

The 13th: Even belated implementation is good

The APRC report is a sham

by Kumar David

The reader who thinks the two captions to this article are contradictory deserves an explanation. If you think about it, it's quite simple. Of course the genuine implementation of the 13th Amendment to the Constitution (setting up empowered Provincial Councils) would have been a good thing 20 years ago, though belated it is a good thing to do even now, and would have been a good thing to do anytime during the intervening years. But what the devil has this to do with the APRC? The APRC was charged with drawing up recommendations for the devolution of power as a forerunner to a solution to the national question. The only connection between the 13th and the APRC is that the latter was force-fed the formula by the President and in turn dutifully transcribed it into its copybook.

The so-called Interim Report is a sham for two reasons; the Committee set aside its previous 18 months and 63 meetings of deliberations and trotted out the Presidential diktat pretending it was its own finding, and secondly the APRC is collaborating in a deception game since this interim palliative is all that the government will ever want out of these worthies; the government will sell this interim hogwash to India and the Co-Chairs - QED. India has already booked its eager place at the front of the buyers' queue. Whether the APRC will be dissolved or its future deliberations confined to some dusty attic remains to be seen, but no final report addressing the devolution of power will see the light of day, or perhaps only make it up to the President's w.p.b. For the government, the APRC has served its miserable purpose; so say not just this correspondent but also Lal Wijenayake and Batty Weerakoon of Professor Vitarana's own Party (LSSP) Polit-Bureau.

Why implement the 13th?

The purpose of the Indo-Lanka Accord and the 13th Amendment was to address the Tamil question in the North and East; extending it to the other provinces was an add-on to make it palatable to the Sinhalese by pretending there were no special concessions being made to the Tamils. The irony is that within a few years the North-East Provincial Council was dissolved and the provinces placed under central control; the Tamil provinces thus became the sole areas in which the decentralisation of administration became void – what a quirk! Hence a move to re-establish elected civilian administrations in these two now de-merged provinces is a good thing. The creation of elected Provincial Councils in the North and East, supplementing the prevailing de facto military government, will be a step forward; it will provide an avenue through which

local people can be empowered, to a small degree, after so long. More important, if the Councillors are genuine elected representatives, the people will have an alternative legal structure through which to counter repression, abduction, and the like, whether at the hands of the armed forces, state protected bandit gangs or the LTTE. An appointed Interim Council will be an obnoxious imposition if the membership consists of worthies who are no more than government sycophants and Mafiosi selected from state patronised bandit gangs.

Hence any anticipated gain will be vitiated if two conditions are not satisfied. First, the elections in the Eastern Province must be free and fair and all armed militias, whatever their alphabet combination (TMVP, PLOT, EPDP, ABCD and so on), must be disarmed. Elections in the North will not be possible for precisely the same reason; the LTTE is not going to disarm except in the context of a political solution – as in Northern Ireland, Nepal, Zimbabwe in 1983 and every similar context. Hence we must envisage an appointed Interim Council functioning for a prolonged period in the North.

This brings the second condition into focus. Who will populate the appointed Interim Council for the Northern Province (IC-NP)? If power is not shared in proportion to the number of elected representatives in parliament from the province, the council will lose credibility, will have to hide in the High Security Zone and be rejected by the people. If strong-armed musketeers from the aforementioned alphabet-soup are the mainstay, it will be ruinous. Now this raises a further concern. Will the TNA agree to accept its fairly apportioned share of power and responsibility in the IC-NP? This remains to be seen. First, the President must extend an invitation, and then the TNA must accept – let us hope the trip to Kilinochchi to solicit approval is successful. Such approval will also signal something far more important; that however indirect and tenuous, some kind of political process of dialogue between the government and the LTTE has been set in motion.

Hence, every democratic minded person who wants to see an end to the ethnic turmoil faces a two pronged task. Insist that the government invites the TNA to participate in the IC-NP and then insist that the TNA, and therefore implicitly the LTTE, accepts the invitation. None of this may come to pass because of the idiocy of the various parties involved; nevertheless, these demands are our contemporary duty. A third task is to throw back Sinhala chauvinist forces, led by the JVP, who will mobilise to challenge implementation of the 13th and object to inviting the TNA to participate in the IC-NP. As a corollary, one cannot have great confidence that this Administration has the guts or the inclination to stand up to chauvinism; hence sustained pressure against backsliding is also essential. Phew what a task list! Admittedly the cards are stacked against common intelligence.

The swansong of the APRC

The debacle in the APRC is a miserable sight. Once again events have proved that political opportunism wins the day in Lanka. What if the APRC had refused to regurgitate the force-fed Presidential diktat, had submitted its own by now nearly fully elaborated proposals instead, and had added a covering note to say: "While you work

through the processes for constitutional reform on the basis suggested by us, which, understandably, will take time to pilot through, sure you can go ahead and implement the 13th in full, as you should have done long ago"? Ah, then we would have had the best of both worlds! The significant difference from the present scenario is that there would have been a new devolutionary draft constitution on the table, before the nation and before the world. It is precisely this that the government wanted to forestall, and it is precisely in this betrayal that the APRC has acquiesced.

The President says he is committed to a political solution, he also says he will not compromise with the terrorists (code for LTTE) and the armed forces will crush them into a pulp soon. His inner powerbase, the civilian-military complex, is more hawkish; they speak of the need for the minorities to learn their place. Decoding all this into everyday language, government philosophy reads something like this: The military strategy is the main thing, the dog that wags the tail; the tail is the political settlement, the silly APRC and fond Tissa; after victory a bone will be thrown in the direction of the ethnic minorities. If the military victory is overwhelming, if Parbaharan's head is served for the chauvinists to make soup, and the guerrilla remnant is an insignificant rump, the strategy will work temporarily, the APRC would have served its shallow purpose, and the bone will not have much meat on it. If the military campaign goes badly and hence the LTTE becomes more obdurate, then there will be political instability at the centre and putsches and other bad things will be attempted by the JVP, PNM, JHU and their ilk. The whole circle will begin its vicious round again. Now, I am a great believer in the law of averages; something in between is how things are likely to unfold, therefore we will be mired in many more years of useless war. Ugh!