The 'Federal Option' for Sri Lanka

G.H. Peiris[*]

1. Is there a 'Federal Option' for Sri Lanka?

When the Liberation Tigers of Tamil Eelam (LTTE) leader Prabhakaran declared in the course of his 'Heroes' Day Message'[1] of November 27, 2002, that: "We are prepared to consider favourably a political framework that offers substantial regional autonomy and self-government in our homeland on the basis of the right to internal self-determination," many observers believed that it represented a major change in the core objectives of his "liberation movement." The *Reuters* news agency, for example, stated that this was "the clearest statement yet that the Tigers had given up their demand for a separate state (and were) willing to settle for regional autonomy."[2] Ranil Wickremesinghe, the then Prime Minister of Sri Lanka, discerned in the message a "paradigm shift reflecting that the LTTE no longer relentlessly

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[*] G. H. Peiris is Professor Emeritus, University of Peradeniya, Sri Lanka

[1] The "Heroes' Day Message" is an annual affair that climaxes a week-long series of events intended to honour the Tiger cadres who had died in the course of their secessionist campaign of war and terrorism. This routine event, staged on the day following the leader's birthday, has tended to be looked upon by most observers as part and parcel of the cult-perpetuating ritual upon which the LTTE has always placed much emphasis. The annual message, regularly published in certain journals espousing Tamil nationalism, has also been occasionally placed under scrutiny for guidelines it could provide to the thinking among the LTTE leadership. See http://www.tamiltigers.net/fallencomrades/martyrs_day_speech_2002.html.

[2] Scott McDonald, "Prabha confirms dropping of Eelam demand," *Daily Mirror*, Colombo, November 28, 2002.

pursues the idea of a separate state but is content to consider substantial power-sharing within a framework of a unified Sri Lanka."[3] Several pro-negotiation groups in Sri Lanka, especially those of the federal persuasion, responded almost ecstatically to the message, seeing in it 'a vitally significant breakthrough' towards peace. These responses appeared to be substantiated by the so-called 'Oslo Declaration' – a brief report prepared by the Government of Norway on the negotiations conducted during 2-5 December that year, between the Wickremesinghe-led segment of the Sri Lanka Government and the LTTE, published barely a week after Prabhakaran's 'message'.[4]

Events that were to follow, when examined in retrospect, make it abundantly clear that the optimistic responses referred to above were groundless, and that the LTTE stance portrayed in both the 'message' as well as the 'declaration' represented no more than an ephemeral and inconsequential tactical adjustment of emphasis that did not deviate from their unswerving commitment to the objective of establishing 'Thamil Eelam' – an independent Tamil nation-state. For instance, even in the immediate aftermath of the Oslo discussions, Anton Balasingham, leader of the LTTE delegation, denied that his leader has abandoned the Eelam goal, and explained to the media that the powers of 'self-government', which would fulfil the aspirations of 'his people', included the right to secession.[5] Soon thereafter, in several statements made on behalf of the Tigers, there were reiterations of the position that the statutory autonomy being demanded by the LTTE should provide for both internal and external self-determination, which, as several constitutional theorists have shown, is tantamount to independent and sovereign nationhood. In the light of these considerations, we are driven to the conclusion that the claim which continues to be made by certain spokespersons for the United National Front (UNF, the party led by Wickremesinghe) that there is, indeed, a genuine 'federal option' available to the Sri Lanka Government in the

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[3] "Federalism and the 'Federal Option' for Sri Lanka," www.spur.asn.au/News_2005_Sept_07.htm
[4] Ibid.
[5] "Balasingham questions 'Oslo Declaration' in new book," *Tamil Net*, October 26, 2004, http://www.tamilnet.com/art.html?catid=79&artid=13239.

search for a peaceful solution to the conflict, and even the recent conversion to a similar viewpoint expressed by the leader of the United People's Freedom Alliance (UPFA), President Chandrika Kumaratunga, signify nothing other than the self-destructive preoccupation with short-term electoral gains that could portend a betrayal of the Sri Lankan nation.

Several scholars from India whose views appear to be taken into account in the formulation of Delhi's 'Sri Lanka policy' of the recent past have also figured among the advocates of 'federalism' as a solution to the Sri Lankan conflict. It is in this context that we cite below the concluding paragraph of an article by Prof. V Suryanarayan, one of the better informed among such scholars, on Prabhakaran's alleged leanings towards a 'federal option':

> *The Hindu*, in a lucid recent editorial, has correctly pointed out that the Tigers have treated the peace process as a means to gain control of the northeast, an objective they failed to win militarily. Contrary to his expectations, participation in the peace process has not given Prabhakaran the international stature and acclaim he craves for. It must be kept in mind that while the LTTE supremo has occasionally made noises about his readiness to explore a federal solution within a united Sri Lanka based on the principle of internal self-determination, he has simultaneously asked his followers to treat him as a "traitor" if he were to give up the liberation struggle. Prabhakaran's warning in his Heroes Day speech has to be viewed in the backdrop of his passionate, uncompromising commitment to the establishment of a separate independent state of Tamil Eelam.[6]

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[6] "Prabhakaran's Warning: Text and Context," *The Island*, Colombo, December 9, 2004, p. 8.

2. Federal Systems[7]

The existing configurations of Sri Lanka's ethnic conflict, when placed against the backdrop of federal experiences in comparable situations of inter-group rivalry and secessionist insurrections elsewhere in the world, make it obvious that a negotiated agreement on a federal structure of Government for the country is, in fact, no agreement of significance in the sense that reaching consensus on a constitutional change from 'unitary' to 'federal' does not even touch the genuinely contentious issues of ethnic relations in Sri Lanka.

What could serve as a point of departure towards a substantiation of this assertion is the recognition of the fact that the term 'federal' is applied, somewhat loosely, to refer to systems of Government that provide for the division of political power in a nation-state between two sets of institutions – one with authority over the entire nation-state, and the other with authority over territorially demarcated sub-national units – with various types of constitutionally stipulated arrangements for power-sharing and interacting regulatory devices on the exercise of power vested on the institutions at the two levels. Since in almost all nation-states, federal or unitary, there are both national as well as sub-national institutions of Government, there is considerable lack of exactitude and precision in the use of this appellation.

Of the eight largest countries of the world, seven are reckoned to have 'federal' constitutions (all eight, in fact, if China, which has four 'Autonomous Regions' within it is considered 'federal'). Of all the 'federal' nation states, only six have territorial extents of less than 50,000 sq. miles, and only four

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[7]   The principal works consulted in the preparation of this brief sketch are K. C. Wheare, *Federal Government*, Toronto: McGraw-Hill, 1963; T. M. Frank, ed., *Why Federations Fail: An Inquiry into the Requisites for Successful Federation*, London: McMillan, 1968; Carl J. Friedrich, *Trends of Federalism in Theory and Practice*, Massachusetts: MIT Press, 1968; Preston King, *Federalism and Federation*, London: Oxford University Press, 1982; I. D. Duchacet, *Comparative Federalism: The Territorial Dimensions of Politics*, London: Oxford University Press, 1987; Lawrence Saez, *Federalism Without a Centre*, New Delhi: Sage Publications, 2002; John Mcgarry, "Federal Political Systems and the Accomodation of National Minorities," in Ann Griffiths, *Handbook of Federal Countries* 2002, Montreal: Mc-Gill-Queen's University Press, 2002.

are smaller than Sri Lanka. The largeness in respect of territorial extent is, of course, not the only, or even the main, rationale for federal arrangements, though it was, in the formative stages of some of the larger federal systems, such as those of the United States. In the majority of federations, the need to provide for the participation of diverse ethnic or regional interest groups in the affairs of Government is considered the foremost rationalisation for federalism.

On the lack of clarity in the unitary-federal dichotomy, it should also be noted that the overwhelming majority of nation-states in the world have systems of Government that are categorised as 'unitary'. In some among these, for example, Great Britain or Japan, the extent of decentralisation of power is so pronounced that, *de facto*, they resemble certain federal systems. Several 'unitary' constitutions also provide for self-governing entities within their national territory – besides those of the People's Republic of China, other examples include the autonomous "republics/regions" of Ajaria in Georgia, Gagauz-Eri in Moldova, Gorno-Badakhshan in Tajikistan, and Qoraqalpogh in Uzbekistan. Yet another diversity encountered in certain 'federal' systems (for example, India, Switzerland, Spain) where power vested in the constituent sub-national units (States) of the federation *vis-à-vis* the national Government is asymmetrical.

In general, the features that contemporary 'federal' systems have in common are confined to the following:

- Written constitutions that can be changed only on the basis of common consensus not only between the Centre and the States, but also among the States of the federation, thus curtailing the unilateral action that could be taken at any level of Government
- Devolution based upon a territorial frame
- Representation of the States of the federation in the legislative institutions of Government at the Centre
- Constitutionally specified overarching 'reserve' powers at the centre, especially in respect of executive and judicial aspects of governance
- Constitutionally defined non-centralised power arrangements, especially in respect of legislative aspects of governance that relate to civilian affairs of Government. [Note: The exercise

of law-making powers by State-level legislatures is often considered a hallmark of federalism. Quite often, however, these powers are confined to specific functions, and are also subject to Central control.]

- Provision for direct communication between the governed and the institutions of Government at the different levels
- Concentration of powers and capacity pertaining to security and defence at the centre

3. Relevant Federal Experiences

There are about twenty to twenty-five sovereign nation-states the constitutions of which are categorised as 'federal'. Even a brief perusal of their political-economy would indicate that the experiences of only a few among them are of relevance to the present study from the viewpoint of understanding the nature of successes and failures of federalism in averting or resolving ethnic conflict.

To refer briefly to the federal systems that are of only marginal relevance to the present study (and are, hence excluded from the collection of case studies presented in Section 4), there are, first, those, such as the United States, Australia, Germany, Brazil, Argentina and Mexico, where the accommodation of ethnic diversities in the affairs of Government and/or managing ethnic conflict did not figure prominently as an objective of adopting a federal system. In this context, the distinction made by McGarry[8] between federations that, at their inception, were aimed at the construction of nation-states, and those (such as Canada, India or Nigeria) that sought to establish multi-national states is of salience. The 13 colonies that composed the original federation of the United States of America – the earliest in the former category, and a constitutional arrangement that served as a model for several other federations – made a conscious attempt to prevent the emergence of self-governing minorities. Moreover, during the progressive expansion of the United States, no new territorial units were admitted to the federation unless Anglo-Saxon Protestants constituted the majority of its population.

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[8] John Mcgarry, "Federal Political Systems," pp. 428-9.

Further, most of the older federations such as those of the United States and Australia came into being as a result of the desire on the part of scattered self-governing communities with common ethnic identities to unite in order to pursue shared interests (economic, defence, security etc.), while preserving a measure of their heritage of autonomy. A variant of this process could be seen in the far more complex and tortuous evolution of Germany in which the decisive phase of national consolidation took the form of a 'unification' (associated with the military and diplomatic exploits of Otto Von Bismarck in the 19th century), and where a rough correspondence could be discerned between the pre-modern mosaic of regions in this part of Europe (such as Bavaria, Saxony, Brandenburg, Schleswig-Holstein, Westphalia, Wurttemberg, etc.) and the basic spatial framework of the present federation (the 16 *Lander* or States). The economic prosperity and the well established traditions of democratic governance these countries display mean that their cohesiveness as nations, and the smoothness of the Centre-State relations they have acquired through prolonged evolutionary processes are of slender relevance to an assessment of federalism contextualised in situations of mass poverty and fragile democratic commitments.

About the Tsarist Empire that became the Union of Soviet Socialist Republics under communist rule, and the Portuguese and Spanish empires in South and Central America which their oligarchic ruling elites converted to Brazil, Argentina, Venezuela and Mexico, a brief mention would suffice, primarily because, apart from a lack of concern on the political dimensions of ethnic diversities in the formative stages of their federal systems, over a greater part of their history, they have remained under the centralised autocratic rule of monolithic political parties, or tight-knit civilian and/or military elites that devoted scant attention to promoting representative Government.[9] Similarly, Malaysia's

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[9] The thematic observation found in several writings on the Latin American nation-states that their internal conflicts have, for the most part, been ideologically driven 'revolutionary movements' and 'peasant insurrections' against socio-economic inequities rather than ethnicity-based autonomy or secessionist demands is of relevance here. See, for example, Makram Haluani, "The Regional Dimensions of the Causes of Conflicts: Latin America," in Kumar Rupesinghe and Paul Sciarone, eds., The Hague: Clingendael Institute, 1996, pp. 321-44.

federal design is a legacy of British colonial rule in the Malay peninsula and North Borneo which brought together a conglomerate of domains under hereditary sultans whose authority, though diminished in the recent past, needed to be formally recognised after independence for the sake of national cohesion. The United Arab Emirates is 'federal' because it is a loose coalition of sheikdoms. Factors of 'geography' loom large in the tiny archipelagic federations of Micronesia in the western Pacific, Comoros in the southwestern Indian Ocean, and of St. Kitts and Nevis of the eastern Caribbean.

It could be argued that the constitutions of South Africa and Ethiopia are federal only in name because, featured as they are by a high concentration of power and authority at the Centre, both the range as well as the inviolability of the powers vested in their 'regions' are no more than those of local Government bodies in many unitary nations. Moreover, these constitutions have been in operation for too short a time for an evaluation of their impact on ethnic relations. The present constitution of South Africa, for example, came into effect only in October 1996. Its record, since that time, does not provide clues on how its power-sharing design (confined to a surprisingly narrow range of functions) has impacted upon the bewilderingly complex ethnic relations of the country. Further, as Westhuizen has asserted, "federalism has (hitherto) had a marred and highly contested reception in South Africa and this continues to be so, given its deeply divided polity."[10] We need also to take note of the observation made in several authoritative writings[11] that the demarcation of the nine constituent 'Provinces' of the South African federation has not been intended to correspond to racial or tribal boundaries. In the light of all these considerations, it seems reasonable to suggest that the adoption of a federal constitution by itself has hitherto made no tangible contribution to redressing the glaring inequities of the apartheid legacy, except perhaps by way of meeting the demand of the Inkatha Freedom Party (which, at the time of

[10]   Janis van der Westhuizen, in Ann Griffiths, *Handbook of Federal Countries 2002*, Montreal: Mc-Gill-Queen's University Press, 2002, p. 283.
[11]   Richard Calland, *The First Five Years: A Review of South Africa's Democratic* Parliament, Cape Town: Institute for Democracy, 1999; Westhuizen, 2002.

constitution making, faced resistance from the Nelson Mandela-led African National Congress) for autonomy for the predominantly Zulu, but ethnically heterogeneous, province of Kwa Zulu-Natal. The present constitution of Ethiopia was proclaimed in August 1995. The demarcation of the nine member states of its federation does take account of the spatial pattern of ethnicity in the country. Yet, here again, what makes Ethiopia's short record of federalism irrelevant to the present study is both the overwhelming power which the Centre has continued to exercise as well as Ethiopia's continuing preoccupation with the Eritrean conflict and the endemicity of famine conditions caused by sub-Saharan desertification, both of which have involved, among other things, massive external intervention. Similar criteria of exclusion also apply to the newly formed federation of Georgia, a successor state of the former Soviet Russia.

4. Selected Case Studies

The medley of selected conflict situations presented below, which includes those of India, Nigeria, Canada, and western and central Europe could, in our view, provide a sufficiently wide spectrum of insights that are of relevance to the principal objective of the present study.

4.1 India: Conflicts in Centre-State and Inter-State Relations

India as a national entity in its present geographical configurations came into being for the first time in its long and lustrous history only after the withdrawal of the British from the sub-continent in 1947. In this country, as in several nation-states that originated at the termination of European dominance, the federal structure grew out of the need as perceived by those at the forefront of the *Swaraj* (self-rule) campaign, to preserve intact as a national entity the politically disparate areas that had been brought in stages under a single system of colonial rule in the preceding centuries.

British control over different parts of British India had by no means been uniform. The 'Provinces' under direct British rule accounted for no more than about 50 per cent of India at

independence. A large part of the remaining territory consisted of the so-called 'Princely States' over most of which British rule had been nominal. There were, in addition, the extensive Himalayan tribal tracts that had been designated 'Excluded' and 'Partially Excluded' under the constitutional dispensation of the Simon Commission of 1935. It may also be recalled here that, in the twilight of the *Raj*, there were several movements demanding sovereign nationhood, independent of both India as well as Pakistan.

