

Sri Lanka: Emergency Regulations are the epitome of instability: Prof. Shamala Kumar

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With the appointment of the President and new Cabinet, Sri Lanka is presently witnessing the systematic reinforcement of the existing system, the one that the Aragalaya demanded must change, asserts Prof. Shamala Kumar of the University of Peradeniya.

“We are again confronted with the reality that the country’s governance structure is not for the people or designed to protect us, but to protect the Executive and those that have his patronage,” she emphasised, in an interview with The Sunday Morning.

Prof. Kumar added that the invoking of the Emergency Regulations and the crackdown on those identified as having led the Aragalaya “leaves us with a sense of foreboding, which is all too familiar”.

In the course of the interview, Prof. Kumar also spoke on the Aragalaya in the context of confronting the current wave of suppression and the complicity of the middle classes in Colombo, moving organised efforts to the people so that the centres of the Aragalaya remain in villages and communities, and the importance of forming broad alliances led by the people and built on a strong ideological platform.

She further noted that the use of Emergency Regulations – “designed to suppress the people, to shut them up, and to create an ethos of fear among us” – was simply a way of ensuring that the authoritarian powers of the President could be exercised with little resistance from the people.

However, Prof. Kumar is certain that change is on the way: “I am certain there will be change, there must be change – we have no alternative. Although successive regimes have used the same tools of suppression, I do not think that those far from the movement, such as Ranil Wickremesinghe and even those in Parliament, quite understand that this moment is different.”

Following are excerpts of the interview:

How do you view the ongoing political developments, following the appointment of the new President and Cabinet?

What happened with the appointment of the President and new Cabinet negates much of what preceded it, at least at first glance. We are witnessing, at present, the systematic reinforcement of the existing system, the one that the Aragalaya demanded must change.

We are again confronted with the reality that the country’s governance structure is not for the people or designed to protect us, but to protect the Executive and those that have his patronage – in this case, the members of Parliament who voted him in. What we are left with is the same old set of faces, gaslighting us with their doublespeak and convoluted reasoning, using the same old backroom dealings, to give us more of the same.

Yes, nothing has really changed, it seems – and definitely not the system. If anything, the invoking of the Emergency Regulations and the crackdown on those identified as having led the Aragalaya leaves us with a sense of foreboding, which is all too familiar.

My hope, however, is that the memory of 9 July – the sense of solidarity and purpose that emerged on 9 July and the lead-up to it – will remain raw in our memories, ignite our imaginations, and produce an awesome force, once again – but bigger – that leads to a radically different system of democracy.

In terms of the protest demands, isn't there a need for re-strategising? We have mostly seen campaigns targeting individuals – 'Gota go home,' 'Ranil go home,' and so on – but there's a need for a structure to change the current system. What form should this take?

The Federation of University Teachers' Associations (FUTA), of which I am a member, has called for the repeal of the Emergency Regulations, a moratorium on the use of the Prevention of Terrorism Act (PTA), the return of the military to the barracks, and protection of the political and social rights of people.

Sadly, however, the Emergency Regulations have been extended through its approval by Parliament, the highly-visible military presence remains, and the arrests and abductions of protesters indicate that the attack on our right to dissent goes on unabated.

Yes, clearly a stronger and united force is required to save our country from the Government and this system of governance that makes everyone – from the Parliament, State institutions, global capital, the private sector, and our aspirations for ourselves and those we love – beholden to the Executive.

Regarding the call for change in individuals, whether Ranil or Gota, however, is very much a manifestation of a system in place, which gives an individual dangerously excessive powers. As Sumathy Sivamohan stated a few days ago, 'I am unable to separate the authoritarianism in our culture from the Executive Presidency. It has seeped into all of our thinking and structures.'

In a way, the Aragalaya, as many saw it, was centralised in its previous configuration, with much of the organised elements based in Colombo. Even the suppression of the movement has focused on suppressing dissent in the 'GotaGoGamas' (GGGs). However, I think this too is a symptom of our fundamental problem of excessive powers in the centre. Our unions, civil society activism, and political organisation are all centralised.

I do not think however that the Aragalaya itself is centralised. Although less evident, it is actually everywhere – in gas queues, paddy fields, homes, workplaces, and educational spaces. The first step to confronting the current wave of suppression and the complicity of the middle classes in Colombo is to move organised efforts to the people, where in reality the centres of the Aragalaya remain in each of our villages and communities. Let's move away from the notion that the people must come to the centre. This is, after all, what the Aragalaya demanded anyway – a movement to place power away from the centre and in the hands of the people.

For this change, we must form broad alliances. It must be led by the people, but through a better organisation, and for this, trade unions, farmer organisations, professional groups, and other organised groups must take the lead. It must also be built on a strong ideological platform that demands a radically new social contract between the people and the Government and between the centre and the rest of the country, so that the centre itself becomes diffused and transformed.

These same demands have been made for years. How is this different and what will change now? Can we really expect solutions?

Yes, these demands have been around for decades, but there's a difference. The Aragalaya is not a particular place, such as GGG, but a movement and a set of ideas that developed through that movement; a set of aspirations that emerged from spaces of dissent.

