The 13th Amendment, Indo-Lanka ties, Sovereignty

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by Dayan Jayatilleka Prof. Senaka Bandaranaike discerns a pattern in Sri Lankan history of being ahead of the rest of the subcontinent but never being able to achieve a decisive breakthrough and sustain it. This happened at least three times, he once said in a lecture I attended. We now have a second chance. It is as if we have obtained a second Independence, when we were ahead of the game in the rest of Asia but we then blew it. Let’s not blow it yet again.

Malinda Seneviratne, a sincere young friend who should be an academic and scholar, is a serious-minded commentator. His criticism of my views on Indo-Lanka relations and the 13th amendment should be answered because of the crucial importance of the interrelated topics to Sri Lanka’s future. I have excerpted Malinda’s main criticisms and reproduced them in italics. "Dayan … says, correctly, that Sri Lanka’s relationship with India should be the cornerstone of her foreign policy, of her international relations, but adds that this is predicated on the implementation of the 13th Amendment. He does not explain why." Well, one could start with the fact that the day after the war was over, a top level Indian delegation paid a call on the President and the joint press statement that ensued (May 21st) not only contained a commitment by the Government of Sri Lanka to implement the 13th amendment but to explore possibilities of a further dialogue. The why of it is that 70 million Tamils will not go away from the demographic makeup of India; a significant percentage of them will always be concerned about the fate of their ethnic kin in Sri Lanka, constituting a political factor that no government at the centre will ignore. Furthermore, no government at the Centre will risk a significant degree of alienation of Tamil Nadu from the Centre, on the basis that the latter does not care about the fate of Sri Lanka’s Tamils. We Sri Lankan Sinhalese could very well argue that it is none of their or anybody else’s business but our own, but that is just not the way the world works. As Mervyn de Silva wrote "in the age of identity, ethnicity walks on water". Look at the intervention or counter-intervention of Russia on behalf of the South Ossetians in the face of Georgian action. (The Indian conduct of 1987 was a perfect precursor of this). The 13th amendment is the concrete expression of the Indian concern balanced off with Sri Lanka’s sovereignty. Several scholarly texts, from different viewpoints, shed light on this nexus and its evolution. I refer to those by KM de Silva, Shelton Kodikara, John Gooneratne and Urmila Phadnis. Any attempt at erasure of the 13th amendment will only open the door to greater not lesser concessions because we shall be dealing with a globalized world and the Obama factor as well. "…Now if relations with India depended on pandering to India’s every whim, submitting to its directives and/or accepting its policies as facts of life, then in the very least it is nothing more nothing less than saying goodbye to sovereignty. I believe that foreign relations have to be something more than that."Sovereignty not only has to be asserted, it has to be defended and defensible. Sri Lanka cannot defend its sovereignty against all comers from all points of the compass, North and South, West and East. It can defend its sovereignty only by power balancing in a multi-polar world. Starkly put, if we lose India, we even lose the Non-aligned Movement, and (as we saw in 1987) we are left naked. "The 13th Amendment didn’t fall from the sky. Well, the parippu droppings aside, it did have a ‘logic’ from India’s point of view. That ‘logic’ was based on perception of the Sri Lankan situation. But what was ‘situation’ in 1987 is not ‘situation’ in 2009 and will not be ‘situation’ 100 years from now. Nothing is cast in stone. ‘Federalism’ was a ‘foregone conclusion’ four years ago. It is not now. Things change." True, but why assume it has changed only in one way rather than the other; away from federalism rather than towards it? In Sri Lanka for sure, but we exist within the world and time, and between 1987 and today falls the breakup of the USSR and Yugoslavia, the dawn of the new century and the information age, the emergence of Obama etc. In short, it is better not to re-open the issue of the 13th amendment because we could find that the point of equilibrium stops above and beyond it. "What are the Tamil grievances that can be pulled from a territory, a geographical diga palalai, which logically would necessitate a territory-based ‘resolution’? Is there a history (that can be substantiated) and demographical reality that supports such these?" There are grievances and there are aspirations. The latter are neither imaginary nor unwarranted. That which Virginia Woolf asserted on behalf of women writers is true of human beings in general: A Room with a View. It is part of the human condition that every individual requires an irreducible minimum of space in which to assert one’s distinctive identity and grow, without domination or interference from others. Every civic group needs political and cultural space. That is the bedrock argument for some measure of self rule or autonomy. It is rather different in the United States or France, where the Constitution does not privilege the culture or religion of any community, and there cannot be said to be – nor are there claims to being – a dominant ethnic, or ethno-religious community, culture or civilization. The US is a melting pot, a classic case of cultural fusion and change, while the French Republic is sternly secular, with neither veils nor crosses allowed in schools. Some states and societies are a hybrid, such as India, which has a secular Constitution, a pluralist society (the Prime Minister is a Sikh, the most powerful politician is of Italian origin, the most powerful political family is mixed race) but also provides sufficient space for its constituent communities in the form of a quasi federal system and linguistic states. Tamil grievances remain from 1951, when Senator Nadesan voiced his dissent over the National Flag. The recent events in Rakwana in the Sabaragamuwa Province, show that we are far from a situation in which society is integrated, discrimination is aggressively tackled and the state is neutral between communities. In such a context, where one individual is not the equal of the other and one community has more privileges than the other, it is the case the world over, that collectivities with their distinctive identities and inhabiting recognizable geographic areas over long periods, tend to seek some political space and measure of self rule/self governance. I cannot think of any state in the world, and I work among 193, that does not hold that Sri Lanka’s Tamils deserve and require equal rights in practice, as well as some autonomous political space, be it devolution of power to autonomous regions or provinces (as in Britain or China) or something more. I repeat, the 13th amendment is

