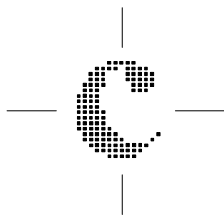


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Working Paper 4

Power Sharing Arrangements
in Sri Lanka

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Introduction¹

In situations of persistent ethnic and/or religious tension or where such tensions have resulted in episodes of violent conflict or where such violence has been prolonged, the conventional wisdom is that a resolution of the conflict is possible through purposeful power sharing either within the executive and the legislature, or at a more structural level through regional institutions. The Sri Lankan experience reviewed in this paper shows that power sharing at the government level – in the executive and in the legislature – has had a long history. Devolution of power to regional institutions has lagged far behind. Indeed efforts at resolving the Sri Lankan conflict are linked to a prolonged debate on the structure of regional institutions through which power-sharing could be made more attractive to dissident or disgruntled regional groups and forces.

The current prolonged conflict in Sri Lanka demonstrates, indeed reveals, a dismal truth, namely that the adoption of forms of power-sharing in a democratic political structure does not necessarily guarantee political stability. On the contrary, the Sri Lankan case shows how these do not greatly reduce the prospects of eventual breakdown in the political system and outbreak of conflicts, even violent conflicts. The introduction of universal suffrage in 1931 in Sri Lanka – the first crown colony of the former British empire to enjoy that privilege – marked the beginnings of the democratisation of the island's political structure. Power sharing between the Sinhalese majority group in the island, and the country's minority groups, the Tamils, in particular became an issue almost immediately. The national debate on power sharing was conducted on purely political terms, i.e. on the representation of the island's ethnic and religious diversity in its national legislature and in particular in the Board of Ministers. That board itself represented a genuine sharing of power between the British and Sri Lankan political elite, with seven Sri Lankan Ministers, and three British officials.

The underlying assumption was that the political dimension took precedence over all others. There was very little discussion of the concepts of prevailing forms of power sharing among Sri Lanka's political elite either in public life or in the national legislature or indeed in academic writings when the political debate began, with some rancour, in the late 1930s and early 1940s. During the negotiations on the transfer of power the focus continued to

¹ This paper has been written in the framework of the research project entitled 'Coping with Internal Conflict Project' (CICP) executed by the Conflict Research Unit (CRU) of the Netherlands Institute of International relations 'Clingendael' for the Netherlands Ministry of Foreign Affairs. The CICP consists of four different components, namely 'Power Sharing', 'Political Military Relations', 'Political Economy of Internal Conflict' and 'Resources, Entitlements and Poverty -related Conflict'.

be on the issue of representation in the national legislature. As we shall see, this changed after the mid-1950s when power sharing was viewed largely in terms of devolution of power to the regions, with these claims and demands being advocated largely if not entirely by representatives of the Tamil minority.

The second distinguishing feature of these early years of democratic debate is the evolution and development of power sharing in actual political practice from the early 1930s. Thus throughout the next 70 years it is to political practice that we need to turn our attention in our study of power sharing in the island's politics and public life. The principal Sinhalese politicians have not been interested in expounding theories of power sharing but in actually practising it in national politics, a theme illustrated by the text of this current essay.

The peculiar demographic profile of the country with a concentration of Tamils in the north and to a lesser extent in the east of the country, has given Tamil parties, beginning with the Tamil Congress (TC) of the 1940s, a solid regional base which they have generally – but not always – succeeded in protecting against efforts of national parties such as the United National Party (UNP), the Sri Lanka Freedom Party (SLFP) and left-wing parties, to field candidates of their own in those regions. The Federal Party (FP), the principal political party of the Tamils since the mid-1950s and the TULF, generally sought an independent role in national politics, and in the national legislature, although the FP formed part of Dudley Senanayake's coalition government of 1965-70 led by the UNP during which the FP was represented in the Cabinet for three years. In general, the FP and the TULF have succeeded in maintaining their identity as regional parties outside the national political mainstream. The leaders of the TC and the FP and TULF have always been anxious to expound versions of power sharing whether it was a division of seats in the national legislature, or the establishment of a second tier of government between the centre and local government institutions.

In contrast, the Muslims have generally been part of the principal political parties, represented at all levels in them, and part of the national political process. Unlike the Sri Lanka Tamils, the Muslims have not had a communal or ethnic party with a regional base till the emergence of the Sri Lanka Muslim Congress (SLMC) in the 1980s. The SLMC while drawing its electoral support mainly from the Eastern Province Muslims (who constitute about a third of the entire Muslim population of the island) has always aspired to expand its support base to embrace all Muslims in the country. Its early promise of achieving such a national status was not fulfilled at the general election of 1989 and it was not able to shake the traditional pattern of Muslim membership of the UNP and Sri Lanka Freedom Party (SLFP). At the parliamentary election of 1994, however, it became a significant presence in the legislature and was able to secure Cabinet office for its leader as a party of the governing coalition led by the Sri Lanka Freedom Party (SLFP). The association of the SLMC with that governing coalition continued after the death of its dynamic leader M.H.M. Ashroff in September 2000 and in the formation of the coalition Cabinet of October 2000. The two national parties, the UNP and SLFP retain a solid base among the Muslims.

