

Chapter XIV

THE LONG AND WINDING ROAD

Pradeep Peiris

Although the idea of a federal option for Sri Lanka has neither been completely abandoned nor fully embraced, the 'journey to federalism' is a long and bumpy ride, with the federal principle being championed at one time or other by different leaders. S. W. R. D. Bandaranaike introduced the idea in 1926, and the Kandyan Sinhala leaders insisted on a federal government from the Donoughmore commission a year later so as to retain their power bloc in the up-country areas. For the past fifty years or so, the federal system has been espoused by the leaders of the Tamil community as they battle for equal political rights. Even so, the federal idea still has not quite gripped the nation or been incorporated into the constitution. At present, the federal solution seems to have reached a shakier point than ever before. The political context has created a stalemate in the constitutional debate in the pursuit of the restructuring of the state. The possibilities for stimulating an active discourse on a federal system are very dim and an improvement may only be brought about by a regime change.

The 1978 constitution and the proportional representation (PR) electoral system were established in order to give substantial voice to the minority parties and the constituencies they represent. Thirty years later, however, the PR system has not only fulfilled its envisaged objective but also given much muscle to small ultra nationalist Sinhala parties. The election results of 2004 increased the parliamentary power of the nationalists and Marxists in an exponential manner. The JVP and JHU together accounted for over 50 seats. The direct result of this was that the anti federal campaign that was limited to few chauvinist Sinhala elites, has now gained new momentum as well as a strong and crucial position in the legislature. Since 2004, the JVP and JHU by playing either opposition or ally have exerted great influence over the two main parties. The JVP has successfully manipulated the state media to demonise the word

federalism. While being a partner of the Rajapakse Government the JHU criticised the report of the government's APRC initiative stating that 'There is a conspiracy to reverse the military victories. We wonder whether Prof. Vitarana is playing a part in this conspiracy.' Furthermore, the JVP and JHU were able to successfully manoeuvre the policies of the SLFP led regime from a moderate negotiation approach to a totalitarian military approach.

The UNP, who have recently been the most voluble advocates of a federal solution have now repositioned their stance, calling instead for a meaningful power sharing arrangement. The reaction by political analysts and political power players to this shift was mixed: being both acrimonious as well as somewhat forthcoming. Whatever the reception, the fact that the country's oldest party was semi-forced to turn on a dime with regards to its federal policy is a clear indicator for federal advocates that, in the context of a constantly strengthening nationalist faction, maintaining a strong pro-federalist stance is both a dangerous and complicated game.

What about the non-political members of the nation? Do the masses follow the same trend of being in constant flux with regards to the federal debate? Public opinion research theory argues that the media has a strong positive correlation with the public opinion. It is therefore not uncommon for regimes to manipulate the public's agenda and not vice versa. Contrarily, Vincent Hutchings warns that an electorate is a loose collection of 'sleeping giants' and he argues that these giants are not routinely vigilant and they do not share the same political priorities. Nevertheless, when the interest or values of one or more of these giants are at stake in a political context, they can become surprisingly alert.¹

This paper attempts to explore the perceptions and attitudes of the public in terms of federalism and the issues surrounding it. In this exploration, the author analyses the roles that one's ethnicity and party loyalty play in shaping one's opinion on federalism. The paper

¹ Vincent L. Hutchings. Public Opinion and Democratic Accountability: how citizen learn about politics. Princeton: 2003.

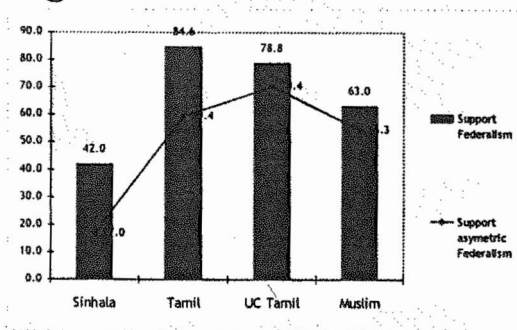
also argues that the strategy of advocacy used has missed its mark; that it has not benefited but instead has hindered the positive reception of the federal idea by the majority Sinhala community.

