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POINT OF VIEW

When the Indo-Sri Lanka Peace Accord was signed in July 1987 it was hailed as "New Delhi's biggest diplomatic coup, which had immense strategic value". Indeed, the conditions imposed on Sri Lanka were intended to end the freedom it enjoyed in having independent defence, foreign affairs and regional administration policies.

A significant outcome of the Accord was the establishment of the Provincial Council for North and East. Crouched as a means for nurturing the distinct cultural and linguistic identity in the Northern and Eastern provinces, which were "areas of historical habitation of Tamil speaking people", it was Rajiv Gandhi's answer to the separation demanded by the LTTE.

It was in spite of experiencing persistent problems with its state system ever since independence that India forced the 13th Amendment on Sri Lanka.

Growing pressure to reorganize states on ethnic and linguistic lines had grown to such an extent that not long after independence, in 1953, it was forced to create the state of Andhra for Telegu speaking people. And now there are signs of further disintegration with the Talangana region clamouring to break off from Andhra Pradesh. There is also mounting pressure in the tribal areas of Bihar, Malayalam speaking areas of Southern and Western parts and Tamil Nadu. A movement also persists to this day within Tamil Nadu to secede from the union.

In Sri Lanka, even before the ink was dry the Accord was getting unravelled. With severe dissent within the government and outside it was passed by Parliament with a curfew in force. While Rajiv Gandhi knew that JR did not have much choice in it, his greatest fear was Prabhakaran rejecting it.

It was strange that Gandhi was entertaining such concerns when he portrayed the PC as the way to meet aspirations of the Tamils people. However, to prevent any embarrassment by a display of resentment Gandhi sent an Air Force Helicopter to Jaffna to fetch Prabhakaran and his political adviser Anton Balasingham, to New Delhi, on July 28, 1987. That was the night before the accord was to be signed. They were held at the Ashok Hotel before being ushered to a meeting with Gandhi.

Prabhakaran was indeed outraged by the proposal. He rejected the idea of PCs in place of Eelam. But for Gandhi this was the furthest he could go. With the persistent threat from Tamil Nadu to break off, a separate Tamil state next door was the last thing India needed.

Current situation

Gandhi coaxed and bribed the LTTE supreme with the promise of new arms and ongoing funding. When none of it worked he appealed to Prabhakaran to remain silent at least till the agreement came into force. For India there was a lot at stake.

But Prabhakaran could not contain his anger for long at Gandhi's audacity to undermine his long cherished dream. Before the week was out he called a public meeting in Jaffna and told the people this was not what he wanted but what has been thrust upon him.

"When a big power decided this was the way things happen, there was nothing we could do", Prabhakaran lamented. And that was the day Rajiv Gandhi became a marked man.

The fact that the Northern Provincial Council remained confined to the statue book for 26 years shows that it was not a deal wanted by any one, other than India.

The forthcoming CHOGM has forced the issue once again. There is growing pressure from many quarters for elections to the Northern Provincial Council as a key step in reconciliation. Foremost among them is India, along with some major powers and NGOs.

There are different reasons for different groups to push for elections but for all of them any measure that discredits the government and ties it up in knots was an achievement. For India it is unfinished business, which has become even more critical after China entered the scene in recent years. Besides that, is the need to satisfy the demands of Tamil Nadu politicians especially in the lead up to a general election next year.

At the same time the Diaspora, through its funding and promise of electoral support, is manipulating several Western governments. The clearest example of this is Canada, which preferred to paint itself into a corner without attending CHOGM. It

desirable but also essential. In most of these countries administering the periphery from the centre is difficult and inefficient. Reaching some distant places from the centre in an emergency will take several hours. By comparison Sri Lanka is minute. For instance in terms of area it is only 0.002 per cent of India and in relation to population it is only 0.02 per cent. There is no place in the country that cannot be reached by air within one hour. In recent years new technology and a good road network have made the country even smaller.

In this situation another layer of provincial government only adds inefficiencies and works as an unnecessary drain on public resources. The government currently provides Rs 130 billion of direct funding to Provincial Councils each year, while the councils themselves collect another Rs 38 billion in local taxes. Without a comparable return such a large-scale burden on taxpayer funds only tends to divert valuable resources away

that in Paragraph 6.104 of its report the LLRC makes a far-reaching recommendation:

"Any citizen of Sri Lanka has the inalienable right to acquire land in any part of the country in accordance with its laws and regulations, and reside in any area of his/her choice without any restrictions or limitations imposed in any manner whatsoever. The land policy of the government should not be an instrument to effect unnatural changes in the demographic pattern of a given Province. In the case of inter provincial irrigation or land settlement schemes, distribution of State land should continue to be as provided for in the Constitution of Sri Lanka."