The task of 'national consolidation' that confronted the leaders of emergent India (and of Pakistan) thus involved, *inter alia*, the resolution of territorial disputes with neighbouring countries and the demarcation of international frontiers, the strengthening of national security, the absorption into the national polity of many pre-modern enclaves, the rulers of which had exercised varying degrees of autonomy in earlier times, the appeasement or suppression of incipient secessionist movements in certain peripheral areas (notably in Nagaland, Kashmir and Hyderabad of India, and Balochistan and Pushtunistan of Pakistan) and, above all, facilitating due representation of the diverse groups of people, with distinctive identities in respect of language, religion, caste and tribe, that constituted the Indian nation in its affairs of governance. The federal constitution designed in the early years of independent India was expected to facilitate this task.

The Republic of India is now, in 2005, a federation of 29 States and 6 Union Territories. The present number and geographical configuration of these entities is the outcome of periodic territorial *cum* statutory adjustments set in motion in the early 1950s under the so-called Re-Organisation of States. The 'State reorganisation' efforts have hitherto resulted in: (a) converting the former system of placing the constituent units of the Indian Union in several categories, each with different relations with the Centre, into a dual typology – 'States' and 'Union Territories', (b) increasing the number of fully fledged States (i.e. Part A States of the First Schedule) from 10 at the promulgation of the constitution in 1950 to 29 at present, mainly by carving out new States or elevating Union Territories to Statehood, and (c) bringing about a far greater correspondence

between the distribution of the larger linguistic and tribal groups, on the one hand, and the spatial delineations of Government, on the other, than there was at the time of independence.

Protagonists of Federalism have argued that the federal structure of Government has had the effect of diffusing the disruptive centrifugal forces of the heterogeneity of India's population, and has, indeed, prevented the disintegration of the fragile 'union', which India was at the time of Independence. Though this claim is certainly not without substance, one cannot ignore the fact that the exercise by the Centre of overarching authority over several key aspects of Government (see below, the observations of the Sarkaria Commission on this phenomenon) and of its overwhelming military capability has also been vital to the preservation of India. Moreover, in several parts of the 'Indian Union', the federal system and what it has entailed in respect of decentralisation of power notwithstanding, inter-group rivalry and conflict have persisted and, probably, intensified over time. In this context, we need to devote special attention to the following conflict scenarios (in addition, of course, to the more general failures of democratic governance witnessed in many parts of India):[12]

4.1.1. Secessionism in Kashmir[13]

Kashmir has remained the venue of one of the most complex and destructive conflicts in Asia since the late 1940s. The conflict here, though perceived mainly as a territorial dispute between India and Pakistan, has a pronounced dimension of ethnic conflict, especially in the political turbulences witnessed in Jammu and Kashmir (J&K), the part of the former Kingdom of

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[12] The conflicts in India presented here are no more than brief sketches indented to highlight certain features that are of salience to the issue of 'federalism for Sri Lanka'. There is, of course, an abundance of research writings on each of these conflict situations.

[13] For 'detached' analyses of the Kashmir dispute see Alistair Lamb, *Kashmir: A Disputed Legacy, 1846-1990*, Hertingfordbur: Roxford Books, 1991; Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of* Peace, Cambridge: Cambridge University Press, 1997; Robert G. Wirsing, *War or Peace on the Line of Control? The Indo-Pakistan Dispute over Kashmir Turns Fifty*, University of Durham: International Boundaries Research Unit, 1998.

Kashmir which is a State of the Indian federation. Indeed, as several scholars have shown, there has always been, among the Muslims of J&K, an ethno-nationalist sentiment, which seeks to disengage Kashmir from the Indo-Pakistan conflict and make *Kashmiriat* the basis of an independent Kashmiri nation-state. From about the late 1980s, some Kashmiri Muslim rebel groups have been locked in a fierce confrontation with the Indian security forces.

Ever since the Maharaja of Kashmir signed the Instrument of Accession to the Indian Union in 1947, the integration of this predominantly Muslim kingdom with India has remained one of the cardinal objectives of Delhi's Kashmir policy. The provision made through Article 370 of the Constitution of India for the State of J&K to exercise a substantially greater degree of autonomy than the other States of the Indian federation, persistence of the Centre with attempts at democratisation of the institutions of Government at State-level, securing the collaboration of Kashmir's 'moderate' groups, and the higher *per capita* levels of central Government funding for the development of J&K compared to other States, are among the devices that have been adopted in pursuance of this objective. Yet, it is undeniable that, in the long run, Delhi's control over J&K has continued to depend largely on its military capacity to combat the challenge of insurrection alongside the external security threats.

4.1.2. Ethnic Conflicts and Secessionist Insurrection in the North-East [14]

This has remained one of the most politically turbulent parts of South Asia featured by fierce inter-group conflicts and anti-systemic insurrections impelled, in certain instance, by

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[14] The main references on which this section is based are P. S. Dutta, *North-East and the Indian State: Paradox of a* Periphery, New Delhi: Vikas Publications, 1995; Sanjoy Hazarika, *Strangers of the Mist: Tales of War and Peace from India's Northeast*, New Delhi: Viking, 1995; B. G. Verghese, *India's Northeast Resurgent*, New Delhi: Konark Publishers, 1996; Ajai Sahni, "Survey of Conflict and Resolution in India's Northeast," *Faultlines: Writings on Conflict and Resolution*, New Delhi, vol. 12, May 2002; and Sashinungla, "Nagaland: Insurgency and Factional Intransigence," *Faultlines: Writings on Conflict and Resolution*, vol. 16, January 2005.

secessionist forces. Among the more persistent, albeit with sharp fluctuations in the levels of violence, insurrections in the North-East are those spearheaded by the United Liberation Front of Asom and the National Socialist Council of Nāgaland.

At the promulgation of India's constitution in 1950, the 'North-East' consisted of (a) the State of Assam, (b) two territorial entities placed in Part C of the 'First Schedule' of the constitution (Manipur and Tripura), (c) the semi-independent kingdom of Sikkim, placed in Part D of the 'First Schedule', and several 'Tribal Areas' as demarcated in the 'Fifth Schedule'. The devolution *cum* power-sharing measures adopted since that time have involved, *inter alia*, the recognition of various areas within this region as fully-fledged 'States' of the Indian federation. Thus, at present, the region consists of the States of Assam, Meghālayā, Tripura, Mizoram, Manipur, Nāgaland, Arunachal Pradesh and Sikkim.

The valley of Assam and the adjacent mountainous areas, following their conquest by the British, attracted several waves of migrants from bordering parts of the sub-continent from about the closing decades of the 19th Century. This was a result, partly, of the spillover of population from the over-crowded Ganga-Brahmaputra delta and, partly, of the attraction of economic opportunities associated with the emerging tea industry and (to a lesser extent) the petroleum industry of the Digboi area. The expansion of the migrant population in the Northeast accelerated after India's independence. As a result, in parts of the Northeast, the tribal people have either been displaced totally or divested of much of their arable land by the migrants.

Thus, most of the 'autonomy' movements of the Northeast have accorded prominence, both in mobilisation efforts as well as their demands, to the theme of 'alien encroachment' of their homelands. For example, the main demand of the All Assam Students Union (AASU), an important Assamese group since the early 1980s, was the immediate deportation of Bangladeshis residing in Assam whose numbers, according to the AASU, exceeded four million. The fierce attacks on immigrants orchestrated by the AASU in February 1983 were reportedly carried out mainly by those of the *Lalung* tribe, who had lost much of their land to Muslim immigrants from Bangladesh. In

Tripura, where tribals who constituted 50.09 percent of total population in 1941 have now become a minority in the State accounting for 30.95 percent of the total population in 1991,[15] many Bengali migrants are said to have perished in attacks led by the guerrilla group Tripura National Volunteers (TNV). In Manipur, the People's Liberation Army, the group that provides leadership to an insurgency among the *Meitei* population of the Imphal valley, launched a campaign against the *mayang* ('outsiders', mainly Assamese and Bengalis) as a part of their efforts at enhancing popular support. The prolonged and bloody campaign for the creation of a semi-autonomous Bodoland embracing an area that stretches along the northern banks of Brahmaputra river, has drawn strength from two sources – the resentment of the *Bodo/Kachari* tribes against Assamese domination, and their traditional animosity towards the so-called *ādivasi* (The non-Bodo population within the Bodoland Territorial Council created in 2003, outnumber the Bodos) who are believed to have migrated into this area in the 19th century at the behest of Christian missionaries and later became workers in British tea plantations. Likewise, the Assamese residing in the Lushai Hills, which later became the State of Mizoram, engaged in administrative and other tertiary sector services, and forming the upper strata of society, constituted one of the principal targets of attack by the 'Mizo National Army' in its insurrection of 1966. Finally, there are the frequent outbursts of violence between the *Naga* and the *Kuki* tribals in Manipur, each regarding the other as intruder. The *Naga* insurgents, meanwhile, have embarked upon a campaign for the creation of a 'Greater Nagaland' that would extend well beyond the frontiers of the State of Nagaland as demarcated at present.

There is no doubt that India's hold over its North-East is much more secure today than what it was at Independence. Yet it must also be admitted that there is still a great deal of spatial variation in the effectiveness of the institutions of Government in this region. Indeed, over some of its localities, Government

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[15]   J B Ganguly, "Peace and Development in Tripura: Problems and Prospects," http://www.asthabharati.org/Dia_Oct00/peace.htm.

authority is either non-existent or is confined to what could be enforced by the armed forces.

4.1.3 Khālistan Movement in the Punjab

In Punjab, religion furnished the key dimension of a process of estrangement in Centre-State relations, which culminated in a secessionist 'war' that raged throughout the 1980s, and became what was perhaps the most serious challenge ever to India's national integrity.

Secessionism in Punjab, with its goal of creating an independent Sikh nation-state – *Khālistan* – was spearheaded by several militant groups some of which received massive support from the Sikh diaspora and, allegedly, from Pakistan as well. The *Khālistan* ideal found qualified support from certain factions/leaders of the Akāli Dāl, the political party of the Sikhs operating within the democratic mainstream, the declared policy of which up to 1984 was 'maximum autonomy within the federal structure of India.' Sikh militants engaged in many terrorist attacks, including the assassination of Indian Prime Minister Indira Gandhi, within and outside India. Confrontation between the militants and security forces also entailed extensive losses of life and property, with retaliatory atrocities committed by those on both sides of the conflict. Violence in parts of the Punjab reached a peak in the early 1990s. From about late 1992, however, there was a reversal of earlier trends, and a fairly rapid restoration of peace and stability.

The principal causes for the emergence of Sikh separatism, as identified in most writings,[16] were in "failures of governance" –

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[16] For example, Paul Brass, "Punjab Crisis and the Unity of India," in Atul Kohli, ed., *India's Democracy*, Princeton: Princeton University Press, 1988; Michael Lipton, *New Seed and Poor* People, New Delhi: Heritage Publishers, 1989; Hamish Telford, "The Political Economy of Punjab: Creating Space for Sikh Militancy," *Asian Survey*, Berkeley: University of California Press, 1992; Pramit Chaudhuri, "Agricultural Development and Regional Poverty in India since 1960," in D. Rothermund and S. K. Saha, eds., *Regional Disparities in India: Rural and Industrial Dimensions*, New Delhi: Manohar, 1991; K. P. S. Gill, *Punjab: The Knights of Falsehood*, New Delhi: Har-Anand Publications, 1995; Joyce Pettigrew, *The Sikhs of the Punjab*, London: Zed Books, 1995; S. H. Shergill and Gurmail Singh,

mainly, Centre-State relations. In many of these writings, Indira Gandhi has been portrayed (caricatured?) as the arch villain. Certain economic causes such as (a) the widening of income disparities between the land-owning *Jat* Sikhs and other segments of the peasantry in the wake of agricultural advances of the 'green revolution', (b) the non-fulfilment of the rising expectations generated among the youth during the early stages of the 'green revolution', and (c) the spatial diversities within the State of Punjab in the rates of economic development, are also believed to have contributed to the sustained capacity which the militant groups had in mobilising support and, in the later stages of their revolt, commanding obedience from large segments of the Sikh population.

In what could be considered a major contribution to the understanding of the political dimensions of the 'Punjab Crisis', Paul Brass[17] reached the conclusion that "… relentless centralisation and ruthless, unprincipled intervention by the Centre in State politics have been the primary cause of the troubles in the Punjab and elsewhere in India since Mrs. (Indira) Gandhi's rise to power." He noted however, that the "bold and constructive initiatives" adopted by her successors, Rajiv Gandhi and V. P. Singh, also failed to quell the rebellion. From the viewpoint of the present study, what the Punjab crisis illustrates, more than all else, is the inadequacy of facilitating self-government within a federal system as a strategy of diffusing secessionist tendencies, especially where the spatial unit to which statehood was granted (in 1966) was one of mixed ethnicity where the majority group, the Sikhs, constituted only about 62 per cent of the population. What seems clear is that the trail of destruction and anarchy caused by the *Khālistan* Movement ended only when it was crushed through an all out military effort.

"Poverty in Rural Punjab: Trends over Green Revolution Decades," *Economic and Political* Weekly, Mumbai, vol. 30 no. 25, 1995.

[17] Paul Brass, *Ethnicity and Nationalism: Theory and Comparison*, New Delhi: Sage, 1991, p. 210.

4.1.4 Federalism and Inter-State River Water Disputes [18]

Harnessing of river water for agriculture, household consumption and the generation of electricity has remained the single most important sphere of Government-sponsored development in India since independence, as it has been in Sri Lanka. Up to the end of the 8th Plan, an estimated Rupees 800 billion had been spent on large irrigation systems – Prime Minister Jawaharlal Nehru's 'temples of new India'. The spread of 'green revolution' technology, a process that commenced in the mid-1960s, intensified the demand for water in irrigated agriculture, and has made the availability of facilities for irrigation a key determinant of agricultural productivity and rural income. The post-independence era has also witnessed a three-fold increase of India's population. This, alongside progress achieved in the non-agricultural sectors of the economy, has also increased at an exponential rate the human burden on India's rivers, making water a perennially or seasonally scarce resource in most parts of the country. According to recent all-India estimates, the average per capita availability of water has declined from 5,277m³ in 1955 to 2,464m³ in 1990, and will decline to a (projected) 2,025m³ in 2025.

Fourteen 'major' river basins cover about 78 per cent of India's territory. Each of these falls within several States of the Indian federation. Conflicts of interests between States (and, at times, between communities within a given State) have often given rise to Centre-State, inter-State and inter-group disputes over river water. These have invariably taken the form of embitterment of inter-State (and/or inter-group) relations due to:

- the disruption of existing riparian rights
- adverse changes both in the quantity and quality of water as well as in other component of ecosystems (in the form of excessive siltation, salinization, loss of groundwater) available to the lower riparian states

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[18] Among many research writings that deal with aspects of inter-state river water disputes in India, B. G. Verghese, *Waters of Hope*, New Delhi: Centre for Policy Research, 1990; Swain (1998) and Ramasamy R. Iyer, *The Cauvery Dispute*, New Delhi: Centre for Policy Research, 1996, stand out for their analytical depth.

- imposition of restrictions on the utilization of river water for development needs as seen from the perspectives of a given state to the detriment of others
- large-scale involuntary displacement of people from project sites (inter-state population transfers caused by internal displacement)

In the federal structure of the Indian Constitution, 'water' is primarily a State subject, with the Centre assigned certain reserve powers and responsibilities in relation to inter-State rivers. Article 262 of the Constitution and the Inter-State Water Disputes Act of 1956 (IWDA) provide for the adjudication of disputes between States over inter-state river waters. This Act also provided the statutory framework for a National Water Resources Council (NWRC), and for the setting up of tribunals to mediate over such disputes, with further provision for barring Supreme Court intervention once a dispute is referred to such a tribunal. Though the IWDA stipulated that an award by a tribunal is binding on the States concerned, a related implementation mechanism uniformly effective at State-level is yet to be devised.

The Sarkaria Commission, appointed in 1983, undertook what has been described as the "most extensive endeavour by the Indian Government to assess the operation of federalism in the country."[19] Among the detailed investigations undertaken by the Commission was the operation of Articles 248 and 249 of the Constitution that allowed the *Lōk Sabhā* (Lower House of Indian Parliament) to legislate on the functions stipulated in the 'States List' and the 'Concurrent List', despite the fairly clear constitutional separation of functions between the Centre and the States. It reached the conclusion that, where there is conflict between the Centre and the States on legislative matters, it is the Central law that prevails. In addition, the Commission probed the exercise of 'Emergency Regulations' and the powers vested on the President of the Republic under Article 356 of the Constitution to dissolve State Legislative Assemblies. Though there has been intense controversy on many specific aspects of the Commission's findings, there appears to be general agreement

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[19] Lawrence Saez, *Federalism Without a Centre*, New Delhi: Sage Publications, 2002, p. 71.

that the Commission understood and endorsed the necessity for a strong Centre to preserve the unity and integrity of India, and hence made no recommendation that would entail a significant change in Centre-State relations.