Ethnicisation

The results of the Knowledge Attitudes and Practices survey (KAPS)² conducted by Social Indicator – Centre for Policy Alternatives in 2003 showed a polarised opinion between the minority communities and majority Sinhalese with regards to the support for a federal system. This survey was conducted in a political context where the government and the LTTE pledged their commitment to explore a solution to the ethnic conflict within a frame of a federal structure. Due to the politicization of the term federalism, the survey did not ask respondents whether they support federalism or not. Instead, respondents were read the two following statements regarding differing types of federalism in order to assess their support for power sharing:

- **Federalism:** The powers of regional governments should be increased, even if those of the government at the centre have to be decreased.
- **Asymmetrical Federalism:** The powers of some regional governments may need to be increased more than others.

Figure 1



As shown in Figure 1, in 2003 only 42% of the Sinhala community supported the idea of power sharing or federalism while minority communities, especially the Tamils, extend significant support.

² Social Indicator, the survey Unit of CPA conducted this KAP Survey amongst 3500 randomly selected sample from 22 districts in the country. A structured questionnaire was used to interview the respondent through face-to-face interviewing technique. The Academy for Educational Development (AED) of USAID sponsored the cost of this survey and the technical assistance. Prof. William Mishler and Prof. Steven Finkel provided further technical assistance.

Figure 1 further exemplifies the challenges that the Government must have had in fulfilling their commitment to the Oslo communiqué with the support of only 42% of the Sinhalese. On the other hand, interestingly, minority communities place less preference to an asymmetrical federal model during a period when the LTTE was engaged in drafting a governance model that exceeded conventional federal models.

Non-federal democrats

These ethnic differences in the support for a federal system underline the fact that not even a decades old advocacy of a federal system has made a positive difference in its appeal to the majority Sinhala community. If one analyses the contemporary federal debate it shows that federalism has been advocated exclusively as a remedy to the ethnic conflict rather demonstrating its wider liberal democratic perspectives. This assertion is further vindicated by the KAPS 2003 results. Survey results suggest that support for democracy and support for federalism are weakly correlated ($r=.4$). Amongst the Tamil community, almost all democrats are federalists. This is possibly a reflection of the presence of an overwhelming majority of Tamils who support democracy as well as federalism. On the contrary, the democrats within the Sinhalese, Up country Tamil and Muslim communities are not necessarily federalists. In making the federal system appeal to all ethnic groups, the proponents of the system have failed; the confinement of the federal debate as an easy solution to the ethnic conflict and not the espousal of its democratic virtues is hazardous for earnest advocates of federalism.

Let us move the analysis to a disaggregation by province. While the thirty year conflict has stunted development and progress in the Northern and Eastern provinces, the Western province has been the only area where economic expansion and fiscal growth have been realized significantly since independence- a fact most easily explained by the presence of the central government in this latter province. Ironically, though, the support for federalism in the North

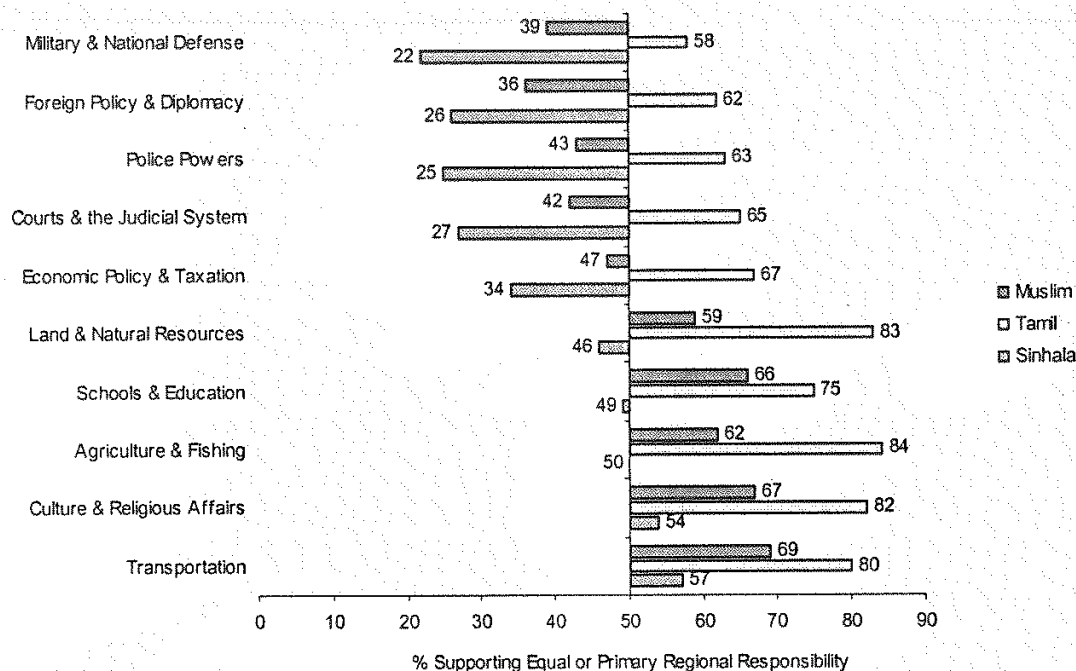
central and Southern provinces was lower than the Western province.³ What is evident from this is that people do not understand nor have they been properly informed that federalism empowers the region against the center.

