese as an official language of the country, (c) Enactment of laws recognizing the right to full citizenship on the basis of a simple residential test of all persons who have made this country their home, and (d) Immediate cessation of colonisation of traditional Tamil-speaking areas by the Sinhalese people. In the circumstances to accommodate the Tamil grievances and contain the communal killing, the then Prime Minister of Sri Lanka, SWRD Bandaranaike signed an agreement with Chelvanayagam in 1957 which is known as B-C Pact. It recognised the Tamil as the language of administration in the north and the east, and also provided some measure of autonomy for these regions (Hassan, 1993). This pact was supposed to permit reasonable use of Tamil in the Northern and Eastern Provinces and also for regional councils with powers in agriculture, education and selection of candidates for colonisation scheme. But on account of the Sinhalese pressure and United National Party's opposition, the demand of the regional council for Tamils could not be contended by the government on the plea that any attempt towards federalism will be vicious for the unity and integrity of Sri Lanka. Likewise the subsequent Dudley Senanayake-Chelvanayagam (D-C) Pact of 1965, though well-intentioned, and which dealt with, *inter alia*, regional autonomy also collapsed by 1968.

Status of Tamils

From the beginning the Tamil parliamentarians along others reaffirmed and reiterated their dedication in preserving the unity and integrity of the country, as they said "We are not asking for the division of Sri Lanka on the racial basis. We stand for division of the powers and thereby achieving unity in diversity." They described the federal system as the "Panchsheel," which means cooperation and the co-existence, As part of its policy and to meet the Tamil demand of federalism the Sri Lankan Freedom Party government headed by Mrs. Bandaranaike introduced a District Political Authority (DPA) system as a measure of the administrative decentralization in 1973. The main duty of the district political authority was to control, direct and coordinate all matters pertaining to the district. However the system failed on account of incapacity and the parochial approaches of the heads of DPA. On the other hand, it created a psychological setback to the Tamils which led to the transformation of their demand from federal to the secession with the start of Tamil Eelam Movement.

Further realising the potentiality of the Tamil Eelam Movement, the United National Party government of J.R. Jayewardene formulated the new scheme for the devolution of powers in 1978 which was known as the District Development Council (DDC). It was consisted of the elected members of the parliamentary group and the executive committee headed by the district ministers who were under the control of and responsible to the President of Sri Lanka. As a result of its composition the DDC had become an exercise in deception and had been puppets in the hands of President. Consequently, the Tamils obsessed with the frustration and resentment.

The new situation compelled the Tamil Federal Party change its name and manifesto, becoming the Tamil United Liberation Front (TULF) committed to independent Tamil state (Obeyesekere, 1984).

The large scale devastating communal riots of 1983 made the issue of devolution of power a burning topic in the country and the July 1987 proposal of J.R. Jayewardene resulted in the signing of Indo-Sri Lanka Accord at the end of the month (29 July). The signed Accord had two aspects in which the first dealt with India's commitment to uphold Sri Lanka's sovereignty and territorial integrity on the condition that the latter agreed to grant a reasonable amount of autonomy to the Tamils to their satisfaction. The second aspect of the Accord dealt with Sri Lanka's commitment to disallow any extra-regional power to dabble in its affairs which had either a known or a potential intention to harm India's security interests in the region. In the Accord India expressed itself openly and unequivocally as being opposed to the Eelamist demand for a separate Tamil state in Sri Lanka, but at the same time brought pressure to bear on the Sri Lankan government to carry out its own pledges to effect a political solution of the ethnic crisis by implementing the principle of devolution of power from the centre to the provinces in Sri Lanka. In general the devolution of power from the centre to the provinces involved three basic issues: first, the extent of powers to be devolved; second, the relations between the centre and provinces; and third, the unit of devolution.

In one of its most controversial parts, the Accord had virtually acknowledged the Tamil 'homeland' demand by providing for a temporary merger of the northern and eastern provinces but at the same time recognised the justifiable reservations of Muslims and Sinhalese communities in the eastern province by providing for breaking up the merger to allow the reversion of this province to its separate existence if a referendum so determined before the prescribed date. As a follow up of the Accord the Sri Lankan Parliament had passed the 13th Amendments to the constitution and the Provincial Council Act no. 42 to devolve power for the participation of the Tamil people into the democratic process. However, the Tamils considered all these provisions as biased and prejudicial as they had not real powers and almost all the powers were rested with the Sinhalese. The said Amendment and the Provincial Council Act refused the constitutional recognition to the North-Eastern Province as areas of historical habitation of the Tamils. The devolution of power remained a controversial issue right up to the sign of the agreement in July 1987.