4.2. Nigeria: From Federalism towards Anarchy

The parts of West Africa that constitute the present nation-state of Nigeria (357,000 sq. miles) became a single loose-knit political entity in 1914 when the British 'unified' the semi-arid, backward and predominantly Islamic tribal areas of northern Nigeria with those of the relatively more developed south that had, even by that time, received the impact of both economic modernisation (plantation agriculture) and proselytisation. This 'British Nigeria' continued to consist of 'traditional homelands' of over 250 tribes. The large majority of these were regarded as belonging to one or the other of the three main tribal groups (in aggregate, accounting for 71 per cent of the country's population) – Hausa-Fulani of the semi-arid northern region, Yoruba of the west, and Igbo of the east. The 'Y' formed by the Niger river and its main tributary, Benue, forms a rough geographical boundary between these three regions. Among the other larger tribal groups are the Ibibio, Kanuri, Tiv, and the Ijo.

The so-called 'Lyttelton Constitution' of Nigeria, promulgated in 1954 in anticipation of independence from British rule, imposed a federal structure of Government upon the present territory of Nigeria and parts of what is now the Cameroon, within the framework of three regional entities – Western, Eastern and Northern. This was in accordance with the demands of the Nigerian elites of that time. Soon after independence (1960), long-standing regional/tribal pressures and conflicts of interests came to the forefront of political affairs. Attempts to diffuse the resulting tensions failed. In 1966, the elected civilian Government was overthrown, and in January the following year, a 'federal military Government', dividing the 3 'Regions' into 12 States (6 in the Northern Region, 3 in the Eastern Region, and 3 in the Central Region) was established over Nigeria.

In May 1967, the three States of the Eastern Region (an oil-rich area in which the largely Christianised Ibos constituted the

majority) under General Ojukwu declared secession from Nigeria under the name of Republic of Biafra. This 'rebellion' was crushed in a bloody offensive that culminated in early 1970 in the re-establishment of military authority over the entire country.

A transition from military to civilian rule in 1979 marked the inception of the so-called 'Second Republic' of Nigeria, which, however, was demolished by the Army four years later in the face of an economic recession of unprecedented magnitude. This paved the way for a succession of military regimes which finally ended in May 1999, when Abdulsalam Abubakar, the last of the 'Generals', handed over the reins of Government to the elected President, Olusegun Obassanjo.

Nigerian political experience since 1966 has been characterized by long spells of autocratic military rule, several violent overthrows of regimes and, more generally, killing and incarceration of rivals of the regimes at different levels. The number of States in the Nigerian federation has increased from 12 in 1966 to 19 in 1976, 21 in 1987, 30 in 1991, and 36 in 1996, at least partly in response to agitation for autonomy in ethnic homelands. Military regimes, in particular, have responded readily to the demand for creation of new states, evidently because dividing the country into a larger number of States increases the dependence of the States (especially the smaller ones) on the Central Government, weakens the State challenges to central authority, and thus strengthens the grip of the federal Government over the country as a whole.

The proliferation of States, however, does not appear to have had a significant beneficial impact on inter-group tensions and rivalries, except that, as Horowitz has shown,[20] it has had the effect of transferring conflict from the Centre to the level of the States, and in some States of the federation, sub-state levels. For instance, after the restoration of civilian rule in early 1999, there have been several spells of ethnic violence – between Itsekiri, Ijaw and Urhobo in June 1999; between Hausa and Yoruba in July 1999; and the far more widespread clashes in parts of northern and central Nigeria in June 2001.

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[20]   Donald L. Horowitz, *Ethnic Groups in Conflict*, Berkeley: University of California Press, 1985, pp. 602-13.

The prosperity generated by the escalation of petroleum prices in the 1970s cushioned the disruptive impact of the political turbulences, enabling Nigerians in most parts of the country to maintain relatively high levels of consumption. The effects of the petroleum boom, however, were short-lived. Nigeria's GDP which was equivalent to about US$ 81 billion in 1985 had fallen to US$ 33 billion by 1994. The income generated by the petroleum industry (accounting as it does for well over 90 per cent of the country's foreign earnings) had evidently been squandered away, creating massive unemployment, and dire poverty among the large majority of the people. By the turn of the millennium, with its GNP per capita at US$ 260, Nigeria ranked among the poorest 20 national units of sub-Saharan Africa, having 'primitive' rates of life expectancy (56 years), mortality ('under 5' mortality rate of about 200/1000) and morbidity (HIV at 5.8 per cent of the 15-49 age group) rates. More significant from the present perspectives is the fact that by the mid-1990s, Nigeria had degenerated into one of the most criminalised and anarchic countries in the world.

The secessionist uprising in Biafra, it may be recalled, arose in spite of the fact that the Igbos, the dominant ethnic group in eastern Nigeria, did enjoy not only substantial representation in the institutions of the federal Government (armed forces, bureaucracy, and professional and mercantile fields), but also a measure of self-government within the Nigerian federation of that time. It was, indeed, the alleged Igbo domination of Nigerian affairs that triggered off the violence that erupted in 1966, involving (among other things) the massacre of several tens of thousands of Igbos living in other parts of the country, an inflow of an estimated one million Igbo refugees into eastern Nigeria, and the eventual loss of more than a million lives in the military confrontation between the federal Government and Biafran militia. Igbo secessionism ceased to be a factor in Nigerian politics only after it was militarily crushed.

4.3. Canada: Power-Sharing and Continuing Ethnic Conflict

In the 'introduction' of a paper submitted to an academic forum on the international experiences in attempts at resolution of ethnic conflict, Dale C. Thomson stated:

> Canada is different (from Asian and Central European cased of conflict) in that it is a liberal democracy with a record of over two centuries of constitutional government and a federal system designed to accommodate differences between the two groups that are presently in conflict. It is also one of the most highly developed countries in the world in social and economic terms. Nevertheless, in a referendum held in October 1995 in the Province of Quebec, the domicile of over 80 percent of French-speaking Canadians, proposals to separate from the rest of the country were only defeated by a margin of less than one percent.[21]

Canada's population (31.9 million in 2002) consists of two major ethnic groups – 59 per cent English-speaking (Anglophone), and 33 per cent French speaking (Francophone), as categorised on the basis of 'mother tongue' – and many small minorities. From perspectives of ethnic identity, the English-French linguistic difference has tended to be reinforced by a religious difference in that, while Protestant Christians are preponderant in the former group, the latter consists almost entirely of Roman Catholics. A distinct spatial polarisation of the two groups is also seen in the twin phenomena that, while 83 per cent of French-speakers live in the Province of Quebec, French-speakers account for 83 per cent of the total population of that province.

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[21] Dale Thomson, *Ethnic Conflict, Management and Resolution: The Canadian Case*, Kandy: International Centre for Ethnic Studies, 1996, p. 1. Note also that, at a press conference that followed the 3-day meeting between the Sri Lanka Government and LTTE at Oslo in December 2002 (see Section 1, above), Anton Balasingham, the chief spokesman for the LTTE, indicated a "preference" of the LTTE for the "Canadian model" of federalism because (according to him) it provides for both internal as well as external self-determination for Quebec, and accords the province the rights of secession. This enhances the importance of the Canadian case to the present study.

Ethno-nationalist disharmony is deeply rooted in Canada's history, and could be traced back to the inception of European settlements along America's North Atlantic seaboard. At the end of the 'Seven Year (Anglo-French) War' in 1763, the French settlement cluster of 'New France' (spread over an area roughly coterminous with present Quebec and New Brunswick) was ceded to Britain, and became a part of the British colonial possessions north of the Great Lakes and the St Lawrence river. In 1791, this entire area was divided by the British into two 'autonomous' regions – Upper Canada (Ontario) and Lower Canada (Quebec). The formal recognition thus accorded to the ethnic difference between the two regions failed to diffuse their mutual rivalry in the affairs of governance. In 1867, in the context of the ongoing westward extension of (largely English-speaking) settlement frontiers in Canada, continuing friction between the United States and Britain regarding territorial rights over the northern continental interior of North America, persistent French resistance to Anglophone domination of Canada, and a more general desire among all Canadians for greater independence from Britain, the Westminster Parliament passed the British North America Act of 1867 to provide for: (a) the formation of a federation of all British colonies in the northern parts of North America (consisting initially with the provinces of Quebec, Ontario, New Brunswick and Nova Scotia), and (b) the recognition of Canada so formed as a Dominion within the British Empire. This new Constitution of Canada also made provision for bilingualism in the federal Parliament and the courts, and for the protection of certain other minority rights such as those pertaining to education and religion. The formation of the spatial structure of the Canadian federation, however, was a long drawn-out process that ended only in 1949 when Newfoundland and Labrador, following the withdrawal of British rule, became the tenth province of Canada.

The economic and demographic transformations that followed the constitutional reform of 1867 included the accelerating increase of population to which, with the passage of time, immigration became the main contributory cause. Concurrently, there was steady economic progress associated with the opening up of the Canadian interior (facilitated by the St. Lawrence seaway and the transcontinental railway links); an

upsurge of production in agriculture, forestry and fisheries; and the inflow of investment into large-scale industrial enterprises especially in Quebec and Ontario. Thus, by the turn of the century, a cohesive Canadian macro-economy, dominated by the English-speaking segment of the population, was taking shape.

In terms of overall development, the Province of Quebec did share in the Canadian economic advances of that time. However, by the early decades of the 20th century, there were related trends that had long-term repercussions on ethnic relations. There was, on the one hand, the relative stagnation of rural Quebec. This was causing a substantial rural-to-urban migration and, as perceived by Francophone intellectuals of the province, a degeneration of their traditional culture. On the other, the economic growth being experienced in Montreal and elsewhere in urban Quebec (largely an outcome of industrial and commercial investment by English-speaking Canadians and by entrepreneurs from the United States) was creating an urban class structure in which the 'native' French-speakers constituted the bulk of the lower strata. The nature of Canada's foreign relations during this period gave further cause for resentment among this latter segment of the population. Throughout this period, Canada maintained close links with Great Britain displaying both anglophile cultural inclinations as well as overt associations with imperial interests. The contrasting attitudes between the two main segments of the Canadian population towards Britain were particularly evident in their responses to conscription during the two world wars.

Political changes in Quebec during the 1960s have often been regarded as representing the beginnings of a revolution – a 'quiet' one in its initial stages - in Franco-Quebecer relations with the Central Government and the other components of the Canadian federation. Early in the decade, slogans such as 'Masters in our own Home' and 'Equality or Independence' gained currency in Quebec's electoral politics. In 1968, the *Parti Québécois*, with a policy commitment to independence/sovereignty of Quebec, was inaugurated. Rationalising the secessionist stance adopted by this party, its leader, Rene Lavesque, highlighted the economic grievances of the Franco-Quebecers, emphasising in particular the claim that "Quebec accounts for 40 per cent of all the unemployed in Canada, and most of Quebec's unemployed are

French-speakers."[22] At about the same time, a militant organisation called the *Front de Liberation du Quebec* was formed. During the 1970s, it engaged in sporadic acts of terrorism. In 1976, the *Parti Quebecois* gained control of the provincial Government of Quebec, and continued to espouse the cause of Quebecer sovereignty while implementing a series of reforms intended to favour the French-speakers of the province and ostensibly to diffuse the militant secessionist forces in the province. The reforms included the 'Charter of the French Language', which, according to one of its principle architects, would ensure that Quebec would be "hereafter and forever French."[23] Their discriminatory impact on the Anglophone segment of Quebec's population caused a fairly large exodus of English-speakers from the province. From 1980, several referendums were conducted in Quebec with the *Parti Quebecois* campaigning vigorously for a popular mandate to declare sovereignty for the province. The results of these polls – the pro-sovereignty vote increased from 40 per cent of the total poll in 1980 to 49.4 per cent in 1994 – confirmed that secessionist cause was, indeed, making headway. Even by the early 1990s, with the rejection of the Meech Lake Accord of 1987 and the Charlottetown Accord of 1992 by the majority of people on both sides of the ethnic divide, the prospects of ethnic reconciliation seemed remote.[24] In the context of this record, what is of special interest in Quebec's 'revolution' begun in the early 1960s is that, neither the increasingly liberal and frictionless system of power-sharing between the Centre and the provinces, nor the substantial proportion of power at the Centre held throughout this period by political stalwarts from Quebec, nor the various measures that were adopted to redress the Francophone grievances and elevate their status in the Canadian union,[25] appear to have had any

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[22] Rene Levesque, "Answers to Questions about Quebec as a Separate State," in Paul Fox, ed., *Politics: Canada*, Toronto: McGraw-Hill, 1970, p. 51.

[23] Thomson, *Ethnic Conflict*, p. 11.

[24] S. J. R. Noel, "Canadian Response to Ethnic Conflict: Consociationalism, Federalism and Control," in John McGarry and Brendon O'Leary, eds., *The Politics of Ethnic Conflict Regulation*, 1993, pp. 41-61.

[25] The concessions included the passing of the 'Official Language Act of 1969' under which there was an equalisation of employment opportunities for the two linguistic groups in the Federal Public Service, increasing the rate of

impact on the momentum of secessionism until about the end of the 20th century.

Constitutional specifications relating to the allocation of powers between the federal Government and the provincial governments have not generated frequent dispute. According to several authoritative sources,[26] the Canadian Centre is vested with a wide range of powers, including exclusive authority over national security and defence, basic fiscal functions (such as banking, currency, public debt, taxation for general purposes), immigration, external relations, maritime activities, energy policy, postal services and national census and statistics. Further, all powers not specifically assigned to the provinces are deemed to be held by the federal Government. The 'concurrent powers' as specified by the Constitution include those relating to agriculture, natural resources and education. In these, the paramountcy of federal legislation in the event of dispute is also ensured by the Constitution. Yet, in actual practice, there has been an increasing tendency on the part of the Centre to accommodate regional pressures and to pass on powers and responsibilities to the provincial Governments. Hence, in the recent past, politically significant legal disputes have arisen only on two occasions. The first of these occurred in 1976 when the Quebec Government headed by René Levesque enacted the 'Charter of the French Language', which had the effect of curtailing the rights to communicate in English in public sector institutions, and privately owned enterprises of Quebec. The Supreme Court declared the enactment unconstitutional.

The constitutional dispute that followed the Quebec referendum of 1994 relates to the far more significant issue of unilateral secession. The wafer thin majority (50.6 per cent of the poll) in the Quebec electorate that said 'No' to the referendum question, "Are you in favour of the Act passed by the Legislative Assembly declaring the sovereignty of Quebec?", prompted the

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recruitment of French-speakers in the public sector, and Government support for the establishment of schools to cater to demands for education in the medium of French, and Government subsidies for small-scale enterprises.

[26] Peter Hogg, *Constitutional Law of Canada*, Toronto: Carswell & Co., 1985; B. Funston and E. Meehan, *Canada's Constitutional Law in a Nutshell*, Toronto: Carswell & Co., 1994.

Liberal Party holding the reins of office at the Centre to refer to the Supreme Court for adjudication of the issue of whether the attempt by Quebec to secede was constitutionally valid. The Court, while ruling that a referendum of the type conducted cannot provide the basis for unilateral secession, added however, that if at a similar referendum in the future, there is a "strong positive vote" on a "clear question" of whether the voter opts for secession, the federal Government and the other provincial Governments of the Canadian Union would be obliged to enter into negotiations with Quebec on the matter of secession. This was followed by a prolonged dispute between the Federal Parliament and the Legislature of Quebec concerning the appropriate statutory definitions for the two conditionalities attached to the Supreme Court ruling.

The Canadian federal experiences furnish several other insights that are salient to the present lines of inquiry. One of these is that some of the measures adopted by the Quebec Government under the premierships of Jean Lesage (1960-66) and René Levesque (1976-85) could be construed as 'reverse discrimination', if such an epithet is applicable to any restriction imposed upon the Anglophones of the province that exceeds comparable restriction which French-speakers face elsewhere in Canada. The number of Anglo-Quebecers who emigrated from the province during Lesage's tenure, impelled largely by this discrimination, was equivalent to almost a quarter of their total population at that time. These events seem to demonstrate that, in a multi-ethnic society, quite often there is only a hazy distinction between affirmative action in favour of a minority community and discrimination against the majority community. More significantly, they illustrate that, even in a liberal democracy such as that of Canada, in a context of ethnic disharmony, federalism does not offer adequate safeguards against minority discrimination especially at the level of provinces.