The political behaviour of the Indian Tamils provides a strong contrast to that of the principal Tamil political parties. They have generally worked in association with the national parties, with the UNP from 1964 to 1994, and from 1994 onwards with the SLFP. From 1978 onwards they have contested seats to the national legislature, to provincial councils, and local government bodies as members of the UNP. All the while they succeeded in maintaining their distinct identity within the UNP. With the death of its founder and leader S. Thondaman in 1999, the party has split and its members have joined either the UNP or the People's Alliance.

In the search for explanations for the failure of the Sri Lanka Tamil leadership to bring the Indian Tamils

together into a pan-Tamil political force, the separate geographical locations of the two groups is often suggested as the principal one. This is only partly true. The main settlements of the Indian Tamils are in the central hills and in Colombo (where they now outnumber the Sri Lanka Tamils) and the outskirts of the city. The fact is that the two groups do not have much in common except their language. Both are mainly Hindus but the rigours of the Hindu caste system have served to keep them apart as effectively as the location of their settlements. The bulk of the plantation workers and other Indians belong to the Scheduled Castes in the Indian caste terminology and they are regarded as “low caste” Hindus by the Sri Lanka Tamil or Jaffna Tamil elite. While the Liberation Tigers of Tamil Eelam (LTTE), with their more liberal attitudes to caste, do not share this deeply set prejudice of the Sri Lanka Tamil elite, they have not been able to as much headway among the Indian Tamils as they would like to do.

There is finally the role of the Ceylon Workers Congress (CWC) the principal trade union of the plantation workers: quite apart from being the largest trade union, in the island, it is also the political party of the Indian Tamils. The leadership of the CWC has successfully protected its trade union membership base from encroachment by Marxist trade unions, and by the trade unions which the Federal Party and TULF sought to establish. While the CWC is ethnically distinct as a political party, as the authentic voice of the Indian Tamils, it is much less ethnically cohesive as a trade union. It has a significant Sinhalese membership (30% of the plantation workers are Sinhalese). Nor is it exclusively a plantation trade union: it has branches in industrial and commercial establishments in the city of Colombo and its suburbs, where there is, naturally, a large Sinhalese component in its membership.

2 Literature on Power Sharing in Sri Lanka

The number of monographs and well-researched articles on the theme of power sharing in Sri Lanka is much fewer than could have been expected on an issue that is so important in Sri Lanka's recent and current history. The reader of this literature will see that all of it deals with power sharing between ethnic communities at a high, or the highest, political level. The power sharing is viewed in terms of constitutional or structural changes – i.e. devolution in its various forms, ranging from regional councils, district councils, or provincial councils. The first comprehensive and thoroughly researched monograph on a vitally important aspect of the national debate on power sharing appeared in 1983 with the publication of Jane Russell's *Communal Politics under the Donoughmore Constitution, 1931-1947*. Ms. Russell, a British student at the University of Peradeniya (the University of Sri Lanka as it then was), spent three years working on a doctoral dissertation, researching the politics of the Tamils of Sri Lanka, especially those in Jaffna, and their demand which emerged in the late 1930s and 1940 for what was called "50-50". This was a demand for balanced representation with an electoral system in which the majority (about 70%) of the population was to have merely 50% of the seats, while representation for the minorities who would have 50% was virtually doubled.

Four years later came a study of one of the crucially important aspects of the debate on power sharing, K.M. de Silva's study of "*The Traditional Homelands of the Tamils*", *Separatist Ideology in Sri Lanka: A Historical Appraisal*, (1987) published by the ICES, Kandy, as an Occasional Paper. This monograph studied the historical data advanced in support of this claim by the TULF and other Tamil parties, and found them generally spurious, and generally inadequate to sustain the case made. A revised second edition of this monograph was published in 1994, and it was reprinted in 1995.

Apart from other issues, the "Homelands" theory and concept involved the assumption that the island's Northern and Eastern Provinces were essential parts of it. The first attempt to look at the multi-ethnic Eastern Province in this context and as a socio-economic entity came with the publication of G.H. Peiris's article "An Appraisal of the Concept of a Tamil Homeland in Sri Lanka", in January 1991 in the *Ethnic Studies Report*, IX(1). Surprisingly there has been nothing else on this theme so far, despite the fact that the Eastern Province has been and continues to be the central issue on which negotiations have broken down regularly.

A.J. Wilson's *The Break-up of Sri Lanka: The Sinhalese Tamil Conflict* published in London in 1988 is useful as an insider's account of the negotiations on power sharing in the 1980s, a process in which he was an active participant on behalf of the Tamil United Liberation Front (TULF) between 1978 and 1983. As with monographs of this sort the contents are a mixed bag in which some of the material is valuable, some very

controversial, some new and insightful and some factually inaccurate as well.

