

# The APRC Proposals and ‘Winning the Peace’

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## Introduction

With the end of the ground campaign, the death of the Tamil Tiger leadership and the unification of the island of Sri Lanka under one authority, the Sinhala majority can truly say their war has been won. But now the people of Sri Lanka are faced with the daunting task of rebuilding their country, making up for all the lost years and taking their rightful place as a prosperous, vibrant island nation in a region of the world where economic success can only be held back by instability or despotism. Sri Lanka now has to win the peace. To this end the President of Sri Lanka established the All Party Representative Committee (APRC) to draft a set of constitutional reforms that would enhance the democratic rights and freedoms of all its citizens so as to ensure long-term stability and growth. But if this exercise in nation building is to be a success these proposals must be acceptable to a significant majority in both the Sinhala and Tamil communities. Ideally such proposals should enjoy what is sometimes referred to as a ‘Southern Consensus’ amongst the Sinhala. While, at the same time, addressing the needs and past grievances of the Tamils living in the East and North, so that they might never again consider violence as a justified course of action. Critically then do the APRC proposals enjoy the support of the Sinhala majority and will the Tamil minority accept them as a settlement of their political claims?

To answer these two questions a summary of the major elements of the APRC proposals was drafted as they existed in February of this year and then tested against public opinion in March. This summary is listed below as a series of 14 ‘show cards’. Those being interviewed were asked what they thought of each item on a given card. Was it ‘essential’, ‘desirable’, ‘acceptable’, ‘tolerable’ or ‘unacceptable’? Then they were asked what they thought of the ‘package’ as a whole, if they would support such a ‘package’ and under what circumstances and if they wanted the government to take such reforms forward.

## The APRC proposals in summary form, as they existed in February 2009

- 1. The Structure of the State** – Powers will be divided between the centre and the provinces under a unitary state.
- 2. The Powers of the Centre and Provinces** – These powers will be clearly defined in two lists.
- 3. The Parliament** - Will consist of two houses. The House of Representatives directly elected by the people and the Senate elected by the Provincial Legislators with each Province having the same number of Senators.
- 4. Amending the Constitution** – Amendments affecting the powers of the Provinces can only be made if a majority of Senators from each of the Provinces votes in favour together with not less than two thirds of a joint session of both houses. Amending certain specific articles will also require approval by the people at a referendum.
- 5. The Powers of the President** – The Executive Presidency will cease to exist at the end of the incumbent’s term and be replaced by the Westminster system with a Prime Minister enjoying majority support in the House of Representatives.
- 6. The Powers of Local Authorities** – The Local Authorities will have powers to make by-laws in respect of subjects listed separately in the Constitution.
- 7. Language Rights** – The Tamil and Sinhala languages will have parity of status as national and official languages and as languages of the courts. English can also be used for official purposes where it is expedient to do so. Sinhala and Tamil shall be the

medium of instruction at the school level as well as English if facilities are available. Sinhala, Tamil and English shall be used at institutes of higher education.

**8. Religious Rights** – Buddhism shall have ‘pride of place’ with religious freedom for all citizens being guaranteed.

**9. Fundamental Rights** – Individual and Group Rights will be recognized including the equality of all citizens and the protection of all persons before the law.

**10. Electoral System** – The House of Representatives and Provincial Legislators will be elected on a mixed system of first past the post and proportional representation.

**11. The Judiciary** – Will be independent of the Executive. The Court of Appeal will function with Divisions in the Provinces along with the Provincial High Courts.

**12. Public Service** – There will be separate services for the Centre and the Provinces with certain categories of officers classified as all island services. The Village, Divisional and District levels of administration will all come under the Provinces. As far as is practical the Public Service will reflect the composition of the population and it will be independent.

**13. Safeguards against secession** – The Constitution will provide for adequate safeguards against attempts by any Province to succeed from the State.

**14. Law and Order** - There will be a Sri Lanka police officers service consisting of senior officers from all ethnic groups. Policing will be devolved to the Provinces with certain powers retained by the centre. National security will be the responsibility of the centre.