Yet another point of interest in the Canadian experiences arises from the ethnic plurality of the population of Quebec where, in addition to the concentration of the English-speaking minority in parts of the province that border Ontario, there are several numerically small but ethnically distinctive indigenous communities in the more remote areas of Quebec. It is well

known that these segments of the Quebec population are almost totally opposed to separation from the Canadian union. The Franco-Quebecers' case for secession from Canada, it must also be noted, could hardly be regarded more persuasive than that of the Anglo-Quebecers and the other minorities for secession from Quebec. The crux of the argument here, as Dale Thomson has noted,[27] is that if Canada is divisible, so is Quebec.

Over the past few years, Franco-Quebecer secessionism appears to have receded to the background of Canadian politics. This has tended to be explained with reference to the increasing prosperity of the country and the more intense exposure to cross-cultural influences, which is part and parcel of the on-going process of globalisation.

4.4. Switzerland: A Stable Federation

The inclusion of Switzerland among the present selection of 'case studies' has been prompted by the fact that its Constitution is regarded as one that provides for a greater degree of regional self-government than most other federal constitutions.

The origin of the 'Swiss Confederation' could be traced back to the formation of an association of settlements in three Alpine localities referred to as *waldstatte* ("forest states") in the 13th century. Its survival and growth in the centuries that followed could be explained mainly with reference to the desire on the part of the people inhabiting this rugged mountainous area, in settlements physically isolated from one another, to collectively safeguard their independence from the powerful kingdoms and empires that rose and fell in the adjacent parts of Europe (Austria, Italy and France) periodically extending their control over parts of the Swiss Alps. By the time the Swiss Confederacy assumed its present geographical configurations in the mid-19th century, it covered about 16,000 sq. miles of territory.

While the persistent desire for independence and, in the 20th century, neutrality in the context of the world at war, provided the main impulses for integrity and cohesion of the Swiss federation, its locational centrality in Europe, periodic invasions

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[27]   Thomson, *Ethnic Conflict*, p. 18.

(accompanied by migration) from adjacent areas, and the physically disparate nature of its settlements, contributed to the persistence of sharp cultural (ethnic) diversities within its territory. A major ingredient of this diversity is language. About two-thirds of the Swiss population speak German; one-fifth, French; one-tenth, Italian; and one-hundredth, Rhaeto-Romanic. The Swiss population is also divided in roughly equal proportions on the basis of religion – Protestant and Catholic.

The only serious threat to the integrity of the Swiss confederacy occurred as far back as 1847 with the formation of a league referred to as 'Sonderbund' consisting of the Roman Catholic cantons, evidently in violation of the Swiss Constitution of that time. The ensuing conflict was suppressed by the federal troops the following year, paving the way for the emergence of a stronger central Government. This transformation acquired formal expression with the promulgation of a new Constitution in 1874, which converted the existing association of cantons into a unified federal state.

The basic territorial unit of the Swiss Confederacy is the 'Commune' of which there are about 3,000. Communes range in size from less than a tenth of a square mile to about 100 square miles, and are vested with considerable autonomy in many matters that directly concern daily life. For instance, the larger communes have their independent law enforcement institutions. The communes fall within one or another of the 26 'Cantons' or 'Demicantons' into which the confederacy is divided. Each canton has almost the entire gamut of institutions of Government. There is a close spatial correspondence between clusters of cantons and the distribution of the linguistic groups. This, according to certain analysts,[28] has been as one of the key ingredients of success of the Swiss federation.

The supervisory and coordinating powers exercised by the 'Federal Government' of Switzerland include external and internal security, the military, transport and communication, environmental affairs, the monetary system, and aspects of social

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[28] Hans Daalder, "On Building Consociational Nations: The Case of the Netherlands and Switzerland," in Kenneth D McRae, ed., *Consociational Democracy: Political Accommodation in Segmented Societies*, Toronto: McClelland & Stewart, 1974.

welfare. The Centre also ensures uniformity in the administration of justice in areas of civil and criminal law.

Switzerland has for long enjoyed a high level of political stability, remaining free of violent inter-group conflict. It is regarded as an example of extraordinarily successful federalism in the sense that, while Switzerland has preserved its sovereignty, territorial integrity, and neutrality in external relations, over several centuries of periodic political upheavals in Europe, since about the mid-19th century, it has also averted internal conflict and accommodated popular participation of all its ethnic groups in the affairs of Government. In the modern history of Switzerland, it is possible to discern a persistent strand of nationalism shared with almost equal vehemence by its different ethnic groups. Speculatively, one could suggest that this is based on an ardent commitment to a barely definable but nonetheless real tradition of national 'uniqueness'. Switzerland's success in safeguarding its neutrality during the World Wars (a concept recognized by the European powers since the end of the Napoleonic Wars) strengthened this perception. After the Second World War, it found expression in Switzerland's refusal to join the United Nations (UN) while hosting several UN and other international agencies. The country's special laws ensuring banking secrecy remained unchanged until the mid-1990s. These exceptional features apart, there is no doubt that Swiss national pride has been constantly nurtured by the country's economic prosperity and the high physical quality of life. With a 'Human Development Index' of 0.915, it stands at 14th position in the list of 174 nation-states.

4.5. Spain: A Federal Response to Secessionist Terrorism

Spain has a multi-ethnic population, which in 2001 aggregated to about 41 million. Its main ethnic groups are the Castilian Spanish (74 per cent), Catalans (16 per cent), Galicians (8 per cent) and Basques (2 per cent). About 97 per cent of the Spanish people are Roman Catholics. The 'church', despite its conservative leanings especially during major turbulences of the

past, has probably been the most powerful unifying force of the Spanish nation-state.

In the course of Spain's political modernisation, the minority ethnic groups referred to above have figured as centrifugal forces, potentially disintegrative in impact. For instance, Catalan nationalism, tracing its roots to early medieval times, was a live separatist force in Spain from about the mid-19th century. The Basques, representing one of the oldest distinctive cultures of Europe, have always claimed exclusive rights to an area of about 3,000 square miles in the mountainous north-eastern periphery of Spain bordering the Bay of Biscay, which they consider as their traditional homeland. Thus, as far back as 1931, the Constitution of the 'Second Republic' promulgated in December that year had granted autonomy to the Catalan and Basque areas. However, following the outbreak of the 'Civil War' in 1936, the Constitution ceased to function, and, with the gradual ascendancy of the rebel forces led by Generalissimo Franco, these two areas became anti-rebel strongholds.[29] Hence, after Franco's victory and the establishment of his fiat over the entire country in 1939, the Basque province (and, to a somewhat lesser extent, Catalonia) experienced some of the harshest repressive measures of the new regime. It was against the backdrop of the civil war and the subsequent fascist regime that several clandestine secessionist groups emerged in the Basque 'homeland'. The militant response to autocratic rule gradually intensified and in the late 1950s, came to be coordinated under the umbrella of the ETA (*Euzkadi Ta Azkatasuna*, or the 'Basque Homeland and Liberty').

Throughout the 36-year Franco regime, and over almost two decades thereafter, the Basque insurrection continued to remain a major destabilising factor of the Spanish polity. In the stagnant economic milieu that lasted up to about the end of the 1950s, effective Government control over the 'Basque Country' was largely confined to the industrial city of Bilbao (the foremost centre of heavy industry in Spain) and some of its larger urban centres. Since the so-called 'economic miracle' in Spain that

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[29]   Indeed, the bombing of the township of Guernica with the assistance of Hitler's Luftwaffe (immortalised in Pablo Picasso's famous painting) during Franco's conquest of the 'Basque Country' was perhaps the fiercest offensive undertaken by him during the entire civil war.

occurred in the 1960s had but little impact on the Basque homeland, the ETA insurrection gathered further momentum at that time and reached unprecedented ferocity during Spain's economic recession of the mid-1970s. This trend, it is vital to note, did not change direction when, after the death of General Franco and the shift towards political liberalisation initiated by Prime Minister Arias, autonomy was granted to the Basque Provinces (and to Catalonia and Galicia) under the provisions of the Constitution promulgated in 1978.

The new Constitution provided for a province or a cluster of provinces having common historic, economic and cultural characteristics to form "autonomous communities" with the consent of the central Government. Thus, by 1984, Spain's 50 Provinces had been clustered together to form a network of 17 such "communities", vested with varying levels of self-government rights. Typically, the devolution of power from the Centre to a community was a gradual process entailing several years of negotiation between the Centre and the community-in-making. There were, of course, very definite limits to the autonomy granted to any community – even those of the Basques, Catalans and Galicians that had the designation of "Historic Nationalities", and were hence accorded a greater measure of self-government than the others. As for the overarching central control of the nation, there is, for instance, the all-embracing constitutional stipulation that powers exercised by a community cannot violate the interests of Spain as a whole. Again, the military remains under the strict control of the central Ministry of Defence, as does the 'Guardia Civil', with authority over the entire country, under the Ministry of the Interior. The jurisdiction of the Supreme Court extends over the whole of Spain as the nation's highest appellate court, and the Constitutional Court adjudicates over inter-regional and Centre-region disputes.

The concomitant processes of rapid economic progress, political liberalisation, and the constitutionally facilitated decentralisation of powers of Government, have undoubtedly had the effect of reducing the importance of Basque secessionism in the politics of Spain since the late 1980s. The principal exemplification of this change is found, however, not in a significant reduction in the levels of secessionism-impelled

terrorist violence, but in both a perceptible erosion of popular support for the campaign of terrorism conducted by the ETA in the name of liberation of the Basque people, as well as more effective law enforcement against the terrorists. On the one hand, the ETA has persisted with its campaign of political murder (711 between 1978 and 1992, according to official sources); sporadic bomb attacks in the cities of Madrid, Barcelona, Valencia, Seville, Zeragoza, Malaga and Bilbao, on military installations and civilian infrastructure; abductions and extortion; and various other forms of disruption. One of the most vicious terrorist attacks ever occurred, in fact, in mid-2004 in the form of the bombing of a Madrid-bound passenger train. Its death toll was almost 200. In response, there have been severe crackdowns by the Government, which, in the recent years, has been receiving considerable cooperation from other European countries. In fact, the EU Parliament's permanent arrest warrant on ETA suspects issued in January 2002 resulted in the incarceration of several hundreds of persons. On the other, there is evidence of growing disenchantment with terrorism even among the Basque people. For instance, the 'Ajuria Enea Pact' of 1988, to which several Basque parties were signatories, rejected terrorism as a means of securing Basque rights. In 1994, Julen Madariaga (one of the founders of the ETA) called for an end to secessionist terrorism in Spain and in 1999, several Basque parties joined in an appeal for ending political violence.

4.6. Yugoslavia: Dismemberment of a Nation State[30]

The 'Kingdom of Yugoslavia' in its modern geographical configurations came into being at the conclusion of the First World War in 1918. Carved out as it was from the former Ottoman and Austro-Hungarian empires, it brought together within a sovereign nation-state, several disparate nationalities inhabiting parts of the Balkan Peninsula and the Danube basin. Thus, its multi-ethnic population came to comprise Serbs (approximately 37 per cent), Croats (21 per cent), Bosnian Muslims (12 per cent), Albanians (9 per cent), Slovenes (8 per cent), Macedonian Slavs (6 per cent), Montenegrins (2 per cent), Hungarians (2 per cent) and several smaller groups. Having been subjugated by the Axis powers in 1941, Yugoslavia regained its sovereignty in 1945 as a 'socialist republic' under the control of Marshall Tito, the chief of the country's Communist Party, who had led the Yugoslav resistance against the occupying forces during the Second World War. After consolidating his hold over Yugoslavia, Tito soon severed his links with the Russian Communist Party and remained the leader of his country until his death in 1980, establishing what has often been described as the most benevolent among the regimes of contemporary Eastern Europe.

Yugoslavia's political advances under Tito included the adoption of a federal Constitution which was intended to accommodate the different ethnic groups of the country in its affairs of Government and to diffuse ethno-nationalist rivalry. The federation was designed to consist of six 'Republics' of unequal size – Serbia (approximately 42 per cent of the country's population), Croatia (21 per cent), Bosnia-Herzegovina (19 per

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30   Leonard Cohen, *Broken Bonds: The Disintegration of Yugoslavia*, Boulder Colorado: Westview Press, 1993; Ivo H. Daalder, "Fear and Loathing in the former Yugoslavia," in Michael E Brown, ed., *The International Dimensions of Internal Conflict*, Massachusetts: MIT Press, 1996; V. P. Gagnon, "Ethnic Nationalism and Internal Conflict: The Case of Serbia," in Michael E Brown, 1997; George Schopflin, "The Rise and Fall of Yugoslavia," in McGarry and O'Leary, *Politics of Ethnic Conflict Regulation*, 1993; Susan Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War,* Washington DC: Brookings Institution, 1995; have served as the principle sources for this section of the essay.

cent), Macedonia (8.4 per cent), Slovenia (7.2 per cent) and Montenegro (2.5 per cent). Within Serbia, the provinces of Vojvodina (with sizeable Hungarians, Czech and Slovac ethnic minorities) and Kosovo (where Albanians accounted for over 80 per cent of the population) were granted certain special rights of self-government. This federalisation, though conforming in general to the geography of ethnicity in Yugoslavia, did not mean the spatial segregation of the main ethnic groups, since the ethno-nationalist plurality of Yugoslavia at the national-level was replicated at the level of some of its constituent 'republics'. For instance, as recently as 1991, while about 25 per cent of the Serbs lived outside Serbia, (mostly in Bosnia-Herzegovina and Croatia) there were numerically significant Albanian, Hungarian and Muslim minorities within the 'republic' of Serbia. The 'Greater Serbia' sentiments prevalent among the Serbs, moreover, involved a 'traditional homeland' claim by them to the territories of Macedonia and Montenegro. In the population of the 'republic' of Bosnia-Herzegovina, Muslim Slavs accounted for 44 per cent, Serbs for 31 per cent, Croats for 17 per cent, and Yugoslav Bosnians for 5 per cent. Likewise, in Macedonia, almost two-thirds of the population was Macedonian and Albanians largely accounted for the remainder.

Until about the early 1970s, with sound economic management, commercial contact with the West, and a relatively steady flow of foreign investment, the Yugoslav economy made impressive progress. This was both cause as well as consequence of political stability. In the final phase of the Tito regime, however, two destabilising processes began to operate against the earlier tide – one, the deceleration of economic growth in the context of a global recession resonating in soaring inflation and unemployment in the economy as a whole; and the other, a widening of economic disparities between the different republics. Illustrative of the latter is a set of estimates according to which, by the early 1980s, while unemployment was as high as 50 per cent in Kosovo, 27 per cent in Macedonia, 23 per cent in Bosnia, and 20 per cent in Serbia, it was negligibly low in the wealthier 'republics' of Croatia and Slovenia. The economic recession alongside increasing inequalities generated ethnic rivalries, which, though they remained subdued under the unifying impact

of the charismatic President Tito, emerged at the forefront of Yugoslav politics soon after his demise in 1980.

To trace the principal strands of the deepening crisis that culminated in the dismemberment of Yugoslavia and the brutal civil war that occurred in its wake – it began with the failure of the experiment with 'collective leadership' (rotational presidency among the 'republics') at the Centre in the aftermath of Tito's death. This coincided with the development of splits within the communist party on ethnic lines. More or less simultaneously, the Serb leadership attempted to gain control of the central Government in Belgrade. This achieved only partial success in the sense that the Serb-controlled Centre then began to lose grip over the other member 'republics' of the federation. There was a further escalation of ethnic rivalry when, in 1987, Slobodan Milõsevic, the leader of the Serbian communist party, wrested control over the central Government. He embarked upon a strategy that involved, *inter alia,* the establishment of exclusive Serb hegemony over not only over Serbia through various forms of 'ethnic cleansing', but also over other parts of Yugoslavia in which there were Serbian communities. The initiation of this strategy entailed the brutal oppression of minority groups (Muslims, Albanians and Hungarians) living in Serbia. This, in turn, had the effect of inducing the other member 'republics' of the Yugoslav federation to adopt pre-emptive measures to escape Serb domination.

The earliest among such retaliatory measure was the declaration of independence by Slovenia in 1991, against which the central Government offered no more than token resistance because of the fact that Serbians were not present in that part of the country in significant numbers. A few months later, Croatia seceded from the Yugoslav federation. This was associated with violent confrontation between the Croatians and Serbs living in Croatia and the capture of a part of Croatian territory by the Serbs with the assistance of the Yugoslav Army, which was under their command by virtue of their control over the central Government. Following a European Community-brokered ceasefire at the end of that year, Croatia gained formal independence. The declaration of independence by Bosnia-Herzegovina in 1992 paved the way for a three-year civil war in the course of which the Serbs, once

again with military assistance from the Centre, extended their control over almost two-thirds of Bosnian territory.