The most important advantage of a unitary administration is that its decisions, by very nature, are to promote national interest and not parochial advantage. Even without granting land and Police powers devolution could hamper government management of the country.

This is clear from India's experience. For instance the Indian central government has been forced to make compromises due to the need to maintain state government political support for the centre. In some instances the centre may be made completely impotent by a regional administration by injudicious use of authority.

As a recent example of this it has been said that during the last Indian general election the one carrying Congress Party leader Sonia Gandhi

of the return of Tamils living in other areas to these enclaves. But what has happened is quite the opposite.

The 2012 census data confirms this. (Table 2)

In all but four districts the number of Sri Lankan Tamils living in the South increased significantly between 1981 and 2012. This was in spite of having a Tamil administration under the LTTE and despite declaring the region as Tamils only by Prabhakaran by ousting all Muslims and Sinhalese.

There are a number of implications of the movement of Tamils to other areas in increasing numbers.

a) The needs of those living in the North and those dispersed elsewhere are different. Addressing reconciliation on the basis of the situation of a minority of Tamils who live in the North will therefore be ineffective;

b) Restricting the Council territory to Tamils would invariably be the stance with the representatives of the PC after the elections. This is evident even without granting land powers, from TNA MPs currently campaigning against return of the Sinhalese and Muslims ousted by Prabhakaran.

c) When Tamil citizens of the country use their democratic right to live anywhere in the country it would be inequitable to artificially restrict non-Tamil citizens settling in the Northern province.

d) Elections will be counter to the

among the people of the country. The promotion of this 'oneness' and a common identity should be the principal aim of any form of devolution while protecting and appreciating rich diversity.

b. Need to ensure that the people belonging to all communities are empowered at every level.

c. Devolution of power should not privilege or disadvantage any ethnic community, and should not be discriminatory or seen to be discriminatory by the people belonging to any ethnic community within the country.

d. Empowerment of the people should take place within the broader framework of the promotion and protection of human rights.

e. Empowering the Local Government institutions to ensure greater peoples' participation at the grass roots level.

f. The lessons learnt from the shortcomings in the functioning of the Provincial Councils system should be taken into account.

g. Provide for safeguarding the territorial integrity and unity of Sri Lanka whilst fostering its rich diversity.

h. An additional mechanism to be considered is the possibility of establishing a Second Chamber comprising Representatives from the Provinces.

i. Any power sharing arrangement needs to have inbuilt mechanisms that would effectively address and discourage secessionist tendencies and safeguard the sovereignty and integrity of the State.

LLRC also cautioned that all parties must commit themselves to finding solutions internally through negotiation with each other. The report noted that the Tamil leaders should take account of the unnecessary internationalization of the ethnic issue and the external pressures exercised by the Diaspora and its impact on the negotiations for a political settlement.

The perceptions of external threat and intervention, the Commission noted, can create a sense of insecurity that can seriously impede the progress towards an acceptable solution. It also reiterated the need to launch a good faith effort to develop a consensus on devolution, building on what exists - both, for maximum possible devolution to the periphery especially at the grass roots level, as well as power sharing at the centre. This consensus should be one that will enable peoples' participation in governance decisions affecting them and avoid costly and unnecessary duplication of political, bureaucratic and other institutional structures that hamper efficient, cost-effective and transparent governance.

Four important considerations relating to Provincial Councils emerge from the recommendations of LLRC:

1. Safeguarding the territorial integrity and unity of Sri Lanka whilst fostering its rich diversity.

2. Ensure that any power sharing arrangement has inbuilt mechanisms that would effectively address and discourage secessionist tendencies and safeguard the sovereignty and integrity of the State.

3. Build on what exists - both, a) for maximum possible devolution to the periphery especially at the grass roots level and to ensure greater peoples' participation, b) as well as power sharing at the centre.

4. To accommodate provincial viewpoint in legislative decision-making consider the possibility of establishing a Second Chamber comprising Representatives from the Provinces.

What is evident from these is the incompatibility of the 13th Amendment with LLRC recommendations. For instance 13A does not allow for maximum devolution of power to the periphery - the grass roots level. The peripheral unit it defines is the Province. Nor does it accommodate power sharing with the centre. Neville Ladduwahetty has provided more details in a recent article. It is important that the government takes note of the LLRC recommendations for they are seen, both within and outside Sri Lanka, as the key to reconciliation.