To me, these ideas centred on the demand for a government and State system that is closer to the people, one that feels their pain – because people are going through a lot of pain right now. The call is for a government that is responsive to the people.

I think that what happened on 9 July and the lead-up to it was to bring people together; voices of different people speaking with different lived experiences, not only the people who had lost the security of knowing they will have food on the table, fuel for cooking, and their sources of livelihood, but also those who wanted to bring into this conversation the stories of those who experienced the violence of war, members of the LGBTQIA community, persons with disabilities, journalists, students, workers – there was a multiplicity of voices that converged and in their convergence was formed solidarity.

The issues they brought to the Aragalaya were not new and therefore the demands are not new. However, what has changed is the opening up of spaces for dialogue, across regions, ethnicities, gender and sexual identities, and to a lesser extent class structure. And this has brought about radical proposals, calling for people's councils, libraries, and museums that gave space for painful memories, which for decades were kept unspoken. The Aragalaya is of course not some utopian fairy tale. The social fissures we see in our everyday lives are represented there as well, but even that is somehow beautiful.

Take the PTA, for example. What used to be a demand of the minorities has now become a demand of the Aragalaya more broadly. I think this political moment is unique; it has resulted in the same demands having new and different broader meaning. What once used to divide people now has the potential to coalesce.

I am certain there will be change, there must be change – we have no alternative. Although successive regimes have used the same tools of suppression, I do not think that those far from the movement, such as Ranil Wickremesinghe and even those in Parliament, quite understand that this moment is different. This is no movement of a few individuals, or a particular place, or even a single idea.

Emergency Regulations have been the 'go to' solution for successive Sri Lankan governments and the current President has also resorted to using them. What are the dangers of this approach and what does it mean for those agitating for change?

These regulations are designed to suppress the people, to shut them up, and to create an ethos of fear among us. It is simply a way of ensuring that the authoritarian powers of the President can be exercised with little resistance from us.

The Emergency Regulations are legally problematic because they remove checks and balances that a system of governance must possess, so that no entity has unbridled power. It is also problematic because, as I understand from lawyers, it is vague, and its limits are hard to discern. This leaves judges and everyone else, including us, unsure whether something is 'legal' or not.

Emergency Regulations, according to Prof. Deepika Udagama, are intended for moments when the

people must be protected. As the intention of a law determines its interpretation, it's used against the people and therefore in invocation itself is highly problematic.

Simply challenging Emergency Regulations on legal grounds, however, is dangerous. Emergency Regulations are political, as all laws are. They are a feature of a broken system in which we operate in an eternal state of exception. Normal systems of governance and law seem to be of little use as we confront crisis after crisis, also perpetuated by the very people who invoke it. Whenever the centres of power are threatened, we are placed in a State of Emergency, a tool through which people are suppressed.

Here I use 'centres of power' to mean not only the Executive, but also the political and economic forces that benefit from a centralised anti-democratic and anti-pluralistic form of government that thrives and expands on the oppression of people.

This is why I have little confidence that the International Monetary Fund (IMF) will do anything beyond making a few politically correct noises in protest of what is happening. It is ironic, however, that the overarching justification for why we are saddled with this President is political stability – Emergency Regulations are the epitome of instability.

In this background, what kind of a role are the trade unions playing? Are they doing enough or are their efforts nowhere close?

Trade unions are a collective and they go through a process of consultation with members to arrive at a response. Therefore, I think we are seeing a small pause in their activities as they make sense of what's going on. I do not however think this will continue for long, considering the manner in which the Government is acting.

As I have indicated, I believe trade unions have a very significant role to play at this moment. Trade unions in Sri Lanka, however, have long histories of contention, which make it difficult for some of them to work collaboratively. They are also divided on class, political, and ideological lines. It is, however, time to put aside these differences because what is happening right now is an assault on all working people and the democratic structures and institutions that support our work and mandates.

Take, for instance, FUTA. Currently we are unable to do our work for lack of resources or a conducive environment for education, our students are being targeted, and the Emergency Regulations run counter to our academic freedoms. Education is integral to democratic processes and when a government stands firmly on the other side of democracy, we have no option but to push back.

How do you view women's contribution to the ongoing protests?

Women do play a visible role in the ongoing protests, such as within the movement of the families of the disappeared; Sandya Ekmaligoda has been pivotal in drawing attention to the violence against journalists in this country. The work of the Feminist Collective for Economic Justice was responsible for shifting the narrative of the post-Covid period with their consistent demand that providing economic relief be prioritised. Our group, the Kuppi Collective, is very much a space where women have a strong presence. Even in FUTA there are a number of very strong and powerful women.

The Aragalya has expanded spaces for women to be heard. One time, at 'GotaGoGama' in Colombo, this young woman just got up and started speaking. She managed to draw a substantial crowd. I see these spaces as fluid and as a result today we have more space for women, and not just women but

also others have gotten a voice who are not typically represented in the centres of power. We must work actively to protect and nurture these spaces.

Women are not always as visible as they should be, though. It's not uncommon for a political stage to be made up of men alone. This is problematic and an element of the theme continuing throughout this interview, that we simply give far too much space to the individual who holds the apex of power, who on most occasions is a (Sinhala) man.

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