the most modest and economical of these arrangements as far as the majority goes. "If real Tamil grievances can be resolved only through the implementation and enhancement of the 13th Amendment, yes, by all means go for it; but if not, then it should be dumped where it belongs: the trash can. The 13th devolved power to politicians, it didn’t sort out the problems of ordinary Tamil. The corrective could be an amendment to the 13th of course, but if the core text was based on erroneous assumptions, that would be an exercise in futility…" I do not know about solving grievances, but certainly the 13th amendment addresses them. Does the Parliamentary or Presidential system solve the grievances of the Sinhalese or the majority of ordinary people or the poor? Obviously not, but this does not lead to the conclusion that these institutions and practices should be dumped in the trash-can because they simply devolve power to politicians and ministers. They must be retained because, as Churchill said of democracy, they are the worst, save all others. "Dayan also says that the 13th is ‘the minimum cost of accommodation between the Sinhalese who are the majority on the island and the Tamil who dwarf the Sinhalese outside it; the only way to balance the two aspects of Sinhala collective existence: a majority on the island and minority worldwide, as well as the dual character of Tamil collective existence – a majority outside the island and a minority within it’. With this Dayan has moved quite a distance from his general thesis that Sri Lankans should be at the centre of sorting out Sri Lankan problems. We have to listen to all Sri Lankans. We can listen to those who are outside, whether they be Tamils or Gujaratis or the Masai; we are not beholden to follow their diktat. Yes, they can exert pressure, but why ‘accommodate’ them? Why should the Sinhalese Sri Lankans accommodate anyone other than their fellow-citizens (and yes, the word ‘accommodate’ has all kinds of negative connotations as well)." As for "the Sri Lankan Sinhalese accommodating their fellow citizens", it would be difficult for them to find any of their fellow Tamil (and Muslim?) citizens who could be accommodated short of the implementation of the 13th amendment at the very least. if Malinda could name a single Tamil political party or leading personality who is willing to settle for anything short of the 13th amendment, I would be pleasantly surprised. What he will discover is that even purely domestic political accommodation between the communities/ethnic collectivities is impossible other than on the basis of the 13th amendment at the minimum. While I thank Malinda for identifying my "general thesis that Sri Lankans should be at the centre of sorting out Sri Lankan problems", may I point out that there is a major distinction between Sri Lankans being at the centre of sorting out Sri Lankan problems, and Sri Lankan problems being capable of sorting out exclusively by Sri Lankans. That is the kind of isolationist position I have never held — thus I have not moved an inch, leave alone quite a distance, from my general thesis. My unit of analysis has always been the world system taken as single whole, a complex unevenly structured totality, and this is all the more relevant now that we are faced with the threat of a global protracted struggle with Tamil secessionism. If the battlefield is global, our analysis cannot be purely local. Sri Lanka’s sovereignty must be defended mainly by our efforts, but cannot be defended solely or exclusively by them, and must be defended by a broad united front or concentric circles of alliances. Full if graduated implementation of the 13th Amendment, i.e. the fullest possible devolution of powers within our Constitution, is an essential part of the minimum political programme on which such a global united front can be built and sustained. Narrow nationalism is an inadequate basis for the defense of the national interest, which is why the greatest of nationalists or more correctly, patriots, were also the greatest of internationalists. An example would be Fidel Castro who never tires of quoting Cuba’s 19th century national hero, Jose Marti as saying "Homeland is humanity". And Ho Chi Minh, who reminded us that "Nothing is More Precious than Independence and Freedom" but also recalled the correctness of Frederick Engels’ dictum that "Freedom is the recognition of necessity". I commend the full implementation of the 13th amendment to Malinda, at least as a tough-minded Engelsian recognition of necessity as both prerequisite and corollary of freedom. (These are the strictly personal views of the writer). Courtesy: island.lk