

Sri Lanka: Ethnic Conflict and the Search for a Durable Peace, 1978-1999

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Abstract

Devolution of power to a second tier of government has been one of the most controversial and divisive issues in Sri Lanka's post-independence politics, and a contributory factor in its ethnic conflict. The first successful effort at creating a second tier of government through a system of district councils, 25 in all, came in 1980-81. Thereafter, in the mid and late 1980s, district councils were replaced by provincial councils based on the nine provinces in the island. The provincial council system owed a great deal to pressure from the Indian government during its mediation and intervention in the island's ethnic conflict. Indian efforts at mediation and intervention failed to resolve Sri Lanka's ethnic conflict. The search for durable peace has continued through the 1990s. Currently a draft constitution, incorporating a federal structure with the country's provinces serving as units, has been the subject of debate in the country over the last five years. Federalism has been a controversial, emotive and divisive issue in the island's politics, and it remains so at the present day.

I

Introduction

Sri Lanka's present constitution, the second republican constitution, introduced in 1978, and the current efforts to replace it with another, are essentially responses to the country's violent ethnic conflict. These episodes of ethnic conflict are very much a post-independence phenomenon. Indeed, the first decade after independence provided an unusual example of a peaceful transition from semi-responsible government in which there was a genuine sharing of power between the British colonial administration in the island, to independence and rule by a democratically elected indigenous elite. A decade of peaceful consolidation of power by the legates of the British in Sri Lanka (1947-56) was succeeded by several decades of conflict.

Three distinct phases of violent conflict could be identified, beginning with the period mid-1955 to 1961 when the triggering mechanism was an unilateral change in language policy. After a period of quiescence in the mid and late 1960s when a *modus vivendi* was reached on language policy there was a second phase of confrontation in the 1970s, often leading to violence and culminating in the riots of 1977. This was the beginning of a separatist challenge to the integrity of the Sri Lankan state. This time another period of relative quiescence after 1977 was followed by the most violent period of ethnic conflict in Sri Lanka's recent history beginning in 1983, and followed by an Indian intervention that aggravated rather than resolved the conflict. The conflict has continued intermittently ever since, with a few very brief periods of peace—a peace of exhaustion.ⁱ

For the last five years Sri Lanka has been in the throes of yet another episode of constitution-making, the third since independence; indeed, the third in just over 25 years. In contrast India has operated one constitutional system since 1950 and despite that country's fractious politics there is every prospect that its constitution will survive well into the 21st century. If Parliament approves the changes envisaged in the present

government's draft constitution, with the requisite two-thirds majority, and this is followed by a majority at a referendum, it will be the country's fourth in just over 50 years.ⁱⁱ

The two previous exercises in constitution-making were undertaken by governments which commanded an overwhelming majority in parliament, a two-thirds majority when the constitution of 1972 was adopted, and much more than a two-thirds majority in 1978 at the time the second republican constitution was approved. The present effort at constitutional reform is significant for being the first serious attempt,ⁱⁱⁱ since independence, to initiate moves for the introduction of a new constitution, by a government that does not command a two-thirds majority. Moreover, quite unlike the United Front (UF) coalition of 1970-77 which introduced the first republican constitution and the United National Party (UNP) government of 1977-78 which introduced the second republican constitution, the People's Alliance (PA) is dependent for its majority in Parliament, on ethnic parties, such as the Tamil United Liberation Front (TULF), smaller Tamil parties and the Sri Lanka Muslim Congress (SLMC), and is therefore much more vulnerable to pressure from such sources. The various versions of the draft constitution introduced for public discussion, reflect all too accurately the extent of this dependence.

Tamil political parties were actively involved in the process of negotiations on constitutional change during the administrations of Presidents J R Jayewardene and R Premadasa for the first time since independence. In the period 1994-97, one Tamil party—the TULF—was involved in the actual drafting of the new constitution. That party had steered clear of the drafting of the constitution of 1978, but had been involved in the drafting of the devolution proposals of 1980. On this present occasion the TULF's involvement went beyond devolution to the guiding principles of the draft constitution, especially on the structure of the Sri Lankan polity. Indeed the draft constitution is very much a PA/TULF joint venture.

The second significant feature of the current exercise in constitution-making is that a set of proposals on the devolution of power will be an integral part of it. The original version of these proposals envisaged the establishment of a federal system but subsequent versions of it deviated from this to some extent, it would be true to say that not even the constitution of 1978 which established an executive presidency attempted such a comprehensive change of the Sri Lankan polity.

Thirdly, the PA government had the great advantage that for the first time since the mid-1950s there is some measure of agreement between the two principal national parties on the need for greater devolution of power to the periphery. Despite this the PA government decided to ignore the devolutionary structure presently in place—on the basis of the 13th amendment to the 1978 constitution—as a point of departure. Since the 1960s the Sri Lanka Freedom Party (SLFP) has been in the forefront of the opposition to devolution. In committing the current coalition to a full-blooded measure of devolution its present leadership has repudiated the policies the SLFP stood for over three decades. At the time she became, successively Prime Minister and Executive President, Chandrika Kumaratunga was not the head of the SLFP, a position held and still (1999) held by her mother. Nevertheless, the SLFP itself, as part of the new coalition went along with this new policy, whatever reservations some Ministers and MPs may have had on it. And as with most recent converts to a cause, the new found sense of commitment on the part of the advocates of this new policy ignores the pitfalls and dangers ahead.

II Devolution of Power

(i) District Councils, Provincial Councils

Our survey must begin, as it should, in 1928 when the report of the Donoughmore Commission strongly recommended the creation of a second tier of government, between the central authority and the local government bodies. That it took 52 years before such a system could be introduced—in the form of the District Development Councils in 1980-81—is due to a powerful combination of factors, lethargy at the outset (the 1940s and early 1950s) and resistance thereafter (after the 1950s). The devolution of power to regional units was accepted in principle by the State Council, the national legislature, in 1940, without dissent if not unanimously. At that time it was treated as a purely administrative problem not a political one, and certainly had nothing to do with the recognition or encouragement of regionalism on the basis of ethnicity or religion. But legislation required for the purpose was not introduced in the 1940s.^{iv}

By the mid-1950s the consensus that existed on this had evaporated, and instead the creation of regional bodies as a second tier of government had become one of the most controversial issues in Sri Lankan politics because of its association with the political demands of the Federal Party, the predecessor of the TULF, and the calculated ambiguity associated with its definition of federalism, virtual independence in its pronouncements in the Tamil areas of the north of the island—a Tamil state—and a conventional federal structure when it addressed the Sinhalese majority. The Federal concept was thus defined in several ways by the Federal Party and the TULF, depending on where they spoke. When they spoke in Jaffna, and in Tamil, federalism was equated with separatism and independence. This is reflected also in the Tamil version of the Federal Party's title: in Tamil it clearly meant "the party that stood for an independent Tamil state." In the rest of the country it campaigned for the conversion of Sri Lanka to a federal state. This dual policy could not be sustained for long without attention being drawn to the Tamil version with its emphasis on separatism and independence. As a result two attempts to introduce regional or district councils, the first time in 1957-58, and the second occasion in 1968, failed hopelessly because of Sinhalese opposition to such attempts and suspicions that they were linked to the Federal Party's ultimate political objectives. These ten years or so, 1957-68, could be regarded as the first phase in Sri Lanka's post-independence ethnic conflict and the attempt at establishing a second tier of government was a central feature of attempts at conflict resolution.

