Heidelberg Papers
in South Asian
and Comparative Politics

Decentralization, Federalism and Ethnic Conflict in Sri Lanka

An Assessment of Federal Proposals, Devolution Policy and the Realities of Recognition of Minorities at the Local Level

by

Christine Bigdon

South Asia Institute

Department of Political Science

University of Heidelberg

Decentralization, Federalism and Ethnic Conflict in Sri Lanka

An assessment of federal proposals, devolution policy and the realities of recognition of minorities at the local level

CHRISTINE BIGDON

South Asia Institute, University of Heidelberg[1]

Since the 1990s ethnic violence within states has become much more common than interstate violence and tends to be harder to stop, leading to the question, how states can avoid ethnic violence and best accommodate multiple ethnicities within their boundaries. The worldwide increase of inner-state civil wars or complex emergencies has set peace and conflict studies high on the agenda of development and foreign policy debate. A central question in the theoretical debate is the consolidation and arrangements of democratic systems and institutions in ethnically heterogeneous societies, to prevent and resolve violent conflicts. In this recent debate there is still a lack of empirical research, analysing the opportunities and obstacles of conflict resolving political structures, processes and institutions in more depth. This paper therefore aims to contribute to the recent debate on conflict preventive/transforming arrangements of democratic systems by discussing proposals on federal restructuring and devolution of the political system in Sri Lanka as well as by looking into the realities of recognition of minorities at local level.

Federalism is a lively discussed issue in Sri Lanka since 1926, when S.W.R.D. Bandaranaike advocated the idea of federalism as a constitutional response to Sri Lanka's diversity. Federal and quasi-federal solutions have been central to the constitutional debate on the resolution of the conflict in the North-East (Tiruchelvam 2000:197) – the potentials of conflict management through a federal system are discussed and promoted by different parties, academics and organizations,

---

[1] Christine Bigdon is a Ph.D. candidate in the Department of Political Science at the South Asia Institute, University of Heidelberg and former Representative of the South Asia Institute's branch office in Colombo.

which work on constitutional reforms, even more in the recent peace process after the signing of the Memorandum of Understanding between the Sri Lankan Government and the LTTE. The negotiation process between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) has reached a new stage with the agreement in Oslo to settle the ethnic conflict through a federalist solution. In the light of the history of the ethnic conflict and the debate on its possible settlement, this can be seen as a major breakthrough, both from the side of the LTTE as well as the Sri Lankan government. The peace talks and the process of negotiating a settlement of the 20 year-old ethno-political war in Sri Lanka will require ideas for the reformation of the political system of Sri Lanka, which are suitable to accommodate the interests and grievances of the two conflict parties as well as other identity groups, like the Muslim community.

This paper will focus on the overall question whether adopting federalism in Sri Lanka is an option to accommodate the claims of different identity groups. Besides the theoretical considerations, the central empirical research question is, in how far the existing decentralized structures and powers of the local government are suitable to accommodate the politics of recognition of specific ethnic (minority) groups. Therefore the strength and limitations of the existing scheme of devolution of powers will be analyzed, looking into the realities at the local level, with special regard to the recognition of minorities. The hypothesis of this paper is that the lessons learnt at the local level with regard to good governance and recognition of minority groups can provide important answers to the question how to restructure the political system that it is suitable to accommodate all identity groups.

Analyzing three selected local authority areas of Sri Lanka in the South, up-country and North-East, this paper aims to assess in how far the local government system is recently capable to address the grievances of ethnic minority groups at the local level. The line of argumentation of this assessment is based on literature analysis as well as qualitative interviews conducted in selected Provinces in four Pradeshiya Sabha areas with representatives of the local government as well as civil society activists. This paper draws on ongoing empirical research in Sri Lanka and presents preliminary results.

The paper is divided in four chapters. Chapter II will provide an overview of the discussion on federalism as solution to address ethno-political grievances in general and with special regard to the Sri Lankan context. In chapter III a historical background on the devolution and decentralization process in Sri Lanka and the establishment of the local government system will be provided. Chapter IV looks into the realities and potentials of the local government system to address the grievances and recognize minority groups at local level. The limitations and obstacles of the recent situation at the local political level are summarized under V with regard to lessons learnt for the revived discourse on federal structures for Sri Lanka as solution to the ethnic conflict.

FEDERALISM AND CONFLICT MANAGEMENT OF ETHNOPOLITICAL GRIEVANCES

The Nexus Between Democracy, Federalism and Non-Violent Conflict Management

The starting point for the theoretical framework of this paper is the nexus between democratic systems and their potential for civic conflict management of inner-state conflicts. Democracy is widely perceived as a suitable system to manage diverse social interests and inherent conflicts in a non-violent manner. Compared with authoritarian systems, where existing social tensions are often suppressed, democratic systems transform conflictive issues in communicative processes, which can help to prevent violent conflict escalation.

> "Democracy is in many ways a system of managing social conflicts that arise from community diversity using a set of agreed social rules. In a democracy, disputes arise, are processed, debated and reacted to, rather than being resolved definitely. In short, democracy operates as a conflict management system without recourse to violence" (Sisk et al. 2001:72).

To institutionalise these communicative conflict management mechanisms and to develop conflict transforming capacities within the political system, specific arrangements of democratic structures, procedures and political culture is necessary. Considering the fact, that inner-state violence has not decreased in the countries of the third wave democracies – violent ethnic conflicts have rather often been triggered in the process of democratic and liberal transformation - it becomes especially important to look into aspects of consolidating democracies through institutionalising suitable institutions, structures and procedures as well as a political culture, which support non-violent conflict management.

As democracy is often understood and practiced as rule of the numerical majority it leaves open and disputed questions regarding the issue of minority representation. Numerically weak minorities resent the majoritarian essentialism inherent in this understanding of democracy (Uyangoda 2000:9), which often leads to ethnic conflict. Horowitz stressed the nexus between democracy and minority representation by stating "democracy is about inclusion and exclusion, about access to power, about privileges that go with inclusion and the penalties that accompany exclusion" (Horowitz 1993:18). The policies and institutions that settle ethno-political conflicts and manage diversity peacefully include full political and civil rights for ethnic minorities, programs to alleviate their poverty, protection of them to use their languages and cultures, regional autonomy and devolution of power, and mechanisms or incentives for sharing power, constructing multi-ethnic coalitions, encouraging crosscutting alignments, and allowing broad access to power at the centre (Diamond 1999:6). In the process of consolidating democracy

and establishing a system to manage diversity peacefully, federalism or devolution of power has become an important element but cannot be regarded as a solution in itself.

Federalism versus Unitary State

Democracy does not guarantee sufficient representation for all interest groups, as majority rule may permanently shut minorities out of power. In such circumstances of politically mobilized ethnic consciousness, a unitary state is liable to leave minority ethnic groups feeling powerless, insecure and excluded (Diamond 1999:151). The lack of influence over decision-making and recognition often leads to secessionist movements of mobilized ethnic groups. Federalism[2] plays a valuable role in strengthening democracy by institutionalizing decentralization and thus preserving the autonomy of regional and local governments, and providing a better representation to minority groups.

> "Therefore federalism can hold a multi-ethnic state together, by reconciling nationalism and democracy in a multi-ethnic state, giving territorial concentrated minorities authority over matters of local concern, security in the use of their language, culture, and religion, and protection from the discretion of the sentiments of the national majority" (Diamond 1999:152).

In highly polarized societies, parties may agree to design the geographic boundaries of the federal states along the geographic boundaries of ethnic communities. As Fleiner et al. point out, this can critically also be seen as a policy of ethnic separation that increases intercultural conflict potentials instead of reducing them. Yet, empirical evidence still needs to be provided for this critical assessment (Fleiner 2002:250).

Countries seeking to maintain the unity of the state in multiethnic and multinational societies choose federalism as a form of geographical pluralism. A federation is a way of bridging ethnic diversity by incorporating such differences within a wider political community.[3] Kymlicka stresses the differentiation between federal systems that were not designed as a response to ethno-cultural pluralism, like the United States, Germany or Australia, and "multination" federations. In

---

[2] Federalism is defined as the principle of sharing sovereignty between central and provincial (or state) governments. Significantly the existence and functions of the states (the federal units) are entrenched; they can only be modified by amending the constitution. It is this protected position of the states, which distinguishes federations from unitary governments (Hague/Harrop et al. 1998:168).

[3] Many federations emerged as voluntary associations between previously autonomous states, like in the United States, Switzerland, Canada, or Australia. It is also possible for unitary states to restructure as a federation, like e.g. Belgium which is the main example for this more rare occurrence, or that federal structures are chosen in the process of nation-building what many third-world countries did after the colonial rule (Hague/Harrop et al. 1998:168).

multination federations, the boundaries of one or more sub-units are designed with the purpose of enabling a national minority to exercise self-government, like in Canada, Belgium, Spain and Switzerland. There are other examples of quasi-federal systems of devolution, like Scotland and Wales, where the sub-units have their own legislative assemblies but the country remained a "unitary" state (Kymlicka 2000:211). But in both cases - "multination federations" and quasi-federal systems - the territorial autonomy enables national minorities to establish and govern their own public institutions operating in their language including schools, universities, courts and regional parliaments.

If one or more regions within a federal state are vested with special powers not granted to other provinces one also refers to this as "symmetrical" or "regional autonomy". The federal model may be regarded as unnecessary if the need is to accommodate only one or two minority groups. In these situations, special powers may be devolved only to that part of the country where the minority constitutes a majority; these powers are exercised by regional institutions. Ghai stresses in contrast to the liberal theory based on the assumption of equality of all individuals, "asymmetric autonomy acknowledges the unevenness of diversities and opens up additional possibilities of awarding recognition to specific groups with special needs or capacities, such as […] a minority linguistic group" (Ghai 2000:158).

The majority of most contemporary states are unitary states, which means that sovereignty lies exclusively with the central government. Sub-national authorities, whether regional or local, may make policy as well as implement it but they do it only by permission of the centre. The centre can abolish lower levels of power. Many democracies have decentralized power to lower levels, but stopped short of the reallocation of sovereignty required to create a federation. In the 1990s there was a great tendency to delegate responsibility for more functions (including fund-raising) onto lower levels through democratic decentralization. Democratic decentralization requires by definition the transfer of control to lower levels of elected government – in the strongest form the devolution of real authority over some aspects of the policy agenda (Diamond 1999:149).[4] Besides the effects of decision-making power and recognition for minority groups, Robert Putnam stresses the powerful socializing impact of decentralized participation (Diamond 1999:122). Involvement in the democratic local government is a great educative force, because it teaches citizens to look beyond their immediate interests, recognizing the just demands of others, and if necessary, accept decisions, they did not initially like. Ghai on the other hand rather sees that the requirements that the state should be "unitary" have often retarded the acceptance or the implementation

---

[4] The three common ways in which unitary states disperse power from the centre are deconcentration, decentralization and devolution:
- Deconcentration is purely a matter of administrative organisation, as it refers to the (re)location of central government employees away from the capital.
- Decentralization is defined as delegating policy execution to independent bodies, traditionally local authorities but also (increasingly) a range of other agencies.
- Devolution is the most radical form of power dispersal, as the centre grants decision-making autonomy (including some legislative powers) to lower levels of government

of meaningful devolution, like e.g. in Sri Lanka (Ghai 2000:4). The degree to which powers are devolved to lower levels of government needs to be examined carefully.