In 1991, a few months prior to the birth of the Republic of Bosnia-Herzegovina, the ethnic composition of its population was: Muslims (or 'Bosniaks', their preferred designation of identity) 44 per cent, Serbs 31 per cent, Croats 17 per cent and 'Others' 8 per cent. Even by the time of the census that generated these estimates, Serbia (lying to the east of Bosnia) had initiated armed encroachment of Bosnian territory in pursuance of its claims over the Serb-majority areas of Bosnia. In 1992, when Bosnia-Herzegovina asserted independent nationhood, this process escalated into an open civil war involving, among other things, some of the most brutal forms of 'ethnic cleansing' – annihilation of tens of thousands of Bosniaks (reminiscent of the Nazi genocide half a century earlier) as well as their mass eviction from the Serb-majority areas. In the period that followed, while Serb aggression made steady advances in eastern Bosnia, Croatia engaged in a campaign of evicting both Bosniaks as well as Serbs from the Croat-majority areas of Bosnia in the western and northern parts of the new republic, thus confining the living space available to the Bosniaks (whose capacity for resistance remained curbed by a continuing arms embargo imposed by the NATO) largely to central Bosnia. According to UN estimates, over the three-year period of the civil war, these mass murders and evictions had reduced the population of Bosnia by about 1 million, and created a refugee population of 2.3 million – i.e. 52 per cent of the population of Bosnia as enumerated in 1991.[31]

The Serb-Bosnia civil war was brought to an end through the 'Daytona Accord' of 1995 brokered by the NATO powers. Though the accord was successful in reducing the intensity of (but

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[31]   It is generally accepted that the main victims of the atrocities committed during the civil war in Bosnia-Herzegovina were its Muslims (Bosniaks). According to one authoritative account, "… (t)he unique ideological aspects of the anti-Muslim campaign, the sheer numbers of the Muslims affected, and the extent of their suffering warrant a specific examination of the community's victimisation. .. The assault on the Muslim community has happened essentially at the hands of the Serbian neighbours whose intent was clearly to find a total solution, that is, to remove the Muslims from the land". See, Norman Cigar, *Genocide in Bosnia: The Policy of Ethnic Cleansing*, Texas: A & M University Press, 1995.

not eliminating) violence in Bosnia, it achieved little by way of restoring political stability and, according to certain critics, the legitimate rights of the Bosniaks. In the first place, the accord partitioned Bosnia to create two independent republics – one, named 'Republika Srpska', consisting of the Serb-majority areas, including those of mixed ethnicity which the Serbs had brought under their exclusive control through armed aggression and ethnic cleansing, and the other named the 'Bosnia-Croat Federation', consisting of the remaining areas of Serbia. In the decision to create a Serb-dominated Republika Srpska (ostensibly for achieving "peace at any price"[32]) there was clearly a moral dilemma concerning its implicit legitimization of demographic consequences of the atrocities perpetrated by the Serbs in Bosnian territory during the civil war. Indeed, the impartiality of this NATO intervention has been placed in doubt, especially in the context of the fact that it was the Muslims (Bosniaks) who were victimised through this double jeopardy. Secondly, the Constitution imposed by the accord on the Bosnia-Croat Federation did not empower the central Government to wield effective power over its entire territory. In any event, a 'High Representative' appointed under the terms of the accord ruled the Federation for several years. In consequence, from the very inception of the Federation, its Croat-dominated areas (from which the Bosniaks had been evicted during the civil war) functioned free of any control by a central federal authority, and had virtually become a part of Croatia in almost all aspects of Government.[33]

Meanwhile, in 1992, Serbia and Montenegro were proclaimed the (new) Federal Republic of Yugoslavia (FRY). Milosevic's rule over the FRY (albeit with eroding popular

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[32]   The perception that guided the partitioning of Bosnia appears to be that physically separating the two main groups at conflict – Serbs and Bosniaks is an essential precondition for the resolution of the conflict. For an exposition of this view, see Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," in Brown, ed., *The International Dimensions of Internal Conflict*, 1997, pp. 284-5.

[33]   Klaus Dodds, "Enframing Bosnia: the geopolitical iconography of Steve Ball," in Gearoid O'Tuathail and Simon Dalby, eds., *Rethinking Geopolitics*, London: Routledge, 1998; Marie-Joelle Zahar, "Bosnia and Herzegovina," in Ann L Griffiths, *Handbook of Federal Countries*, 2002, pp. 75-89.

support) continued to be featured not only by continuing economic recession, but also by secessionist movements gathering momentum in the province of Kosovo (south-western Serbia) and the 'republic' of Montenegro. Kosovo, where about 80 per cent of the population is accounted for by 'Kosovo Albanians', had for long been the venue of a separatist movement with the proclaimed goal of either independent nationhood or union with Albania. In response to continuing Serb oppression, there developed in this part of the FRY in the mid-1990s a 'Kosovo Liberation Army' (KLA) that began to launch guerrilla attacks against the security forces of the Government. The FRY counter-attacks were brutal and devastating. At the height of the FRY-KLA confrontation, almost a million inhabitants of Kosovo had been displaced and tens of thousands had been killed. Finally, it was a sustained air offensive undertaken by the NATO and US forces, and the introduction of a UN peacekeeping force that brought the situation under a measure of control. Apart from the Kosovo conflict, the new Yugoslav Federation also faces the threat of further dismemberment in the form of a secessionist movement developing in Montenegro. Though the eventual outcome of this phenomenon remains uncertain, several observers have found cause for guarded optimism in the overthrow of Milosevic in June 2001, and a barely perceptible trend towards liberal politics in Belgrade.

4.7. Other European Federations

If Switzerland is placed at the upper end in a comparative assessment of the success of federalism in ethnically polarised nation-states of post-war Europe, and former Yugoslavia is placed at the bottom, as it must surely be, there are the federations of Belgium, Czechoslovakia and Spain that could be placed between the two extremes.

In Belgium (as in Switzerland) there have, for long, been sharply differentiated ethnic identities, and (as in Spain) a history of periodic inter-ethnic rivalry, which could be traced back over several centuries. Though Belgium's geographical delineations have changed from time to time, its present 30,500 square miles of territory has throughout been the traditional homeland of both

the Dutch-speaking Flemings (60 per cent of the population) concentrated in the low-lying northern half of the country (Flanders), and the French-speaking Walloons (38 per cent of the population) of the hilly southern half (Wallonia). Brussels, the capital city, with a population of mixed ethnicity is located in the Flanders.

The post-war patterns of change in Belgium had the effect of intensifying Flemish-Walloon rivalries. The Walloons, though constituting the smaller segment of the country's population, had a dominant position in the economic and political life of Belgium until about the early 1950s. This was due mainly to their strong cultural affinities with France, and to the economic advantages secured through the early development of one of Europe's largest conurbations of heavy industry in their part of the country. In the more recent decades, with the decline in the importance of Wallonia's industrial base, and the concurrent acceleration of economic progress in the Flanders region (attributed mainly to rapid inflows of capital from the US and other European countries, and even Japan, into manufacturing and services sectors), the ethnic power balance began to change.[34] In the 1960s, economic stagnation of the former area caused several waves of industrial unrest that had ethnic undertones. Meanwhile, there was also a realignment of Belgium's party politics on ethnic lines, a heightened awareness of ethno-nationalism in both segments of its population, and the emergence of incipient separatist tendencies evident more among the Walloons than amongst the Flemish. Two qualifying observations, however, need to be added here – inter-group violence has, in general, been far less intense in Belgium than in most other multi-ethnic

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[34] The principal sources of the observations presented in summary form here are: Andre Alen, *Belgium: Bipolar and Centrifugal Federalism*, Brussels: Ministry of Foreign Affairs, 1990; Kas Deprez and Louis Vos, *Nationalism in Belgium: Shifting Identities, 1780-1995*, New York: St Martin's Press, 1998; L. Hooghe, *A Leap in the Dark: The Belgian Federal Reform*, Western Societies Program Occasional Paper No. 27, 1991, New York: Cornell University; Andre Lecours, "Belgium", in Ann L Griffiths, *Handbook of Federal Countries, 2002*; and Marco Martiniello, "The National Question and the Political Construction of Immigrant Ethnic Communities in Belgium," in Alec G Hargreaves & V Leaman, eds., *Racism, Ethnicity and Politics in Contemporary Europe*, Aldershot: Elgar Publishing, 1995, pp. 131-60.

countries of Europe; and, in the cosmopolitan city of Brussels, there has always been a marked absence of correspondence between socio-economic stratifications and the main ethnic divide, which meant that both Walloons as well as Flemish have been well represented in the country's political and economic elite.

It was mainly with the objective of diffusing this growing rivalry that a constitutional transformation on federal lines was formally initiated in the early 1970s within a spatial framework of three regions – Flanders, Wallonia, and the federal capital of Brussels. Confined initially to the 'cultural' affairs of government', the scope of autonomy granted to these regions was widened in stages until 1993 when a fully fledged federal Constitution was approved by the Belgian Parliament which, a few months earlier, had also ratified the Maastricht Treaty for European union.[35] Thus, with the benefits of increasing supra-national economic links, accelerated all-round development and internal self-government enjoyed by the constituent units of the federation, Belgium has achieved a high level of political stability and, as recent experiences seem to demonstrate, an equilibrium in the configurations of political power acceptable to both the major ethnic groups.

The Republic of Czechoslovakia[36] was a central European national entity that came into being from fragments of the former Austro-Hungarian Empire in the aftermath of the First World War. Created as it was through the amalgamation of the former Austrian provinces of Bohemia and Moravia (Sudetenland), a small part of German-Polish Silesia and the former Hungarian provinces of Slovakia and Sub-Carpathian Russia, it brought under a single regime a population of mixed ethnicity of which about 54 per cent was accounted for by Czechs, 24 per cent by ethnic Germans (in Bohemia and Moravia), 17 per cent by Slovaks, 5 per cent by ethnic Hungarians (Magyars), and 0.5 per cent by Ruthenes.

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[35] Alen, *Belgium: Bipolar and Centrifugal Federalism*.
[36] Main sources for this sub-section are: Janusz Bugajski, *Ethnic Politics in Eastern Europe*, New York: M E Sharp, 1994; Milada Anna Vachudova, "Peaceful Transformations in East-Central Europe," in Brown, ed., *The International Dimensions of Internal Conflict*, 1996.

Though Czechoslovakian territory included resource-rich areas that could sustain relatively high living standards for its inhabitants, over the first two decades of its existence, it remained inherently unstable due mainly to disputes with more powerful neighbours (especially Germany and Hungary) and ethnic rivalry within the country. Widening economic disparities between the poorer Slovakian parts of the country and the more industrialised Czech-German areas generated among the Slovaks intensifying grievance against the numerically dominant Czechs. In the 1930s, with the rise of the Nazis, and Hitler claiming German rights over Bohemia and Moravia (which resonated favourably with the ethnic Germans living in these provinces), political conditions in Czechoslovakia became chaotic. Its disintegration occurred in 1939 with Hitler's invasion of Sudetenland, and the Slovak part of the country, under Nazi pressure, declaring itself an autonomous entity.

Following the collapse of Nazi Germany in 1945, Czechoslovakia (like several other nations in this part of Europe) was restored to its 1920 configurations, but with a substantially reduced German population within its borders. By 1948, it had a communist party Government and had also been engulfed by the Soviet hegemony over Eastern Europe. Subsequently, for almost four decades, Czechoslovakia remained under a regime in which all democratic rights, including the special rights endowed by the Constitution on Slovakia, remained harshly curtailed. Repressive measures against all opposition set in motion during the Stalinist era persisted well into the late 1960s, particularly when Antonin Novotney controlled the affairs of Czechoslovakia as both Secretary of the Communist Party as well as the President of the country. A reform movement towards democratisation initiated at this time by Alexander Dubček (a Slovak leader of the Communist Party) was seen as a challenge to the Russian hegemony over Eastern Europe and was thwarted by the Soviet-led invasion of Czechoslovakia in 1968.

Ironically, it was in the context of widespread resentment towards the suppression of Dubček's reform movement and Russia's military presence in Czechoslovakia that a new Constitution came to be promulgated in 1969. Intended as it was to diffuse the growing opposition to the regime, especially from

the Slovak segment of the country, it created a 'Federation' consisting of two 'socialist republics', Czech and Slovak, the former consisting of Bohemia and Moravia, and the latter of Slovakia. This arrangement lasted until the final collapse of autocratic communist rule over country in 1989. The records of this Federation indicate a widening gulf between the two republics and a persistent failure of their leaders to act in concord over any aspect of Government. The Federation lasted only for a brief two-year spell after the fall of the communist regime. In 1992, they decided to split into two independent nation-states. Unlike in Yugoslavia, the collapse of the Czechoslovak federation was not accompanied by large-scale brutality and violence.

The experiences of Czechoslovakia's federal system of Government illustrate clearly enough the inadequacy of constitutional provision for power-sharing as a device of bringing about harmony and cooperation between rival ethnic groups operating in the same political space even when they are bound together, at least ostensibly, by shared ideological commitments.

To Austria, we need to make only passing reference because its federal experiences are of meagre salience to the present lines of inquiry. It was created by bringing together the German-speaking Alpine provinces of the collapsed Austro-Hungarian Empire. Apart from its linguistic homogeneity, well over 70 per cent of its people are Roman Catholic. On account of the concentration of the powers of Government at the Centre, Austria has been referred to as a "unitary federation".[37] The highly restricted autonomy vested by the Constitution of 1920 on the nine provinces of the newly established Austrian federation appears to have been a formalisation of the diversity of past traditions of governance in the different principalities of this area that had been brought under the control of the Habsburgs at various times since about the 13th century, rather than an attempt to devolve political rights on ethnic lines. There was no special constitutional dispensation for the Slovenes and the Croatians who constituted small minorities in several of the self-governing *Bundesland* of Austria.

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[37] See Strum, "Austria," in Ann L Griffiths, *Handbook of Federal Countries*, 2002, pp. 46-55.

Austria, re-established through the 'Austrian State Treaty' of 1955, adopted the pre-war Constitution subject to minor modifications that took into account the demographic changes that had resulted from the defeat of the Axis powers in 1945. Barring the convulsions of the Second World War, Austria has, throughout, enjoyed a relatively high level of political stability and a rapid pace of economic development.

5. Federalism and Conflict Management

The formulation of generalizations through studies of conflict situations is fraught with several risks, one of which is that of over-simplification. As observable from the sketches presented in the preceding section, each conflict is a unique product of a highly complex interplay of a variety of factors, never replicated in another conflict. In consequence, the efficacy and effectiveness of a given strategy of conflict resolution has also varied from one situation to another. For instance, a particular design of constitutional power sharing between the Centre and the Regions that promotes national integration in one multi-ethnic state could have the opposite impact of causing disintegration in another.

Nor does a transformation of the configurations of power in the history of a national entity (such as, say, a change from a unitary to a federal constitution, from military to civilian rule, or from colonial dominance to independence) being accompanied or followed by conditions of peace and stability (or, conversely, of conflict and chaos) necessarily mean that the latter was the product of the former change. This elusive nature of distinctions between mere concomitance and genuine causal connections is yet another problem encountered in formulating empirically based generalisations.

It should also be noted that empirically based generalisations found in ethnic conflict studies of global sweep are often based on what their authors could perceive as similarities in several conflict situations at a given point of time. Methodologically, this entails a risk that stems from the propensity of conflict scenarios to undergo unanticipated transformations even over relatively brief

periods. To illustrate, Lijphart,[38] a pioneer advocate of power-sharing as a strategy of diffusing inter-group rivalry in multi-ethnic societies, placed India and Canada among the successful "consociational democracies", and attributed the related achievements to their power-sharing arrangements. As a general impression based upon experiences up to about the late 1960s there could not have been any doubt about its validity at that time – the concluding phase of the "Nehru era" in India, and the early stages of the "quiet revolution" in Quebec. How acceptable could it have been, say, twenty years later? Myron Weiner, taking into account subsequent experiences including those of the Punjab crisis and the on-going convulsions of Kashmir and India's North-East, generalised:[39] "Federalism and the rearrangements of State boundaries to provide statehood for linguistic, tribal and religious minorities worked well for reducing conflict in the fifties and sixties, but is not working well in the eighties, as many of the States now seek a rearrangement of Centre-State power and resources." Again, as Dale Thomson observed on Canada in the early 1990s:[40] "Canada has known so little ethnic-derived violence since it assumed responsibility for its internal affairs that it is often cited as an example of peaceful ethnic co-existence. Yet today there is a very real possibility of its breaking up along ethnic clines." The methodological problem being referred to here could be illustrated even more vividly with the following extract from Horowitz's seminal work on ethnic conflict according to which:

> The widespread fear that regionalism or statehood will merely feed the secession (in a situation where secessionist forces are in operation) is difficult to dispel, but there are partial answers. One is for the central government to retain ultimate control over the powers of regional governments, as central governments were able to do in the Sudan, Sri Lanka, and Spain, without losing the cooperation of the beneficiary groups. Another way

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[38] Arend Lijphart, "Consociational Democracy," *World Politics*, vol. 21 no. 2, 1969.