Up to the end of the 1950s advocates of devolution treated the province—Sri Lanka has had nine provinces since 1889—as the most appropriate unit of devolution. A significant change occurred in the 1960s when a smaller unit, the district, was treated as more appropriate, and this continued till the 1980s. Hence the District Development Councils introduced in 1980-81. The creation of a second tier of government in 1980-81 was an important constructive political achievement of the then UNP government.^v

A new institutional structure generally takes a decade or more to be firmly established, and it would take many years before it is possible to pass judgement on its utility. In Sri Lanka, the District Development Council system was abandoned in 1983 in less than two years after its establishment once the TULF—with Indian backing—withdrawed its support for the scheme. The abandonment of the scheme marked the beginning of four controversial years of persistent Indian pressure on behalf of the Tamils of Sri Lanka, to get the Sri Lanka government to jettison the district as the unit of devolution, and to replace it with the province, in short a reversion to the Federal Party's demands of the 1950s. From 1983 to 1989 (when President J R Jayewardene left office) the principal influence and point of pressure in constructing a second tier of government was India, or to be more accurate, India acting on behalf of, if not in association with, Sri Lanka's Tamil political parties, in particular the TULF.

The UNP government of the late 1980s conceded the principle of provincial rather than district units of devolution only under enormous pressure from India. The All Party Conference (APC) of 1984 had refused to

accept provincial councils, and insisted on the retention of district councils, albeit with greater powers. But after the failure of the talks held in Thimpu, the capital of Bhutan, between representatives of the Sri Lanka government, and representatives of Tamil political parties in July and August 1985, presided over by the then Foreign Secretary of the Indian government Romesh Bhandari, the Sri Lanka government yielding to Indian pressure, reluctantly agreed to treat provincial councils as the core of attempts at resolving the conflict. This was one of the decisions taken during the discussions that led to the initialling of the Delhi Accord of August 1985 by the governments of India and Sri Lanka. Indeed provincial councils became the principal feature of the Delhi Accord of August 1985. Most of the Tamil parties were willing to accept this scheme but under pressure from the Liberation Tigers of Tamil Eelam (LTTE) they backed away, insisting on the creation, in addition, of a larger territorial unit, a Tamil dominated north-eastern province^{vi} amalgamating the northern and eastern provinces.

From the time of the Delhi Accord of 1985 attempts to make a provincial system acceptable to the Sri Lanka's national political parties became the focal point of the negotiations. As we have seen the UNP government had accepted this in 1985. Many smaller parties representing parts of the present People's Alliance also accepted it, but the SLFP, the core of the present coalition was firmly opposed. More to the point, the TULF and other Tamil parties insisted that a provincial structure was inadequate in itself unless it embodied the principle of a Tamil dominated north-eastern province.

The concept of a north-eastern province had figured in the diplomatic negotiations between India and Sri Lanka for the first time in 1983; it was embodied in the controversial Annexure "C" associated with the diplomatic forays of G Parathasarathy, Indira Gandhi's special envoy to Sri Lanka, in the wake of the riots of July 1983. When this document was placed before the All Party Conference of 1984 for discussion it failed to win any support there.^{vii} Those familiar with the debates and previous draft legislation on devolution of power in Sri Lanka will remember that the concept of a region as something both smaller and larger than a province went back to the draft legislation prepared by the Bandaranaike government in 1957 in its negotiations with the Federal Party (the precursor of the TULF).^{viii}

In an attempt to make the provincial system acceptable to the Sri Lankan political parties the Indian government in 1986, through its then Foreign Secretary, A P Venkateswaran, persuaded the Sri Lanka government of the day to treat the Indian state system as a model in regard to the powers of the provincial system. Thus from 1986 onwards Indo-Sri Lankan negotiations on the island's provincial system used the Indian state system as the prototype so far as the powers of the provincial councils were concerned. In short, the form of devolution on offer was a quasi-federal one, on the lines of the Indian system, with an emphasis on a strong centre.

The Political Parties Conference of 1986-87 was engaged in two complementary tasks: of drafting legislation for provincial councils; and seeking ways and means of dealing with the grievances of the minorities. By this time the language problem had ceased to be the divisive issue it was in the 1950s and 1960s.^{ix} In 1984 a formula had been evolved on the distribution of state-owned land, a formula that was reached after prolonged discussions, indeed after as many as 37 meetings, between TULF leaders and the then Sri Lankan government. The essence of the formula was: that in regard to national or major irrigation schemes in any part of the island the distribution of land would be on the current ethnic proportions (74% for the Sinhalese and 26% for the minorities) with the proviso that the Tamils and Muslims could, if they so wished, concentrate their national quota in the Northern and Eastern Provinces. On minor irrigation schemes within a province or district, the provincial or district ethnic profile would prevail, while on purely local schemes local residents would get preference. This formula was accepted by the TULF in 1984 with some reluctance. They sought to re-open the question with the Indian government in 1985, in a letter they sent to the then Indian Prime Minister, Rajiv Gandhi (see Document I), and so in 1986 the formula was re-examined. Eventually it was endorsed by the Political Parties Conference of that year at which the TULF was represented, and endorsed also by the Indian government. There was a consensus on many other issues including the political status of that section of the Indian Tamil minority then still regarded as "stateless."

The consensus on the structure of the devolutionary process did not extend to the SLFP which did not participate in the discussions. That party had opposed the creation of District Development Councils; and walked out when the bill on the establishment of these councils was discussed in Parliament in 1980. The SLFP boycotted the elections to the District Development Councils thereafter. It refused to participate in the discussions of the All Party Conference of 1984, or the Political Parties Conference of 1986 and opposed the legislation that sought to confer citizenship rights on the "stateless" Indian Tamils in 1988.

The diplomatic negotiations between Sri Lanka and India in 1986 and 1987 were focused not merely on the issue of provincial councils, but also on how to make them acceptable to the various sections of the political system in the island. The principal difficulty was the Tamil demand for a north-eastern province, through the linking of the Eastern Province with the Northern Province.

As a way out of the impasse the Indian government proposed a division of the Eastern Province into three units, and when this failed to gain support, it suggested the excision of the Ampara district, or even the Ampara electorate, from the Eastern Province in order to exclude the bulk of the Sinhalese population of that province. It was after the failure of these negotiations, that the concept of a temporary merger of the Northern and Eastern Provinces was introduced as one of the key features of the Indo-Sri Lanka peace accord of 1987. The background to that accord, especially the pressure from the Indian government on its Sri Lankan counterpart in regard to this, and the violent opposition that the signing of the accord evoked, has been reviewed in a number of articles and monographs.^x The accord was signed against the background of violent public protests and the SLFP and JVP, as co-belligerents if not allies, played a central role in the agitation against the accord. The government successfully withstood this pressure and proceeded to sign the accord and to introduce a constitutional amendment (the 13th amendment) in 1987 for the creation of provincial councils. The SLFP, once again, opposed this amendment and boycotted the elections to these councils held in 1988. However, sections of the present People's Alliance participated in the elections: the Lanka Sama Samaja Party (LSSP), the Communist Party (Moscow Wing) and the Sri Lanka Mahajana Pakshaya (SLMP) led by Vijaya Kumaratunga—the husband of Chandrika Kumaratunga. Indeed she was a prominent member of this breakaway faction of the SLFP. Unlike the SLFP these parties also supported the Indo-Sri Lanka peace accord.