What are the advantages and weaknesses of federal structures, especially with regard to potentials for conflict management in ethnically heterogeneous societies? Federal structures provide for checks and balances on a territorial basis, keep some government functions closer to the people, and allow the representation of difference (for example ethnic diversity). The existence of several states also produces healthy competition and opportunity for experiment. Federalism holds out the tempting prospect of reconciling difference in a larger unity. Yet as civil war in Yugoslavia confirmed, federalism encloses no formula for conjuring harmony out of ethnic conflict (Hague/Harrop et al. 1998:175). An important question is how to secure the rights of minorities within the federal units, as a federal restructuring of the state often only refers the minority question to a lower level.

Federalism does not automatically support the consolidation of democracy, neither does it guarantee a state without violent secessionist movements. There are various examples of federal states, which struggle with internal separatist movements. The question is, why some federal systems in multinational societies have managed to safeguard peace, while in others there are violent secessionist movements. Hamish Telford compares in his paper the federal systems of Switzerland, Canada and India with special regard to their ability to guarantee stability. He defines stability as "the absence of secessionist movements among the constituent units of the federation" (Telford 2002:52). The hypothesis in Telford's paper is, that "quasi-federalism can exacerbate nationalist resentment, which may contribute to the rise of separatist movements" (Telford 2002:53). The federal principle would need to be operationalized around three core dimensions: a) the constitution b) fiscal arrangements and c) the party system. In his comparative study Telford points out that only Switzerland has guaranteed an explicit federal principal in all three dimensions. Canada is ambiguous with regard to the federal principal guaranteed in the constitution, quasi-federal with regard to financial independence of the federal states but has managed to be federal with regard to the party system. India is only quasi-federal in all three dimensions, which according to Telford has led to a rather unstable situation.[5] The major issues, which violate the federal principle in India are especially the supremacy of the centre, which provides the president with a veto power to state legislation, the "emergency provision", which allows to transform the state in a unitary state in case of "national emergency", insufficient financial resources of the federal states as well as Article 356 (President's rule), which allows the president to dismiss a state government if the state has "failed"[6] (Telford 2002:60). Telford concludes that the lack of sovereignty accorded to the states in India contributed to the rise of

---

[5] India faced in the past and partly still faces violent secessionist crisis in Punjab, Kashmir, Assam plus moderate sentiments from Tamil Nadu and Andhra Pradesh (Telford 2002:52).
[6] President's rule was exercised in India very often, especially in times of decline of the hegemony of the Congress Party: it was exercised 8 times between 1950-1964, 67 times between 1965-1987, and about 30 times after 1987 (see Telford 2002: 60).

nationalist and separatist movements around the country. If federalism is meant to consolidate democracy and accommodate multiethnic claims, it needs to guarantee the federal principle in all dimensions (constitution, financial arrangements, party system) both in legislative and practical terms. If it fails to guarantee the federal principle, it is likely to challenge the democratic system through secessionist movements.

In her latest study Nancy Bermeo analyses the relative merits of federalism versus unitarism in divided societies, using the data set of Ted Gurr's "Minorities at Risk" (MAR) project. Her research hypothesis is, if the diffusion of power intrinsic to federalism does in fact benefit territorially concentrated minorities, one would expect minorities in federal states to engage in fewer acts of armed rebellion, to experience lower levels of economic and political discrimination, and to harbour lower levels of grievances concerning political, economic, and cultural policy. Her comparative research reveals, that on all six dimensions of accommodation, federal regimes score better than unitary regimes (Bermeo 2002).

On the other hand it is often more accepted to grant autonomy to certain regions under the label of "decentralization" or "devolution" than under the label of federalism, as this might imply splitting sovereignty. The introduction of the provinces and the devolution of power to these units made autonomy more palatable to the Sinhalese community in Sri Lanka (Ghai 2000:18). Kymlicka takes a very strong position with regard to the fears of the majority group, that federalism might finally lead to separation. He stresses that the majority population in the country needs to accept first, that a separatist claim is legitimate, as a true democracy can not force nation groups (identity groups) to remain within the boundaries of the nation state. For him this acceptance is the necessary precondition to introduce a federal system, which at the end might be suitable to accommodate the claims of the minority groups within the new model of regional autonomy (Kymlicka 2000:222).

A Federal System for Sri Lanka as Solution to the Ethnic Conflict?

Federalism is a lively discussed issue in Sri Lanka since 1926, when S.W.R.D. Bandaranaike advocated the idea of federalism as a constitutional response to Sri Lanka's diversity. As Wilson in his historical chapter on the uprising of Tamil nationalism points out, the Tamils in Sri Lanka began to support a violent separatist movement only in 1976, after federalization was denied (Wilson 2000:110). The Federal Party, which later on was transformed into the Tamil United Liberation Front (TULF) had fought between 1949 and 1976 for a federal solution to accommodate the demands of the Tamil community. In the following, some of the cornerstones of the debate on federalism in Sri Lanka will be summarized, which will provide the necessary background to understand where Sri Lanka stands today and what the issues are in the recent debates following the Memorandum of Understanding.

In his political speech for the introduction of federalism in Sri Lanka S.W.R.D. Bandaranaike argued mainly against the centralised administrative system, which was introduced by the British and, according to his opinion, could not minimize the communal differences in the country but rather destroyed the old tradition of earlier existing Gram Sabhas (village councils) in Sri Lanka, which allowed the communities far reaching autonomy.[7] Bandaranaike was in favour of a model like Switzerland, as size and ethnic composition showed some similarity with the Sri Lankan context. Bandaranaike's proposal for federalism in Sri Lanka has to be seen in the light of the demands of the community of Kandyan Sinhalese who wanted to safeguard their powers through a model of federal states.[8] But neither the colonial authorities nor the following indigenous governments after independence seriously considered a federal system as possible solution to accommodate the claims of different ethnic identity groups.

The strongest promotion of federalism as solution to the rising ethno-political tensions between the Sinhalese majority and the Tamil population in the North-East came from the Federal Party in 1949. The leader of the Federal Party S.J.V. Chelvanayakam fought for more than two centuries for a solution to the uprising ethnic tensions, opting for a federal solution within a united nation. The proposals and demands of the Federal Party regarding a federal solution comprised four objectives:

- Federalism or autonomy for the North-East [9]
- Equality and parity of status for Sinhala and Tamil[10]
- Citizenship for all those who have made this country their permanent home
- Stopping all state-aided colonization in the North-East, which changed the demographic pattern (see Wilson 2000:82)

The proposal was based on the example of India, showing a cooperative model of federalism with a strong centre (see Warnapala 1994). The comprehensive proposal of the Federal Party for a federal solution in 1970 was unequivocally rejected. The

---

[7] Bandaranaike spoke about the earlier Gram Sabhas as "loose federations", which were bound by one common oath to the king.

[8] The Kandyan Sinhalese wanted to have three different states, one of the Kandyan Sinhalese, one for the low country Sinhalese and one for the Tamil Provinces.

[9] A federal union of Ceylon, comprising the two Tamil speaking Northern and Eastern Provinces along with the seven Sinhalese provinces. It was not even envisaged to merge the two Tamil-majoritarian provinces into one unit. The goal was to attain some autonomy through setting up regional councils with adequate centralized powers in the two Tamil provinces. The stress was on a loose type of federalism, suitable to achieve a reasonable share of governmental power for Tamil-speakers in their traditional homeland, in "respect of subjects which are of local importance" (Wilson 2000:90f).

[10] Regarding the language policy the Federal Party understood "parity of official status" in the sense that Tamil should be the language of administration and of the courts in the two Tamil provinces and that provision should be made for Tamil-speaking people in the seven Sinhala provinces to transact their daily business with government offices in a language they understood. Under the Indo-Lanka Accord in 1987 the J.R. Jayawardene government finally agreed to legislate for official recognition of both languages throughout the island, but the implementation still seems to be insufficient.

new constitution of 1972 stressed instead the unitary character of the state, which was even more entrenched in the 1978 constitution. Between 1972-75, just some years before Chelvanayakam died, the Federal Party changed its political struggle towards a separatist solution, stating: "There is no other alternative for the Tamils to live with self-respect other than fight to the end for a Tamil Nadu (Tamil State) " (Wilson 2000:108).[11] This change of mind was the result of 20 years experience of different ruling Sinhalese governments, which denied to agree to a federal solution, or in some cases agreeing to it but failing to implement it.[12] Wilson identifies the nationalist and discriminating policy of the Sirimaro Bandaranaike government from 1970-1977, especially the introduction of the two systems of standardisation of marks for admission to the universities, directed specially against Tamil students as the catalyst for the uprising of a Tamil nationalism for separation. Wagner points out that the strong resistance of the Buddhist nationalist movement, which stressed that Sinhalese people were discriminated against in favour of the Tamils' employment in the public sector, opened up the door for a policy of sinhalization which undermined any compromise for a federal state structure (Wagner 1997:2031). The Sinhala nationalist policy taken up by the two leading parties, can be seen as the main challenge to the legitimacy of the Sri Lankan state, moving away from the concept of a secular state, which guaranteed equal rights and opportunities to all citizens independent of their religious or ethnic affiliations (Wagner 1997:203).

New dynamics came into the debate on federalism under the Indo-Lanka peace accord in 1987. The introduction of the Provincial Council system shows that the path of symmetric devolution to all regions of the country was chosen, instead of an asymmetric solution, granting only autonomy to the majority Tamil areas in the North-Eastern Province. According to Ghai the symmetric devolution of power to all eight provinces of the country was the more acceptable step of granting autonomy to certain regions than to grant more autonomy only to the Tamil held areas (Ghai 2000:18).

The Federal Party, which was later renamed as the TULF (Tamil United Liberation Front), redefined their claim for Eelam in a federal formula in 1989.[13] The TULF promoted a "union of states" and later a "union of regions" as political

---

[11] Wilson states that the demand for a separate state was a much simpler concept than the earlier pleas for federalism and reached high popularity quickly (Wilson 2000).

[12] The Bandaranaike-Chelvanayakam Pact of July 1957 and the Dudley Senanayake-Chelvanayakam Pact of 1965, both agreements between the Federal Party and the ruling party were two opportunities to work on the implementation of federal structures – unfortunately both efforts were not successful and countermined by the change of government. An interesting insight into the fight of the Federal Party for a federal solution to the ethnic conflict and the reactions and counter-policies of the majority parties UNP and SLFP is provided by Wilson, and will not be further examined in this paper.