[39] Myron Weiner, ed., *Political Change in South Asia*, Bombay: Asia Publishing House, 1991.

[40] Thomson, *Ethnic Conflict*, p. 16.

to reduce opposition to regional autonomy is to make it available not only to separatist regions but to all regions. The Sri Lankan Development Councils were to be operative throughout the country, and Spanish regional government has been offered to all regions on a referendum basis. The Sudanese scheme followed a local government law decentralizing authority to all the provinces.[41]

Our purpose of citing this extract is to illustrate the erratic nature of temporal changes in different conflict situations, and how generalisations made presumably on the basis of observations made in the early 1980s – (a) that there are answers to the question of how to dispel the fear that regionalism will merely feed secessionist impulses, (b) that the central governments of Sudan, Sri Lanka and Spain were able to dispel such fears without losing the cooperation of beneficiary groups – ceased to be valid not very long thereafter (in the case of Sri Lanka and Sudan, even before Horowitz's highly acclaimed volume was published!).[42]

The foregoing considerations, axiomatic though they may be, do not imply that what could be discerned in a range of conflict experiences in different settings is entirely irrelevant to an

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[41] Horowitz, *Ethnic Groups in Conflict*, pp. 634 -5.

[42] This, indeed, is how those with scholarly interests in Sri Lankan politics would have seen the Divisional Development Councils (DDC) scheme in the early 1980s. The all-powerful President Jayewardene was at its forefront. The scheme itself was based on recommendations of a 10-member Presidential Commission that included two leading Tamil experts in constitutional law who also had close personal links with leaders of the Tamil United Liberation Front (TULF). And the TULF, despite its proclaimed commitments to secessionism, supported the DDC scheme at the time of its inauguration. Yet, the escalation of Sri Lanka's ethnic conflict following the communal riots of July 1983 made the 'decentralisation' envisaged by the DDC scheme irrelevant and unacceptable. For details, see K.M. De Silva and Howard Wriggins, *J.R. Jayewardene of Sri Lanka, vol. II*, University of Hawaii Press, 1994, pp. 436-41. In Sudan, the all-powerful President Muhammad al-Nimeiry's strategy of granting (in 1972) autonomy to the 'South' and, some years later, extending the principle of regional self-government to other parts of the country, neither appeased the southern insurgency nor found popular acceptance in the North. By the early 1980s, the southern rebellion was back on tract and Nimeiry himself was ousted from office through an uprising in 1985. See, Francis Deng, "Negotiating Identity: Dishonoured Agreements in the Sudanese Conflict," in K M de Silva & S Samarasinghe, eds., *Peace Accords and Ethnic Conflict*, London: Pinter Publishers, 1993, pp. 60-82.

evaluation of the 'federal option' as a solution to the ethnic conflict of Sri Lanka. The federal demand in Sri Lanka originated at a time when there were only a few relevant models from which those at the forefront of that demand could have drawn.[43] It has been sustained for well over fifty years partly by political inertia and partly by the perceived theoretical merits of federalism. It is seldom that the advocacy of a federal constitution for the country has been premised on what has been observed through detailed studies of the impact of federalism in conflict situations elsewhere in the world. It is this consideration, more than any other, that justifies an attempt to draw from our case studies' generalizations (as presented below in summary form) that could have relevance to the present evaluation of the 'federal option' for Sri Lanka.

In an empirical evaluation of the 'federal approach' to conflict resolution in multi-ethnic nation-states that face the threat of secessionism, it is necessary to make a distinction between the durability of federations, on the one hand, and the effectiveness of inter-ethnic power-sharing arrangements which federalism could facilitate as a means of ethnic reconciliation, on the other. The need for such a distinction stems from the fact that the territorial disintegration of a sovereign nation, unitary or federal, attributable to ethnic conflict has been a relatively rare phenomenon since the mid-20th century. The few examples of such disintegration – Pakistan (original version), Cyprus, Yugoslavia and Czechoslovakia – suggest, in fact, that the unitary-federal dichotomy has been of little relevance to the preservation of a nation's territorial integrity. A secessionist campaign by an ethnic minority culminating in the creation of a new national entity has been even rarer – Bangladesh being the only example among post-colonial nation-states. In short, what the past records indicate is that, if *intrinsic* cohesiveness or fragility is what is being referred to, one cannot identify a difference in federal systems and unitary systems.

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[43] Though the suggestion for a federal system for Sri Lanka was made as early as 1930 when the Donoughmore Commission was in Sri Lanka to consider constitutional reforms for 'British Ceylon', Federalism became a formal demand by a segment of the Sri Lankan Tamil political leadership and, thus, a major political issue in the country only at the formation of the 'Federal Party' (*Illankai Thamil Arasi Kachchi,* literally, Lanka Tamil Kingdom Party) in 1949.

It appears from the experiences of the federations referred to in the earlier sections of this study that the principal determinant of their durability has been the existence of a strong central Government. The 'strength' referred to here is in essence, the capacity to overcome, with recourse to force of arms where necessary, the challenges to national integrity. This basic fact is borne out by the past records of not only the more stable democracies such as United States, Canada, Australia, and those of Central and Western Europe, but also those such as India with ever-present centrifugal forces, former USSR and Yugoslavia during their heyday, and the various federations of Africa and Latin America that have been under prolonged autocratic rule. The older federations such as the United States and Switzerland demonstrated this strength within the first 100 years of their existence, as has India, time and again, within its first 50 years, and the 'First Republic' of Nigeria within its first ten years.

In the majority of multi-ethnic nation-states, the actual employment of military force has seldom been necessary for protecting national integrity. This is due in part to the overwhelming superiority of the Centre's armed strength, and in part to the fact that the strength of a central Government tends often to be buttressed by factors such as security concerns of other nations, elite-level multi-ethnic power-sharing at the Centre, cohesive impact of the multi-ethnic stakeholders in the macro-economy, or absence of serious inter-ethnic rivalry in resource use and in the disbursement of development benefits. Yet another dimension of the unifying strength of the Centre is seen sometimes in its capacity to command obedience and allegiance from the 'regions' through nation-wide political parties, or tight-knit military hierarchies.

To shift from 'durability' to the far more significant 'reconciliation capacity' of federalism, among the federal systems referred to in the previous sections of this study there are some in which power sharing between ethnic groups has *contributed to* ethnic harmony. This is seen in Switzerland where inter-ethnic rivalry in affairs of Government has been virtually non-existent for well over a century, or in Belgium where the Flemish-Walloon rivalry does not appear any longer as a politically destabilising phenomenon of significance, or in Canada where the

Franco-Quebecer secessionist challenge is far less formidable now than it was ten years ago, and in Spain where there appears to have been an erosion of popular support from the Basque community for acts of terrorism committed in the name of their 'liberation'. In all these situations, however, there are certain exceptional circumstances that cannot be ignored in probing into the *extent* to which territorial power-sharing arrangements facilitated by their federal constitutions have contributed to national cohesion and greater harmony in ethnic relations.

In Switzerland, for example, there has been no serious external threat or internal conflict since the mid-19th century – an extraordinarily long period of peace and stability during which democratic principles of Government have had the time to take firm root. Further, almost all of the 26 Swiss cantons are ethnically homogeneous (a condition which is difficult to replicate in most federated multi-ethnic nation-states) which makes political controversies at the level of the canton generally free of the effects of ethnic diversities. Both at the Centre as well as at canton-level such diversities, in any event, appear to be transcended by shared perceptions on Switzerland's unique features of governance that are part and parcel of its national heritage. Above all, there is the cohesive impact of the country's prosperity, which no stakeholder of its economy would wish to disrupt.

Regarding Spain, it would indeed be simplistic to attribute, entirely or even largely, the increasing political stability of the recent past to the asymmetrical regional autonomy provided for by the constitution of 1978 to venues of secessionism. First of all, one needs to take account of the general impact of Spain's emergence from the 'dark age' of fascist dictatorship. It is also vital to recognise that, from about the early 1990s, Spain has made spectacular economic advances such that, estimated in 1995 US$ (constant) prices, between 1990 and 2002, its GDP per capita increased by an average of US$ 280 each year, as compared with a corresponding value of US$ 170 between 1975 and 1990.[44] The impact of this macro-economic upsurge has evidently filtered

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[44]   These estimates are based on data from UNDP Human Development Reports (Annual).

down even to the more remote areas of the country. More importantly, this general improvement of living standards has been accompanied by greater spatial mobility than ever before, including the movement of people away from their 'traditional homelands'. Thus, while the 'Basque Country' is no longer the enclave of economic backwardness and poverty it was thirty years ago, the diversification and expansion of manufacturing along the Bay of Biscay littoral has also resulted in drawing its rural areas into the macro-economic mainstreams of Spain. Well over 50 per cent of the Basque population now live outside their homeland. Further, the increasing integration of Spain with the rest of western and central Europe has made secessionist sentiments embedded in small distinctive cultural enclaves increasingly irrelevant to daily life except from an esoteric perspective.

Likewise, in Canada and Belgium, increased rights of regional self-government constitute only one of the causes for the increasing political stability and ethnic harmony witnessed during the recent past. With their GDP per capita approaching US$ 25,000, they rank among the richest countries in the world, sharing in the benefits of enhanced supra-national economic links. In Canada, economic stagnation of the late 1970s – a powerful impulse to Quebecer separatism – has given way to steady overall economic growth from which, unlike in the past, francophones have received tangible benefits. The Canadian polity, moreover, has benefited from the recent increase of Anglo-French bilingualism in Quebec (estimated at about 42 per cent of its population). In Belgium, the annual additions to the GDP per capita that averaged US$ 41 over the period 1975-1990 increased to US$ 376 during 1990-2002, alongside a trend towards reduction of economic disparities between Flanders and Wallonia.

In examining the relevance of Canadian and Belgian experiences to the present study, two other factors need to be accorded special attention. In both these countries, the main ethnic groups are spatially polarised to a much greater extent than in most other federations.[45] A vitally significant implication of

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[45]   This observation is valid even when the ethnically mixed city of Brussels (the third unit of the Belgian federation), and the presence of an Anglophone minority in Quebec (and the small Francophone communities elsewhere in Canada) are taken into account.

this is that the autonomy provided for by their constitutions on the basis of regional frameworks does facilitate genuine power-sharing between their ethnic groups to a much greater extent than in federations in which the ethnic minorities are dispersed among the sub-national units of Government. Secondly, throughout the recent decades, in Canada as well as Belgium, Centre-State and inter-State power sharing has tended to be supplemented by considerable inter-ethnic power sharing at the Centre. Canada is perhaps the more conspicuous model in this regard. To illustrate, the Franco-Quebecer Liberal Party leaders, Pierre Trudeau and Jean Chretien, were Prime Ministers of Canada, the former almost continuously from 1968 to 1984, and the latter from 1993 to 2003. Brian Mulroney, the Prime Minister from 1984 to 1993, was also a bilingual Quebecer. In addition, throughout this period, representatives to the federal Parliament from Quebec have had many vitally important ministerial portfolios in Ottawa. What the record, especially that of Chretien's premiership, seems to suggest, is that a leader from Quebec holding the reins of Government at the Centre has been one of the most effective safeguards against Quebec secessionism.

Ethnic relations of Canada, Spain and Belgium represent 'low intensity' conflicts in which violence in the most destructive forms has been no more than sporadic attacks on civilian targets or localised inter-group clashes. In the affairs of governance in these countries one could, in general, observe a trend towards the 'ideal conditions' for federalism referred to in the extract presented below.

> The successful operation of federal systems requires a particular kind of political environment, one that is conducive to popular Government and has the requisite traditions of political cooperation and self-restraint. Beyond this, federal systems operate best in societies with sufficient homogeneity of fundamental interests to allow a great deal of latitude to local government and permit reliance upon voluntary collaboration. The use of force to maintain domestic order is even more inimical to the successful maintenance of federal patterns of government than to other forms of popular government. Federal systems are most successful in societies that

have the human resources to fill many public offices competently and the material resources to afford a measure of economic waste as part of the price of liberty.[46]

In contrast, our other case studies have dealt with situations featured by sustained armed insurrection involving large-scale ethnic mobilisation, military confrontations employing modern weaponry, and the control of territory by the insurgent groups. It is the effectiveness of constitutional power-sharing arrangements as a means of reconciliation in this latter type of situation that is of special salience to the present study. From such a perspective, the case studies evaluated in the preceding section seem to provide strong confirmation to the observations encapsulated in the following extract:

Even if power-sharing can avert potential ethnic conflicts or dampen mild ones, our concern here is whether it can bring peace under the conditions of intense violence and extreme ethnic mobilisation that are likely to motivate intervention. The answer is "no"… The core reason why power-sharing cannot resolve ethnic civil wars is that it is inherently voluntaristic; it requires conscious decisions by elites to cooperate to avoid ethnic strife. Under conditions of hypernationalist mobilisation and real security threats, group leaders are unlikely to be receptive to compromise, and even if they are, they cannot act without being discredited and replaced by harder-line rivals.[47]

There is no illustration so vivid as the tragic experiences of former Yugoslavia and some of its successor states such as Bosnia-Herzegovina to show that federal arrangements introduced to conflict situations in response to ethno-nationalist demands for self-determination have tended not only to intensify such conflict but also bring into being intrinsically unstable and anarchic 'national' entities. As shown earlier, Nigeria, where one could observe, not merely the persistence of violent ethnic conflict at

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[46] Heinz Evlar and Roger Gibbins, "Political Systems," in *Encyclopaedia Britannica*, vol. 25, 1993.

[47] Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," in Brown, ed., 1997, pp. 265-304.

both State as well as national levels, but also the paradox of successive autocratic regimes achieving, through the federal system, the very antithesis of federalism – the weakening of the sub-national units in relation to the central Government – would also figure prominently among such examples.

To reiterate this point in more specific terms with reference to the Indian conflict situations sketched out previously, in Jammu and Kashmir, the policy of granting special rights of self-determination to the State has been pursued from the early 1950s. The related measures were intended to be commensurate with the former kingdom's anomalous position in relation to the principles that determined the allocation of 'princely states' between India and Pakistan at the time of the 'Partition' of British India, and thus, to nurture a moderate Kashmiri leadership which would develop the capacity of facing the secessionist *cum* irredentist challenge. These attempts have hitherto had hardly any success. The record leaves no room to doubt that the northern parts of the State including the Vale of Kashmir have remained, albeit tenuously, in the Indian Federation, due entirely to military control exercised by the Centre.

The same could be said of the North-East where devolution of power through the device of creating new States has made little headway towards peace and stability. Despite the long list of pacts and accords between Delhi and the insurgents, mass murder, attacks on infrastructure and violent clashes between ethnic groups have continued almost unabated, evoking periodic counter-insurgency military operations by the Centre. Moreover, though the number of States in the North-East has increased to seven (excluding Sikkim), there still remains further agitation for the grant of statehood to traditional homelands such as those of the *Bodo* and the *Gurkha* tribes. Meanwhile there is an emerging demand for a "Greater Nāgaland" encompassing, besides the existing State of Nāgaland, parts of adjacent States inhabited by *Nāga* tribes, which is, at least in part, an intriguing by-product of the proliferation of States in India's north-eastern periphery.[48] It

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[48] Similar manifestations of 'expansionist secessionism' could be seen in other conflict situations as represented by demands for a "Greater Serbia" or a "Greater Basque homeland". The 'Eelam' demand of Tamil Tigers also has similar 'expansionist' elements.

is, indeed, becoming increasingly evident that creation of new States has had the effect of intensifying both ethnic rivalry as well as the ferocity of terrorism at the fanatic fringe. Thus, on the continuing retention of this region within the Indian Federation, one could generalise that armed responses by the Centre to insurrections have been far more effective than concessions granted towards secessionist and autonomy demands.[49]

The failure of devolution to achieve ethnic reconciliation in Punjab is also of special interest. To recapitulate the sequence of related events, a territorial entity was carved out of the Indian segment of the Punjab plains in 1966 in order to cater to long standing Sikh demands for a Sikh-majority State in the Indian Federation.[50] Even at that stage, the refusal of the Indian Government to place Chandigarh (a multi-ethnic city in which the Sikhs constituted no more than 35 per cent of the population) entirely within the newly created State evoked stiff opposition from the Sikhs. The Sikhs were also dissatisfied with the proposed inter-state allocation of river water rights. More generally, on account of factionalism among the Sikhs, their main political party – the Akāli Dāl – continued to fail in its electoral bids to form the State Government on its own, though the Sikhs constitute about 60 per cent of the State population. This meant, among other things, the under-representation of Sikh interests at State-level – in turn, a cause for the intensification of Sikh grievances, the increasing vehemence of their ethno-nationalist demands, and, by the mid-1970s, the emergence of the Khālistān Movement over which Sikh terrorist groups established their control, the various appeasement efforts by the central Government and the fairly prominent presence, throughout, of

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[49]   In this context, it is relevant to note that 7 out of the total of 9 'Mountain Divisions' (in addition to an 'Infantry Division') of the regular Indian army is stationed in the North-East. Moreover, in the States of Assam, Nagaland, Tripura and Manipur, the Armed Forces (Special Powers) Act of 1958 has been in force throughout. When employed during military offensives against insurgents, this Act vests on the Army powers similar to those associated with 'martial law'. This information has been extracted from Jane's Information Group (2002) *Jane's Sentinel: South Asia*, Issue No. 10, Coulsdon, UK.