In early 1989 after R Premadasa's victory at the presidential election of December 1988, there was an attempt at reviewing and revising the whole scheme of devolution of power introduced in 1987, including the linkage between the Northern and Eastern Provinces. The Premadasa government sought to initiate a reappraisal of all these issues, and responding to his appeal to all political groups to join these talks, the LTTE seized this opportunity to begin a 14 month long series of discussions, the first direct negotiations between the two sides, all part of a peace process that was expected to culminate in a new devolution package, and the entry of the LTTE to the country's democratic political system. Almost simultaneously another set of broad negotiations began with the various political groups in the country to reach agreement on a comprehensive set of reforms to resolve differences between the various ethnic groups in the island, and to deal with their demands. One could call this the third set of negotiations following on those held in 1984 and 1986.

The negotiations between the government and the LTTE collapsed after 14 months,^{xi} with the LTTE's unilateral abrogation of the cessation of hostilities that had commenced in April-May 1989. There was a return once more to armed conflict. While engaged in these hostilities, the Premadasa government began yet another set of discussions and negotiations, this time, with parties represented in parliament, with the active participation of several Tamil political groups including, of course, the TULF. The LTTE was not represented in Parliament. These discussions took the form of a parliamentary select committee under the chairmanship of Mangala Moonesinghe then a SLFP MP, and presently (1999) Sri Lanka's High Commissioner in New Delhi.

That committee's proceedings lasted through much of 1991-93, and its discussions once again revealed a sharp division of opinion on some of the crucial issues in the devolution debate, in particular on the linkage between the Northern and Eastern Provinces. There was general agreement on the need to strengthen the powers of the provincial councils, even to the extent of doing away with the concurrent powers in the 1987 structure and transferring these to the provincial councils. The significance of this consensus should be

underlined: to the extent that the concurrent powers are removed, the provincial councils in the Sri Lanka system would have a greater degree of autonomy than the states of the Indian Union. There was no consensus possible on the demands of the Tamil parties for a permanent linkage between the Northern and Eastern Provinces. Neither of the two main Sinhalese parties, the UNP and SLFP, would agree to this, but both were agreeable to administrative mechanisms which would enable these councils, or representatives of the two councils, to discuss issues and problems of common interests.^{xii}

The victory of the People's Alliance (PA) at the parliamentary and presidential elections of 1994 raised expectations of new initiatives and new policies on the resolution of Sri Lanka's ethnic conflict. The PA campaigned on a platform of bringing peace to the country and the PA's leader was hailed as the peace candidate at the presidential election of November 1994. While the LTTE was not represented in Parliament, it immediately proclaimed its own support for a negotiated peace. During the election campaigns of 1994 the TULF had enthusiastically supported the PA, the first time since the establishment of the TULF that they had actively campaigned on behalf of a national party; the other Tamil parties represented in Parliament backed the PA but only after the PA candidate had won an overwhelming victory at the presidential election of November 1994. In the aftermath of the PA's victory the second set of direct negotiations between the LTTE—the first had been with the Premadasa government in 1989-90—and the Sri Lanka government began. They collapsed, as is well known on or just after 19 April 1995.^{xiii} Although the life span of the negotiations was much shorter on this occasion than in 1989-90, yet while they lasted they created an atmosphere in which expectations of a resolution of the conflict were raised to euphoric levels of unreality.

Once these talks collapsed, a draft constitution incorporating a federal structure was introduced for debate in the country on 3 August 1995. The principal argument used, sometimes quite explicitly, sometimes implicitly, by the government was that a federal structure in which most of the powers were with the provinces, combined with a linkage between the Northern and Eastern Provinces, was the irreducible minimum that Tamil political parties would accept as an alternative to a separate state. The objective was to isolate the LTTE and win over the other Tamil parties. That draft constitution was as much the work of the TULF as it was of the new government. The most conspicuous feature of the draft constitution was its similarity in many of its most vital features to the TULF's letter and memorandum of December 1985, to Rajiv Gandhi. That memorandum contained the framework of a federal structure for Sri Lanka, described in it as a Union of States. A weak—very weak—central government and powerful provincial units were the essential features of that proposal. Needless to say, the merger of the Northern and Eastern Provinces was an integral part of the scheme. The proposals of the PA government began as a version of this same scheme, one that had been rejected in 1985-86 by the Indian government no less than the then Sri Lankan government. The PA's proposals were modified subsequently in the legal draft released on 16 January 1996, and the draft constitutional proposals released in October 1997, but the influence of the TULF's proposals and its letter and memorandum of 1 December 1985 to Rajiv Gandhi remains.

III

By Way of Comparison—The Philippines

This brief survey of the history of negotiations over devolution in Sri Lanka provides a stark contrast to the cognate process in the Philippines, where negotiations have continued between the government of the Republic of the Philippines and the Moro National Liberation Front (MNLF) over the last 25 years or so. The current exercise in Sri Lanka has been proclaimed by the PA as a deliberate attempt to start afresh in the devolution programme, with little or no attempt to maintain a continuity with the structures established in 1987-88, or even the negotiations conducted in the parliamentary select committee chaired by Mangala Moonesinghe. In contrast, the agreement between the Philippines government and the MNLF under Professor Nur Misauri in 1996 is directly linked to a previous one signed by the two parties twenty years earlier—on 23 December 1976 to be precise, in Tripoli—as a reading of clause 153 of the 1996 agreement, the "Totality clause" as it is called, makes very clear.

That clause reads as follows:

“153. This Peace Agreement, which is the full implementation of the 1976 Tripoli Agreement, embodies and constitutes the totality of all the agreements, covenants and undertakings between the GRP [Government of the Republic of the Philippines] and the MNLF respecting all the subject matters embodied herein. This Agreement supersedes and modifies all agreements, consensus covenants, documents and communications not referred to or embodied in this Agreement or whose terms and conditions are otherwise inconsistent herewith. Any conflict in the interpretation of this Agreement shall be resolved in the light of the Philippine Constitution and existing laws.”

This current agreement between the Philippines government and the MNLF, negotiated over the period 1989 to 1995, should be compulsory reading for Sri Lankan legislators presently engaged in the negotiations over devolution of power. They would see that the agreement is scheduled to be implemented over a three-year period which could, if necessary, be extended to five years. The second point is equally important: what strikes the Sri Lankan reader of this Philippines agreement is how modest the demands of the MNLF have been in contrast to the demands of the TULF and other Tamil parties and how limited the powers delegated to the Moro rebels are, in contrast to those conceded to Sri Lanka's provincial councils in 1987. Besides, the MNLF limits its claim to the Muslim areas of Southern Mindanao only; they have shown no interest in a radical reconstruction of the Philippines polity just to accommodate the wishes of their own people—the Muslims of Mindanao.

One needs to remember that no ex-colonial people in any part of the colonial world have a record of anti-colonial resistance as long, consistent or courageous as the Moros, a five hundred year record of struggle against the Spaniards, the Americans, and after 1946, the Philippines government.^{xiv} Despite this, they have been far more pragmatic in their demands than their counterparts among the Tamil parties in Sri Lanka, who unlike the Moros can make no claims to any strong anti-colonial resistance. Certainly that restraint has been anathema to smaller and more radicalised groups such as the Moro Islamic Liberation Front (MILF) who insist on the creation of an Islamic state in Mindanao, but the initiative still remains with the MNLF and the Philippines government.

IV The Federal Option^{xv}

Ever since the salient features of the government's proposals on constitutional reform were first published in 1995, the government-dominated press in Sri Lanka carried a number of articles advocating the adoption of a federal system as a means of managing the country's current ethnic conflict better, or at any rate for minimising the tensions and violence of the current conflict. As could be expected, the articles on federalism have little to say on the shortcomings of federal systems, and nothing at all on the failure of federal systems in other parts of the world to resolve the sort of problems for which federalism is recommended as essential for Sri Lanka.