A volume of essays entitled *Devolution and Development in Sri Lanka* edited by Sunil Bastian, published by the International Centre for Ethnic Studies, Colombo, in Delhi in 1994 was an attempt to review the operation of the Provincial Council system of Sri Lanka established in 1987-88. The chapters of this volume also look back at the power sharing debates and institutions of the recent past, and make suggestions for changes for the future.

Two monographs appeared in 1996. The first was K.M. de Silva's *Devolution in Sri Lanka: S.W.R.D. Bandaranaike and the Debate on Power Sharing*. This was a documentary survey with an introduction by the editor, published by the International Centre for Ethnic Studies in Kandy. It contained eleven documents, some rare, some difficult to find, including discussions on federalism in 1926, the text of the national legislature's (State Council's) debate on district and provincial councils in 1940, and the abortive and controversial bill for the establishment of Regional Councils of May 1957. All these documents were made available in this monograph. The introduction reviewed S.W.R.D. Bandaranaike's contribution to the national debate on power sharing. Keteshwaran Loganathan's *Sri Lanka, Lost Opportunities: Past Attempts of Revolving Ethnic Conflict* (published by the Centre for Policy Research and Analysis, University of Colombo, 1996) was a review by a Tamil intellectual/political activist of the efforts at resolving the problems of ethnic conflict in the period from the 1930s to 1992. It also contains 50 pages of documents. Disputes over power sharing are the core of the book. The documentation is not as adequate as it could have been, but it is important for being an example, of the reflections of a Tamil political activist expanded into a monograph. The discerning reader is not likely to find much new material in Loganathan's volume.

There have been three volumes on the whole question of power sharing published in the mid and late 1990s. The first of these is *Sri Lanka: The Devolution Debate*, a collection of essays published by the International Centre for Ethnic Studies, Colombo in 1996, with a second edition later that year, a third edition in 1997 and a fourth edition in 1998. It is a collection of short essays on the constitutional proposals put up by the Sri Lanka government in 1995, and subsequently amended in 1996 and 1997. The two persons who prepared the draft proposals for the government, the late Dr. N. Tiruchelvam, and Professor G.L. Peiris, the Minister for Justice and Constitutional Affairs have contributed short chapters in advocacy. The volume also contains the text of the government's proposals on devolution of power of 3 August 1995.

The proposals attracted considerable debate and much opposition. There was first of all a monograph titled *Tigers, "Moderates" and Pandora's Package* by lawyer/politician S.L. Gunasekera and published in 1996. The volume was a critical review of the projected reforms. In 1997 came B. Hewavitharana's *Economic Consequences of the Devolution Package* the first systematic study of the economics of devolution. Hewavitharana held the chair of Economics at the University of Peradeniya for more than two decades. His critical examination identified many flaws in the proposals of 3 August 1995 and subsequent amendments of it.

On the *Provincial Councils Act No. 42 of 1987*, and the establishment of these councils there are two essays by K.M. de Silva, "The Prelude to the Indo-Sri Lankan Accord of July 1987", *Ethnic Studies Report*, X(1), 1992 and "The Making of the Indo-Sri Lanka Accord: The Final Phase, June-July 1987" in *Peace Accords and Ethnic Conflict* in K.M. de Silva and S.W.R. de A. Samarasinghe (eds), London, 1993. On the issue of the Indian intervention in Sri Lanka and the Indian government's role in formulating the Provincial Councils as instruments of power sharing, there is a monograph by K.M. de Silva, *Regional Powers and Small State Security: India and*

Sri Lanka, 1977-90 (Washington DC and Baltimore, 1995). S.D. Muni, an Indian scholar, has reviewed the Indian intervention in his *Pangs of Proximity: India and Sri Lanka's Ethnic Crisis* (Sage, Delhi, 1993). Unfortunately, there is much less on the provincial councils in this monograph than one had reason to expect. In the same year, a Sri Lankan, Rohan Gunaratna published his *Indian Intervention in Sri Lanka: The Role of India's Intelligence Agencies* (Colombo) which had some material on the provincial councils, but not very much. Two other books, recently published, deal with the Indian intervention, but neither of them refer to the negotiations on power sharing. They are Alan J. Bullion's *India, Sri Lanka and the Tamil Crisis, 1976-1994* (London, 1995) and S. Krishnan, *Post-Colonial Insecurities: India, Sri Lanka and the Question of Nationhood* (Oxford University Press, Delhi, 2000).

