
The politics of postwar reconciliation

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by Dayan Jayatilaka The postwar moment is a hinge point in history. If we go one way Sri Lanka can make up for "lost opportunities" (as Kethesh Loganathan, martyred by the Tigers, entitled his book), and catch up with the Asian miracle. If we go another way we can enter a new cycle of conflict which will keep us stagnant and debilitated, jeopardizing even the achievements of our recent military victory. Depending on the choices we make now, the direction we take, we can have it all or not.

The significance of Malinda Seneviratne's views in his column 'The Nationalist Papers' (July 5, 2009) on the 13th amendment and the ongoing debate is that they point in the direction that I believe will take us down the road to stagnation and conflict. Indo-Lanka statements Malinda questioned my assertion that our relations with India are predicated on implementation of the 13th amendment, and sought empirical evidence. On my citing of the May 21st Indo-Lanka joint communiqué, which mentions the implementation of the 13th amendment as part of the post-war reconciliation process, he responds with a grudging admission that the Sri Lankan Govt. seems to think so but immediately qualifies it with the observation that it may be wrong. Perhaps he might be slightly more convinced were he also to refer the statements made after the most recent reciprocal visit to Delhi of Sri Lanka's top troika of officials, Minister Basil Rajapakse, Secretary/Defense Gotabhaya Rajapakse and Secretary to the President. These remarks contained references on the part of the GOSL delegation to a Presidential intention of going even beyond the 13th amendment. To any objective student of the matter it is fairly obvious that the two states, India and Sri Lanka regard the 13th amendment as a benchmark that neither thinks it prudent to abandon. This is important because the anti-Tiger commitment of the two administrations cannot be called into question and both sets of statements were made after the military defeat of the LTTE. So the 13th amendment is an inescapable part of the consensus between two neighboring democratic states, both of which are led by anti-Tiger administrations and are not susceptible to pro-Tiger ideological blackmail. Confusing Tigers with Tamils Malinda's next point is that the Tamil Nadu factor has lost its importance because the Centre did not blink in the last days of the Tigers and in any case Karunandhi has made conciliatory statements in the past few days. Malinda makes a classic error of confusing the issue of the Tigers and that of Tamil Nadu. Unlike in 1987, this time around (and due largely to the Rajiv Gandhi assassination) the Center did not blink in the face of agitation in Tamil Nadu on behalf of the Tigers and Tamil secessionism (Tamil Eelam). We should not take this to mean obliviousness either to the pro-Sri Lankan Tamil (as distinct from pro-Tiger/pro-Tamil Eelam) sentiments of the Tamil Nadu mainstream or to the prospect of a total rollback of the achievements of the Indo-Lanka Accord. While the Tamil Nadu factor may have declined in importance relative to the days of M.G. Ramachandran, this is offset and Delhi's sensitivity to the status of Sri Lanka's Tamils remains not least because of public opinion in the rest of India and the consensus in the big players clubs of which India is now a member. The bulk of voters in Tamil Nadu rejected the pro-Tiger/pro-Tamil Eelam political platform, but that does not mean they do not care about the political and civil rights and status of the Tamils of Sri Lanka. The Center's stand of stoic imperviousness to the pro-Tiger agitation and lobbying does not translate into imperviousness to the political and social fortunes of the Tamils of Sri Lanka. This has been made clear in numerous statements made by Indian leaders during and after the war, and even when these statements do not refer to the 13th amendment, they speak of maximum devolution/autonomy. The successful co-management of Indo-Lanka relations during the war and its end-phase by three top officials on either side (Secy Defense has revealed the mechanism and the individuals) had as a component, Colombo's often stated commitment to the implementation of the 13th amendment. The interpretation of India's cold shoulder towards the Tigers and tacit support for Sri Lanka against them, as a downgrading of Delhi's keenness on devolution of a significant measure of political power to the Tamils of Sri Lanka, is a misunderstanding common to most who equate the Tigers and the Tamils. Non-Aligned Movement Malinda doubts my assertions that "dumping" (his term) the 13th amendment risks India's friendship, and that losing India's friendship risks losing us the support of the Non Aligned Movement. Any Sri Lankan diplomat with NAM experience or who faced India as an adversary in the 1980s would attest that Sri Lanka can gain but scant support, if any, from the Movement if India is hostile. Apart from its summit level conferences, the NAM is present and observable in action mainly in the two major centers of multilateral diplomacy, New York (where the Coordinating Bureau is) and Geneva - and the latter is where I am an active part of the Movement. Unless Malinda knows something about the balance of forces within NAM that I do not, I wouldn't suggest anyone bet their bottom rupee on his assumption. Identity and political space At the deeper centre of our disagreement is Malinda's perception of the Tamil issue as manifested in his views of my views on it. To my mind, the Tamil issue remains an issue of collective identity and the state, within the overall problem of nation-building. How does the state reconcile the identities of the Sinhalese, Tamils and Muslims and accommodate them within an overarching Sri Lankan identity? Writes Malinda: "Yes, every civil group needs political and cultural space, but political and cultural space are obtainable without pinning it down to territory and especially a territory which cannot be justified given history, geography and demography. We know that Eelamist propaganda has tried to disguise interest as fact and this is why many in the international community believe that 'political space' has to have a geographical referent." It is not because of Eelamist propaganda that the international community believes that political space has to have a geographical referent. The international system (and political theory) consider forms of internal self administration and self rule as a standard solution or management method for relations between centre and periphery or different ethno lingual /ethno-religious groupings which have inhabited a recognizable territory over a long period of time. In international political practice and theory, internal self-administration/self-governance comes in two basic models, both territorial, namely devolution/autonomy within a unitary framework, or federalism, with a third model, a variant, also territory based, an intermediate hybrid (South Africa, arguably India). I find it a little difficult to accept that the Chinese constitution

ensures "ethnic regional autonomy", Switzerland has French, German and Italian speaking cantons, the UK has devolved power in Scotland, Wales and Northern Ireland, Spain provides autonomy for Catalan and the Basque regions, Ethiopia has a federal system with the right of self determination, the Philippines has autonomy for Mindanao, the Russian Republic has an autonomous Chechen region with its own elected President, and India has a quasi-federal system with linguistic regions, because of susceptibility to "Eelamist propaganda". I also find it odd to think of a representative or victim of Eelamist propaganda, the young Oxford-returned SWRD Bandaranaike who advocated federalism in 1925-6 or the Ceylon Communist Party which stood for "either regional autonomy or federalism"; in its submissions for an independent Ceylon before the Soulbury Commission in the mid-late 1940s (a position it maintained until Stalin's death). Readers would know that I am myself a critic of ethno-federalism in the Sri Lankan context, as well as of the "union of regions" packages of the Chandrika Bandaranaike Kumaratunga governments. The point I am making is that the recognition of a solution with a territorial referent has little to do with Eelamist propaganda. Indeed the Tamil Eelamists, the secessionists, explicitly rejected the 13th amendment and the provincial council system, as well as the CBK proposals of 1995, 1997 and 2000. The Tigers' interim slogans were the ISGA and PTOMS, with the 1995 package Plus being a bottom line for the TNA (all of which I have opposed in the media). It is true that political and cultural space are obtainable without a territorial referent, but that is only in cases such as the USA and France where the state is secular, citizenship is equal, no ethnic community is constitutionally privileged over any other, and culture is open and in the process of constant incorporation. Centralizing tendency My critic flatly asserts "Ask any student of politics what the defining feature of nations with devolved structures is and he/she will answer 'a centralizing tendency'. This is true of the USA and it is true of Canada. The 'Indian Moment' of devolution has passed." Well, that's