The key feature of a federal system of government is, of course, the division of sovereignty between the central administration and the provinces, states or regions in a state. Virtually all states—including unitary states—have some sort of decentralised administrative units if not systems and in the international scholarly literature one often sees a lively debate on the continuum between a unitary system and various forms of quasi-federal constitutions, and a federal system. There is agreement in the international political science literature: that there is no single model of a federation; and secondly, that federal structures, in all parts of the world, are in a dynamic process of change where the relationship between the centre and the regional units are in a state of flux, the powers of the centre and the units being regularly re-negotiated and re-assigned. With the release of the PA government's devolution proposals it was only to be expected that we would see some of that debate in Sri Lanka. Unfortunately the contribution of the local political scientists who have participated in that debate has been an uncritical advocacy of federalism rather than an objective evaluation of its suitability in the Sri Lankan context, not surprisingly since the bulk of the writing has been by strong supporters of the present coalition government which is now publicly committed to federalism.

A look at a standard world map will show that most federal states are large countries, some of them of sub-continental proportions. Indeed of the eight largest countries in the world as many as seven are federal states. These are, in alphabetical order: Argentina, Australia, Brazil, Canada, India, Russia and the United States. The exception is China—which is not referred to as a federation in official United Nations documents. China has four "autonomous" regions in the periphery of the country: Inner Mongolia, Tibet, Sinkiang and Kwangsi Chuang. Other federal states include Austria, Germany, Malaysia, Mexico, Nigeria, Pakistan, Switzerland and Venezuela. Of these states only two or three if one includes Belgium, have a territorial spread of less than 50,000 square miles: Austria (32,377 square miles) and Switzerland (15,943 square miles).

Generally federal systems are the product of a long process of historical evolution. All of them represent, in essence, a compromise between the need for retaining some element of a regional unit's distinct identity, and the political compulsions for the establishment of a cohesive and larger entity consisting of these units. The very successful Swiss federation evolved over several centuries—the process being accelerated after the 19th century—the US and Canadian systems developed over two centuries, and the Australian federation over the last century.

The current debates about the status of Quebec, the core of the old French Canada, within the Canadian union have a somewhat archaic ring, if archaic means the 18th and 19th centuries. One thinks of the Quebec Act (1774), the Constitutional Act (1791) and of that pathbreaking 19th century document on how to handle the principal ethnic divide in Canada—English versus French—the Durham Report, as well as the policies that emerged from the adoption of its principal recommendations from the 1850s and through the 19th and early 20th centuries. Yet these measures have not succeeded in giving the Canadian federation the stability of its US counterpart. The current debate over Quebec's position within Canada is no more than a recycling of arguments used in the late 18th and 19th centuries on the same theme. Indeed the Canadian federation serves as an excellent example of the failure of federalism to resolve ethnic disputes.

In many former colonial systems, a federal structure often grew as part of an attempt to preserve distinct territorial units conquered or absorbed by the colonial power at various stages, and the ethnic, religious and regional identities associated with them. The examples that spring to mind are India, Pakistan and Malaya (now Malaysia) all of which gained independence as federations. Some federations were post-independence creations, through the intentional combination of separate political entities: Nigeria, Tanzania and Cameroon among them.

Nigeria is a special case. When it gained independence in 1960, it had for all practical purposes, a unitary system, and it was only in 1963 that a "quasi-federal" governmental structure was instituted. Beginning with three states the Nigerian federation now has 31, and there is pressure for the creation of more states, from 38 to as many as 80. The Nigerian record of the proliferation of states has a parallel in north-east India where, as we shall see, seven states have been created most of them out of the state of Assam as it was at the time of India's independence.

One feature of the development of federal systems needs special emphasis: very seldom have federal structures been adopted in formerly unitary states. One of these examples often cited is Spain, where traditional regional identities have been very strong and where there has been a long history of dissension between the regions. The current constitution of Spain has certain very special features. The country is divided into Provinces (on 'traditional' lines). The constitution permits a group of contiguous Provinces (with common historical, cultural and economic characteristics) to seek the status of an 'Autonomous Community.' Autonomous status could be sought only when a minimum of two-thirds of the 'Municipalities' (local government bodies) within the provinces concerned supported such an initiative. Such status is granted following negotiations between the central government and the group of provinces seeking such status (see clauses 137 to 158 of the Spanish constitution of 1978).^{xvi}

The most significant feature is that the constitution allows for variations within the 'Autonomous Communities' (i.e. among the respective provinces of an autonomous community) as well as among the autonomous communities, in respect of the extent of autonomy granted. Thus the Spanish constitution enables the central government to regulate the amount of autonomy granted to each Autonomous Community and to each constituent Province within an Autonomous Community.

From the time of promulgation of the new constitution (1978) up to 1984, 17 Autonomous Communities, with varying degrees of autonomy, had been created. There is no across-the-board, i.e. uniform, devolution in the Spanish system. Some of the 'Autonomous Communities' of Spain are less autonomous than, say, Scotland in the UK. More important, despite the use of the term 'Autonomous Community' the constitution vests a large amount of reserve powers on the Central government. Spain is almost entirely homogenous in respect of religion if not of language as well.

An example of a small unitary state that has evolved into a federation is Belgium. Belgium survived as a unitary state till 1970, when prolonged tensions compelled a resort to an exercise in constitutional reform, a significant modification of the unitary system. After a virtual breakdown in the system in the late 1970s there followed more vigorous attempts at constitutional revision which took the form of regionalisation and, when this too seemed inadequate, a federal system was introduced in 1988-89. An authoritative study of this latter process by a recent scholar, L Hooghe, has a very telling title: *A Leap in the Dark—The Belgian Federal Reform*.^{xvii} Belgium has (following the post-1970 reforms) two sets of sub-national arrangements. The national authorities share power with: (a) the executive and legislative bodies representing the three major politically defined 'regions' (Flanders, Wallonia and Brussels); and (b) the more numerous language 'communities' (that are incorporated within the regions). Belgium continues to have a strong central government because under the terms of its constitution, national executive power is vested in the king and his ministers, and legislative power is shared by the king, the chamber of representatives (Lower House) and the Senate. In Belgium the majority linguistic group—Dutch speaking—accounts for only 55% of the population, while the main minority group—French speaking—accounts for as much as 44%. The ethnic and religious identities that divided the people of Belgium have deep historical roots, and the two principal groups have long traditions of conflicting political aspirations.

There is also the case of Ethiopia where long periods of violent political turmoil, and a successful separatist agitation leading to the independence of Eritrea, culminated in 1994-95, in the creation of a federal state consisting of a group of ethnically distinct units. Africanists see this post-civil war reconstruction of the Ethiopian polity as an innovative but desperate move to stave off a total collapse of the state, by reducing the state to a collection of ethnic entities. Under this constitution sovereignty lies with the various nationalities and peoples of these units, rather than in people of Ethiopia.