Two very recent publications provide a great deal of information on the current problems relating to a resolution of the ethnic conflict in Sri Lanka, and on the issues of power sharing. They are *Creating Peace in Sri Lanka. Civil War and Reconciliation*, edited by Robert I. Rotberg, and published by the Brookings Institution Press, Washington DC in 1999, and *Pursuit of Peace in Sri Lanka: Past Failures and Future Prospects* edited by K.M. de Silva and G.H. Peiris and published by the International Centre for Ethnic Studies, Kandy in 2000. Part II of the volume *Pursuit of Peace in Sri Lanka...* contains three chapters, two arguing the case for federalism in Sri Lanka, and the third on alternatives to federalism. Together they provide an insightful introduction to this controversial issue in Sri Lanka's debates on power sharing. Both volumes contain articles by the late N. Tiruchelvam on a federal system for Sri Lanka. A more expansive article in advocacy of federalism for Sri Lanka was written by him in *Autonomy and Ethnicity. Negotiating Competing Claims in Multi-Ethnic States* edited by Yash Ghai (Cambridge, 2000). This article "The Politics of Federalism and Diversity in Sri Lanka" is on pp. 197-218.

Finally the neglect of local government in the debates on power sharing in Sri Lanka, is seen in the fact that there is only one significant publication in the subject of local government, and that was published as long ago as 1971. This was V. Kanesalingam's *A Hundred Years of Local Government in Ceylon (1865-1965)* published in Colombo.

3 Power Sharing in Sri Lanka

3.1 The Practice

Power sharing at the level of the Board of Ministers came as early as 1931 with the election of five Sinhalese, one Muslim and one Tamil (although an Indian Tamil not a Sri Lanka Tamil). At the next election in 1936 came a deliberate repudiation of power sharing on the Board of Ministers and with it the establishment of the Pan Sinhalese Board of Ministers, a controversial political experiment which began in 1936 and came to an end in 1942 when the decisive phase in the negotiations with the British on the transfer of power began.

Power sharing came to its own in Sri Lanka with the cabinet established just prior to independence in 1947. It began the practice of representation of all important ethnic and religious groups within the cabinet and the Ministry (i.e. the cabinet and the deputy ministers), a practice that has been followed ever since. Sri Lanka's two principal national parties, the UNP and SLFP have followed a policy of representation of all important, ethnic, religious and caste groups within their governing bodies, the UNP more than the SLFP with regard to ethnic and religious groups, while the SLFP was more concerned, for two decades or more since its establishment in 1951, in caste diversity among the Sinhalese. Secondly, there is the practice of coalition building where national parties form alliances, electoral and governmental, with other political parties, invite non-party individuals (or independents) to join the cabinet, or are allied with ethnic parties and regional parties such as the Ceylon Workers Congress (representing the Indian Tamils), the Tamil Congress or the Tamil United Liberation Front, or more recently with the Sri Lanka Muslim Congress. Thirdly, even the electoral pacts between political parties formed prior to a general election, for example, the SLFP in 1956-60, 1960-65, 1968-76, and 1994 with leftwing parties and groups, are examples of power sharing at a political or electoral level. The UNP has had an electoral alliance with the Ceylon Workers Congress, the political party and trade union of the Indian plantation workers from 1964 to 1994.

We need also to consider a much ignored factor in power sharing, that is power sharing at a provincial or district level in district and provincial councils where minority groups constitute a significant presence. This aspect of power sharing has been in vogue in Sri Lanka since 1980-1981. Power sharing in local government institutions, especially in urban areas, on an ethnic, religious or even caste level has been the rule rather than the exception since the 1940s, even though there is no great emphasis in the national political debate on local government institutions as instruments of power sharing.

Indeed, power sharing has been the core of Sri Lanka's multi-party democratic system, a political world

where coalition governments are the norm not the exception. It is generally forgotten that Sri Lanka's post-independence parliamentary history shows that the country has been ruled by coalitions for a longer period of time than by single party governments. Coalitions have been resorted to for three reasons: first and most obvious of all, the pressures emerging from a weak parliamentary or electoral base; secondly, by the search for appropriate allies for perceived national need, the nurturing of pluralism (under D.S. Senanayake in 1947, or J.R. Jayewardene in 1977 and 1982 and R. Premadasa in 1989) or the exact opposite policy of emphasising the Sinhalese-Buddhist dominance of the polity (as by the Mahajana Eksath Peramuna coalition led by the SLFP in 1956); and thirdly by ideological concerns such as a deliberate shifting of the central focus of governmental policy in a pre-ordained direction (as in 1970 with its emphasis on the construction of a socialist society).

With the exception of the SLFP dominated cabinets of 1956-60, and 1960-4, there was always Tamil representation in ministries formed after parliamentary elections. With the UNP, these have generally been Tamils elected on the party ticket or elected members of parties in coalition with it. On one occasion – 1965-68 – it had a member of the upper house in the Cabinet, a Senator, representing a coalition partner. From 1978, there has been a representative of the Indian Tamils in the UNP Cabinet. Since 1948, there has always been at least one Muslim member in the Cabinet, whether the government was a UNP or SLFP one, with a two-year gap from 1950 to 1952 when there was no Muslim Cabinet Minister. There was more than one Muslim member of the Cabinet after the UNP's return to power in 1977 a practice that has been continued by the present People's Alliance government, a coalition in which the dominant element is the SLFP.