[13] Since 1992 there was a Tamil party consensus for a need for a federal solution, which was shared by Tamil United Liberation Front (TULF), Tamil Eelam Liberation Organisation (TELO), People's Liberation Organisation of Tamil Eelam (PLOTE), Eelam People's Revolutionary Liberation Front (EPRLF), while the political leader of the up-country Tamil population in the estates, A. Tondaman, rather argued against a federal solution.

solution to the conflict, terms which were incorporated in some of the devolution proposals formulated by the People's Alliance (PA)-government and the opposition parties after 1994.

In this earlier debate on federalism one important aspect, which impacts still on today's discussion is, that the term "federalism" has often been misinterpreted, as the concept was not understood or the debate was polarized by certain political parties. Wilson states that it is possible that Sinhalese parliament members did not understand the concept of federalism except in the vulgar colloquialism that it meant "dividing the country" (Wilson 2000:104). One reason for this misunderstanding is seen in the fact, that the Federal Party had discussed the idea of a federation between the North-East of Sri Lanka with India before they came up with the federal proposals concentrating only on the Sri Lankan island (Warnapala 1994:127). This initial idea created fears and suspicion amongst the Sinhalese majority and was often used to argue against a federal solution by Sinhalese politicians. In the same direction leads the discussion rising around the name of the Federal Party, which in the Tamil translation was "The Ceylon Tamil State or Government Party". Although the Federal Party leaders insisted that the word "state" denoted a unit within a federal set-up and not a sovereign state, the populist opinion was, that this party was trying to cover up their ultimate goal to divide the country through forming a separate Tamil state. Another source of misunderstanding of the concept of federalism is the fact that many Sri Lankan scholars as well as politicians believe that one first needs to have two independent states before Sri Lanka can become a federal state (see Edrisinha 2001:25). With regard to the anti-federalist tendencies the Federal Party stated: "Those who say that federation leads to separation are either not aware of what it means or are deliberately seeking to distort its true meaning for dishonest political purposes" (Wilson 2000:91).

Until short before the Memorandum of Understanding was signed, there was still some hesitation to use the term federalism in the debate on a political solution of the conflict in Sri Lanka. Before the peace talks started Prof. G.L. Peiris, one of the leading Ministers working on the constitutional reform, mentioned that it is now time to familiarize the people with the model of federalism by using the term from now on in the political debate. In the past politicians were rather speaking of devolution of power instead of federalism. Since the breakthrough in the peace talks in Oslo, where the LTTE for the first time publicly agreed to the option of a federal solution to the ethnic conflict under the condition of far-reaching autonomy for the North-East, the term federalism has suddenly entered the public discourse. There are daily articles on the concept and comparative studies on federal structures as well as various offers by federal countries like Canada, Germany or Switzerland to the conflict parties to study their systems.[14] So, federalism has come

---

[14] See Pravada, Vol. 8, No. 4 2002: "Federalist Option"; Daily Mirror, 11.1.2003: Federalism and institutions (Nancy Bermeo); Daily Mirror 9.1.03: "Search for federal structures" (Vasana Wickremasena); Sunday Observer, 12.1.03: "Federal solution. Towards greater democracy (Ajith Rupasinghe); Daily Mirror, 14.1.03: "All-party team to study Federalism"; Northeastern Herald 17.1.03: "Federalism in Lanka – is it the way out?".

out of the shadow of a "not-to-talk-about"-issue and has become a new fashion word and a great hope for the future of Sri Lanka. According to Schindler, federalism is not a solution to an ongoing conflict, but rather a mean to prevent conflicts (Schindler 1993:37). After a war is terminated, the establishment of a federation on the basis of equal rights for the conflict parties can be successful to prevent the outbreak of future conflicts, as it was the case in Europe after 1945. In this regard, the Memorandum of Understanding between the Sri Lankan government and the LTTE has provided the necessary condition to allow the debate on federalism to be re-established and the ongoing peace talk provides the necessary foundation that the establishment of a future federal structure for Sri Lanka can be envisaged.

In this recent debate it is stressed, that a federal solution in Sri Lanka needs to give recognition to the Tamil people living predominantly in the North-East as an independent nation. As this acknowledgement is the most sacred demand of the Tamil national movement the political solution needs to recognise a historic homeland of the Tamil community constituting the North-East. However recognising a Tamil nationhood should not in any way reduce the political status of the Moslems and Sinhalese people living in these areas, or in the country. The same is true for all communities living elsewhere in the country, including the Tamil plantation worker (see Rupasinghe, Sunday Observer (Colombo), 12.1.03, p. 9). A federalist option would need to safeguard equal opportunities of all communities in all regions of the country.

We will now have a closer look on the devolution debate of the past and will look into the implementation of decentralised and devolved structures and powers. As it is in the end a question of whether groups on the local level feel represented and recognised within the political system, it seems important to examine what has been achieved in this regard. Reforms towards a federal structure of the country should take these lessons from the local level into account.

THE IMPLEMENTATION OF DEVOLUTION OF POWER IN SRI LANKA

The Mile Stones in the Devolution Policy of Sri Lanka

The first mile stone in the devolution policy in Sri Lanka was the above mentioned 13th Amendment to the Constitution, certified on 14th November 1987 with the introduction of the Provincial Council System. Devolution of power was introduced for the first time in the post-colonial Sri Lankan Constitution. Like stressed by the Center for Policy Alternatives (CPA), "the scheme of devolution was meant to cover the entire country, but it is indisputable that the catalyst and main driving force behind the search for an appropriate scheme was the ethnic conflict and the need for a politically negotiated settlement, by addressing the legitimate grievances and aspirations of the minority nationalities of this country" (CPA 2001:18).

The Indo-Lanka accord provided acknowledgement of the distinct character of the North-East, although the devolved powers granted to the regions were limited, leaving most powers with the central government. As Edrisinha has stressed, the 13th Amendment permits the Centre both to retain so much power and also to undermine devolved powers so easily, that it could not lead to substantial devolution (Edrisinha 1998). Wagner stresses that "again the Buddhist nationalist opposition and the SLFP influenced the UNP to withhold important concessions to the Tamils like the permanent merger of the eastern and northern provinces to form a single Tamil linguistic unit and a devolution of power which included powers on land colonization policies" (Wagner 1997:204). Therefore neither the TULF nor the LTTE have accepted the Provincial Councils.

Thangarajah describes the introduction of the Provincial Council System from a Tamil perspective like follows:

> "The creation of Provincial Councils (PC) itself was a controversial Act, done not as a genuine act of political accommodation but an exercise forced by India. Opposed by some of the most powerful figures within the government of that time, the exercise in devolution, the 13th Amendment was doomed from the beginning. Opposed by the People's Liberation Front (JVP) and used as a means to nearly topple the government, the new Prime Minister chose to de-legitimize the Provincial Councils. Seen as an appendage of India, the Prime Minister wanted the ex-militant groups who were elected to the Northeast Provincial Council to be humiliated and the powers deranged […]. Hence, the PC was a non-starter from the beginning. With the departure of the Indian army, the elected members left for India fearing annihilation in the hands of the LTTE" (Thangarajah, forthcoming).

The LTTE as well as the Janatha Vimukthi Peramuna (JVP), the radical Sinhalese nationalist movement, repudiated the accord, which ended in the war against the Indian Peacekeeping Forces. The Provincial Council of the North-East lasted only between 1988-1990 and was afterwards deprived of its power. The Governor, appointed by the President, took over the control of the North-Eastern Province. An achievement of the devolution policies of the past was, that the Preamble to the Indo-Lanka Accord acknowledged that Sri Lanka is a multi-ethnic, multi-lingual society. It recognized that each ethnic group has a distinct cultural and linguistic identity, recognized that north-eastern areas are that of "historical habitation of Sri Lankan Tamil people who have at all times lived together with other ethnic groups" (CPA 2001:20). No constitutional reform thereafter has tried to challenge this multi-ethnic, pluralistic social perception of Sri Lanka, which can be seen as achievement in the context of the history of chauvinism in the country (CPA 2001:20).

On the other hand the devolution of power to regions was already too much in the eyes of the JVP, which mounted a violent campaign against the government.

The terror campaign of the JVP affected the implementation and operations of the new decentralisation initiative to a considerable degree (Slater 1989:77). The time between 1978 and 1994 is termed by some scholars as period of authoritarian rule during which the devolution policy was not brought much forward. After the PA-government took over in 1994, attempts were made, to enter into a peace process with the LTTE through negotiating further autonomy models. During these following years several proposals for more far reaching devolution of power to the regions were designed by the ruling party and discussed in the parliament with opposition parties.[15]

According to Sri Lankan scholars the reform proposal from 1995, which is incorporated in the draft constitution produced in 1997, represents the most far reaching attempt to share power as a means of ethnic reconciliation. It defines the nature of the state as a "union of regions". This draft constitution, in moving away from an entrenched unitary state, has brought about a paradigm shift in policy formulation towards a meaningful sharing of power between regions and communities. The constitutional reform proposal is based on the realization that one of the central problems of modern constitutionalism is to take aspects of recognition and cultural identity into account to contribute to reconciliation of ethnic conflict. In Sri Lanka it is argued that the symbolic recognition and acknowledgement of Tamil identity must precede negotiations on power-sharing arrangements (Tiruchelvam 2000:216).

The most recent proposal on devolution is the Draft Constitution from August 2000. As Edrisinha has stressed it is the most accurate reflection of a broad consensus of the two leading political parties - the People's Alliance (PA) and the United National Party (UNP) - and shows the scope and extent of devolution of power the two parties were willing to agree upon. However, the proposal is rather disappointing and even moderate Tamil parties who were willing to compromise and support the October 1997 draft, had difficulties in accepting it. The most significant negative change was the deletion of the reference to Sri Lanka as a "union of regions", which the UNP found unacceptable. Another major obstacle at the recent stage of devolution is that there is no regional representation at the centre, which is one important precondition for a substantial autonomy within a united country (Edrisinha 2001:12). The Draft Constitution from August 2000 reflects the status quo in the devolution debate between the two leading parties (PA and UNP) before the change of the government end of 2001 where the UNP (then called United National Front - UNF) took over and before the Memorandum of Understanding was signed. As the LTTE has not been involved in the drafting of this proposal the recent peace process will require to restart the negotiation on a constitutional reform with the LTTE as well as representatives of the Muslim community on board. In light of the fact, that it was in the past not even possible to find an agreement on constitutional reforms among the PA and UNP, this new

---

[15] The important proposals, which need to be mentioned, are the August 1995 Proposals (or Legal Draft of January 1996), October 1997 Proposal and the Draft Constitution August 2000, which is finally the first step of a consensus paper between the PA and UNP.

negotiation process which now incorporates the LTTE will surely be the major challenge of the peace process.

In the following, we want to look into the Local Government system, as the lowest level of the devolved political system. The aim is to analyse what impact the devolution policy in Sri Lanka had with regard to granting more autonomy to the local authorities. The Local Government is closest to the people and therefore is the authority, which needs to accommodate the demands of the different identity and minority groups at the local level. Therefore, the strengthening of good governance and recognition of minorities at local level can be seen as an important entry point for the resolution of ethnic tensions, which will support the national political process of reconciliation. Furthermore, the lessons learnt at local level can provide important answers to the question how to restructure the political system so that it is suitable to accommodate all identity groups.