Egoshia E Osaghae, the Nigerian political scientist, himself an enthusiastic advocate of federalism in the African context, refers to the difficulties that federal structures have had, and still have, in coping with ethnic conflict. He warns that:

"...federalism is not all pros when it comes to dealing with the ethnic question. It also has cons that are equally important, which is why federalism... is a contested rather than a settled option. First is that... it cannot help much in situations where component groups of a state have resolved to go their separate ways—where things have so fallen apart that the centre can no longer hold. Secondly, the federal solution to the ethnic question has not always worked. The collapse of the former Soviet Union and Yugoslavia, the stresses that the Canadian federal system which is one of the oldest federal systems continues to face in regard to Quebecois separatism, and the so-called failure of the federalism in Nigeria, are cases in point."^{xviii}

If Sri Lanka were to join this band, it would be one of a very small group of unitary states to convert itself into a federation. There are two significant differences between Belgium and Spain—both officially classified as constitutional monarchies—on the one hand and Sri Lanka on the other. First, Sri Lanka's present provinces have been created by the British and have always been merely administrative units. Introduced first

of all in 1832 for the purpose of breaking national feeling among the Kandyans who had successfully resisted the Portuguese, Dutch and the British till 1815-18, every subsequent change to these boundaries from 1845 to 1889 was guided by political imperatives.^{xix} Certainly they were not and have never been "regions" in any acceptable sense of the word. Second, despite the tensions and bickering in Belgium the transition from a unitary state to a quasi-federal and a federal one in that country did not confront the very high levels of violence that have been a feature of Sri Lanka's ethnic conflict in recent times. There is thus the great danger that the transition to a federal structure could transform the existing deep fissures in Sri Lanka's ethnic politics into unbridgeable gulfs.

The principal argument advanced in favour of a federal structure for Sri Lanka is that it would be a more effective means of accommodating ethnic diversity than the current unitary system. However, the crucially important fact is that the demand for federalism is restricted to a section of the Tamil minority who regard it as a means of reinforcing a distinct regional identity based on the north and east of the island. They are guided by a belief that regional autonomy gives them a greater measure of physical security than the present devolution scheme. It is also argued—by the principal advocates of the draft constitution of 1997—that a federal structure would undermine the case for an independent state in the north and parts of the east of the country.

Several other arguments, which we set out in the next paragraph, are advanced in favour of a federal option for Sri Lanka, but these are all subsidiary to those referred to above. In identifying these other arguments we do not endorse them: on the contrary we believe that many of the presumed advantages of a federal system set out below could just as easily be derived from a unitary system with a network of local government bodies. The arguments in favour of federalism include the contention that it would increase opportunities for individuals and groups to participate in government by creating more layers of administration and a larger variety of government institutions; it is also contended that federal arrangements provide a variety of opportunities for articulation of group sentiments, generally not available in unitary systems—and that minority groups are more likely to win substantial influence in a regional unit than in a central legislature. A corollary of this argument is that regional governments under a federal system are better able to articulate the concerns, demands and needs of minority groups than the administrative units of a unitary state.

It is also argued that federalism provides a wider arena for conflict resolution than a purely unitary system: if regional governments represent minority opinions, conflicts can be resolved through negotiations between the regional and central government or between various regional governments. In addition, where minority groups are territorially identified, the regional government can act to protect the interests and identity of the minority. Also federal political structures are considered inherently more democratic because they allow the public more points of access to the government, and thus bring the government closer to the people. Finally it is argued that in a well-balanced federal system various groups feel that they have an equal opportunity and fair share of power and privilege, even if they are not able to control the central government.

We need to examine these claims in relation to the reality of practical experience in federal states, in brief, to ask the question whether federal structures have actually helped to reduce tensions in other parts of the world and to sustain the cohesion of troubled political entities, struggling to cope with ethnic tensions. The fact is that ethnic and other conflicts persist in many federations. Indeed the political history of the world in recent times provides many examples of failed federations. The level of failure ranges from the peaceful separation of the Czech and Slovak units of the former Czechoslovakia, in very recent times, of Malaysia and Singapore in 1965-66 and the collapse of federations in the British Caribbean colonies and states, to the violence that accompanied the failure of federal structures to maintain the former Soviet Union and Yugoslavia intact. Then there is the record of failure of the Nigerian federation to prevent civil war, or to maintain a democratic system or reduce ethnic tensions in that large nation after the civil war.^{xx} As we have seen Nigeria which had only three units in 1960 now has over 30. In British India the diarchical federal system introduced after the Montagu-Chelmsford reforms, and the system of provincial autonomy introduced under the *Government of India Act of 1935* did little to keep Hindus and Muslims together. Eventually tensions between the two groups led to the bloody partition of the *raj*. Nor has the post-colonial federal structure succeeded in providing an effective

means of managing ethnic and religious strife in India as events in the last two decades and the period since the early 1980s in particular demonstrate.

The central government in India has often changed regional boundaries to appease particularly disgruntled and vocal minority groups whether they be linguistic or religious, a process that has gone on from the mid-1950s to the present day, and shows no signs of coming to an end as regionalism and ethnic identity make their own pressures felt. The best example is the fate of the north-east of India: between 1947 and the present day altered provincial boundaries have created seven states where there was one large state, Assam, and a few princely states. The new states are called the Seven Sisters of India's troubled north-east.

Table I

INDIA'S NORTH-EAST - HISTORICAL MILESTONES
The Origin of the Seven Sisters

Arunachal Pradesh	(Formerly North East Frontier Agency) became a Union Territory in 1972, and a state in 1987 (area: 32,270 sq. miles)
Assam	A British province which in the 1940s extended over almost the whole of the North-East. It was one of the original states of the Indian Federation under the constitution of 1950.
Manipur	Its accession to India came in 1947. A Union Territory from 1950 to 1972, and a state since 1972 (area: 8,632 sq. miles)
Meghalaya	An 'autonomous administrative Unit' within the state of Assam until 1970. In 1970 it was made an 'Autonomous State' within Assam, and was elevated to the status of a State in 1972. (area: 8,683 sq. miles)
Mizoram	A 'District Council' administration up to 1972 ("Mizo Hill Districts"). A Union Territory from 1972 onwards, and a state from 1987. (area: 8,141 sq. miles)
Nagaland	Placed under the central administration in 1957, following prolonged negotiations between the Government of India and the Naga leaders. It became a state in 1963. (area: 6,401 sq. miles)
Tripura	The Maharaja of Tripura agreed to accede to India in 1947 just before his death. It became a part of India (administered directly from the centre in October 1949). It was granted Union Territory status in 1956 and became a state in 1972. (area: 4,051 sq. miles)
Sikkim	(also spelt Skkhim). A treaty signed between India and Sikkim in 1950 made it an Indian protectorate (India became responsible for Sikkim's external relations). Merged with India following a referendum held in April 1975, and became a State in the Indian Union that year. The first elections to the State Assembly were held in 1979. (area: 2,783 sq. miles)

Despite this creation of state after state, each of these seven states contain dissident groups seeking an autonomous status within them, or demanding the creation of a new state, a process that will lead to more states than the seven already in existence in the north-east. While the Indian union has remained intact for almost 50 years since independence, this survival owes much more to the country's macro-economy with its expanding inter-regional linkages and its bureaucracy and the military might of the central government than it does to its federal structure of government.

To the list of federal systems that have failed to contain ethnic and religious tensions within and between regions or provinces must be added Belgium. There, in 1988-89, in yet another phase of the process of establishing a federal structure, the powers of the regions or provinces were increased further and substantially. The assumption was that this would help maintain the system as a viable political entity and prevent its eventual dissolution. On the contrary, greater power to the units has whetted their appetites for still more

power and the pursuit of separatist aspirations at the expense of the already weakened central government. Knowledgeable political analysts often argue that the Belgian federation is heading for dissolution, fortunately, almost certainly, a peaceful one on the Czech and Slovak model.

As in India, demands for boundary changes within federal structures are put forward in many countries by minority groups who wish to concentrate their power. In particular newly salient ethnic, religious or merely regional groups, seek recognition as distinct or separate units, as for example, in Russia since the dissolution of the Soviet Union where the pressures for change have resulted in violence as in Chechniya, or the prospect of violence in other parts of the Russian Federation. In Spain the success of Catalonia, the Basque region, and Galacia in gaining special regional status has inspired other regions of the country to demand recognition and to gain similar regional status.

