

What Can We Expect from the APRC?

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The All Party Representative Committee (APRC) is supposed submit its report to the President on January 23. When the APRC together with the expert committee began its deliberations, many people including myself were optimistic and saw it as a 'glimmer of hope'. However, glimmer of hope began to fade away with the submission of the SLFP proposals in response to Tissa Vitharana Report (TVR). The essence of the TRV is that Sri Lankan post-colonial state be restructured following the principles of shared and self rule so that it proposes devolution of power and the formation of the second chamber. In that sense, TRV = 2000 Draft + Senate. I personally believed that it provided a basis for discussion with Tamil nationalists, both extreme and moderate. The SLFP proposals submitted in response TRV were designed to inverse the entire power-sharing discourse that began in explicit terms in 1994. The extreme Sinhala nationalists asked Minister Tissa Vitharana to resign from the APRC chairmanship while the JVP asked to dissolve the APRC it self. Initially, the military operations were depicted as complementary and subordinated to the political process; but now especially in the last six months the relationship has been inversed. The APRC process has been made a supplementary/ complementary to the military engagement. So it is in this changed context, the APRC would submit its report on 23rd January. Some still believe, in spite all the odds, the APRC will come out with a substantial power-sharing package for three reasons. First, the Western wing of international community puts continuously the pressure on the government over the violation of human rights and escalation of military engagements against the LTTE and calls for the immediate submission of the political package of the government. The demands made by the US are critical in this respect. Secondly, India is dilemma. On the one hand, it cannot give military support to the Government of Sri Lanka because of Tamil irredentist pressure coming from Tamil Nadu. On the other hand, India is not happy about Sri Lanka's dealing with Pakistan and China. However, it for multiple reasons cannot go back to Indira Gandhi policies vis-à-vis Sri Lanka. So India stresses that the GoSL should deal with Tamil nationalist demands by providing reasonable power-sharing package. Thirdly, this trust is based on the confidence people have on Minister Tissa Vitharana as the chairman of the APRC.

But in Sri Lanka, in present conjuncture, politics operate in a different plane. There are some long term trends that are detrimental to the constitutional solution to national problem. First, there has been revival of Sinhala nationalism with two political organizations, JVP and JHU, capitalizing on this revival. Since Rajapakse regime does not have the majority in the Parliament, it has to depend on the support of the JVP and JHU. Secondly, it is highly likely that the UNP would support new constitution bill or a substantial amendment as it seems to think that would badly affect its power strategy. Thirdly, the extreme nationalism as represented by the LTTE may not agree for any compromise solution other than a separate Tamil Eelam. Fourthly, the war and campaign for peace provide substantial space for engagement in rent-seeking activities and

corruption. This greed factor has contributed immensely to the prolongation of armed conflict and it applied not only for GoSL and the LTTE, but for many other sectors.

The APRC would submit its proposals, but there is no room for optimism. Let us look at possible scenarios.

Scenario 1: The APRC will suggest that 13th Amendment to the Constitution be fully implemented as the first step and it will continue its deliberation with possible study tours abroad for educating its members on varying solutions of power-sharing. Although the full implementation of the 13th Amendment is a positive step, this proposal is a backward one. Why? For two reasons. First, the full implementation of 13th Amendment today means something less than the 13th Amendment of 1987 because of the Supreme Court decision to de-merge Northern and Eastern provinces. Secondly, many powers initially devolved to the provincial councils have already been taken back by the center government. Now the provincial councils have lesser number of schools, hospitals, and many other institutions.

Scenario 2: The majority of the APRC will come up with a set of proposals that are basically similar to, but watered-down version of TVR. JHU and MEP will object to these proposals while the SLFP for strategic reason would not take position. If this is the case, the President will find an excuse saying that there is no consensus, so that the proposals cannot be accepted.

Scenario 3: Full implementation of the 13th Amendment plus constitutional amendment to make the governmental structure three-tier, adding local governments to the governmental structure. This would be acceptable to extreme Sinhala political parties within the APRC and without. This scenario has all the defects of the Scenario 1.

Unfortunately, Sri Lanka has never had strong constitutional reform movement. Late Charles Abeysekera tried form such a movement, but his sudden demise made that effort unsuccessful. In this situation, the APRC would be another opportunity either lost or misdirected or failed.

I demand two things if APRC comes up with either of three scenarios. **First, I demand Minister Tissa Vitharana, Minister DEW Gunasekera and Minister Ferial Ashrof should resign immediately from the government. Second, they with other progressive forces should nominate an independent non-party candidate for next presidential election with minimum program that include policies for just and inclusive governance.** Only in such radical surgery, we may be able to think about democratic, just, peaceful and humane Sri Lanka.

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