3.2 Electoral Politics

We need to review Sri Lanka's power sharing practices in the context of its energetic electoral politics. Sri Lanka was the first country in post-colonial South and South East Asia in which the original legatee of the colonial power lost office as a result of a defeat at a general election in 1956. It took a little over 20 years before India saw a similar change of government through the defeat of the Congress Party which had ruled that country since independence. From 1956 till 1977 each successive general election in Sri Lanka saw the government in office defeated at the polls. (The UNP which won the general election of 1977 was in office for 17 years). One result is that Sri Lanka developed into a multi-party democracy, with two parties of government, the UNP and the SLFP, who have governed the country on their own or in coalition with other parties since independence. No other democratic state in Asia has two major political parties who have ruled the country for substantial periods of time, not even India in which the evolution of a second party of government, in opposition to the Indian National Congress in its many manifestations, the Bharatiya Janatha Party (BJP), is a very recent phenomenon.

The nature of political change in the period 1956-64, and again in 1970-77 when the country witnessed a second phase in a transfer of power, this time not from the British to the Sri Lankan political elite as in 1931 to 1947 but from the English-educated elite who dominated the country's public life for several decades to vernacular-speaking elites, saw dramatic changes in the practice of power sharing that had been established from the first decade after independence. The dominant political strand in the period 1956 to 1977 was populism, as embodied in the SLFP, which ruled the country for all but five years during this period, generally with the support of, if not

in association with, Marxist parties. The focus of attention was on an incessant drive to expand the state apparatus and ensure its domination both of public life and of the economy. Sri Lanka's "closed" economy of this period (1960-77) was the most state dominated one in the whole of South and South East Asia if one excludes Burma and the Communist states of Vietnam, Laos and Cambodia from consideration. One of the consequences was a purposeful undermining of the prevailing strength of the minorities in the island's commerce and the economy and of the position of the Tamil minority in the bureaucracy. The minorities' significant role in trade and commerce stemming from colonial times was reduced, but not entirely reversed. Indeed its strength revived after 1977 with the open economy introduced by the UNP. The position of Tamils in the state bureaucracy declined from its traditional significance under British rule to its present position where they are less than 10% of the personnel. In the late 1930s they were nearly 40%.

Quite apart from their adverse impact on the position of minority groups in power sharing, these periods of rapid political and social change placed enormous pressure on the country's democratic traditions, its legislative, administrative and judicial institutions and its economy alike. The political elites, SLFP and Marxist, used, or misused, existing institutions to impose their agendas, timetables and priorities on them oblivious to the need to protect their independence and autonomy. In Sri Lanka, as in India, it was argued during the regime of Mrs. Bandaranaike, (1970-77) that such independence and autonomy often protected vested interests and stood in the way of delivering services to the poor. Neither of these contentions was correct. The needs of "the people" became the justification for the erosion, if not destruction, of the independence of autonomous institutions, ranging from the bureaucracy, and the press to universities and schools and, less successfully, the judiciary. These pressures have been greatest when powerful and ideologically-driven governments controlled a large majority (1960-65) or a two-thirds majority (1970-77) in the national legislature. The imperatives of development which had earlier been used to justify the instrumental approach toward institutions were now compounded by parliamentary majorities which acquiesced in or, quite often enthusiastically, supported attempts to allow institutions to serve narrow political ends with a disregard for their impact on the minorities.

Thus the electoral triumphs of the SLFP and its Marxist allies which could have helped consolidate the country's democratic system actually served to weaken if not to undermine it. For one thing they viewed their victories as the capture of state power by democratic means. There was also a resort to violence against their defeated opponents in the aftermath of elections. The Marxists set the example here, and their opponents adopted the same tactics when they won an election. Once the state was in the hands of left of centre forces it was treated as a source of redistributive justice with its own inner logic guided more by ideological considerations than any concern for the efficient management of the economy or serious concern for power sharing with minorities.

On the other hand the electorate at large has demonstrated a sophistication and maturity reflected, first of all, in the steady increase in the percentage of people voting at such elections since 1931. After independence the poll has kept increasing till it reached a peak of 87% in 1977. There was a small decline in the poll at the presidential election of 1982, and a sharper decline at the controversial referendum of that year. It dropped to the 1947 level or lower in 1988 and 1989 because of the terrifying atmosphere of violence – caused by the left-wing Janatha

Vimukti Peramuna (JVP) whose cadres sought to prevent the holding of the elections – in which the presidential and parliamentary elections of 1988 and 1989 were held. The fact that as much as 55% of the electorate actually voted at the presidential election of December 1988, and 64% at the parliamentary election in February 1989, despite the systematic campaign of violence – including the killing of candidates, supporters and voters – is evidence of the electorate's deep commitment to democratic elections. As further evidence of the political maturity of the electorate one could point out that except on two occasions – March 1960 and October 2000 – a government has generally been returned to power with a stable majority at these elections.