Re-Centralization or More Autonomy for the Local Government System?

From 1948 to today the Local Government system has been reformed several times, with a lot of ups and downs in the devolution of power to lower levels. It is important to stress that the reason behind the reforms of the Local Government system had nothing to do with considerations of conflict resolution, but were rather based on the desires of national politicians to gain more influence at the local level. Furthermore some of the reform also tried to encourage more development activities through local level institutions.

With regard to the North-East the development of the Local Government system was strongly affected by the struggle between the LTTE and the Sri Lankan government. While the Sri Lankan government tried to show the presence of the Sri Lankan state in the North-East through the maintenance and establishment of administrative (Divisional Secretariats) and democratically elected institutions (Local Authorities), the objective of the militants was the opposite. The latter therefore attempted to undermine the effectiveness of the functioning central administration as well as the elected local authorities. The LTTE saw the Pradeshiya Sabha as a structure undermining the struggle for greater devolution of power and furthermore through election offering the legitimization of the non-LTTE groups. The tension between the two forces impacted considerably in the administrative and local government structures at the local and provincial levels (Thangarajah, forthcoming).

Function of the Local Government System

The Department of Local Government was established in 1946 with the aim to broaden the scope of Local Government services and to provide guidance and supervision to the local authorities. The supervisory functions vested in the Government Agent were transferred to the Assistant Commissioner Local Government as a step to ensure more autonomy of the local authority (GoSL

1999:15). In 1952, with the Local Authority Enlargement of Power Act, there was a transfer of powers to the local councils, which had been before vested in the Minister. Between 1948 and 1980 more powers were vested in the local authorities through introduction of various amendments and in 1977 the power to approve the budget was even vested in the head of the local authority.

A first serious decline of the devolution of more powers to the local authorities took place in 1981, when the Tennakoon commission recommended the establishment of District Development Councils (DDC). Town Councils and Village Councils were abolished and legislation was enacted for the transfer of their functions to the Development Councils. The Development Councils commenced their term of office in July 1981. Consequently, a high number of elected representatives of the Town and Village Councils, which represented 85% of the population, lost their political mandates. Another undesirable effect was that there was a double structure created on district level, where the District Administration and the District Development Administration under the DDC were both in charge for the development planning on district level (GoSL 1999:19-20).

To counter the decline of people's participation in local government, which started with the abolition of the town and village councils, the attempt was made to introduce Gramodaya Mandalas (Village Development Councils) as people's forums on village level. The Gramodaya Mandalas were set up from 1981 onwards, but however, had proved in practice that they were unable to provide the community service at the village level, which the government expected them to do. As the performance of the Development Councils was unsatisfactory, the Pradeshiya Sabha[16] system was developed as official committee with the purpose to facilitate people's participation in administration and development. The Pradeshiya Sabha Act was debated in detail by the Parliament before it was passed as Act on April 15th 1987. The two major, topics which were discussed, were whether the earlier Gram Sabhas (Village Councils) were more suitable and whether the system of voting under proportional representation is suitable on the local level (GoSL 1999:20). Both questions still give reason for discussion and reform proposals today. The Pradeshiya Sabhas were seen as rural republics, which will provide the training ground for young leaders to take up higher responsibility in the course of time.

---

[16] Pradeshiya Sabhas (PS) can be described as elected rural regional councils, which represent approximately the population of one Division. The population can vary to a great extend, e.g. PS Ambagamuwa, which is among the biggest PS areas in Sri Lanka, has 188.147 inhabitants while Moneragala PS has only 42575 inhabitants (Statistical Data 2001 by the Divisional Secretariat).

Provincial Council and Local Government Structure in Sri Lanka
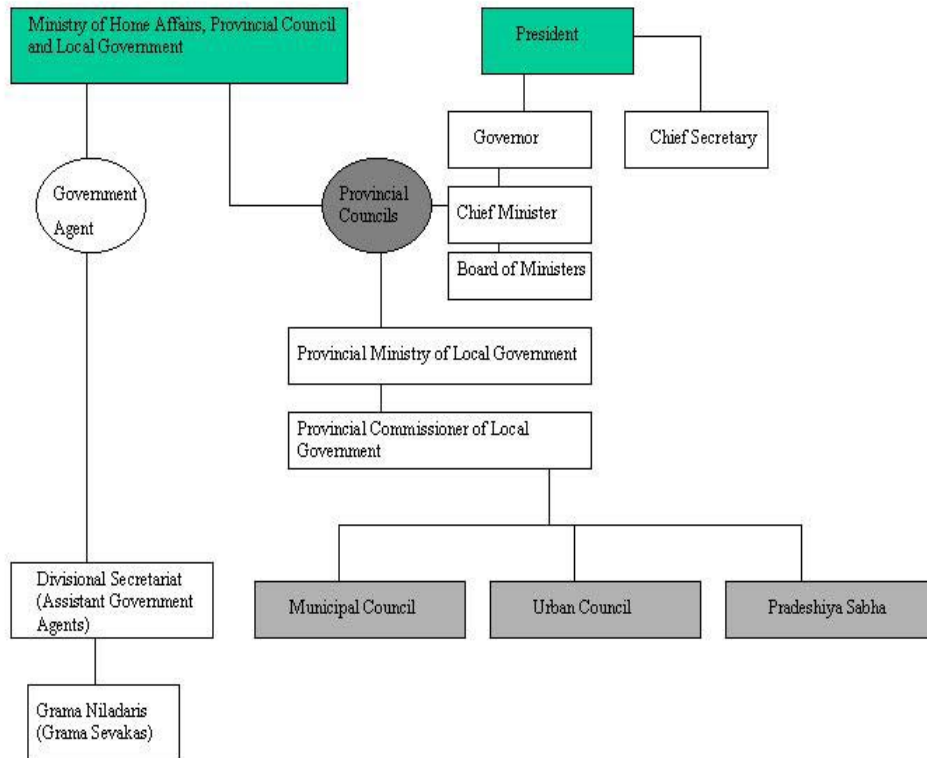
Composition of the Local Government

The proportional representation (PR) system replaced the earlier wards system (first past the post - fptp). Under the PR-system the entire local authority area is considered as one electoral area. Political parties or individual groups (independent lists) make nominations for elections. The advantage is seen in the higher representation of minorities through the proportional representation system.[17] The Major or Chairman of the local authority is not anymore elected by the members of the council but nominated by the political party or groups, which gained the majority in the council. The local politicians are mostly linked to the national parties and are the direct party supporter of national parliament candidates. In October 1987 the Wanasinghe Committee proposed that the total governmental administration should be conducted at the Pradeshiya Sabha level, for which the

---

[17] "The scholarly orthodoxy has long argued that some form of proportional representation (PR) is needed in cases of deep-rooted ethnic divisions. […] In terms of electoral systems, consociationalists argue that party-list PR is the best choice, as it enables all significant ethnic groups, including minorities, to "define themselves into ethnically based parties and thereby gain representation in the parliament in proportion to their numbers in the community as a whole" (see Reilly 2002:157).

Chief Executive Officer of the Pradeshiya Sabha should be designated. However, the government was not inclined to accept these recommendations made by this commission (GoSL 1999:21).

Supervision

Under the 13th Amendment the control and supervision of the Local Government, which was vested under the Ministry of Local Government, became a subject under the Provincial Councils. The Department of Local Government at the national level was discontinued and the 8 Commissioners of Local Government were appointed under the 8 Provincial Councils. As one problematic issue it is stated, that the Departments of Local Government or units established under these Commissioners did not possess the capacity of the former Department in the exercise of supervision and the provision of guidance to local authorities.

Reform Proposals/Necessities

Slater (Slater 1989:76) stresses that the history from 1977-1989 can be characterized as re-centralization rather than decentralization. In the following years there were various attempts to strengthen the local authorities, but many of the shortcomings are remaining till today. Some of the major obstacles of the local authorities, which are always mentioned and which will be further described in the following empirical analysis, are:

- Political violence especially during election time amongst the competing parties
- Dependency and interference by the Central Government and through Members of Parliament (patronage, partisan politics).
- Lack of responsiveness to local public needs due to financial constraints, lack of planning capacities and competition between the administrative system and the elected authorities.
- Lack of peoples participation (see e.g. Slater 1989, UNESCAP 2002).

Amongst various reform commissions the latest was the "Commission of Inquiry in Local Government Reform" in 1999, which was appointed by the President. The recommendations formulated by the Commission were far reaching, covering various aspects with regard to greater degree of local autonomy, public accountability, greater responsiveness to local needs, self-reliance and equity, aspects of people's participation in the affairs of Local Government as well as promotion of ethnic harmony (GoSL 1999:353ff).

The extensive 400 page report dedicated only 4 pages to the aspect of people's participation and 1 page to the promotion of ethnic harmony through local government – obviously this was not considered as the most important aspect of local government reform, but still got considerable attention within the new vision for local government and the recommendations of the report.

With regard to people's participation the establishment of several forums like ratepayers associations and peoples/NGO committees, as non-formal arrangements or as pressure groups, which bring people into the decision-making process were recommended by the Commission. The report states that the service the local authorities can render in finding a solution to the ethnic problem is considered as vital and could be achieved through provision of services without discrimination on ethnic or communal grounds. In this regard, the report recommended the following tasks to be fulfilled by the local authorities: Equal distribution of resources among all, equal attention to proposals from all sections of the community, provision of services in Tamil and Sinhala and literature in both languages, equal attention to cultural values, promotion of religious and cultural festivals, engagement in conflict settlement in cases of ethnic conflict and proactive engagement in the creation of relationships and friendships amongst communities.

Other major recommendations of the report were the need for a greater degree of autonomy, better use of local resources, greater responsiveness to local needs, more engagement in participatory development and a change of attitudes from patronage to partnerships between national and provincial levels towards the local level. The report also recommended the revision of the electoral system, eliminating the proportional representation system and going back to the earlier ward system (first pass the post), which, according to the authors of the report, would enhance the representative character and the accountability of the representatives to the people. The report does not consider the negative impact on minority group/party representation, if one would dilute the proportional representation system. Even though the report outlines many short-comings of the recent system and gives valuable recommendations with regard to various aspects, the question of representation and recognition of minority groups at local level did get too little attention. Since 1999 only few elements of the recommendations of the Commissions Report have been implemented by the subsequent governments, what means that most of the short-comings outlined by the Commission do still exist. The present government has recently appointed another committee to investigate which recommendations still should be considered for recent reform proposals.