### Sinhala response

The results for the Sinhala community are listed in Table 1. The key percentages to look at are the levels of ‘unacceptable’. First of all it should be pointed out that these results are very good when compared to places like Northern Ireland and the Middle East where levels of ‘unacceptable’ of 50 per cent plus had to or have yet to be negotiated. Having said that of course Sri Lanka is not Northern Ireland or Israel and Palestine. The political context in Sri Lanka is very different. The highest per cent ‘unacceptable’ in Sri Lanka is for ‘The Powers of the President’ at 23% and a closely related item ‘The Parliament’ at 15%. Clearly these items need close scrutiny and perhaps some adjustment if they are not to become a cause for political decent.

Table 1. Sinhala response to the APRC proposals

Sinhala per cent	Essential	Desirable	Acceptable	Tolerable	Unacceptable	DK
1. The Structure of the State	20	35	16	5	9	16
2. The Powers of the Centre and Provinces	13	28	23	5	11	21
3. The Parliament	9	21	19	6	15	29
4. Amending the Constitution	14	23	19	5	8	31
5. The Powers of the President	12	26	14	5	23	19
6. The Powers of Local Authorities	11	22	27	7	11	23
7. Language Rights	33	35	12	3	9	8
8. Religious Rights	46	30	10	3	5	6
9. Fundamental Rights	35	36	16	2	3	7
10. Electoral System	18	25	18	4	13	24
11. The Judiciary	18	28	16	4	10	24
12. Public Service	13	28	21	6	6	25
13. Safeguards against secession	18	25	19	4	8	26
14. Law and Order	21	25	16	7	14	17
15. All of the reform proposals taken together as a ‘package’	13	21	25	11	9	22

In this version of the APRC proposals 'The Powers of the President' are described as follows: 'The Executive Presidency will cease to exist at the end of the incumbent's term and be replaced by the Westminster system with a Prime Minister enjoying majority support in the House of Representatives.' The problem with this formulation becomes quite obvious when viewed in the context of another question run in the same poll that dealt with the popularity of some key political figures. The President enjoys unparalleled popularity amongst the Sinhala people at 93% 'trust very much or trust quite a bit' and they clearly do not want to see him step down from office. Given this fact a number of options come to mind for amending this part of the APRC proposals.

- The President could give his support to this particular reform.
- The President could remain in office for a second term.
- The President could become Prime Minister in the new Parliament.
- The powers of the President could simply be reduced.
- The President could become a Non-Executive President.
- Or some other option and/or a suitable combination of the above.

This seems to be the major problem with the APRC proposals for the Sinhala and will most probably require attention. It seems very probable that if such a change is made then the overall acceptability of the 'package' will rise. On this point it should be noted that the level of 'unacceptable' for the package as a whole is only 9% down from 23% for 'The Powers of the President'. This is normal. In both Northern Ireland and the Middle East 'the whole is greater than the sum of the parts'. That is to say people will accept items that they may not want for the benefits of other items.

As to the benefits the top three items for the Sinhala are Religious, Fundamental and Language Rights at 76%, 71% and 68% 'essential or desirable' followed fourth by 'The Structure of the State' at 55%. As the top priority for the Tamil community is 'Language Rights' this result is most encouraging for the prospects of long term peace.

Finally, with regards to Sinhala support for the APRC proposals it should be noted that a political analysis of the same set of questions produces very similar results for the Presidents party, the Sri Lanka Freedom Party, with 'Powers of the President' at 23% 'unacceptable' (17% for the People's Liberation Front and 13% for the United National Party). The major concern for the UNP is 'Religious Rights' at 20% 'unacceptable' and for the JVP it is the 'Powers of Local Authorities' at 27% 'unacceptable'. Critically the level of 'unacceptable' for the 'package' as a whole is only 8% for the SLFP, 3% for the UNP and 4% for the JVP.