[50]   At this time, the Indian federation consisted of only 15 States and 9 'Union Territories', and the Sikhs constituted only 2 per cent of India's total population.

Sikh leaders at the elite levels of the central Government, notwithstanding.

The following extract from Horowitz pertaining to the issue of whether devolution agreements could counteract secessionism and contribute to reconciliation in conditions of violent ethnic conflict provides an appropriate conclusion to our résumé of the Indian experiences in this regard:

> Proposals for devolution abound, but more often than not devolution agreements are difficult to reach, and once reached, soon abort. Most such agreements are concluded against a background of secessionist warfare or terrorist violence. Where central authority is secure, as in India, the appropriate decisions can be made and implemented by the Centre. But, where the very question is how far the writ of the Centre will run, devolution is a matter of bilateral agreement, and an enduring agreement is an elusive thing.[51]

6.   Intractable Core Issues of Sri Lanka's Conflict

As made evident in our earlier discussions, the dispute over whether Sri Lanka's Constitution should be 'unitary' or 'federal' is, to a large extent, one of semantics. The existing configurations of Sri Lanka's ethnic conflict, when placed against the backdrop of federal experiences in comparable situations of inter-group rivalry and secessionist insurrections elsewhere in the world, makes it obvious that a negotiated agreement on a federal structure of Government for the country is, in fact, no agreement at all, in the sense that reaching consensus on a constitutional change from 'unitary' to 'federal' does not even touch the genuinely contentious issues of ethnic relations in Sri Lanka. These include (a) the geographical demarcation of an autonomous territorial entity so as to cater to the demand for rights of self-determination of the Tamils without placing in jeopardy the rights of other ethnic groups, and of the Tamils living outside the territory so demarcated; (b) the allocation of powers and functions between the Centre and the States (i.e. devolution) so as to ensure,

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[51]   Horowitz, *Ethnic Groups in Conflict*, 1985, pp. 622-3.

on the one hand, the integrity of Sri Lanka as a nation-state and, on the other, satisfy the autonomy demand; and (c) demilitarisation and disarmament.

6.1 Demarcation of a Tamil State in a 'Sri Lankan Federation'

Perhaps the most complex of all core issues of Sri Lanka's ethnic conflict pertains to the geographical delineations of the so-called "Traditional Tamil Homeland" (a.k.a. "Areas of Historical Habitation of the Tamils", or "Eelam") for which "self-government" is being demanded by the LTTE and certain other Tamil political organisations. Consensus on this issue would indeed be far more intractable than a possible agreement among the country's ethnic groups on a unitary to federal constitutional change.

Ever since the advent of the Eelam campaign at the forefront of Sri Lankan politics in the mid-1970s, there has been a seemingly calculated haziness among those at its vanguard regarding its spatial configurations. The resolutions passed at the inaugural session of the Tamil United Liberation Front (TULF) in 1976, for example, perceived the "Traditional Tamil Homeland" as an area encompassing not only the Northern and Eastern provinces but also a lowland stretch that extends southwards along the island's western littoral as far south as Chilaw. Less than a year later, in the election manifesto of the TULF, the 'Tamil homeland' was identified somewhat more modestly as the Northern and Eastern provinces. The fact that the LTTE maps depicting *Thamil Eelam* persist with the format of the 1976 resolution suggests that there is no firm basis for an assumption that the 'North-East' referred to (studiously avoiding any reference to 'provinces') in various transactions of the Tiger leadership is confined to the Northern and Eastern provinces. As recently as December 2002, Anton Balasingham, when asked at an international Press conference[52] on the limits of the "Tamil territory" in Sri Lanka, said (as if to illustrate the evasiveness he usually adopts in responding to questions on specificities):

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[52] *TamilNet*, December 5, 2002. http://www.tamilnet.com/art.html.

"Traditionally we were looking for (*sic*) the North and the East where the Tamil-speaking people have been living for a long time." In the more recent documentations, the only approximation to geographical precision one could come across which has a bearing on this issue is found in the specifications on the area of authority of the 'Interim Self-Government' proposed by the LTTE – all administrative districts of the Northern and Eastern provinces, listed in alphabetical order.[53] This, however, does not necessarily imply that the LTTE has, on the basis of ground realities, modified its perception of *Thamil Eelam*.

Even the minimalist geographical definition of Eelam – Northern and Eastern provinces – is totally devoid of substance for it to be regarded as a unit of Government, since, in it, Sri Lankan Tamils would, by virtue of 'tradition', be entitled to have special rights that exceed those of the Muslims and Sinhalese. That the Eastern Province, in particular, has always been an area of mixed ethnicity in which the Tamils do not constitute an absolute majority, and that both provinces encompass extensive areas in which there is no evidence whatever of 'historical habitation' by the Tamils, have been so thoroughly established through research that a further reappraisal of the objective validity of these notions need not detain us here.[54] Suffice it to point out that even certain erstwhile adherents of the concept of 'Tamil Homeland' have publicly renounced their earlier stance, and proclaimed that, " … although it may be the LTTE position, it is not a view that is shared by the Tamil people."[55] To cite further from the memorandum that contains this enlightened realisation:

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[53] For a complete text of the ISGA proposals see *Tamil Times*, November 2003, pp. 13-15.

[54] See, G. H. Peiris, "Economic Dimensions of Ethnic Conflict of Sri Lanka," (mimeographed), Kandy: International Centre of Ethnic Studies, 1985. A revised version of this article has been published in *Ethnic Studies Report*, vol. 9 no. 1, January 1991, pp. 13-39, under the title "An Appraisal of the Concept of a Traditional Tamil Homeland in Sri Lanka."

[55] This memorandum, titled "For a New Social Contract," *Tamil Times*, July 15, 1995, pp. 17-18 & 29, has 36 signatories - Sinhalese, Tamil and Muslim – most of whom are well known in Sri Lanka as scholars, journalists, creative writers and professionals. Quite a few of them could be placed in the *crème de la crème* of the intellectual elite in Colombo. The "Tamil nationalists" referred to in this memorandum include, not only the LTTE and other groups committed to the concept of Eelam, but the TULF leadership of the older generation, which has been decimated by the LTTE.

> Tamil nationalists assert that the 'inalienable right to
> self-determination' (and) the exclusivity of the
> 'traditional Tamil homeland' are essential and
> indispensable prefixes for any proposals for the
> resolution of the ethnic conflict. Nothing could be further
> from the truth. Those are archaic and redundant notions.
> … And while it is true that the Tamil people have
> historically inhabited the Northeast, though never
> exclusively, this fact, or any 'Traditionalist' argument
> based upon it, is irrelevant to the present.

Despite the claim of the LTTE to being the 'sole representative'
of the Tamils, the extent of genuine support among the Tamils of
Sri Lanka for its autonomy demand based upon the concept of the
'traditional Tamil homeland' has also never been known. What
the available evidence (admittedly inconclusive) on the people's
response to the LTTE demand for autonomy to the north-east
suggests is that the demand does not have even the support of the
majority of Tamils in the Eastern Province (who account for only
about 40 per cent of the population of the province), leave alone
that of the entire population of the province, or the entire Tamil
population of the country. To cite just one fragment of such
evidence, an opinion survey conducted in November-December
1999 by 'Research International' for the National Peace Council
revealed that, in Batticaloa District (the main population
concentrations of the Tamils in the Eastern Province where they
account for 72 per cent of the district total), only 14 per cent of
the survey respondents favoured the idea of an outright merger of
the Eastern and Northern provinces in the demarcation of a
territorial entity with powers of autonomy.[56] Indeed, even the
acceptability of the LTTE leadership to the Tamils of the east has
been thrown into serious doubt by the spontaneous popular

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[56] The data cited here are from the *Tamil Times*, January 15, 2000, p. 13. A more
comprehensive presentation of such evidence is found in G. H. Peiris,
"Prospects for a Negotiated Settlement of Sri Lanka's Ethnic Conflict," in K
M de Silva & G H Peiris, eds., *Pursuit of Peace in Sri Lanka: Past Failures
and Future Prospects*, Kandy: International Centre for Ethnic Studies, 2000,
pp. 266-70.

support for the revolt begun by the Tiger cadres in Batticaloa and Ampara districts in March 2004.[57]

It is not merely the dubious nature of support from the Tamils of the north-east for the demand for an autonomous territorial entity in that part of the country that makes the demarcation of a Tamil 'State' in a future Sri Lankan federation intractable. Standing against the creation of such a unit of Government are the considerations that converge on the vitally significant issue of safeguarding the rights of the Muslims and the Sinhalese living in the north-east.

The Muslims have never supported the demand for an independent or semi-autonomous Government for the north-east of Sri Lanka. Since the commencement of negotiations between the Sri Lanka Government and the LTTE in September 2002, political spokespersons for the Muslims have made it clear that their support for the 'peace effort', which the negotiations are intended to represent, would be conditional on adequate attention being devoted to the needs and aspirations of the Muslims, especially those living in the northern and eastern parts of the island. The principal demand of the Eastern Province Muslims has always been that any compromise worked out to meet the LTTE claim for autonomy to the entire 'north-east' either in an interim administration or as a permanent constitutional reform for devolution of Government power should be accompanied by an arrangement facilitating self-government for those inhabiting the main Muslim areas in that part of the country.[58]

The coastal lowlands of the Eastern Province have hardly ever been entirely free of localised friction between the Tamils and the Muslims. These, it must be remembered, are areas of excessively high population density in which residential loci of one community are juxtaposed by those of the other in an intricate and closely entwined micro-spatial mosaic. The eastern lowlands are also characterized by resource scarcity, agrarian unrest, and

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[57] G. H. Peiris, "An Assessment of the Current Crisis among the Liberation Tigers of Tamil Eelam," Occasional Paper, *Jane's Information Group*, Coulsdon, UK, 2004.

[58] There is a clear parallel here with the English-speaking Quebecer assertion referred to earlier – viz., that if Canada is divisible in response to self-government demands of the French-speaking Quebecers, so should Quebec cater to the self-government demand of English speakers of that province.

poverty, and hence, interpersonal disputes with communal undertones. From a long-term perspective, these conditions appear to underlie the occasional outbursts of low-intensity communal violence in this part of the country.

A far more serious estrangement of relations between the Tamils and Muslims of the north-east emerged from about the late 1980s when, on the one hand, the LTTE established itself as the most powerful militant group in Sri Lanka and, on the other, the neutral stance assumed by the Muslims in the country's ethnic conflict began to be seen by the LTTE as a formidable obstacle to its secessionist campaign. It was at this stage that the Muslims in the Eastern Province became the target of large-scale LTTE attacks that represented an attempt at 'ethnic cleansing' of the 'Traditional Tamil Homeland'. Several gruesome massacres of Muslim civilians, each involving death tolls exceeding 100, were carried out by LTTE cadres, resulting in mass evacuation by the Muslims of certain localities. By January 1991, about 350,000 Muslims had been displaced from their villages and towns in the Eastern Province. In October 1990, the LTTE also evicted *en masse* all Muslims (total number estimated at about 70,000) from the Northern Province. Though the policy of 'ethnic cleansing' appears to have been discarded since that time, throughout the 1990s LTTE attacks were sporadically targeted at the Muslims, mainly for their suspected collaboration with the armed forces of the Government. The experience since the commencement of the peace negotiations of 2002 has not allayed the fears of the Muslims. There has, in fact, been an escalation of the intensity of violence by the LTTE cadres targeting Muslim civilians, triggered off mainly by Muslim resistance to extortion.

Table 1: Ethnic Composition of the Population, 1981

Country/ Province	Total population	% of the total				
		Sinhalese	SL Tamil	Ind. Tamil	Muslim	Other
Western	3,919,807	84.7	5.8	1.5	6.9	1.1
Central	2,009,248	65.6	7.5	19.0	7.5	0.4

Southern	1,882,661	95.0	0.8	1.3	2.7	0.2
Northern	1,109,404	3.2	86.3	5.7	4.6	0.2
Eastern	975,251	25.0	40.9	1.1	32.5	0.5
N'Western	1,704,334	89.9	2.8	0.5	6.6	0.2
N'Central	849,492	91.2	1.6	0.5	6.9	0.2
Uva	914,522	76.2	4.7	15.1	3.7	0.3
Sabaragamuwa	1,482,031	85.4	2.3	8.8	3.4	0.1
SRI LANKA	14,846,750	74.0	12.7	5.5	7.3	0.5

Source: Department of Census & Statistics

A Note on Population Change from 1981 to 2001

According to a preliminary press release by the Department of Census and Statistics based partly on the census conducted in July 2001 (after a lapse of over 20 years) and partly on rough estimates of population in the districts of Jaffna, Mullaitivu and Kilinochchi, and parts of the districts of Mannar, Vavuniya, Trincomalee and Batticaloa, which could not be covered by the census on account of the secessionist war, the total population of the country had risen to 18.73 million at the time of the census from 14.85 million at the 1981 census. What is of special interest in these estimates, provisional though they are, is that fairly pronounced changes appear to have occurred between 1981 and 2001 in the ethnic composition of the country as a whole and in some of the provinces. In the total population of Sri Lanka, while the Sinhalese and Muslims proportions appear to have increased, that of the Sri Lanka Tamils has declined. There is no doubt that the magnitude of these changes, though not known with precision, has been profoundly affected by migration – especially, the emigration of an estimated 400,000-500,000 Tamils from Sri Lanka, and 'internal displacement', the most significant feature of which has been the movement of people out of the main venues of armed confrontation in the north-east. It seems likely that the net effect of these on the ethnic composition of the population in the Northern and Eastern provinces has been a decline in their Tamil proportions.

The victimisation of the Sinhalese living in the north-east in the form of massacres and forced eviction from their settlements has been largely confined to areas peripheral to the main venues

of armed conflict between the Government and LTTE. Beginning in the mid-1980s in localities north and east of the settlement scheme of Padaviya, there was, until the end of 2001, an almost continuous process of eviction of Sinhalese peasants by the terrorists. This process gradually spread to other irrigation-based settlements located along the northern borders of the North-Central Province and in the Eastern Province. In 1986 and '87 alone, 14 attacks on unarmed Sinhalese villages were reported; some, such as those of Arantalawa, Welikanda, Sagarapura and Tammenna, recording large death tolls and extensive evacuations. Attacks on civilian targets persisted well into the mid-1990s, causing the expulsion of several thousands of Sinhalese peasants from parts of the Padaviya Scheme in Anuradhapura District; Moraweva, Wan Ela, Kantale and Allai schemes in Trincomalee District; Pimburettewa Scheme of Batticaloa District; and Gal Oya Scheme of Ampara District. In addition, there have been several LTTE attacks on seasonally migrant fishermen – Muslim and Sinhalese – along the coastal fringe of the north-east.

From the viewpoint of the Tamils of Sri Lanka, the 'Eelam' demand has two interwoven contradictions of far-reaching significance, given the fact that more than 50 per cent of the Tamil population of Sri Lanka live outside the Northern and Eastern provinces. One of these is that granting autonomy to these two provinces (or, for that matter, even to a larger territorial entity as depicted in the LTTE maps) cannot facilitate rights of self-determination for the majority in the Tamil segment of the country's population. This paradox is underscored by the insistence by those at the forefront of secessionism on the merger of the Northern and Eastern provinces in a demarcation of the territory for which they demand autonomy, on the grounds that a separation of the two provinces "…is tantamount to keeping the Tamil nation divided."[59] The obvious contradiction here is that it is the separation of these two provinces from the rest of the

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[59] This phrase has been extracted from N. Satyendra, "The Thimpu Negotiations: Basic Documents," in N. Seevaratnam, ed., *The Tamil National Question and the Indo-Sri Lanka Accord*, New Delhi: Konark Publishers, 1989, pp. 133-63. The concept of an indivisible 'Tamil Nation' has been reiterated in many documents since the Thimpu negotiations of 1985.

country, rather than the treatment of the two provinces as separate units in a process of devolution that would amount to a division of the 'Tamil Nation'.