Besides the shortcomings in the functioning of local authorities, one has to consider that the local authorities are not functioning in major parts of the North-East due to the conflict situation. Since the breakdown of the Provincial Council in the North-East in 1990, the local government elections were rarely held in these areas, as they were boycotted by the LTTE. Only in few areas of the North-East the local government elections were held, like in Jaffna or Ampara. In these areas the Pradeshiya Sabhas are functioning by elected representatives. In the other areas the local authorities are now running by administrative staff under the responsibility of a Special Commissioner, which is usually the Divisional Secretary.[18]

---

[18] According to my information, the elections in most areas of the North-East were last held in 1994 and the elected representatives were active until 2000. Later on, the Special Commissioners took over the responsibility for the local authorities.

One aspect, which is of major interest for this paper, is whether the minorities at local level are recognized and represented by the local authorities. Fleiner stresses that the legitimacy of the state at the local level can only be strengthened if authorities are able to respond to the legitimate needs of the population. Although a decentralized government has some advantages in this regard, it often faces technical and political difficulties in the implementation (Fleiner/Kälin et al. 2002:252). Another important question is, whether decentralized government helps to dilute potential conflicts by giving some political power and some control over economic resources to all parts of the population including minorities and thereby recognizing all identity groups (Fleiner/Kälin et al. 2002:252). This question will be examined in the following paragraphs, looking into the reality of representation and recognition of minorities at the local level.

THE REALITIES OF RECOGNITION OF MINORITIES AT THE LOCAL LEVEL - LIMITATIONS OF DEVOLUTION AND DEMOCRACY IN SRI LANKA

In this chapter we will look into the implementation side of the decentralized structures of the political system in Sri Lanka, especially with regard to the policies and institutions at the local level and their capacities to manage diversity, to mitigate ethno-political tensions and to accommodate the interests of different identity groups. The underlying assumption of this analysis is that democracy provides the basis for non-violent conflict settlement, but that this requires the consolidation of democracy and requires political institutionalization, which means strong state administration, strong democratic representative institutions, a functioning judicial system and a vibrant civil society. Federal structures or a decentralized, devolved system can support this process (Diamond 1999:93).

Another assumption is, that the local government system can contribute to conflict resolution from different angles:

- Conflict Prevention: an effective, transparent, fair and inclusive local government system can root out the potential areas of conflict themselves, which lessens the burden on the conflict resolution mechanism.
- Developing conflict resolution mechanisms: Once ethnic tensions or conflicts already exist the local governance system, which is closest to the people can develop mechanisms (forums, platforms) to address the issues, encouraging people's participation and mediation committees.

The guiding questions for the following analysis of selected realities at local level is in how far the grievances of identity groups are met by the elected local government institutions within the existing devolved political system. The analysis is based on results from a pilot project on "Local Governance and Conflict

Management"[19], which was conducted in 2002 in four selected local authority areas in three regions of the country. The different ethnic composition and the different conflict settings were the major selection criteria for the three rural locations, which have the following characteristics:

Ambagamuwa Pradeshiya Sabha in the hill-country of Sri Lanka belongs to the Central Provincial Council. The area is one of the major tea estate areas of the country. The majority of the population in this area are Tamils (approx. 76%) – most of them working on the tea plantations as workers, while Sinhalese in this region are in the minority (21%). The area was selected as sporadic violent outbreaks in the estate areas of Sri Lanka between ethnic groups indicate the conflict potential of this region. The conflict line is between the marginalized Indian Tamils, which are mostly employed as plantation workers and are often neglected from obtaining legal documents (identity cards) as well as other services and the Sinhalese establishment, which consists of estate managers and land-owners.

Moneragala Pradeshiya Sabha in the South-East of the country belongs to the Uva-Provincial Council. The population is predominantly Sinhalese, with approx. 72% of the overall population (50.000) being Sinhalese, while approx. 12% are Tamils, next to a very small number of Muslims and other groups. The area was selected, as the South had faced a major conflict between the left-wing Sinhala nationalistic Janata Vimukthi Peramuna and the Sri Lankan government. The JVP supporters are mainly educated Sinhalese youth from the rural areas of the marginalized South. The JVP insurrection, which took first place in 1971 and a second time between 1987-1989 nearly produced a collapse of the political system and caused between 40.000-60.000 victims - a similar number as in the North-East war. The area can therefore be described as a post-conflict area, where some of the features, which have attracted youth to join the JVP, are still prevalent.

Kaluthavalai Pradeshiya Sabha and Kattankudy Urban Council (U.C.), located in Batticaloa district, both belong to the North-Eastern Provincial Council, which has not been elected after 1990 being under the responsibility of a Governor. The latter is appointed by the President. The population within Kaluthavalai PS is approximately 100% Tamils while Kattankudy is 100% Muslim population.[20] Due to the conflict situation the Local Government elections did not take place after 1994. There are no elected members, just administrative staff, working under the responsibility of a Special Commissioner, who is usually the Divisional Secretary (DS). The Local Government system in the North-East can therefore hardly be

---

[19] The Local Governance and Conflict Management Pilot Project is conducted by a team of researchers of the Development Studies Institute, University of Colombo in collaboration with the South Asia Institute, Colombo branch office, University of Heidelberg and the Sri Lanka Institute of Local Governance, Ministry of Home Affairs, Provincial Councils and Local Government funded by the Berghof Foundation for Conflict Studies, Sri Lanka. The final report of the project is expected in March 2003.

[20] Source: Statistical Hand Book, Batticaloa District 2000.

compared with other Local Government authorities in the country. It is nevertheless interesting to investigate the realities at local level in these two local authorities to see whether there is any entry-point for reconciliation of the ethnic tensions provided by the Local Government system.

The field research was conducted in all three areas, following a similar three-step approach:

1. Pilot visit of the area where major problems and conflict issues as well as the most important actors of the Local Government system were identified through interviews with key informants.
2. Household-Survey, conducted in 4 different villages of the local authority area, asking 60 people about their perceptions, opinions and experiences of the Local Government and other local level actors.
3. Institutional performance analysis of the local authority (individual interviews with elected members and staff) as well as focus group discussion and elite interviews with representatives of other organizations/institutions (NGOs, trade unions, Divisional Secretary, mediation boards, police etc.) and civil society.

The extensive data collected could not yet be analyzed in detail, as the project is still in process. In the following only some of the most interesting findings of the field-research in the three different regions of the country are summarized focusing on the following aspects: a) finances and autonomy of Local Government, b) responsiveness of Local Government, c) peoples participation within Local Government and d) representation/recognition of different identity groups.

Finances and Autonomy of Local Government

The powers of the local authorities are often described as rather weak, why one can hardly speak of a devolved system. Like Wanasinghe stresses Sri Lanka has been characterized by an increasing trend towards centralization, even despite constitutional changes towards more devolution. The sub-national levels of governance are kept under the control and in tutelage of the center (Wanasinghe 1999:1). The lack of autonomy of the local authorities becomes obvious when one looks into the financial resources. Each elected council member has a budget of 21.000 Rs. (approx. 250 Euro) per year to be used for development activities in the area, which is by far not enough to improve the basic infrastructure in the area.

Apart from this, each local authority has three major income sources, which are:

- Rates, taxes, duties and fees levied by the local authority, which provides 65% of the finances of the Municipal Councils (MC), 45% of the Urban Councils (UC) and maximum 53% of Pradeshiya Sabhas.
- Criteria based grants disbursed by the Central Government "Finance Commission" through the Provincial Council.
- Decentralized Budget, which is channelled to the respective district through Members of Parliament (MP) (each MP can disburse within his/her district approx. 2,5 Mio Rs per year)
  (UNESCAP 2002:9).

It is observed that the dependency of the local authorities on the government grants through the Provincial Councils is very high. Generally, the revenue collection is very low, especially in the rural areas due to inefficient management of collection. The latter is due to a lack in proper revenue collection procedures, lack of staff or due to the fact, that party supporters and other influential people often do not have to pay revenue as a favor by the politicians, who got elected through their support. Often the parties in power postpone the normal increase of rates, as they fear to get unpopular. Other funds, especially the Decentralized Budget is channeled via the Members of Parliament of the respective district, who can decide on the amount of money and where they want to invest in capital works at the local level. While deciding on priorities, they may be receptive to citizen groups, but not necessarily to elected representatives of local authorities. This is particularly true in case an opposition party controls the local authority (UNESCAP 2002:11). The latter leads to the fact, that only those local authorities can get a share of the Decentralized Budget, which have good contacts to a Member of Parliament from the same party. Another negative impact is created through the fact that the Members of Parliament are allowed to allocate capital development funds through the district budgets. The Members of Parliament are often interested in constructing new facilities, like e.g. market places, to gain popularity in the area, regardless of the preferences of the people or the capacities of the local authorities for maintenance. The District and Divisional Secretaries who are supposed to be neutral civil servants have often succumbed to the demands of the Members of Parliament and, in many cases, have built facilities knowing that the concerned local authority did not have adequate capacities for maintenance. It also leads to the situation, that the Divisional Secretariat gets involved in development work and therefore competes with the local authority, which, according to legal acts, should be in charge for this. Another aspect is that the central development funds are channeled through the Provincial Councils to the local authorities, which often lead to the situation that the funds are used for other purposes and are not reaching the local authorities leaving some planned development projects without funds.

In the areas of our survey the finances of the local authorities were so small that there were rarely funds for development activities. Most funds were already spent for the running costs of the local authority. This clearly shows that the

autonomy of the local authority area is not backed by the Central Government, as no adequate funds are provided. On the other hand, the field research revealed, that the local authorities are also not demanding autonomy over their local affairs, but rather have inherited the dependence from the Central Government or Members of Parliament, like the following statement of a Chairman of a Pradeshiya Sabha reveals:

> "Last year we did not have political patronage, as my party (UNP) belong to the opposition party of the central government. This year, where UNP is ruling in Colombo, we can use political patronage to get more funds for our Pradeshiya Sabha" (Chairman Pradeshiya Sabha Ambagamuwa, Interview with the author, 16.03.03)

The local authorities are not self-confident with regard to their own resources, there is no discussion how to make use of local resources and ways and means to increase the revenue. With regard to natural resources Ambagamuwa PS can be described as rich, as the famous Adams Peak is located there, which attracts millions of tourists and pilgrims every year and the area belongs to the water catchment areas of the hydro-power plants, providing the country with electricity. The focus group discussion with the PS-council members on the natural resources of the area and ways to make use of these resources showed very clearly that the local representatives are not thinking in these terms. They always referred to the Central Government, which should provide them with more funds or to the Members of Parliament, which promised to provide a greater share of the Decentralized Budget for the area.

Findings from the household survey reveal that the people have a similar understanding. They often mention their dissatisfaction with the Pradeshiya Sabha, but add that it is the fault of the Central Government not to provide enough funds to the local authority. This even was the case in the Eastern Province, where the people on the one hand mentioned that the Pradeshiya Sabha is rather weak and ineffective, but on the other hand stated that one can not blame the institution but rather the Central Government for this. This shows that people tend to expect everything to come from the Central Government even in a war-torn area. It cannot be denied that the allocation of funds for the local authorities by the Central Government is not sufficient. But there is also a lack of self-reliance and confidence in own resources amongst the representatives, which might be one impact of the tradition of a re-centralization policy in Sri Lanka over the last twenty years.