3.3 Devolution of Power

From the mid-1950s to the present day, power sharing has been linked with the political debate on devolution of power between the governments of the day, and representatives of Tamil opinion, especially the FP, and its later manifestation the TULF. As a result, controversies over devolution of power to regional bodies have replaced other issues as the central theme in such negotiations and became in time the core of the current political crisis in Sri Lanka, and of all the negotiations in the 1980s and 1990s on a political settlement of the island's ethnic conflicts. One question that needs to be answered in regard to devolution is why there has been so much opposition to it? The explanation should begin with the processes of centralisation vigorously pursued by the British during their rule in the island, partly if not entirely because of the centuries long successful record of Sinhalese resistance to western colonial powers and the assumption that this centralisation was necessary to consolidate the power of the colonial state. These processes have proved to be a formidably stable political legacy. Post-independence regimes have been both reluctant and unable to repudiate this legacy till the 1980s. Indeed there is a striking contrast between the eager experimentation with electoral systems in Sri Lanka – the only country in South Asia to introduce proportional representation for seats in the national legislature and local government bodies – and the hesitance in introducing a second tier of government between the national legislature and local government bodies. A second tier of government was recommended as early as 1928, by the Donoughmore Commissioners sent from Britain to review the constitutional structure of the island and to make recommendations for improvements in that. It took 52 years before such a scheme could be introduced (in 1980).

The district councils established as the second tier of government in 1980-81, did not last very long. In the aftermath of the riots of 1983, the Indian government supported the TULF in insisting on abandoning these councils, and the establishment of councils based on a larger administrative unit, the provinces. But efforts on the part of the Sri Lankan government in the 1980s to extend the scope of creative political initiatives on the devolution of power, which had hitherto been limited by a lack of political will, continued to face a major constraint in the form of conflicting perceptions on the value of devolution of power as a political and administrative device. There is also another important issue in the context of the emergence of a separatist movement among the Tamils, which had support in all the Tamil political parties and groups. Would the grant of greater autonomy encourage the secessionist movement to go beyond autonomy to outright secession or would it act as a break on such a potential development? These are quite apart from the parallel but subsidiary debate on the politically acceptable or viable size of the unit of devolution, district or province. The pressures that emerged from these contentious issues stretched the limits of political action available to Sri Lankan politicians in power

dangerously close to the breaking point, where the alternatives that loomed ahead were either electoral defeat for themselves, or major outbursts of violent opposition such as the anti-government riots of late July and early August 1987 during the signing of an accord between the governments of India and Sri Lanka in which devolution in Sri Lanka was an important feature. The tensions continued when the agreement was implemented as the *Provincial Councils Act 42 of 1987*, and incorporated in the constitution as the 13th amendment.

The current debate on devolution of power in Sri Lanka, and the passions that discussions on regionalism and regional autonomy arouse, illustrate two vital themes. The first are the dilemmas that confront the political establishment in the recently independent nations in conceding legitimacy to regional loyalties. The political establishment in these nations, as legatees of departing imperial powers, passionately protects their territorial inheritance in the shape of the state bequeathed to them at the transfer of power, and regards centralised authority as an essential political and administrative instrument at their disposal. They often justify this by arguing that centralisation is essential for the introduction and management of processes of social change designed to eliminate poverty. In that situation anything likely to encourage, if not lead to, communal or ethnic fragmentation is regarded with the utmost suspicion. More important, once the threat of separatism appears as an objective fact of political life the choice is between the tolerance of cultural traditions and ethnic identity falling well short of secession – in fact, permitting the full expression of such cultural traditions – and the suppression of secessionist demands by armed force, where necessary, if there are signs that secessionist aspirations are striving for fulfilment. Of this India's treatment of its variety of separatist struggles, in the north west and north east of that country and Sri Lanka's responses to Tamil separatist activity provide excellent examples. Devolution of power to the regions is recognised as having advantages, if not positive value, in generating political participation in decision-making at a provincial or district level, a principle immanent in the two abortive attempts at establishing provincial and district level councils, in 1957 and 1968 respectively, in Sri Lanka, and in the more productive but equally controversial exercises which led to the *District Development Councils Act of 1980*, and the more controversial *Provincial Councils Act 42 of 1987* and the 13th amendment to the constitution of 1978. The amendment was introduced in 1987, incorporating the Provincial Councils Act. Once the Provincial Councils bill and the Thirteenth Amendment

to the Constitution were approved by Parliament on 12 November 1987, the moribund provincial structure bequeathed by the British got a fresh lease of life because of the insistence of the Tamils – a pressure that went back to the late 1950s – that a province rather than a district was the most appropriate unit of devolution.

The essential feature of the system of provincial councils introduced in 1987 was that they had many of the powers of the states of the Indian Union, but with the difference that the Sri Lankan provincial councils would operate within the framework of the country's constitutionally-entrenched unitary system. The TULF and some of the Tamil separatist groups continued to press for a regional unit encompassing the Northern and Eastern provinces as a Tamil dominated ethno-region, a political manifestation of the concept of the "traditional homelands" of the Tamils in Sri Lanka which the Federal Party and the TULF popularised in the politics of the

Tamils and elevated to the status of a shibboleth. But the UNP governments of the period 1977-94, held out against a permanent merger of these two provinces, as did the SLFP and representatives of Sinhalese-Buddhist opinion, and the Muslims, including representatives of the Muslims resident in the Eastern Province.