It is unclear as to how many Sri Lankans, or at least how many federal supporters understand that the spirit of federalism is the balance of 'unity' and 'diversity' while promoting 'shared rule' and 'self rule' between the center and the regions. Neither is it clear as to how many of them understand the fact that there can be varying degrees in terms of balancing shared and self rule. It is the opinion of this author that, had this been communicated in a more lucid way to the people, there should not have been much resistance amongst the Sri Lankans and especially amongst the Sinhala community to the federal idea. The KAPS 2004 study shows that Sri Lankans are agreeable to certain responsibilities with regards to shared and self rule.

Figure 2 below, shows the views of the Muslim, Tamil and Sinhala communities with regards to entrusting responsibilities to regional authorities on ten given areas. The graph shows that consensus varies by the ethnic group and by the area of responsibility. A majority of Tamils agree that the government should either engage in a power sharing agreement or entrust all ten responsibilities with the regional authorities. The Sinhala and Muslim communities agree to having either shared or self rule for areas such as Transport, Cultural Affairs, Agricultural and Fishing, and School and Education. However, they do not approve shared and self rule for areas such as Military and National Security, Foreign Policy and Diplomacy, Police Powers, Courts and Judicial System and Economic Policy and Taxation.

³ KAPS 2004, support for federalism in Western province was 39.2%, in the Southern province it was 32.8% and in the North Central province it was 33%.

Figure 2



In addition to the above results the survey also points to the fluidity of federal supporters and their opponents. The recent series of parliamentary crossovers and shifts in policy stands by politicians confirm that one defining characteristic of Sinhala political leadership is that it is susceptible to denial and duplicity with regards to positions on federalism. Survey findings show that public opinion is also highly malleable as of the opinion of politicians (KAPS 2004). Therefore there is much room to influence public opinion as negotiation begins and continues. Further, KAPS 2004 indicates that support from Party Leaders and Religious leaders are the most powerful and effective in persuading public opinion for a federal system.

Unparallel trajectories

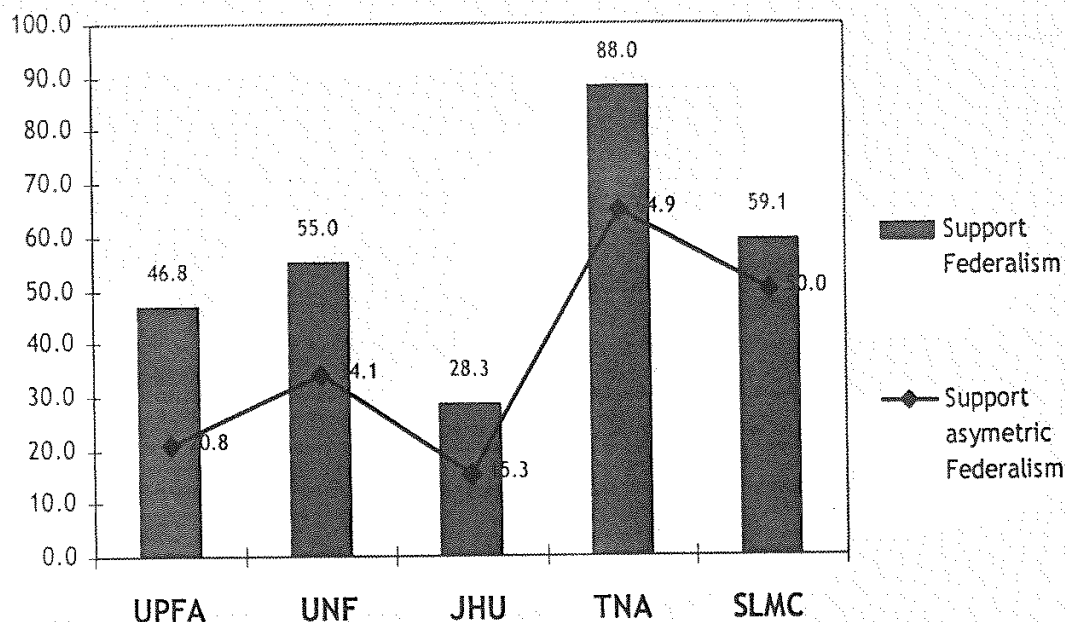
Theoretically speaking, political parties should represent the aspirations and ideology of their party loyalists. Therefore, party leaders frequently claim that their political position on national