Another indicator for the lack of autonomy and powers of the local authorities is the double structure of administrative and executive powers at the local level. Besides the Pradeshiya Sabha there is the Divisional Secretariat (DS) responsible for the coordination of development activities at the local level and administrative procedures. The DS comes directly under the Government Agent and demonstrates the old tradition of civil servants in Sri Lanka. The DS and its staff, which should support the PS through coordinating functions is often rather side-lining the local

authorities, as the elected politicians are perceived as being un-educated and corrupted by the political parties, which the following statements show:

> "The system of Local Government has failed. Politicians are those who are responsible that our system is corrupted. Even a priest would get corrupted when working in the Pradeshiya Sabha" (Government Agent Moneragala, Interview with the author, 1.06.02).

> "The Divisional Secretariat (DS) is an administrative institution and therefore not politicized. I believe the DS can better work for the people, as the DS is neutral and not politicized along party lines. A fairer distribution of resources is possible" (Divisional Secretary, Ginigathenna, Interview with the author, 14.08.02).

The negative opinion administrators have about the elected representatives can also be an outcome of the dependency of the public servants from the politicians. Some of the information gained through the key informant interviews reveal that the Government Agent or Divisional Secretariat staff often has to support political candidates logistically or through money during election time. If they don't do it, they are in danger of getting transferred after the election. It can be observed that after the elections and with a change of the party the administrative staff is often transferred or replaced. Another aspect of side-lining the Pradeshiya Sabha is the influence and powers of the Members of Parliament at the local level. The household survey and some of the interviews with key informants revealed that the people often contact Members of Parliament directly to get some issues solved than addressing it to the Pradeshiya Sabha. The Members of Parliament usually have more powers and finances to support groups or projects at the local level. They often interfere in questions of land deeds for groups, which belong to their clientele. This means that identity groups, which have a Member of Parliament in the area where they live, have an easier access to resources and decision-making power than groups, which are not represented by a Member of Parliament. In the North-East the Tamil perception is often that the Muslim community has better access to the resources as they have a stronger representation through Members of Parliament in the ruling government. However it has to be carefully examined, whether these perceptions reflect the actual situation. The Statistical Handbook of Batticaloa 2000, for example, does not reveal any advantage of the Muslim areas through a higher allocation of the Decentralized Budget. A similar feeling of discrimination with regard to access to financial resources was expressed in the other two regions by certain identity groups. While in Ambagamuwa PS area the Sinhalese minority expressed that they do not have adequate access to resources in this area, as they are lacking a strong representation, in Moneragala PS area the Tamil Estate population expressed that their project proposals are usually not considered by the Pradeshiya Sabha council.

Generally, perception counts and the only way to deal with these perceived discriminations of identity groups is to be more transparent in the resource

allocation to certain areas and to allow people to participate in the decision-making process of development planning at the local level. In the recent peace process there are first steps of establishing interim mechanisms in the North-East for the distribution of rehabilitation and development funds, like the "Subcommittee on Immediate Humanitarian Needs" (SIHRN) in Kilinochchi, which consists of Government officials and LTTE cadres. The new interim arrangements might now create new layers of semi-formal institutions, which work besides the already existing double structure of local level elected and administrative institutions. Besides the fact, that within these interim arrangements there is little space for people's participation, this new layer bears the danger of increasing the existing difficulties of coordinated effective implementation at the local level. Another delicate aspect is, in how far minority groups, like the Muslim community, are represented in the subcommittee. It would be important that the interim arrangements try to integrate the existing institutions as far as possible, especially the democratically elected local authorities, which would bring in the people's vote. However, it might not yet be the time to hold local government elections in the North-East.

Responsiveness of Local Government

One interesting finding of the household survey in the three regions is that the people view the local authorities as an important forum to address their problems and grievances. Asking the people to which institutions they would go to address the most telling problems, the majority mentioned the Local Government in the first place, followed by the administrative institutions (Divisional Secretariat, Government Agent). Asking people in the two local authority areas in Batticaloa about their experiences with the recent Pradeshiya Sabha or Urban Council (under the Special Commissioner) and the earlier elected council, they clearly stated, that they preferred the elected councils. 91% stated that they would like to have the Local Government elections to take place as soon as possible. 60% of the respondents of the sample in the Batticaloa area 70% of the respondents from Ambagamuwa and 67% from the Moneragala sample have visited the local authority in the past to address certain problems. It seems that the local authorities are accepted as a democratic platform close to the people. Another finding is that the majority of the respondents felt that they have some influence in the decision-making process at the local level (63% from Ambagamuwa, 73% from Batticaloa sample, 59% from Moneragala sample), maybe due to elections and the possibility of direct contact with the elected council members or other local level officers. The respondents were also asked whether they see any way to draw the attention of the PS to their problems. A surprisingly high number of 80% of the Ambagamuwa sample, 78% of the Batticaloa and 76% of the Moneragala sample think that one can draw the attention of the PS to the problems in the area, mainly through directly contacting PS-staff, through organizing interventions through Members of Parliament or through letters.

Having these positive features in mind, it is now interesting to investigate whether the local authorities are responsive to the common needs of the people, whether they can fulfill the expectations, which people have. The respondents of the household survey have been asked whether they are satisfied with the performance of their local authority. Only 28% of the Ambagamuwa sample, and 10% of the Batticaloa sample and 57% of the Moneragala sample have stated that they are satisfied. Those who have stated that they are not satisfied were asked why and some of the answers were "not enough services provided", "no work has been done properly and problems are still existing", "they never give any facilities", "peoples expectations have not been fulfilled". The respondents from Batticaloa also raised the argument, that it is due to the special conflict situation in the North-East and the lack of Central Government support, that the local authorities can not function efficiently.

The qualitative interviews with some key informants also showed that many people have no confidence in the institutions. In Ambagamuwa and Moneragala, the Tamil Estate workers in particular mentioned that the Pradeshiya Sabha is not doing anything for their community.

> "The PS would not do anything for us. They don't accept any proposals given by us. We have no voice" (Moneragala, Female Estate Worker, Kumarawatte, Interview with the author, 31.05.02).

In Kahambana, a remote Sinhala village in Moneragala, the people expressed their anger with the local politicians,

> "[…] who (politicians) come only shortly before the election but are never seen again, after the election" (Moneragala,Sinhalese Farmer, Kahambana, Interview with the author, 1.06.02).

People described that before the elections the PS would send some stones and sand for the construction of a road to their village, which was planned since long time, but after the election they come and collect the material again without implementing anything.

As a first tendency the data reveals, that, generally, the satisfaction with the work of the local authority is very low and that there are specific groups, which feel that the Local Government is not responsive at all to their demands and problems. It is still necessary to analyze the data in more depth, looking into the differences in the perceptions of the respective identity groups.

People's Participation within Local Government

According to Hettige, the aspect of strengthening people's participation in local governance was one of the main recommendations of the Report of the Presidential Commission in 1999 (Hettige 2001). Already in the preamble to the Pradeshiya Sabhas Act (No. 15 of 1987) it is stated that: "[…] legislation is enacted with a

view to provide greater opportunities for the people to participate effectively in the decision making process relating to administrative and development activities at a local level". Although there is provision in the local authority laws to appoint committees and facilitate people's participation, this provision has not been used meaningfully in the past (UNESCAP 2002:14). The people's participation within local government decision-making is so far not very far developed, but rather reduced to voting during the elections. Another provision is that people are allowed to observe the council meetings. In practice, this is hardly taking place, as in many cases the local authorities do not announce their monthly meetings to the public and people usually do not know their right to visit the meetings of the PS. At least, the councils seem to inform the media on their meetings, which would send a journalist to observe the proceedings.

In the household survey people have been asked whether they had any opportunity to join a public forum in the last year. In Ambagamuwa only 32% stated yes, while 50% from Batticaloa and 35% of Moneragala stated that they had an opportunity. Examples for the public forums people had joined were: Samurdhi meetings[21], NGO-organised meetings, religious committee meetings, meetings of Community Based Organisations (CBOs), Estate Management meetings, or election meetings. Only one person mentioned a meeting organized by the PS, when the chairman came to visit the village.

The problems of the area and the people are mainly identified through the PS-council members. People would contact the PS-council member of their area to submit their requests to them. One critique mentioned in an elite interview is, that the PS has no proper planning procedure. The council members would just bring in the requests and proposals from the people, without ranking and prioritizing the respective relevance of the projects. Long-term participatory planning for respective areas is not done.

Asking representatives of civil society groups, like traders associations, trade unions, NGOs whether they would express their opinions to the PS and trying to lobby for their interest groups, a common answer was: "We are powerless, we can't influence anything". It is not at all common among these groups to send a representative to observe the proceedings of a Pradeshiya Sabha council meeting and to lobby for their interest groups through contacting politicians. Realizing this lack of civil society groups engagement in the local political decision-making process, Hettige recommended the formation of neighborhood committees, which send their representatives to the public committees to increase the participation of people in the decision-making process (Hettige 2001:31).

With regard to gender aspects the participation of females in the political process is less than that of the males or, so to say, goes very often through a male intermediate. In the household interviews women mentioned that they would contact a male senior person (village elite) or the Grama Sevaka (administrative village headman) if they are facing a problem. But there were some examples of women's organizations at the village level, which seem to be active as well as

---

[21] Samurdhi is the welfare programme of the Sri Lankan Government.

influential at the grass-roots level. This shows that the level of people's participation in the political decision-making process is generally very low, but that one needs to distinguish between certain groups, as gender, ethnic identity or class/caste identity often plays an important role in the degree of access to political participation. The data of the survey might neither be detailed enough to allow a more precise indication about the degree of access to political participation of certain ethnic identity groups, nor could we consider caste differences in this pilot research.