Not surprisingly differences of opinion over the administrative and spatial content of devolution, between the Sri Lanka governments, and representatives of Tamil opinion, have proved to be virtually unbridgeable. Nevertheless a great deal of political adjustment of differences has occurred despite a general recognition among Sinhalese politicians that the capacity of devolution of authority to regional units, be they districts or provinces or something larger than provinces, to reduce ethnic conflict is more limited than enthusiastic advocates of it – almost entirely Tamils – are willing to concede, because the principal and most violent separatist group, the Liberation Tigers of Tamil Eelam (LTTE) has driven its forbears and rivals to the margins of Tamil politics, and would accept nothing less than a separate Tamil state.

When the district councils were established in 1980 the second tier of government came into existence fifty years after the proposals for such councils were first mooted, and forty years after the national legislature had approved such a scheme in principle. However, there was no longer a national consensus in support of them in the 1980s, unlike in the 1930s and 1940s. We need to examine the reasons for this. There is first of all, the close proximity of the Jaffna region in the north of Sri Lanka to Tamil Nadu in southern India, a state given to frequent celebrations of Tamil cultural identity and which in the not so distant past, was a centre of separatist sentiment in India. Influential groups within the state government – and opposition – there have encouraged, nurtured and protected Tamil separatist groups from Sri Lanka. Thus devolution of greater power to provincial councils is suspect, even when it is conceded, because of fears that it could serve as a spur to separatist pressures rather than acting as an effective check on these in the north and east of the island. Large sections of the Sinhalese view the Tamils' pressure for devolution of power as the first step in an inevitable progression to separation of the Tamil majority areas of the country from the Sri Lankan polity. Historical memories contribute greatly to the disquiet and apprehensions the Sinhalese feel about South India: the popular perception fashioned by historical memories of events of centuries past, especially of South India as the single most powerful and persistent threat confronting Sri Lanka and the Sinhalese.

In the early years of independence the Tamils of the north and east of the island had showed little inclination to identify themselves with the Tamils of Tamil Nadu. Nevertheless the Sinhalese feared this possibility and the campaign for a federal structure for the island served to aggravate these fears. Those in the forefront of the Tamils' agitation for devolution of power have always been vague, deliberately or unconsciously, in the terminology used in their arguments, and the distinction between provincial autonomy, states' rights in a federal union, and a separate state have been blurred by a fog of verbiage, and obfuscation. The close links that were established in more recent times between Tamil political groups ranging from the TULF to various separatist groups, with the government and opposition in the southern Indian state of Tamil Nadu, have naturally aggravated the situation, and more so the establishment of training camps in the 1980s in Tamil Nadu for separatist activists who made forays into the northern and eastern coastal regions of Sri Lanka from these. The result is that devolution of power which was, and should be, a purely Sri Lankan matter has taken on a cross-national dimension of which India's role as mediator in the political negotiations between the Sri Lankan government and representatives of Tamil opinion in the 1980s and the entry of the Indian Peace Keeping Force to the north and

east of the island in the period 1987-90 were the most conspicuous features.

Pressure for strengthening of devolution is limited to the Tamils, and largely to the Tamils living in the north and east of the island, where they are either a majority or form a substantial minority. There is no pressure – on the contrary strong opposition to it – from other ethnic groups. Quite apart from the opposition of the Sinhalese majority to most schemes of devolution of power, the Muslim minority, especially those living in the Eastern Province, have been deeply concerned about the dangers of their political marginalisation in a decentralised political and administrative structure. The mass expulsion of the Muslims of the whole of the Northern Province by the LTTE on 22 October 1990 naturally strengthens these fears. Many if not most of the expelled Muslims live in refugee camps in the Sinhalese areas of the country.

The critical stumbling block in the negotiations on devolution in Sri Lanka, at present, is the demographic profile of the Eastern Province, where the Tamils are a minority of only 40 per cent of the population, perhaps even less than that today. The main Tamil separatist group the Liberation Tigers of Tamil Eelam (LTTE), for its part, will accept nothing short of a separate Tamil state linking the Northern and Eastern provinces. The linkage of these two provinces as a Tamil ethno-region was first advocated by the FP and TULF, and this has been taken over by other Tamil groups including the LTTE. The deadlock over the linking of the Eastern Province to the Northern Province continues to the present day. This devolution of power to units larger than a district or a province is perceived by Sinhalese as threatening the territorial integrity of the island – a smaller group, the Muslims, feel threatened by this in a more immediate way, since the Tamils are certain to dominate the affairs of this projected large territorial unit, a province or a regional unit linking provinces. A section of the Muslims led by the SLMC has responded by urging the creation of a separate administrative unit in the Eastern Province in which the Muslims would constitute a majority. A more elaborate version of this demand calls for a Muslim province with its main base in the Eastern Province, but with enclaves or sub-units elsewhere such as in the Mannar district of the Northern Province.