issues echo the sentiments of their constituencies. On the contrary, the survey (KAPS 2004) that was conducted soon after the 2004 General election showed that the preference of constituencies with regards to power sharing is not fully compliant with the official positions of parties. According to the results of the survey 47% of the JVP, PA alliance (UPFA) loyalists supported a federal system. Even though the leader of the coalition, former president Kumaratunga espoused power sharing through a federal structure earlier, she took a hard-line approach towards the UNP-LTTE negotiations at a later date. On the other hand, on the eve of the 2004 election the SLFP formed an electoral coalition under the banner of UPFA with the JVP; the latter who have historically been staunch critics of a federal government. The late Mr. Rohana Wijeweera, the founder of the JVP said that proletariats cannot accept a federal structure as a form of decentralisation and the JVP oppose the establishment of a federal system as it is the first step in the direction of Tamil Eelam.⁴

⁴ Wijeweera R. Solution for Tamil Eelam Struggle.

www.jvpsrilanka.com/national_question/our_solution_for_national_question

Figure 3



Perhaps the most significant feature of the general election 2004 was the dramatic entry into the political arena of a new nationalist party composed of Buddhist monks.⁵ Despite their Sinhala Buddhist nationalist stance 28.3% of their supporters are agreeable to the idea of devolving powers to the regions even if those of the central government have to be decreased. This could be due to the UNP roots of the JHU constituencies. Social Indicator's pre-election polls indicated that the JHU gained the support base from UNP constituencies⁶ at the 2004 election.

The overwhelming support expressed for federalism by the TNA supporters is rather obvious. In the 2004 election, the TNA campaigned advocating two main issues; acceptance of the ISGA and the endorsement of the LTTE as the sole representative of the

⁵ Jayasuriya, L. *The Changing Face of Electoral Politics in Sri Lanka (1994 – 2004)*. Sarasavi Publishers 2005

⁶ Social Indicator 2004 pre-election survey revealed that 55% of the JHU supporters had voted for UNP in the 2001 election.

Tamil people.⁷ Paradoxically, only 55% of the UNF (UNF is the electoral coalition amongst UNP, SLMC, CWC and UCPF) loyalists support the federal type of power sharing structure despite the fact that it was UNF ministers who signed the Oslo communiqué where all parties agreed to find a solution to the Sri Lankan ethnic issues through a federal type structure within a united Sri Lanka. This confirms that though the UNP attempted to implement the federal system in the country, either they have not endeavoured to convince their own party loyalists or they have failed in the attempt. Six out of every ten SLMC supporters are agreeable to a federal system and this is reflected in the opinion of the Muslim community in general in Sri Lanka.

This party based analysis indicates that federalism is heavily supported by the constituencies of minority parties. The loyalists of the Sinhala constituency based parties such as UNP, UPFA and JHU expressed a mixed reaction to a federal structure. However it should be noted that there is substantial support extended to federalism by the loyalists of the parties that oppose the federal system. In the meantime, the support of the UNP constituency was not very impressive despite their strong advocacy for a federal system. Therefore, support and opposition for the federal system are present in varying and inconsistent degrees across all party constituencies. It is possible to believe at this juncture that the electoral results of neither the UNP nor the SLFP would change in the future merely due to the party's position on federalism. However, this situation opens up opportunities in forming electoral alliances that are either supportive of federalism or against it- across political parties which are primarily focusing on Sinhala constituencies.