Indeed, the capacity of devolution of power to regional units, be they districts or provinces, or something larger than provinces, in a unitary system no less than in a federation, to reduce ethnic conflict is more limited than enthusiastic advocates of it are willing to concede. Experience suggests that federal systems often accentuate rather than curb separatist sentiment in peripheral units. As the well-known US political scientist, Milton Esman wrote in an article written nearly 25 years ago

"...the conflict regulation potential of territorial autonomy [is limited] when territorial units... make extravagant and even incompatible demands... which the polity cannot accommodate, thus escalating rather than regulating conflict."^{xxi}

This is the story in India whether one looks at the Punjab, Kashmir, or Assam; it is the story in Belgium; in Canada; and in Nigeria. The evidence we have would justify the prediction that it would be the story in Sri Lanka if a federal structure is introduced. The crucial point would be the fate of the Eastern Province where the Tamils are only 40% of the population. In Sri Lanka the introduction of a federal system would be controversial enough on its own; it becomes even more so because it is linked to the creation of a distinctively Tamil region or a Tamil dominated region in the Northern and Eastern Provinces—the controversial claim for a ‘Traditional Homeland’ or ‘Homelands’ for the Tamils of Sri Lanka.

While the present government regards the federal option as a political prophylactic against separatism there is no evidence that the LTTE would accept such an option. Their commitment to separatism remains as strong as it ever was. All this brings to mind Milton Esman’s warning in his recent study of *Ethnic Politics*, that: “For statecraft the principal risk associated with federalism is that territorial devolution may be the prelude to demands for complete separation,”^{xxii} although Esman himself was not thinking of Sri Lanka when he wrote that sentence. In Sri Lanka the demand for complete separation preceded the commitment on the part of the current government to a policy of incremental federalism. Nothing in the history of Sri Lanka’s recent politics of ethnic conflict, especially the passionate commitment of the LTTE to separatism, and the reluctance of the other Tamil parties to stand up to the LTTE or to commit themselves publicly to a repudiation of separatism, warrants any great optimism on that score.

For the new federal units of Belgium, no less than those of Spain, or Quebec in Canada, the failure of a federal structure to contain the pressures for separatism has at least the consolation of a large safety net to cushion the collapse of such a system: the European Community in the case of the first two, and the North American Free Trade Association in the case of Quebec. There will be no such safety net for the Sri Lankan federation which the People’s Alliance plans to introduce.

If the People’s Alliance proposals on devolution are accepted by Parliament and the electorate, Sri Lanka would join Belgium as an unusual example of a small unitary state which converted itself into a quasi-federation. Indeed, as an Indian scholar has recently reminded us if the federal units in India were as small in size as the provinces in Sri Lanka, India would have 426 states! More to the point, Sri Lanka would be a unique example of a former colonial entity adopting the administrative boundaries originally introduced by the colonial power as the boundaries of the units of a new federation. Unlike in other colonial societies the British

in Sri Lanka did not preserve the traditional districts as colonial administrative divisions. Instead, in an attempt to destroy the national feeling in the Kandyan kingdom they deliberately ignored traditional boundaries. That is the genesis of Sri Lanka's nine provinces, which are now treated as "regions" in the PA proposals.

Characteristic of the restless experimentation which has been this island's record in constitution making and breaking, the People's Alliance proposals on devolution are the third to be introduced for public discussion in just over 15 years from the time the District Development Councils were established in 1980-81. That system was abandoned in the mid-1980s after the TULF (with Indian support) refused to be committed to it any longer. As we have seen, the second scheme, the Provincial Councils system was introduced against the background of massive demonstrations against them, not to mention much bloodshed, in 1986-87. In less than a decade after it was introduced an attempt is being made to abandon them in favour of a federal system, with a weak centre. Viewed in historical perspective the present proposals envisage the most purposeful reconstruction of the Sri Lankan polity since the Colebrooke-Cameron proposals of 1833. The objective in 1833 was to strengthen the centre; in 1994-98 the objective is the reverse of that, to weaken the centre.

The system in 1995-97 introduced for public discussion is a very complex one, much too complex for a country which has shown no great relish for the existing Provincial Councils. The country's politicians have very little experience in the running of a second tier of government and no set of conventions or traditions in political behaviour essential to sustain such a system has developed. Generally it takes several decades for such conventions and traditions to evolve. To introduce a federal system now is almost certain to subject Sri Lanka's crisis-ridden political system to even greater stresses.

The crux of the problem, as we have pointed out, is that the demand for devolution is limited to a section of the Tamil minority, those resident in the Northern Province and parts of the Eastern Province. There is no enthusiasm for devolution in the Sinhalese areas of the country. This was so in 1980 when the District Development Councils were introduced; so it was in 1986-87; and so it is today. The UNP did not find it politic to acknowledge this simple but unpalatable truth in the 1980s; the People's Alliance did not find it politic to do so in the mid and late 1990s.

These current proposals for a federal structure for Sri Lanka suffer from three crucial flaws. Its principal flaw is that its only concern is with the political demands, ambitions and interests of the Tamils in the north of the country, and the Tamil minority of the Eastern Province. The political imperatives behind this are understandable in the context of the current crisis in Sri Lanka, but the fact that it ignores the fears of the Sinhalese, in general, makes it unviable politically. Those fears which originally stemmed from the ambiguity with which the objectives of the federal option have been outlined by its principal advocates, the Federal Party and the TULF, have been aggravated by the LTTE's separatist campaign, and the unconcealed reluctance of the TULF and other Tamil parties to publicly criticise the LTTE's objectives. Stemming from this last factor—and this is the second point—the difficulties of reaching an agreement among the major Sinhalese parties on a federal system for Sri Lanka, seem as insuperable today as they were a decade ago. Thirdly, there is no convincing reason given why the country should move from this present structure of provincial councils in a unitary state with many quasi-federal features based on the Indian system, introduced in 1987, to a more formal federal system, i.e. to follow the Belgian example with its patent shortcomings, rather than to continue with modifications within the present system. One could envisage changes within the system where, for instance, the Northern Province could enjoy a greater degree of autonomy than the others, through something akin to the autonomy clauses of the Spanish constitution of 1978. In this way the system introduced in 1987 could be modified to meet exigencies of the Sri Lanka situation where there is no demand for greater autonomy from the Sinhalese areas of the country. If it be argued that the LTTE is hardly likely to agree to this, there is no evidence either that they would regard a federal system as an acceptable alternative to their demand for a separate state based on the "traditional homelands" of the Tamils.

There are many other flaws in the present proposals. Despite modification in later versions of the draft constitution, the structure envisaged is a federation with a weak centre, weaker than Belgium's after the reforms of 1988. One of the flaws identified by critics for special emphasis relate to the control and alienation of state-

owed lands, since the new proposals depart from an agreement reached in 1984-86. The PA government is more to blame for this than the TULF because of its failure to examine the official records on decisions taken during discussions and negotiations on the distribution of state-owned land in the 1980s between the then government and the TULF. Had the PA done that, it would have known that a formula on the distribution of land had been reached by consensus in 1984 and 1986. The essence of that consensus is that in regard to national or major irrigation schemes in any part of the island, the distribution would be on the current national ethnic proportions (74% for the Sinhalese and 26% for the minorities) with the proviso that the Tamils and Muslims could, if they wish, concentrate their national quota in the Northern and the Eastern Provinces. On minor irrigation schemes, the district or provincial ethnic profile would prevail, i.e. while in regard to purely local schemes, local residents would get preference over others. This consensus was reached in 1984; the TULF re-opened this issue in December 1985 in their new oft-quoted letter of 1 December 1985 to Rajiv Gandhi. The Political Parties Conference re-affirmed this same formula in 1986. Part of this process of re-affirmation was an intervention by two Indian politicians on this issue, P Chidhambaram (then a Deputy Minister in the Rajiv Gandhi government) and Natwar Singh: they too accepted it. The principal figures in the discussions on this are both dead: Gamini Dissanayake as Minister of Lands, Irrigation and Power, and A Amirthalingam as Leader of the TULF, both were killed by the LTTE, the former on the eve of the presidential election of 1994, the latter during the Premadasa government's negotiations with the LTTE. Surprisingly, this formula has been ignored by the PA government, despite the fact that many of the smaller political parties represented in it were involved in the negotiations on that occasion, and played a role in creating a consensus on the principles on land distribution on that occasion.