Recent Developments and Prospect

As promised during the Parliamentary election campaign of 1994, President Chandrika Kumaratunga came out with a detailed devolution package within the framework of a proposed new federal constitution. It proposed to give federating units much more powers than any time in the past. It also talked about the permanent merger of the Northern and Eastern provinces in which the Tamils would have their say. However it soon proved a fiasco when the government of People's Alliance (PA) came under pressure from the United National Party and the Sinhala forces in general. President Kumaratunga also retracted from its original stand on federalism and went in favour of more safeguards for the central authority. Further the idea of the so-called Tamil homeland was also diluted beyond recognition through providing various possibilities in respect of the territorial reorganisation of the Eastern Province. On the other hand for the majority of Tamils in Sri Lanka an independent homeland is no longer a point. All that they want is a measure of self-rule in the Tamil majority area within Sri Lanka (Guha, 1997). Under the proposed peace package, as felt by the Indian origin Tamils of Sri Lanka that they are being sidelined and ignored by the People's Alliance Government of Mrs. Chandrika Kumaratunga. The matter was raised by S. Thondaman, Chief of the Ceylon Workers Congress (CWC) who wrote a letter to the secretary of the ruling People's Alliance in which he complained that the government's devolution packages carry no meaning for the community. It charged that neither the government nor the devolution scheme had addressed the basic and pressing problems of the community. President Chandrika Kumaratunga also failed to get the support of opposition parties on the proposed framework for devolution of power.

In line after assuming power President Mahinda Rajapaksa worked hard to end the prolonged civil war by employing sundry mechanisms. First of his initiatives was APRC (All Party Representative Committee) in 2006 to find political consensus on power sharing between the conflicting communities, but the genuine efforts of the President could not confer affirmative result due to the traditional rivalry of major political parties and lack of participation of Tamil parties. Subsequently continuing his efforts, the President had appointed a group of multi-ethnic experts to evolve a political package acceptable to all sections. It was a seventeen-member multi-ethnic panel in which six Sinhalese, four Tamils and one Muslim was included. For devolution to be meaningful it is recommended that the majority of the subjects and functions be categorized as belonging to the national sphere or the provincial sphere with a provision for a concurrent list consisting of a minimum of subjects and functions. But President's move at the juncture was not liked by the UNP and the SLFP including the extremists organizations like JVP (Janatha Vimukti Peramuna), Mahajan Eksath Peramuna and others.

In the circumstances Mahinda Rajapaksa, the President of the island and his government adopted two track policies. The Political solution for the Tamil masses and the military solution for the Tamil Tigers and very recently in May 2009 the President became victorious when the leader of LTTE Velupillai Prabhakaran was

killed by the security forces of the country. Many of us feel that in Post-Prabhakaran phase the Sri Lankan identity must now be built upon a confederative principle that recognises the existence of several communities as well as the three nations within the entity Lanka- the Sinhalese, the Tamils and the Muslims. Self-generating initiatives and mechanisms by the civil society can be the best solutions. Tamils must exhibit their sense of nationalism for Sri Lanka. Moreover, all the Peoples living in Sri Lanka must develop the sense of humanism that motivates the people to come together for the common objective of fraternity. Almost all the mechanisms should be pondered over and a system like the federal should be chosen on the basis of other successful federal systems. The significance of federal system must be explained to the protesters of the system as it does not pose threat to unity and integrity of the nation but is useful for ethnically heterogeneous societies.

Conclusions and Future Works

In the history of ethnic conflict in Sri Lanka, ethnicization of politics and politicization of Ethnicities have become very common. Years after the end of civil war against the LTTE in May 2009, till date, Sri Lanka is farther from reconciliation than ever. Devolution of power to the north and east is essential to for sustainable peace. It has become no less urgent with the defeat of the LTTE; indeed the end of the war and the return of normalcy in those areas make real power sharing all the more important. Successful reconciliation in Sri Lanka will, to no small extent, depend on an intensive and effective devolution process which involves the empowerment of ethnic minorities at the regional level. Devolution entails a process of dividing and distributing authority, power and responsibility for formulating programmes and policy implementation to regions, as well as reassigning decision-making responsibilities to regional governmental units on a geographical basis. The Legitimate grievances and aspirations of the Tamils and other minorities in the island nation is alive today and a durable solution to the Tamil question can be found only on the basis of justice and equality.

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