The President has echoed many of the views expressed by LLRC. In the 2013 budget speech he underlined the need for "A change in the prevailing Provincial Council system to make devolution more meaningful to our people. Devolution should not be a political reform that will lead us to separation but instead it should be one that unifies all of us. It should not involve high spending and complex governance structures that will impose further burden on people."

The President also identified the issues that people are concerned with. "Everybody who met me from all corners of Sri Lanka whether they were Tamils, Muslims or Sinhalese, asked for greater access to education, health, employment opportunities, better living and equal standards across the nation. The elimination of provincial disparities using national standards is the main weapon through which national reconciliation can be promoted. This government remains committed to ensure that these aspirations of our people will be fulfilled". The point to note is that the delivery of these expectations of the public is best undertaken by the central government and not any regional administration. To page 14



Northern Province street scene

was prepared to forego the opportunity to display its muscle as a founding member of the Commonwealth in preference to wooing its Tamil electorate.

The other prominent groups include NGOs whose livelihood depends on 'discovering' human rights abuses and this group also includes sections of the United Nations. They have to keep the pot boiling to ensure the continued flow of backhanders from foreign regimes to destabilise vulnerable governments. The current legal spat between an NGO and the Norwegian government when such a deal went sour, shows how the system involving big money, works. Then of course there are a number of opposition parties within the country for whom this issue is bread and butter.

These ongoing manoeuvres make one thing clear: it does not mean that once the elections are held the pressure will cease. By definition all these interlocutors have to move on to another, since that is the only way to justify their existence.

Should the government simply yield to these demands and hold elections or consider the issue carefully to implement an option that serves the best long-term interest of the country?

There are enough reasons to show that Sri Lanka will be greatly disadvantaged if the Provincial Council system is perpetuated with an election to the Northern PC.

For geographically large countries such as the United States, India and Australia establishing decentralised systems of government is not only

from productive uses. Apart from the waste of funds the more invidious cost to the country is the red tape, corruption and the delays that such a system generates.

Apart from increased wastefulness there is another fundamental economic issue involved here. Achieving high rates of growth is a major national objective of the Rajapaksa government. That requires the optimum use of available resources, land, labour, technology and capital.

While the last three are mobile and can be moved around and supplemented with imports, the first, land resource, has a finite limit and is immovable. Hence the best way to gain optimum output from land is to take the other resources, in particular labour, to where land is available.

The critical requirement here is land availability. The 2012 census shows the distribution of population by district and the population densities of each. (Table 1)

It shows more than half the districts have population densities less than the average for the country of 309/km². Population density in Moneragala, for instance, is 79 which is 25 per cent of the average. Mullativu with 35/km² has the lowest density of 11 per cent of the average. In other words Mullativu has almost four times the land area of the Colombo district but only 0.04 per cent of its population.

The effect of this divergence is that districts such as Colombo are so densely populated that people tend to get in each other's way while places such as Moneragala and Mullativu are crying out for more labour, for their growth is hampered by the shortage. Of course the availability of other resources is critical but all those can be brought in from outside unlike land.

If the objective of high economic growth is to be achieved the central government should be able to move resources around the country to help maximise national gains. Provincial Councils, on the other hand will not be seeing land under their control from the same national viewpoint. By definition what they will want is to protect their patch. Land and Police powers will further reinforce that trend.

In this regard it is worth noting

QUO VADIS, NORTH?

TABLE 2
PERCENTAGE DISTRIBUTION OF SRI LANKAN TAMILS LIVING OUTSIDE THE NORTHERN PROVINCE

DISTRICT	1981		2012	
	Number	Per cent '000	Number	Per cent '000
Colombo	171	10.	231	10.
Gampaha	48	3.5	80	3.5
Kalutara	10.	1.2	24	2.0
Kandy	53	5.0	72	5.2
Matale	21	5.8	25	5.1
Nuwara Eliya	76	12.7	32	4.5
Galle	17	0.9	15	1.4
Matale	5	0.7	9	1.1
Hambantota	3	0.6	2	0.4
Anuradhapura	78	20.	113	17.4
Kurunegala	15	1.2	19	1.2
Puwana	32	6.6	48	6.3

was not given permission to land in Uttar Pradesh, a state under the control of the opposition.

Does not address issues

There is a perception abroad that giving greater autonomy to the Northern provinces will lead to reconciliation. This is not a realistic expectation. The reason is that only a minority of Tamils live in the Northern province.