Second, there is the question of police services. The history of negotiations on this issue begins in early 1985 just at the time Rajiv Gandhi took over as Prime Minister after the general election that followed upon his mother's assassination. The then Minister for National Security, Lalith Athulathmudali was sent to India for discussions with Rajiv Gandhi in February 1985. He reported that Rajiv Gandhi himself believed that law and order should not, in any way, be conceded to the provinces or districts. The Indian Prime Minister had told him, that this was the mistake India had made with regard to the Punjab. Despite this initial reluctance to recommend the Indian system to Sri Lanka, it was introduced as part of the 1986-87 package, under pressure from Tamil politicians in Sri Lanka, and Indian officials sympathetic to their views. We confront two issues here: the existence of a tradition of local police forces in many countries, federal and unitary, while in Sri Lanka, a national police force evolved under British rule, and has been continued since independence; secondly, the need for greater minority representation in the Sri Lankan police force. The scheme to establish regional police forces, nine in all, was part of the TULF's set of demands from the mid-1980s, and fitted in neatly with the Indian practice which the Indian government pressed for in the discussions on the Indo-Sri Lanka accord.

The proposal was not implemented for the good reason that the jettisoning of a system that had been in existence over a period of 150 years or more was deemed unrealistic at the time of acute political crisis in the country—the second JVP (1987-89) and the resumption of the conflict between the government forces and the LTTE after 1990. The same proposal to establish regional police forces was revived as part of the package of constitutional reforms currently being debated. Critics of this proposal argue that the factors that prevented the establishment of such regional forces in the mid and late 1980s, and early 1990s, still prevail and will remain for some time. The most urgent reform in the police service, and one that could be implemented is the creation of an institutional framework that would secure the autonomy of the police service and protect it from political interference. As for minority representation in the police service, the decline in the number of Tamils in it has much more to do with the reluctance of Tamils to join it because of potential threats to them and their families from LTTE, than to any reluctance on the part of the Sri Lanka government to enrol Tamils who seek entry to the police force.

Third, the present proposals for borrowing rights for provincial or regional assemblies in the international market are a recipe for the proliferation of future conflicts. Apart from anything else they would guarantee the perpetuation of the prevailing system of uneven economic development. Attempts by the centre to monitor such borrowings will be a potent cause of dissatisfaction.

An even more potent cause of contention both in relations between the centre and the provinces, and between the provinces themselves, will be disputes over water. The absence of any reference to this critically important issue in these proposals is its fourth point of weakness, especially because the principal sources of water are in the Sinhalese areas of the country, and the principal demand for water for irrigation purposes comes from the dry zone, some part of which lies in the regions of the country with large Tamil and or Muslim population concentrations.^{xxiii}

V

Devolution: The Search for a Consensus

The current debate over the PA's proposals on constitutional reform and especially its proposals on devolution would show that while the two principal national parties, the SLFP and UNP, are agreed on the need for greater devolution of power to provincial units, there is no consensus on some aspects of it. First of all, as we have seen earlier in this article, there is no consensus on the establishment of a federal system in Sri Lanka. On the contrary there is strong opposition to such a change in the Sinhalese areas of the country, and any attempt to link a greater measure of devolution to provincial councils with the creation of a federal system would inevitably result in strong popular opposition to both. Second, there is very strong opposition in the Sinhalese areas, to a linkage between the Northern and Eastern Provinces and the creation of a large Tamil-dominated ethno-region in the north-east. If, as the PA government announced some time ago, the boundaries of the Eastern Province are to be redrawn, in order—among other objectives—to create a Muslim-dominated enclave, while linking the Sinhalese areas to other provinces, the North Central or to Uva, such a partition would create as many problems as it is likely to solve, if indeed it would solve any at all given the potential tensions that are likely to be aroused. It needs to be remembered that the Muslims themselves are sharply divided over the need for a creation of a separate Muslim enclave or unit in the Eastern Province. In fact, representative Muslim bodies in the rest of the country have spoken up strongly against the need for such an enclave or unit. Similar proposals made in 1986-87 were rejected by representatives of all the "ethnic" groups concerned.^{xxiv} Once again we need to keep in mind the experience of India's north-eastern region and the redrawing of boundaries there. And, of course, there is the recent experience of Bosnia.

The third area of contention is over the issue of control over public lands. The recent history of this dispute has been summarised in earlier sections of this article. Suffice it to say, that any attempt to abandon the consensus reached in 1984 and 1986 on this issue, would generate strong opposition in the country at large. Police powers are a fourth area of contention. There are two points of dispute here, the first of which is the need for a strong Police Commission at the national level. The second, of course, is the creation of "local" police forces, and the controls to be established over them. At a more practical level—and there need be no dispute on this—is the necessity for greater representation for minorities at all levels in the police force, at the national level and at a local level.

Apart from these points of contention, one could raise a more fundamental issue—should the current practice of across-the-board devolution of powers be persisted with, when there is no enthusiasm for devolution in the Sinhalese areas of the country? Is it not time to consider a more pragmatic approach, to think of what the *Economist* called "the virtues of variable geometry."^{xxv} Two examples suggest themselves, the Spanish and the British. Of these the Spanish alternative has been discussed in some detail in earlier parts of this article. Suffice it to say that the Spanish model has many lessons for Sri Lanka—i.e. it gives greater powers to those who seek it. The second example, the British, is now currently in the news. In addition to the three tier system of government currently in existence in Britain, the national legislature, country councils and local government bodies, a special segment in the second tier has been created in the form of the Scottish Parliament and the Welsh Assembly. Here, in essence, is the "variable geometry" of devolution in action. Not only is it a matter of devolving more power to those who seek it, but it is also of allocating varying levels of power. Thus the Scottish Parliament will have greater powers than the Welsh Assembly. More important, despite the use of the term Parliament and Assembly these bodies have rather more limited powers than the states of the Indian Union, a point that is made by a correspondent of an Indian journal, *The Hindu* in the UK. That correspondent,

Thomas Abraham—who, incidentally, had served in Sri Lanka for some years, as a correspondent for the same journal—pointed out in *The Hindu* of 12 September 1997^{xxvi} that:

“In its constitutional status and its revenue raising powers, the Scottish Parliament will have far fewer powers than a State in India. The devolution proposals do not even create a federal system in Britain, let alone an independent Scotland.”

In the previous paragraph of his report Abraham stated that:

“The devolution proposals make clear that sovereignty will continue to rest with the British Parliament in London. The British Parliament is transferring some of its powers to the Scottish Parliament, but it can also theoretically recall those powers whenever it wishes. A large swathe of powers dealing with Scottish education, health, social services and several similar areas will be transferred to the new Parliament. But issues that need to be dealt with on an all UK basis will continue to be dealt with by the British Parliament. Most of the money the Scottish Parliament spends will also come from the UK Parliament in the form of a block grant.”