### **Tamil response**

The results for the Tamil community are listed in Table 2. Again the key percentages to look at are the levels of 'unacceptable' and again the results are very good. The one serious potential difficulty here is 'Religious Rights' at 28% 'unacceptable'. But on the same issue 44% of Tamils consider this feature of the APRC proposals to be 'essential'. They are clearly 'split' on this item. Why?

Perhaps the answer is to be found in the way the question was asked? In the summary proposals 'Religious Rights' was drafted as, 'Buddhism shall have 'pride of place' with religious freedom for all citizens being guaranteed.' It seems very likely that those Tamils who considered this proposal to be 'unacceptable' were focusing on the suggestion that 'Buddhism shall have 'pride of place'' while those who considered this proposal to be 'essential' were focused on 'with religious freedom for all citizens being

guaranteed.’ The problem here seems to be a matter of education, understanding and or some sort of good or bad previous experience in this regard. Clearly this item requires some explanation or clarification to make sure there are no misunderstandings in the Tamil community and that their religious freedom will be effectively guaranteed by a new Sri Lanka constitution.

Table 2. The Tamil response to the APRC proposals

Tamil per cent	Essential	Desirable	Acceptable	Tolerable	Unacceptable	DK
1. The Structure of the State	33	19	16	11	15	7
2. The Powers of the Centre and Provinces	31	22	21	15	4	7
3. The Parliament	37	24	17	13	1	8
4. Amending the Constitution	39	26	15	7	2	11
5. The Powers of the President	37	29	12	6	6	9
6. The Powers of Local Authorities	34	21	15	15	6	9
7. Language Rights	72	13	8	2	1	4
8. Religious Rights	44	10	6	6	28	6
9. Fundamental Rights	69	7	11	4	2	7
10. Electoral System	31	21	15	12	7	13
11. The Judiciary	49	24	12	7	1	6
12. Public Service	38	28	17	8	3	7
13. Safeguards against secession	33	17	17	16	7	11
14. Law and Order	55	17	11	7	2	8
15. All of the reform proposals taken together as a ‘package’	41	27	14	6	2	11

With regards to the benefits of the APRC proposals the top item for the Tamils is ‘Language Rights’ at 85% ‘essential or desirable’ followed by ‘Fundamental Rights’ at 76% and ‘The Judiciary’ at 73%. Fortunately the Sinhala also welcome these reforms so there should be no political difficulty with each community’s top priorities. In other conflicts around the world such a result is most unusual. Top priorities generally require a degree of ‘horse trading’. It is perhaps a mark of the understanding of each community’s needs by the other community that has produced this unusual but most welcome result and/or the careful drafting of the All Party Representative Committee.

Unfortunately it was not possible to sample the Northern Province in March when the fieldwork for this public opinion poll was undertaken. But two sets of data do provide a useful insight into the views of Tamils in these areas. Firstly, the response of TNA supporters and secondly the results from the Eastern Province.

The TNA results are very similar to those for the Tamil community as a whole except perhaps they are characterised by stronger views. For example, for Tamils as a whole (in this sample that excludes the Northern Province) ‘Language Rights’ comes in at 72% ‘essential’ but for TNA supporters this rises to 90% ‘essential’. Similarly those opposed to the ‘Religious Rights’ provision rises to 47% ‘unacceptable’ for TNA supporters from 28% for Tamils in general. However, as with other Tamils, TNA supporters are split on this issue with 43% saying this aspect of the APRC proposals is ‘essential’. Twenty two per cent of TNA supporters also find ‘The Structure of the State’ ‘unacceptable’. This is not a surprising result but 54% of TNA supporters also consider ‘The Structure of the State’ as drafted here to be ‘essential or desirable’.