not true of any student of politics who hoped to pass in any class I have attended or taught. The balance or ratios between centralizing and decentralizing tendencies vary and change according to time, place and subject. I would like Malinda to cite any respected recent work which says that the Indian moment of devolution has passed. On the contrary the Indian model of secularism, pluralism and unity in diversity is increasingly admired as an enabling framework for its economic miracle, and if any moment was the Indian moment, this is it, although it is shared with China. Eelam lobby Malinda believes that "interests clashed" and "the Eelam lobby lost". I believe that the armed Tamil Eelam project lost the war which was the last in a series of Tamil Eelam Wars spread over 35 years, and Tamil separatism will never successfully re-emerge as a serious armed challenger to the Sri Lankan state, i.e. as a parallel contending army or militia. While the "Eelam lobby" or may I say the global Tamil Eelam movement lost the war, it was not as decidedly as the Tiger army did. That struggle is still on. The global campaign to delegitimize the Sri Lankan state took a step forward in the last weeks with a statement by Elie Wiesel, Holocaust survivor, Nobel Prize winner and respected acquaintance of President Obama (who accompanied the latter to Buchenwald on June 5th, was referred to in Obama's speech and in turn made a speech in President Obama's presence). The campaign took a further step with the joint anti-Lankan letter to the US President by four organizations including The Carter Centre. Against this global backdrop, it is dangerous for Sri Lanka to adopt a position regarding the 13th amendment as suggested by Malinda, who writes, a trifle tastelessly, "There is no earthly reason why we should continue to pay for Rajiv Gandhi's whim. The man's dead and so is his India". India today Malinda opines that "Dayan's India-fear or India-respect is out of sync with current realities. So too his fascination with the 13th Amendment." As a close and conspicuous supporter of President Premadasa who unambiguously re-asserted Sri Lanka's sovereignty in relation to its giant neighbor, none can credibly accuse me of either Indo-phobia ("India-fear") or Indo-philia. I would call it neither "India fear" nor "India respect" but "India recognition". Mine is a recognition of the realities that (a) Sri Lanka is a small island on India's doorstep (b) India is our only neighbor and (c) while Rajiv Gandhi is indeed dead and so too might be his India, what is "alive" is an India that is by every yardstick and military power, economic strength, soft power cultural influence and far stronger and more influential than Rajiv Gandhi's India that we had a conflicted relationship with in 1987. Without the 13th amendment or an equivalent, Sri Lanka would revert to a centralized unitary state with no power sharing (however modest) with the provincial periphery, and a built-in privilege for one ethno-linguistic and religious community. There is no Tamil party, however anti-Tiger and moderate, that is willing to accept a purely non-territorial formula for political reconciliation and anything smaller than the province as the unit of devolution. Yugoslavia disintegrated, and while separatism and NATO destroyed it, the unraveling of Yugoslavia commenced with a single act: the unilateral abrogation of the autonomous status of the province of Kosovo by Serb nationalists who thought that Tito had favored the minorities. Those who advocate the unilateral abrogation of the 13th amendment ("dump into the trashcan") are advocating a double unilateralism. It means unilaterally abrogating the legislation that represents the ONLY existing consensus however slim between the Sinhalese and Tamil political parties, an agreement below which no Tamil party is willing to go. It would also mean abrogating a piece of legislation that issues from an accord between two states, Sri Lanka and its only neighbor, to which it is strategically vulnerable on the one hand and could be an engine for Sri Lanka's rapid progress on the other. A unilateral roll-back or non-implementation of the 13th amendment would lead India and our other friends to roll-up the umbrellas which have so far afforded Sri Lanka shelter in the international arena. My young critic should pause to consider why Sri Lanka's Foreign Minister (quite correctly, I believe) thought fit to inform his Chinese counterpart a few days back, of Sri Lanka's commitment to implement the "inbuilt" 13th amendment. (Our official statement twice mentioned "13"). (These are the strictly personal views of the writer). Courtesy: Island.lk