The latest census data on population for 2012 shows the total Sri Lankan Tamil population in Sri Lanka as 2.27 million or 11 per cent of the total population. Out of this the Tamil population in the Northern Province is 0.98 million or 43 per cent. In other words less than half the Tamil population live in the five administrative districts comprising the Northern province and the rest live among the Sinhalese and Muslims and other communities in other parts of the country.

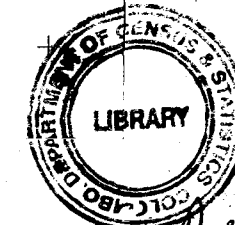
The Indo-Sri Lanka Accord indirectly recognised the dispersion of the Tamil population by declaring as the rationale for setting up the provincial administration the facilitation

recommendations of the LLRC, which was intended to provide a sound basis for reconciliation. One of the conditions it proposed was that "Devolution of power should not privilege or disadvantage any ethnic community, and should not be discriminatory or seen to be discriminatory by the people belonging to any ethnic community within the country". As noted earlier it also reiterated that any citizen of Sri Lanka has the inalienable right to acquire land and live in any part of the country.

Recommendations of the LLRC

The LLRC recommendations are widely recognised, within the country as well as by the international community, as a suitable basis to bring about reconciliation. The Commission had far reaching proposals relating to devolution of power in the eight paragraphs 9.229 to 9.237. They include the following:

a. Devolution should essentially promote greater harmony and unity and not disharmony and disunity



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The significance of the Northern PC Elections

The particular significance of the Northern Provincial Council elections is that the area covered is the same territory the LTTE was claiming as the base for Eelam, a separate state. During the three decades of confrontations the Tamil National Alliance (TNA) represented the terrorist group in Parliament. Since its defeat there has been no official group representing the LTTE although its agenda continues to be promoted by the TNA. If the group wins the forthcoming elections, as it has been predicted, it would amount to giving official recognition to continue the LTTE agenda. It would turn out to be the rallying point for all the country's enemies. That is why the Defence Secretary's recent warning that "having paid a heavy price in the battlefield to eradicate the LTTE, it would be foolish on our part to create conditions for a new war", resonates with the public.

Is there a better way?

We are in a bind right now. International pressure to hold Northern elections has come to a head with several forces bent on cashing in on the vulnerability of the government leading up to the CHOGM. India's leaning on Sri Lanka resembles somewhat the pressure applied on JR Jayawardene prior to signing of the Accord in 1987. But the present government is not in a similar sticky situation since it has other options.

There are some key points that need to be recognised in any decision the government takes. The first is whatever the choice, it has far reaching implications for the country in the long term. Hence it is important to base it on maximising the nation's benefit rather than as an expedient to respond to external pressure. Secondly a measure that satisfies the critics will only create a temporary lull in interference, for by very nature they will move on to another issue. Thirdly, President Rajapaksa has the rare capability to make the change since he has the vision and commands the support of the Parliament and the public. The crisis offers the opportunity to make the gains made in 2009 enduring.

Although there has been considerable criticism of devolving power to Provincial Councils and holding elections no one has disagreed on the principle of devolution. In fact the LLRC has underlined the need for devolution as a means of helping in the reconciliation.

But what it recommends is that power should be devolved to the grass roots level in a way that "discourages secessionist tendencies and safeguard the sovereignty and integrity of the State". The Northern Province will be a competing entity as it was covered by the LTTE as their base for Eelam. Devolving power to the District will meet both conditions laid out by LLRC: giving power to the grass roots level and discouraging secessionist tendencies and safeguard the sovereignty and integrity of the state.

The LLRC also suggested considering the possibility of a second chamber to involve the people at the periphery in decision making. This is debatable for there is already such representation in Parliament through the existing electoral system. LLRC itself did not put forward the idea as a recommendation but as a matter for consideration. What is required in devolving power to grass roots level is a clear definition of the role and responsibilities of District Councils and to ensure that no amalgamation of District Councils is possible. They could be empowered to meet the expectations of the public in relation to health, education and other services as the President identified in the budget speech. Myron Weiner, India's Political Problems: The Longer View. *The Western Political Quarterly*, Vol. 9, No. 2 (Jun., 1956), pp. 283-292

M R Narayan Swamy, "India-Sri Lanka Accord: Does It Still Flicker?", IPCS, August 2007. *Writer is an economist, author and freelance journalist from New Zealand. He can be contacted at http://donwijewardana@gmail.com*