As previously described in this paper, 'secession' has been the main argument put forward by the opponents to the federal system, while federalists argue for it on the basis of 'unity'. In addition, Sinhala nationalists argue that the federal system would place the Sinhalese in a disadvantageous position and it would threaten the status of

⁷ Jayasuriya, L. The Changing Face of Electoral Politics in Sri Lanka (1994 – 2004). Sarasavi Publishers 2005

Buddhism in the country. The Peace confidence Index⁸ of Social Indicator – CPA, shows that a substantial majority of all communities are unable to state specifically whether these arguments are correct or not. Only one fifth of the Sinhala community think that a federal system would lead to secession of the country, while 18.6 % and 33.8 % of Muslim and Up country Tamil communities think it would ensure a united Sri Lanka. Respectively 18.8% and 16.6 % of the Sinhalese think that a federal system would be disadvantageous to their community and place the status of Buddhism in jeopardy. This shows that federal myths that the anti-federalism contingent have been trying to propagate have not firmly taken root amongst the public. However, when asked about the model of constitution they prefer, only 5% of the Sinhala community expressed their agreement to a federal state within a united constitution. It is interesting to note that 13% of the Sinhalese do not want to change the present constitution while 25% agree to amend the present constitution without changing the state's unitary nature and the supreme position given to Buddhism. As shown in the PCI⁹ (PCI – June 2007) 51% of the Sinhala community do not know or cannot decide what type of constitution they prefer.

The author would like to reiterate here that the results clearly indicate that years of anti federal propaganda by the JVP, JHU and the patriotic National Movement with all the support of Government have not yielded their desired objective. Only a small minority share the fears and anxieties that anti federalists highlighted against the federal government structure. On the other hand, decades of activism and advocacies of pro federal civil society groups - with the support of the international community- are also far from their envisaged

⁸ Peace Confidence Index, June 2007. The survey was conducted amongst 1800 randomly selected individuals in 17 districts outside the Northern and the Eastern province. This survey did not capture the opinion of the Tamil community due to the sensitivity of the issue and the security of the respondents.

⁹ Since 2001 Social Indicator has been conducting the Peace Confidence Index (PCI), a public opinion research series to capture the changing trends of opinion on the peace process. This quarterly survey interview 1800 randomly selected individuals from 18 districts of the country. June 2007 PCI does not capture the opinion of the people live in the North and east and the opinion of the Tamil community due to the security reasons.

objectives. Therefore, either Sri Lankans are naturally disinterested in issues like federalism, power sharing and devolution or there are other issues that completely distract the public from the federal debate or issues pertinent to the restructuring of the state.

APRC

The regime change in 2004 accelerated the breakdown of the 2002 Norway brokered peace negotiations. With Mr. Rajapakse's victory at the president election in November 2005 it firmly closed any space for the revival of negotiations and, instead opened up the floor for strong military rhetoric. As Uyangoda¹⁰ says, the government has successfully de-internationalised the ethnic conflict, making Norway and the co-chair's ineffective any longer. However, conceding slightly to the only influential international pressure, regional super power India, the Rajapakse regime setup the All Party Representative Committee (APRC) to craft a political proposal on southern consensus that they would later present to the LTTE.

The results of the PCI survey of February 2007 show that it is only 14% of the Sinhala community who are aware about the APRC even six months after its existence. Levels of awareness amongst the same group regarding the APRC's majority and minority reports were even lower. It is hard to believe that the APRC was the Rajapakse Government's favourite decision. If one analyses most of the speeches of Rajapakse and his ministers, it is abundantly clear that war and military victory are the message for the local audience whilst the peace process, APRC and a political solution are just the window display for international audiences.

Therefore, this low awareness and lack of political leadership has now made federalism susceptible to frequent spoiler attacks. This is vindicated by the JVP's demand that the Government dissolve the APRC and delay the publishing of the APRC final report in order for them to support the budget.

¹⁰ Uyangoda. J. De-Internationalization of the conflict process: 22nd Wednesday, November 2007 Daily Mirror.

Conclusion

In essence, public opinion on the idea of federalism does not provide a decisive and particular path; rather it exhibits a nature that is decidedly oscillatory. Long years of poor advocacy strategies have made the federal concept increasingly unattractive to the Sinhala community. Even among the proponents of federalism, an elitist attitude has hindered the ready cultivation of the concept among subalterns. On the other hand, the majoritarian understanding of democracy has deliberately distanced federalism from democratic discourse and has further ethnicised any means of ending the conflict. Therefore, the federal system largely appeals to the minorities and every failure in an attempt at political negotiations has been considered as a failure of federalism. There has been a recent resurgence in the lobbying for the federal idea and advocates have re-labelled the concept using terms such as 'meaningful power sharing' to communicate the idea to the masses. However, the author sincerely believes that instead of any branding exercise, one needs to first take up the battle in terms of clearly defining the principles and characteristics of federalism.