6.2 Specificities of Devolution

It has already been shown that the there is hardly any difference in substance between the form of 'Self-government for the Tamil national Territory' which the leadership of the LTTE has continued to stand for throughout the past twenty or more years, and the absolute sovereignty of an independent nation-state. What could be said about the indications made evident from time to time of a willingness to deviate from this stand for total independence is that such deviations have been tactical adjustments made in response to periodic setbacks in their pursuit of the Eelam goal.

The most persuasive evidence for the foregoing assertions is found in the LTTE proposals for an interim-government (pending a final agreement) for the Northern and Eastern provinces – and 'Interim Self-Governing Authority' (ISGA) – and presented to the Government of Sri Lanka as a pre-condition for the resumption of the stalled 'peace negotiations', and (implicitly) as an ultimatum for their continuing adherence to the terms of cease-fire of December 2001. As a product of quasi-legal draftsmanship, the document containing the proposals has several features of interest. There is, first, a tediously long and crudely propagandist preamble which is vaguely reminiscent of the far more refined compositions of that genre found in secessionist pronouncements of the past such as the 'Vaddukoddai Resolution' released at the inaugural session of the Tamil United Liberation Front in 1976. There is also the clumsy syntax – deliberately intended to confuse (?) – specially evident in the clauses in which references to routine administrative functions and strung together with almost casual mention of major powers of Government (see, in particular, Clause 9 and 22).

The proposals consist of 23 items, which, if accepted by the Government of Sri Lanka, would vest on the ISGA the entire range of functions of Government of an independent nation-state including external relations. The ISGA, as envisaged by the

proposals, will consist of its own nominees and others nominated by the Government and the Muslims of the north-east. However, since the number of such nominees (according to Item 2.3) "will be determined to ensure an absolute majority of the LTTE appointees," there could be no doubt whatever about the control that the LTTE would have over the ISGA decision-making processes. The ISGA would, indeed, be an extension of the LTTE high command with the token presence (if their lives are spared) of a few others. In what seems a facile attempt to camouflage this basic fact, proposals proceed to specify that:

(a) "There shall be an independent Human Rights Commission appointed by the ISGA" (Clause 4).

(b) "The ISGA shall have plenary powers for the governance of the North East, including powers in relation to resettlement, rehabilitation, reconstruction and development, including improvement and upgrading of existing services and facilities, raising revenue including imposition of taxes, revenue, levies and duties, and law and order and over land." (Clause 9)

(c) "The ISGA shall take appropriate measures to ensure the independence of the judges." (Clause 10)

(d) "There shall be a Financial Commission consisting of members appointed by the ISGA." (Clause 11)

(e) "The ISGA shall have the powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly, and engage in or regulate internal and external trade." (Clause 12)

(f) "The ISGA shall appoint an Auditor General." (Clause 13)

(g) "In the effective exercise of its legislative and executive powers, the ISGA may formulate District Committees to carry out administration in the districts and delegate to the Committees, such powers as the ISGA may determine." (Clause 14)

(h) "(T)he ISGA shall have direction and control over any and all administrative structures and personnel in the North East pertaining to the powers set out in Clause 9 of this agreement." (Clause 15)

(i) "The ISGA shall have control over the marine and off-shore resources of the adjacent seas and the power to regulate access thereto." (Clause 18)

(j) The ISGA will have control over the natural resources in the North East region.

The only major function of Government that is not explicitly covered by these proposals relates to defence from external threats. However, since Clause 17, carrying the innocuous title 'Resettlement of Occupied Lands', stipulates that the armed forces of the Government should vacate all military bases located in the Northern and Eastern provinces, implicitly, even the function of 'Defence' is expected to be vested in the ISGA – in effect, the armed cadres of the LTTE.

The preamble to the ISGA proposals refers to 24 considerations that presumably provide the background to the proposals. One of these is that the recognition by the authors of the document that:

> The majority of the Tamil people in the North East, by their actions in the general elections held in the year 2000, gave their mandate acknowledging the LTTE as their authentic representative, Knowing (*sic*) that the LTTE exercises effective control and jurisdiction over the majority of the North East area of the island of Sri Lanka.

This statement is cited here, not as an example of the shoddy draftsmanship already referred to, but because it is yet another of the innumerable occasions of pretence by the LTTE of having a mandate from the Tamil people of the North East. In this instance, the claim is evidently based on the general (parliamentary) elections of 2000. Presented below (Table 2) is a set of data pertaining to this so-called 'mandate' which shows, *inter alia*, (a) that the LTTE did not contest at these elections; (b) that the TULF, the TELO and the ACTC which could be considered as having commitments similar to those of the LTTE received only 14.2 per cent of the vote in the entire North East – with 27 per cent of the vote in the Northern Province (where over 95 per cent of the total voters are Tamil), and 8.7 per cent of the vote in the Eastern Province (where 42 per cent of the total voters are Tamil); and (c) that in Jaffna District, the principal power-base of the

LTTE, the EPDP secured 35 per cent of the vote. In some of these areas, the LTTE had enforced a boycott of the elections, resorting to various forms of violence and disruption. This was why the overall voter turnout was only 50.5 per cent of the total of registered voters. Even if it is people's "action in the general elections" in the form of obeying the LTTE's boycott order that is being referred to as the 'mandate', the claim is negated by the fact that the poll in the Eastern Province was as high as 74.6 per cent of the registered number of voters. The very mention of a "people's mandate" here makes one wonder whether the LTTE itself has not expected their blueprint for an interim administration to be considered seriously except, perhaps, by their benefactors from Norway.

Considered collectively, and ignoring the facetious and the ludicrous, these proposals leave no room to doubt that what is being demanded from the Government of Sri Lanka is a surrender of its powers and obligations in relation to the Northern and Eastern provinces, which would in effect mean placing under the autocratic control of the Tiger leadership about 30 per cent of the national territory (including 65 per cent of its coast and off-shore entitlements) and 15 per cent of the country's population. What the LTTE had attempted to achieve through these demands – many of them whimsical beyond belief – is something that it has failed to achieve through more than two decades of war and terrorism. Needless to stress, these demands are not based on principles of federalism; they cannot be considered as being consistent with any known experience in the world outside with devolution or internal self-government; and they cannot, with any sense of realism, be considered as a basis for serious negotiation. The only 'merit' one could associate with the proposals is that they underscore the intractability of the specificities of the issue of devolution in the context of Sri Lanka's conflict.

Table 2 - Results of the Parliamentary Elections of 2000 – Northern and Eastern Provinces

| | Percent of the total valid vote secured by the party | | | | | |
	Jaffna	Vanni	Trinc-omalee	Batti-ca-loa	Digama-dulla	All electoral districts
PA	-	9.4	40.5	8.9	51.1	25.4
UNP	9.6	13.9	35.1	15.6	38.1	23.7
TULF	27.6	-	-	29.2	-	10.3
NUA	-	19.0	-	28.8	-	8.2
TELO	-	26.1	-	-	-	2.6
EPDP	35.0	-	-	-	-	4.9
ACTC	8.9	-	-	-	-	1.3
Independent (2)	-	-	-	-	7.4	2.3
Total poll as a percent of the total of registered voters	21.3	42.1	68.5	71.7	80.4	50.5

Source: Commissioner of Elections

PA – People's Alliance; UNP – United National Party; TULF – Tamil United Liberation Front; NUA – National Unity Alliance; TELO – Tamil Eelam Liberation Organisation; EPDP – Eelam People's Democratic Party; ACTC – All Ceylon Tamil Congress

6.3 Laying Down of Arms

It is well known that in any sovereign nation-state, whether unitary or federal, the central Government has exclusive authority over the military forces and that, except in matters relating directly and exclusively to the maintenance of law and order (that too, subject to a measure of overarching central control), there could be no accommodation of armed organisations at any sub-national level. What this implies is that for the Sri Lankan conflict to be resolved through the adoption of a federal system of Government within which the territory being claimed as the traditional Tamil homeland would constitute an autonomous unit, those wielding effective power over that unit would be required to

dismantle their military apparatus. This means that, in a process of negotiation intended to lead to such a scenario, the LTTE has to agree to disarm.

Several interrelated considerations are germane to the question of what it would mean to the LTTE to lay down arms if it does become a component of a democratic polity embracing the whole of Sri Lanka. The first of these pertains to its international operations in trade and commerce, which are inextricably linked to its military *cum* terrorist campaign in Sri Lanka. The second relates to the capacity of the LTTE leadership (far less monolithic than it was believed to be a few years ago) to abandon the large military resource-base currently in its possession. The third is that, like most terrorist organisations elsewhere in the world, and as recent experiences in Sri Lanka demonstrate, the popular support which the LTTE claims to command depends crucially on its capacity to enforce its will upon the people.

In examining the first of these issues it needs to be understood that the totality of the LTTE operations represent much more than a secessionist campaign aimed at establishing a Tamil nation state over a part of the island of Sri Lanka.[60] The campaign is financed in various ways which include donations of money and material from individual benefactors, private organisations, and, on a few occasions, foreign Governments; extortion from captive/pliant Tamil communities in Sri Lanka and abroad; smuggling of narcotics and weapons; trafficking in refugees; and forging currency, credit cards and travel documents. Some of the related operations are conducted under the sponsorship and control of the so-called 'Central Governing Committee' of the LTTE headed by Prabhakaran. In other instances, it appears, organised groups affiliated to the 'International Secretariat of the LTTE', and consisting largely of Sri Lankan Tamils living abroad, engage in these activities and

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[60] This assertion has been elaborated on the basis of a persuasive body of evidence in G. H. Peiris, "Secessionist War and Terrorism in Sri Lanka: Transnational Impulses," in K. P. S. Gill and Ajai Sahni, eds., *The Global Threat of Terror: Ideological, Material and Political Linkages*, New Delhi: Bulwark Book, 2002.

channel some of their profits to the LTTE. According to Chalk,[61] by 1998, the LTTE had offices and cells in at least 54 countries. Over time, the income from these sources has apparently been invested in legitimate enterprises of trade, commerce, transport (including shipping), and industry in many parts of the world. In a reference to such enterprises, a recent report prepared for the United States Government contains the speculation that the LTTE now controls a trans-national business empire in which its campaign of separatism could well be only one of the components. It has also been asserted that illegal sources of income are no longer essential to sustain the LTTE secessionist effort. Regardless of the validity of these latter contentions, there is no doubt that while the military operations, attacks on civilian targets, assassinations, publicity, propaganda, and various forms of subversion undertaken by the LTTE are being sustained with proceeds from a massive and highly ramified matrix of commercial operations, such operations, in turn, derive strength, cohesion and, in the perceptions of the sympathisers of its cause, legitimacy, from its secessionist campaign. One could visualise that any attempt to disband these operations would, apart from all else, imperil the very existence of the LTTE leadership.

The military resources at the disposal of the LTTE, though subject to temporal fluctuations, have been quite formidable throughout the recent past. For instance, estimates of early-1999 placed the number of LTTE armed cadres at about 15,000. This number dropped to about 7,000 by late 2001, mainly as a result of the costly military operations conducted during the intervening months.[62] The cease-fire of December 2001 created for the LTTE conditions favourable to a massive recruitment drive. Thus, by the early months of 2004, the number of trained military personnel under the Tiger high command had increased to about 16,500. Thereafter, the 'Karuna revolt' of March 2004 involved fairly heavy losses in the form of deaths and defections from the LTTE

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[61] Peter Chalk, "LTTE's International Organisation and Operations – A Preliminary Analysis," A Canadian Security Intelligence Publication, Ottawa, Commentary No. 27, March 17, 2000, p. 1.

[62] There has, in fact, been reasoned speculation that one of the main impulses of the LTTE's peace overtures of late 2001 was this depletion of its cadres and stocks of weaponry.

ranks.[63] In order to counteract these losses, the LTTE once again launched an intensive campaign of increasing its armed cadres, disregarding even the international sanctions against the conscription of minors. Then there came the Tsunami disaster of December 2004 at which, according to unconfirmed reports, the LTTE losses of personnel exceeded 2,000. Thus, what the LTTE leadership is likely to have at its command at present (the estimate dates back to March 2005) is probably about 10-12,000 armed cadres, *which still makes the LTTE the largest non-government armed outfit in the world.*

Table 3 – Inventory of Heavy Artillery in the LTTE Arsenal

Type of Weapon	Number
Type W- 85 Anti-aircraft machine guns	3
Type 69-1 Rocket propelled grenade launchers	29
Multi-barrel rocket launchers	2
40 mm CIS 40 Grenade launchers	26
122 mm Howitzers	2
152 mm, 130 mm, and 122 mm Artillery guns	11
120 mm, 81 mm and 60 mm Mortar launchers	46

NOTE: The source does no specify the date of the inventory. It indicates, however, that the data have been updated on 10 August 2002. Needless to stress, extreme caution needs to be exercised in assessing the authenticity of this type of information, given the fact that the tabulation is based on information released by or secretly obtained from the LTTE itself. The fire-power represented by this inventory is concentrated in an area which is equivalent to about 5 per cent of Sri Lanka's total territory.
This inventory does not include the heavy weapons used exclusively by the 'Sea Tigers' whose naval craft are believed to be equipped with "… 50-calibre guns, GPMGs and other marine weapons".
Source: *Jane's Intelligence Group*, 2002, p. 501.

On the LTTE arsenal, the only statistical information currently at our disposal is a set of estimates made in the late 1990s. Presented above (Table 3) are extracts from this information that pertain specifically to heavy artillery. It seems, however, that the real power of the LTTE in respect of arms lies in its possession of huge stocks of light infantry weapons –

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[63] For related details, see G. H. Peiris, *Jane's Information Group*, 2004.

Avtomat Kalashnikova assault rifles (AK-47), hand-grenades, infantry-support light machine guns (such as the GPMG), shoulder-fired rocket-propelled grenades such as the RPG-7 – on which the available estimates obviously lack precision (because these could be subject to large short-term variations). In addition, the LTTE is also believed to hold gigantic stocks of explosives, including the 50 tons of TNT and 10 tons of RDX it surreptitiously acquired from the Rubezone Chemical plant in Ukraine in November 1994 while being engaged in peace negotiations with the Government of Sri Lanka. According to an overall assessment made by the *Jane's Intelligence Group*:

> There is no guerrilla or terrorist group in the world with a stand-off capability equal to that of the LTTE. As well as an abundance of Rocket Propelled Grenade Launchers (RPGs), armour piercing Light Anti-Tank Weapons (LAWs) and Surface-to-Air Missiles (SAMs), the LTTE's high and low trajectory weapons include mortars, artillery and multi-barrel rocket launchers. This stand-off capability has enabled the LTTE to hold ground and to fight like a conventional force.[64]

The third relevant issue as noted above relates to the well-known fact that the LTTE established its hegemony over Tamil politics primarily through the ruthless employment of its armed strength. In order to achieve its present position of pre-eminence, it had to not only acquire the capacity to challenge the armed forces of the Sri Lankan state in both military confrontations as well as terrorist attacks, but annihilate even vestiges of opposition from within the Tamil community. In pursuance of this latter task, it has assassinated more than fifty Tamil leaders in Sri Lanka,[65] massacred several hundreds of activists in other Tamil militant groups such as TELO, EPRLF and PLOTE,[66] and liquidated dissidents within its own ranks, including those who had served at its highest levels. The display of mutilated corpses of its victims was a technique frequently used by the LTTE to terrorise the ordinary people. Its attempt to suppress the revolt by its cadres of

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[64]   *Jane's Intelligence Group*, p. 500, 2002.
[65]   See, Peiris, 2000, pp. 282-3, where details of identity of the victims are furnished.
[66]   The related details could be found in Jayatilleka, 2000, pp. 231-62.

the Eastern Province in 2004 is believed to have cost more than a thousand lives of its own erstwhile followers.[67] Above all, for well over two decades, it has enslaved the people of many localities in the northern and eastern parts of the country.

The LTTE leader Prabhakaran, moreover, is a fugitive from justice in India (being the principal suspect in the assassination of the former Prime Minister Rajiv Gandhi), and a convicted criminal in Sri Lanka (having being sentenced to 200 years of imprisonment by the High Court of Colombo for just one of his innumerable crimes). It is in the context of all these realities that Prabhakaran has for long maintained a shadowy existence. And, this is why the LTTE leadership cannot disarm and yet hope to survive, regardless of whether there is war or peace.

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[67] For details, see Peiris, 2004.