3.4 A Federal Option?

The victory of the People's Alliance (PA) at the parliamentary and presidential elections of 1994 raised expectations of new initiatives and new policies on power sharing. After the failure of its negotiations with the LTTE in late 1994-early 1995, the leadership of the PA began proclaiming the merits of a federal option for Sri Lanka. The major premise of its reform proposals announced in 1995, sometimes explicitly stated, sometimes implicitly, was that a federal structure in which the provinces would enjoy greater powers than they do now were the irreducible minimum which the LTTE and other Tamil political parties would accept as an alternative to a separate state. Critics of the government refused to accept this argument, and pointed out that the LTTE's commitment, often explicitly proclaimed was to a separate state, not federalism; at most it was to a confederal structure. When these proposals attracted heavy criticisms in the Sinhalese areas of the country, the government modified its proposals in 1996 and more so in 1997 to emphasise greater devolution of power to the provinces

rather than the commitment to federalism. Nevertheless, the structure was more quasi federal than the current one. This was the essence of the new constitution that was scheduled for presentation to parliament in August 2000 but which was hastily withdrawn once it became clear that the two-thirds majority required for constitutional reform was not forthcoming.

There was also the opposition that erupted against these proposals, in July and August 2000 especially the massive extra-parliamentary agitation, demonstrating once again the popular hostility to the grant of greater powers to the provinces, and more so to the linkage of devolution to a federal form of government. There was also the strong opposition in the country, especially in the Sinhalese areas of the country to the linking of the Northern and Eastern Provinces, and to the creation of a large Tamil ethno-region in the north-east.

3.5 Local Government Institutions

One of the unfortunate consequences of concentrating attention on district and provincial units, and supra-provincial units has been the neglect of local government institutions at the municipal and urban councils/levels, and village councils. Sri Lanka is a unique case where discussions and negotiations on devolution of power have been conducted since the 1950s without any reference to the reform and strengthening of local government institution. The powers and functions of municipalities remain as they were defined by legislation in 1947. Over the last 30 years or more very little has been done to strengthen the financial bases of municipalities or of other local government institutions or their powers to initiate local development projects.

The present debate on devolution of power would be much more realistic one if local government institutions were treated as an essential feature of devolution – as it was in Thailand’s new constitution introduced in 1997 – instead of being ignored almost totally. Innovative local government institutions are likely to be a more appropriate means of recognising ethnic and religious diversity in areas like the Eastern Province with its mixed population. Making provision for that diversity through an imaginative scheme of local government institutions would be more effective as an instrument of power sharing than boundary changes in provinces to establish ethnic enclaves whether they be called sub-districts or cantons.

4 Areas for Further Research

Beside paying attention to the idea of “sharing”, it is equally important to have a definition of power, one that will encompass economic power as well as political power in their several manifestations. Very little attention has been paid to the equitable distribution of economic power despite its practical importance for any viable system of power sharing.

In this essay we have concentrated on power sharing among the various groups in Sri Lanka’s multi-ethnic polity. There is a “vertical” dimension of power sharing within each ethnic group, which is important to this study. Vertical dimension of power sharing among the Sinhalese has been referred in this essay, but there is need for examination of this in the Tamil and Muslim groups. For instance, the Colombo-based elite of the Tamils have had at most times a fair share of both economic and political power, but until recent times there was hardly any diffusion of that power among the people they represented in the north and parts of the east of the country. The situation has changed today with Tamil separatist groups arrogating to themselves a large share of both political and economic power. The tensions in this process are referred to occasionally, but a more systematic study of this is called for, in view of the implications of these for the wider issue of power sharing among the island’s ethnic groups at the highest political levels.

Earlier parts of this essay have identified some of the areas that require further research. These include:

- 1) The actual operation of provincial councils, and an assessment of the work they do.
- 2) An examination of power sharing in the economy i.e., ethnicity and economic power. There is no research literature on this.
- 3) We also need to examine the ethnic and religious composition of personnel in the bureaucracy in terms of power sharing.
- 4) One of the most important areas for systematic examination is the Eastern Province. The demography of the province, and its ethnic and religious rivalries, are among the most formidable obstacles to any early settlement of the current conflict in Sri Lanka.
- 5) There is a great need for a study of power sharing arrangements in local government and local-level institutions.

A review of the existing literature will show that the legal-constitutional aspects of power sharing have enjoyed higher priority than others. We have not had any empirical studies of the practical day to day working of Provincial Councils, or of some issues that affect them, such as, for example, land problems, or again a review of the work of such councils at sub-regional levels, especially in areas with a multi-ethnic or multi-religious population. Such studies will involve interviews with politicians, administrators and members of the public and will further increase our insight in the topic of power sharing in Sri Lanka.