Representation and Recognition of different Identity Groups

Regarding minority protection in Sri Lanka, Rajasingham-Senanayake points out that in the past the Sri Lankan government has used "positive discrimination" programmes, which aimed to correct the socio-economic marginalization of immigrants and minorities to the advantage of the ethnic Sinhala-Buddhist majority (Pfaff-Czarnecka/Rajasingham-Senanayake et al. 1999:120). This phenomenon was often interpreted as a deep-rooted minority complex of the majority identity groups – the Sinhalese, whose fear and grievances might be partly explained as a result of uneven development and inequalities created under British rule. Yet, the Sinhalese have systematically consolidated their dominance of the political, cultural and economic spheres, but still their minority complex becomes obvious when certain political decisions are taken. The affirmative action in favor of the Sinhalese excluded other minorities, like the Muslims or Indian Tamils, which were even more disadvantaged, e.g. concerning their share in public employment. As Wagner stresses "it (the affirmative policy) remained strictly limited to the Sinhalese and served as a powerful instrument of patronage for the two major parties" (Wagner 1997:199). With the People's Alliance (PA) taking over the government in 1994 there was for the first time a recognition that Sri Lanka has an ethnic problem, which demands a just political solution, while earlier governments (UNP, SLFP) had always claimed that there is only a "terrorist problem" in the country.[22]

Looking into the representation and recognition of different identity and minority groups in Sri Lanka it is, first of all, important to ask what a minority group would be in the Sri Lankan context? If one thinks in the categories of ethnic groups, there are areas in the country where Sinhalese are forming the minority population, areas where Tamils are the minority, areas were Muslims are a

---

[22] Uyangoda identified three competing perspectives in the Sri Lankan debate on minority rights: a) minorities have no special grievances in Sri Lanka, as there are no injustices on the basis of ethnicity (Sinhala nationalist perspective), b) minority rights can only be safeguarded in separate sovereignty (LTTE, Tamil nationalist perspective), and c) minority rights should be granted through constitutional pluralism - creation of new institutions and practices for the state to accommodate minority demands for rights and recognition. "Efforts made in the 1980s and 1990s to reform the Sri Lankan state through constitutional change have repeatedly brought to focus the complexity and sheer difficulty of altering Sri Lanks's political structures in an exercise of ethnic accommodation and conflict resolution" (Uyangoda 2001, p. 109).

minority and there are even smaller groups like the Burgher, the Malays etc. The ethnic groups are also not homogenous but are divided according to caste, religion, place of origin, language etc. If one speaks of the Tamil community, there is a distinction between "India Tamils" living in the estate sector and "Sri Lankan Tamils". For example, among the Sri Lankan Tamils the caste and place of origin (whether a person is from Jaffna or from the North-East) plays an important role and there are different religious groups, like Tamil Hindus or Tamil Christians. The Tamil community would define itself as a majority group with regard to their traditional homeland in the North-East. Often, numerically small groups are still perceived by other groups as the majority group or privileged group. In deeply divided societies majority-minority politics is often constructed in terms of competing victim-claims (Uyangoda 2001:7). In this regard, minority groups can not only be defined as the numerically weaker population groups in different areas of the country but have to be defined in each context on the basis of the perception of the identity groups living in the respective regions. Some of these different majority-minority settings are revealed in the empirical findings of this study.

Regarding the guiding question whether the Local Government is representing and recognizing all identity groups at the local level, the findings are rather discouraging. In Ambagamuwas PS the major problem is, that the majority of Tamil Estate workers, even though they form the population majority in the area, do not feel represented by the Pradeshiya Sabha. Although they are voting for the councils, the Pradeshiya Sabha is not feeling responsible for the estate areas after the election, stating that the estate population comes under the responsibility of the estate management. As the estates are privatized, any engagement of the PS would need a permit by the estate management. As the Pradeshiya Sabha has anyway too little funds to respond to the needs in the area, it seems that they feel that the estate management has enough funds to provide services and assistance to the Tamil workers. The reality is that the estate workers have no access to the local authority they have elected.

Although the ethnic composition of the population is very different in Moneragala and Ambagamuwa, in both areas identity groups expressed that they do not feel adequately represented by the Pradeshiya Sabha. As there is no reservation of seats for minority groups, the minorities are either not represented at all or in a very small number. In Moneragala all elected council members are Sinhalese. In Ambagamuwa the Sinhalese are in the minority and expressed that they have not enough representatives and power in the Pradeshiya Sabha.[23] It seems that one crucial question is, to which group the Chairman of the Pradeshiya Sabha belongs, as the chairman, who finally decides what projects are taken up, often dominates the decision-making process within the local authority. This shows clearly that the existing strong hierarchical power structure fuels the perceived exclusion of certain identity groups. As the chairman in Ambagamuwa was a Tamil businessman, the Sinhalese felt excluded. On the other hand, the Tamil plantation workers also felt excluded, as the Pradeshiya Sabha is generally not feeling

---

[23] According to their population size the Sinhalese would get 21% of the seats in the PS, which would be even less (5) than they actually obtain.

responsible for the estate areas. In Moneragala Tamils form a small minority and therefore have no representation at all in the elected local authority. The problem which was raised, is that they feel especially excluded due to the language policy practiced at the local level. In the public institutions they can hardly find anyone who understands Tamil. At the police station they have to report in Sinhala, in the hospital in Moneragala there is no doctor who speaks Tamil and they can't read any sign board in town. There are hardly Tamil speaking officers in the Divisional Secretariat or among the staff of the Pradeshiya Sabha. Regarding the language policy, the Ambagamuwa PS was writing all minutes in Tamil and Sinhala, as there were representatives of both groups. In the Pradeshiya Sabha council meetings the statements of the PS-members were mostly translated into the other language. The chairman, as well as the vice-chairman are bilingual and therefore understand all council members without problems. It can be said that with regard to language policy Ambagamuwa PS can be named as progressive, although there are still many obstacles, and the elected members do not always understand the discussion which is going on, as the translation is not provided permanently. The Pradeshiya Sabha in Ambagamuwa somewhat represented both linguistic groups, but representatives of the Tamil community still expressed that they face the problem, that in other public institutions Sinhala is the dominant language.

The survey in the two areas in Batticaloa revealed that there is a difference in the representation of minority groups, as the Muslim minority is living in homogenous enclaves, which have their own local authorities. The Tamil areas on the other hand are also homogenous. This shows that due to a spatial and social segregation both identity groups are represented in their elected local authority, but there is no joint platform, which could support reconciliation at the local level. The question is, whether this segregation of the two identity groups is rather positive or negative with regard to an attempt to build trust and harmony among different ethnic groups at the local level. Considering the feelings of exclusion, which we observed in heterogeneous areas like Ambagamuwa or Moneragala, one has to ask which model is the more accommodative one. A positive feature about a joint local authority is that it provides a platform of interethnic bargaining and in the best case reconciliation.

CONCLUSIONS AND OUTLOOK

Fleiner points out, that the liberal nation state is often exclusive and not inclusive regarding group rights, as the ideology is based on a policy of tolerance instead of a politics of recognition (Fleiner/Kälin et al. 2002:230). Regarding minority rights and the accommodation of grievances of ethnic groups in Sri Lanka the liberal political elite has tried to take over the example of the political institutions of the liberal democratic state. Regarding the protection of the numerical minority groups, there was no explicit policy of "positive discrimination". The implementation of liberal democratic institutions, which would have been the basis of a politics of tolerance for all citizens, was only partially successful. The permanent double structure of administrative and elected executive institutions, as well as the

patronage relations between the national politicians and the local representatives and citizens, are examples which emphasize this argument. With regard to the language policy the legal framework since 1987 provides that Sinhala and Tamil are accepted as official languages, but the implementation of bilingualism is lacking. There seems to be a need for a Commission for Linguistic Minorities like in India, which safeguards the recognition and use of both languages (Mitra 2001:58ff).

The empirical research revealed that the Local Government system today is not yet suitable to contribute to reconciliation at the local level through accommodating different identity groups and mitigating conflictive issues. The local authorities are rarely responsive to the people due to their limited powers, autonomy, planning capacities and resources as well as the attitudes and limited skills of the elected representatives. The results of the study show, that people at the local level are affected to a certain extent by the ineffectiveness and non-responsiveness of the local authorities. Nevertheless, minority groups, as they get no recognition within the existing hierarchical and power structures, seem to be even more affected by the general shortcomings and therefore feel marginalized, a fact that might lead to the fuelling of ethnic chauvinism as propagated by some national parties.

There are some aspects of the functioning of the present system, which are more likely to increase existing tensions than to mitigate them, such as:

- Negative interferences through MPs on local level decision-making, using partisan lines for the distribution of resources. The Decentralized Budget is used to satisfy only the supporter areas of the respective party, while leaving other groups and areas excluded. This undermines the autonomy of the local authorities to control the resource distribution and to guarantee that it is equally distributed among all communities.
- Inadequate representation of all ethnic groups within the elected bodies due to a lack of reservation of seats for respective groups.
- Inadequate language policy within the elected bodies as well as administrative institutions, which leads to the situation that in all regions some groups feel excluded.
- Lack of people's participation and civil society engagement in the affairs of Local Government, which leads to the situation that minority groups often have no voice, which would lobby for their interests at the Local Government level.

An opportunity seems to be that the people still perceive the local authorities as important democratic institutions, as their elected representatives are close to the people. The question is, how the Local Government can be reformed to make it more responsive and more inclusive to all identity groups at the local level and how the local authority can play a more active role in promoting reconciliation and ethnic harmony at the local level.

The empirical research in three different regions with different ethnic composition of the population made clear, that there is generally a need to recognize the needs and grievances of minorities in different regions in Sri Lanka. However, the definition of what a minority is, is varying from one region to the other. While in the East the Muslim minority needs to be accommodated, the up-country Tamils, especially the estate workers, which form the majority in Ambagamuwa, are another marginalized group. Sometimes these groups even form a majority of the population in certain regions and still are discriminated. In other parts of the country there are always minority groups, whether they are Sinhalese, Tamils, Muslims or other ethnic groups, which feel not adequately recognized within the existing Local Government structures. The survey showed that there are different settings in the country, but one crucial question in all regions is how to accommodate the minority groups. This question becomes particularly relevant in the process of designing a federal structure for Sri Lanka as means for conflict resolution. Where specific groups constitute an absolute minority, like the Tamils in Moneragala, they seem to be completely neglected, without any representation or recognition of their cultural and language rights. This could be addressed through the introduction of positive discrimination measures, like the reservation of seats for certain marginalized groups. Still, this needs to be carefully considered, as many authors rather warn to introduce quota systems as they might rather fuel the division of people among ethnic lines and/or reduce quality standards.[24] In areas with two bigger ethnic groups, both groups are represented in the elected local authority. But there seems to be a feeling of under-representation amongst the smaller group. In the perceived power status of a group an important question is, to which identity group the chairman of the local authority belongs. This problem could be addressed through a reduction of powers of the chairman of the local authority in favor of more powers for the council members. Our field research revealed that this is actually discussed at the Pradeshiya Sabha level. Another option would be a reservation of posts for each identity group and the obligation that the vice-chairman always needs to be from the other ethnic group.

Amongst the Tamil population there is a split between the Tamil Estate workers and the Tamil population living in the villages. The Estate Tamils feel neglected, as the local authority is not feeling responsible for their needs. In Batticaloa the model of ethnic segregation was dominant, as both identity groups have their own elected local authorities. The question is, whether this segregation

---

[24] Richard Goldstone, a judge from South Africa and the head of the Goldstone Commission, explained (Presentation in Colombo, organized by the Center for Policy Alternatives and Berghof Foundation) that South Africa, although adopting an "affirmative action" policy, did not introduce a quota system with the new constitution in order to avoid Zimbabwe's negative experience. A fixed quota system bears the danger of reducing standards, as the candidates for the reserved seats might not yet have the necessary qualifications. South Africa was instead opting for an affirmative action policy for especially discriminated groups with flexible quotas, whereupon the institutions can decide on the basis of their respective requirements. This is supported by a "Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities" (see Schmid 2001:63).

of the two identity groups is rather positive or negative with regard to an attempt to build trust and harmony amongst Tamils and Muslims at the local level.