The results for the Eastern Province seem to clearly reflect the ethnic mix of that part of Sri Lanka. Twelve per cent consider ‘The Powers of the President’ ‘unacceptable’ (a mostly Sinhala concern) while 27% find the ‘Religious Rights’ ‘unacceptable’ (a

significantly Tamil concern but also an Up-Country Tamil and Muslim concern according to the results of this poll). Most importantly only 3% of TNA supporters oppose the 'package' as a whole as 'unacceptable' with only 1% 'Don't Know' (DK) which here includes those who did not answer.

### **Up-Country Tamil and Muslim response**

Although the recent war has largely been viewed as a conflict between the Sinhala and Tamil communities the APRC proposals have been drafted for the benefit of all the communities in Sri Lanka. Like other Tamils the Up-Country Tamils share the concern and/or misunderstanding about the 'Religious Rights' (46% 'unacceptable' and 42% 'essential'). Their top priority is also 'Language Rights' at 91% 'essential or desirable'. But unlike other Tamils they also have some misgivings about 'The Powers of the President' as drafted in the APRC proposals at 11% 'unacceptable'.

Similarly 11% of the Muslim community also have reservations about 'The Powers of the President' and they are also split on 'Religious Rights' at 30% 'essential' and 17% 'unacceptable'. As Tamil speakers their top priority is similarly 'Language Rights' at 85% 'essential or desirable'.

The sample size for this poll was not large enough to generate reliable results for the smaller political parties in Sri Lanka. However, it was possible to get a result for the Sri Lanka Muslim Congress. The percentages follow a similar pattern to those of the Muslim community as a whole but unlike the results for the TNA, which were stronger than the Tamil results in general the SLMC results seem to be slightly more moderate than they are for other Muslims.

### **Support for reform**

All these results are very good but if, for example, the people of Sri Lanka were asked to vote for them in a referendum would the results be different? With this point in mind each person being interviewed was asked if they would support this set of proposals (Table 3), would they change their opinion if the party they supported did or did not support the proposals and finally should the government undertake such a programme of reform anyway.

The results for this series of questions are, as with the other results of this poll, most reassuring. Eighty six per cent of the Tamil community said they would support the APRC proposals rising to 90% for Muslims and 92% for Up-Country Tamils. In the Eastern Province 91% said 'yes'. As for the political parties the strongest support came from the TNA at 90% 'yes' followed by the SLMC at 88%, UNP at 85% and JVP at 83%. Similarly the people of Sri Lanka want the government to go ahead with these reforms rather than have 'no change'.

The weakest support for the proposals was from the SLFP at 68% 'yes' but only 10% of them said 'no' with 22% undecided. However, if 'The Powers of the President' were revised in a way that met the concerns of the SLFP and if the President were to give his support to the APRC reforms then this 67% 'yes' will most probably be improved. Finally given the overall consistency of these results it seems unlikely that a few minor changes or revisions will significantly alter the outcome of these results and that the people of Sri Lanka will support the APRC proposals. Providing, of course, the political leaders of Sri Lanka do not pervert the will of the people as they sometimes have done in the past. 'Winning the peace', is clearly in their grasp.

Table 3. Question: ‘Would you support a package of constitutional reforms for Sri Lanka as outlined here?’

Per cent	Yes	No	DK
Sinhala	67	12	21
Tamil	86	4	10
Eastern Province	91	2	7
Up Country Tamil	92	0	8
Muslim	90	1	9
SLFP	68	10	22
UNP	85	3	12
JVP	83	4	13
TNA	90	2	7
SLMC	88	5	7

#### **About the poll**

The research for this poll was carried out by the staff of Social Indicator of Colombo, on behalf of Dr. Colin Irwin from the Institute of Irish Studies at the University of Liverpool who developed the peace polls method as part of the successful Northern Ireland peace process. The survey work for the first poll in this series was completed between March and May 2008 and included a random sample of 1,700 people from all parts of Sri Lanka with the exception of the Northern Province. Using the same methods the survey work for this second poll was completed a year later in March 2009. All interviews were face-to-face and the margin of error is +/- 2.27% with questionnaires and full results available at [www.peacepolls.org](http://www.peacepolls.org).