Generally, the Local Government system could play a vital role in the strengthening of a democratic culture and thereby creating more stability in the country, a factor that might prevent a radicalization of certain identity groups. Through good governance some roots of ethnic tensions and conflict can be reduced and through strengthening of platforms for people's participation mechanisms for conflict mitigation can be established at the local level. For the latter we have found encouraging examples in Ambagamuwa, where ethnic riots had been addressed by a people's peace committee, which included Local Government representatives as well as NGO and civil society members. Increase of good governance at the local level would require more independence of the Local Government from national party politics and financial empowerment of the local authorities. The same is relevant for the newly established interim institutions in the North-East of Sri Lanka, which should work transparently, encourage people's participation and should be inclusive of all identity groups to avoid the fuelling of new tensions. At the same time the new arrangements should avoid further dis-empowerment of the existing democratic institutions at the local level.

The recently revived discussion on federal structures as means to facilitate conflict resolution in Sri Lanka, needs to keep the different settings within the 8 Provinces of Sri Lanka in mind, trying to accommodate the claims of the respective minority groups. The question of autonomy is central to many conflicts today and regional autonomy can play an important, constructive role in mediating relations between different communities in multi-ethnic states. It can defuse conflicts. It is a particularly appropriate mechanism for the protection and promotion of the culture and values of a community. But it is not an easy device to put into operation, especially considering that there are often minorities within the newly created regional units, which again need to be recognized and accommodated. Great political and technical skills are required to structure the federal set-up and make it work. As stressed by Ghai: "[…] given the difficulties of managing multi-ethnic states, autonomy is a valuable option, notwithstanding its own difficulties" (Ghai 2000:24).

In the recently revived debate on a federal solution to the conflict in Sri Lanka within the peace process there is naturally the tendency to focus mainly on the conflict in the North-East. Besides the model of a confederation, the idea of introducing asymmetric federal structures, through devolving autonomy only to the North-Eastern Province and not to the same extent to the other provinces is recently discussed. That regional autonomy could be acceptable to the LTTE has been a major outcome of the first round of peace talks in Thailand in September 2002.[25] As there are no similar claims for autonomy from the southern or central regions, asymmetric devolution of power or federalism could at the same time help

---

[25] Anton Balasingham, the LTTE's chief negotiator, made the politically most significant statement, that the LTTE is rather committed to autonomy and autonomy based self-determination, revising their original, maximalist claim for a separate state (see Uyangoda, Daily Mirror, 29.09.2002).

to avoid overburdening the other regions with additional responsibilities to be carried out by intermediary institutions within a federal structure.

With the encouraging signal made by the LTTE it seems to be the right time to discuss the potentials and obstacles as well as different models of a federal state structure in more depth and in a transparent way. This will require that more politicians, civil society activists and the people are getting involved in this discourse. A survey which was recently conducted by the Hitotsubashi University Tokyo in collaboration with the National Peace Council Colombo, revealed, that a huge majority of the Sri Lankan Tamils in Trincomalee favoured an equal devolution instead of a special devolution or asymmetric federalism for the North-East.[26] Although it is questionable whether the respondents had a clear understanding about the different options, this shows that there are still a lot of open questions and scope for discussion of different models of federalism. But it needs to be kept in mind that it is not only the grievances of the North-Eastern Tamils, which need to be addressed in the coming peace talks, but generally the grievances of different minority groups in all regions of the country.

---

[26] "What people think? A survey of ethnic groups on the eve of peace talks." Daily News, 29.08.2002, p.4.

BIBLIOGRAPHY

Bermeo, Nancy. 2002. 'A New Look at Federalism. The Import of Institutions', *Journal of Democracy,* 13 (2), 96-109.

CPA (Centre for Policy Alternatives). 2001. 'Whither PA-UNP consensus?' *Proceedings of a two-part seminar series held 25th of July 2000 and 5th of August 2000*, Colombo, http://www.cpalanka.org sighted on 28 August 2002.

Diamond, Lary. 1999. *Developing Democracy. Towards Consolidation.* Baltimore (Maryland): John Hopkins University Press.

Edrisinha, Rohan. 1999. 'Constitutionalism, Pluralism, and Ethnic Conflict. The Need for a New initiative', in: Rothberg, R.I. (Ed.): *Creating Peace in Sri Lanka: Civil War and Reconciliation.* Washington D.C.: Brookings Institution Press, 169-189.

Edrisinha, Rohan. 2001. 'Meeting Tamil Aspirations within a United Lanka: Constitutional Options'. Discussion Paper. Centre for Policy Alternatives, http://www.cpalanka.org sighted on 28 August 2002.

Fleiner, Thomas, Kälin et al. 2002. 'Federalism, Decentralization and Conflict Management in Multicultural Societies', in: Abderhalden, Ursula, Blindenbacher, Raoul. 2002. *Federalism in a Changing World - Learning from Each Other.* St. Gallen: Internationale Föderalismuskonferenz 2002, 15-47.

Ghai, Yash (ed.). 2000. *Autonomy and Ethnicity. Negotiating Competing Claims in Multi-ethnic States.* Cambridge: Cambridge University Press.

GoSL (Government of Sri Lanka). 1999. *Report of the Commission of Inquiry on Local Government Reforms*. Colombo: Department of Government Printing, Sri Lanka.

Gurr, Ted, Robert. 2000. *People versus States: Minority at Risk in the New Century.* Washington D.C.: United States Institute of Peace Press.

Hague, Rod, Harrop et al. 1998. *Comparative Government and Politics. An Introduction*. London. Macmillan Press Ltd.

Hettige, Siri, T. 2001. ‚Empowering Local Communities through Devolution of Power in Sri Lanka. The Unfinished Agenda', *Governance Journal*. Vol. 1, No. 01 (2001), published by 'Sri Lanka Institute of Local Governance' (Ministry of Provincial Council & Local Government), Colombo. 21-31.

Horowitz, D.L. 1993: 'Democracy in Divided Society', *Journal of Democracy*, Vol. 4, No. 4., (pp. 18-38**)**

Kymlicka, Will. 2000. 'Federalism and Secession: At Home and Abroad', *The Canadian Journal of Law & Jurisprudence,* Vol. XIII, No. 2. 207-224.

Mitra, Subrata, Kumar. 1999. 'Effects of Institutional Arrangements on Political Stability in South Asia', *Annual Review Political Sciences* (2), 405-428.

Mitra, Subrata, Kumar. 2001. 'Language and Federalism: The Multi-ethnic Challenge', *International Social Science Journal*, Oxford: Blackwell Publishers / UNESCO. 51-60.

Pradeshiya Sabha act. No. 15 of 1987. Gazette of the Democratic Socialist Republic of Sri Lanka.

Pravada (ed.). 2002. 'Federalist Option', Pravada, Vol. 8. No. 4, 1-3

Pfaff-Czarnecka, Joanna, Rajasingham-Senanayake et al. (eds.). 1999. *Ethnic Futures. The State and Identity Politics in Asia.* New Delhi: Sage Publications India Pvt Ltd.

Reilly, Benjamin. 2002. 'Electoral Systems for Divided Societies', *Journal of Democracy,* Vol. 13. (2), 156-170.

Schindler, Dietrich. 1993. 'Philosophie und Instrumente des Föderalismus', in: Schweizerisches Institut für Auslandsforschung. *Föderalismus- Mittel derKonfliktbewältigung*. Chur: Rügger. 23-38.

Schmid, Sabine. 2001. *Affirmative Action as a Tool of Transformation – The Case of South Africa and Namibia.* Saarbrücken: Verlag für Entwicklungspolitik.

Sisk, Timothy, D. et al. 2001. *Democracy at the Local Level.* The International IDEA Handbook on Participation, Representation, Conflict Management and Governance. Stockholm: International IDEA Handbook Series.

Slater, R.P. 1989. 'Central Control or Local Reform? The Case of Decentralization in Rural Sri Lanka', *Planning and Administration,* Vol. 16 (2), 70-79.

Telford, Hamish. 2002. 'Federalism in Multinational Societies: Switzerland, Canada and India in Comparative Perspective', in: Rekha Saxena (ed.). *Mapping Canadian Federalism for India*. Delhi: Konark Publishers. 52-80.

Thangarajah, Yuvi. 2003. 'Local Governance and Conflict Management – The Case of Batticaloa District', in: Hettige / Bigdon (forthcoming): *Local Governance and Conflict Management in Sri Lanka*. A Study of the Local Governance System in Three Regions of Sri Lanka. Supported by Berghof Foundation for Conflict Studies. Colombo: Sri Lanka Institute of Local Governance.

Tiruchelvam, Neelan. 2000. 'The Politics of Federalism and Diversity in Sri Lanka', in: Ghai, Yash.: *Autonomy and Ethnicity. Negotiating Competing Claims in Multi-ethnic States.* Cambridge: Cambridge University Press. 197-219.

UNESCAP. 2002. 'Local Government in Asia and the Pacific. A Comparative Study. Country Paper Sri Lanka'. http://www.unescap.org/huset/lgstudy/ sighted on 26 August 2002.

Uyangoda, Jayadeva. 2000. *Sri Lanka's Conflict. Context and Options.* Colombo: Consortium of Humanitarian Agencies.

Uyangoda, Jayadeva. 2001. *Question of Sri Lanka's Minority Rights.* Colombo: International Centre for Ethnic Studies.

Wagner, Christian. 1997. 'Sri Lanka - Crisis in Legitimacy', in: Mitra, Subrata K. , Rothermund, Dietmar (eds.). *Legitimacy and Conflict in South Asia*. New Delhi: Manohar Publishers. 194-206.

Wanasinghe, Shelton. 1999. *Effective Local Governance. The Foundation for a Functioning Democracy in Sri Lanka*. Colombo: Institute for Policy Studies.

Warnapala, W.A. Wiswa. 1994. *Ethnic Strife and Politics in Sri Lanka. An Investigation into Demands and Responses.* New Delhi: Navrang.

Wilson, A. Jeyaratnam. 2000. *Sri Lanka Tamil Nationalism. Its origins and development in the 19th and 20th century.* New Delhi: Penguin Books.

NEWSPAPER ARTICLES

Daily Mirror (Colombo), 28 September 2002. Uyangoda, Jayadeva. 'After the first round'.

Daily Mirror (Colombo), 11 January 2003. Bermeo, Nancy. 'Federalism and Institutions'.

Daily Mirror (Colombo), 9 January 2003. Wickremasena, Vasana. 'Search for Federal Structures'.

Daily News (Colombo), 29 August 2002. 'What people think? A survey of ethnic groups on the eve of peace talks'.

Sunday Observer (Colombo), 12 January 2003. Rupasinghe, Ajith. 'Federal Solution. Towards Greater Democracy'.

Daily Mirror (Colombo), 14 January 2003. 'All-party team to study Federalism'.

Northeastern Herald (Colombo), 17 January 2003. 'Federalism in Lanka – is it the way out?'.