The point that needs to be emphasised is not merely that the Scottish Parliament has fewer powers than a state in India, but that it would have even fewer powers than a provincial council in Sri Lanka, once the concurrent list of powers is withdrawn. A consensus on a withdrawal of these concurrent powers was reached in the discussions which preceded the drafting of the Mangala Moonesinghe report, and the PA's proposals incorporate that consensus. On 18 September, the people of Wales approved the referendum for setting up a Welsh Assembly by the narrowest of margins, a mere 6,721 votes. As Thomas Abraham reported in the *Hindu* on 20 September, “...the Welsh seemed deeply sceptical about the merits of creating an Assembly.” It would “...have the power to determine how the Government's budget in Wales is spent...[but] will not have legislative or tax raising powers, and will be a deliberative body.”^{xxvii}

One of the unfortunate consequences of concentrating attention on district and provincial units, and on supra-provincial units has been a neglect of one of the less controversial and more viable forms of decentralisation—local government institutions at the municipal and urban council levels and village council levels. Sri Lanka is a unique case where discussions and negotiations on devolution of power have been conducted since the 1950s without any reference to the reform and strengthening of local government institutions.

The last comprehensive examination of local government institutions and their problems took place as long ago as 1954-55—the Choksy Commission, headed by one of the most distinguished lawyers of the day, N K Choksy. Unfortunately its comprehensive recommendations for revitalising and strengthening local government bodies were soon overshadowed by the greater emphasis placed on the creation of a second tier of government, district and provincial councils. The powers of the municipalities are still governed by legislation introduced in 1947. In 1998 a rather low-key Commission, headed by a retired civil servant, was appointed to examine the problems of local government bodies. Its report has been submitted to the government.

Over the last thirty years or more very little has been done to strengthen the financial bases of these local government institutions or their powers to initiate local development projects. On the contrary there was till the late 1970s an ever-increasing control over them by the central government, in the name, generally of efficiency and co-ordination of services and economic development, but in fact in the pursuit of political objectives designed to benefit the party in power. That tendency reached its peak in the period 1970-77 when the operations of a large number of local government bodies ranging from municipalities (including the Colombo Municipality) to village councils were suspended. The result was that an important range of institutions which could have contributed to a genuine devolution of power through participatory democracy and local initiatives lost a great deal of their vitality. The decision of the Presidential Commission on Development Councils of 1980 to abolish village councils and to transfer the functions of these bodies to local level units of the District Development Councils, and to informal (i.e. theoretically non-political) village organisations did not yield any of the benefits anticipated on that occasion. That decision was based on a mixture of political considerations and a misplaced idealism. The TULF who argued in favour of the abolition

of village councils hoped thereby to strengthen the district councils, by bringing all other local government institutions under the purview and supervision of the district councils; others argued that the administrative costs of running these village councils had kept increasing to the point where very little money was left for development programmes and that, such programmes were of a distinctly *ad hoc* nature. In addition there was the belief that these informal but popular village bodies could cut across party alignments and bring the people of the village together for common development projects, that in fact they would be a means of de-politicising the village in the periods between national and district council elections. It soon became clear that the mechanisms and informal institutions substituted for village councils did not provide either the administrative efficiency or the responsiveness to local needs anticipated when they were instituted. Village councils were re-established in 1988-89 and the first elections to them were held in 1991.

After 1977 local government elections have been held at regular intervals at a national level and generally—like parliamentary elections—on a single day. Again in stark contrast to the situation between 1970 and 1977 government controls over such councils were relaxed, and certainly no council was brought under central control. Nevertheless there has been no systematic attempt to examine the financial viability of village and urban councils, or the power, functions and resources of municipalities. While Sri Lanka has avoided the worst features of South Asian urbanisation so far, its continued ability to do so will depend very much on the effective functioning of its local government institutions, especially its municipalities.

The present debate on devolution of power would be a much more realistic one if local government institutions were treated as an essential feature of devolution—as it was in Thailand's new constitution introduced in 1997^{xviii}—instead of being ignored totally as they have been in the PA's proposals. Innovative local government institutions are likely to be a more appropriate means of recognising ethnic and religious diversity in areas like the Eastern Province with its mixed population. Making provision for that diversity through local government bodies is likely to be more effective than boundary changes designed to establish ethnic enclaves whether they be called districts or cantons.

One final point. There would be a much stronger prospect of achieving a consensus between the two national parties, if not in the country at large, if the Philippines example of establishing an organic link between the current proposals, and the decisions taken in the last 15 years on devolution in Sri Lanka. This would include the 13th amendment of the 1978 constitution, and the recommendations of the Mangala Moonesinghe Committee. There was a consensus reached between the two national parties in the Mangala Moonesinghe Committee's report. And one must not forget that President Chandrika Kumaratunga personally and her party the Sri Lanka Mahajana Pakshaya (SLMP) actively supported the 13th amendment and the SLMP participated in the elections to the Provincial Councils in 1988.

The failure to capitalise on the consensus reached between the two main national parties in 1993 by the PA government has been a monumental folly. Under the normal processes of political bargaining the new government elected in 1994 could have used the advantage of what it regarded as a clear mandate, to search for a durable peace, to good effect to persuade the opposition to whittle down some of the differences between government and opposition. Instead in its quest for the will-o'-the-wisp of a fresh start, the government lost the momentum it had in 1994-95. The package of constitutional proportions proved to be not so new after all. When it was first published it was seen to be an adaptation of the TULF's own proposals outlined in 1985—and rejected by the then government on the occasion. The fresh start was not so very fresh. In taking the core of the TULF proposals as the essence of its own package of constitutional reforms, the government only stultified itself. If this strategy was flawed, the PA's policy of confrontation with the UNP showed that its tactics were equally flawed and short sighted and ill-considered as well.

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Notes

* The author was a member in 1980 of the Presidential Commission on Development Councils which recommended the establishment of District Development Councils and a member of the official Sri Lankan delegation which held discussions with an official Indian delegation jointly led by P Chidambaram (Later, India's Finance Minister in the coalition led by Prime Minister I K Gujral) and K Natwar Singh on 18-19 December 1986.

From that 1986 experience arose the preparation and publication of my monograph *"The Traditional Homelands" of the Tamils: Separatist Ideology in Sri Lanka: A Historical Appraisal*, published in 1987, and in 1994 in a revised version by the ICES. Subsequently I wrote *Regional Powers and Small State Security India and Sri Lanka, 1977-1990*, Johns Hopkins University Press, Baltimore Md., and the Woodrow Wilson Center Press Washington DC, 1995; and in a cheaper South Asian edition by Vikas in Delhi.

- i. For a brief study of Sri Lanka's ethnic conflicts, see K M de Silva, *Reaping the Whirlwind: Ethnic Politics, Ethnic Conflict in Sri Lanka*, Delhi, Penguin Books (India), 1998; and *Sri Lanka: Ethnic Conflict Management and Resolution*, ICES, Pamphlet Series (6), revised edition 1999.
- ii. What is regarded as the independence constitution was actually adopted in May 1946 through an Order in Council. The date of promulgation was 17 May 1946.
- iii. In 1958-59, S W R D Bandaranaike's Mahajana Eksath Peramuna (MEP) government initiated discussions on a reform of the constitution but the process came to a halt on his assassination. At the general election of 1956 the MEP won 51 out of 95 elected seats; with the 6 MPs, nominated by the government, the MEP had a majority in Parliament on its own, unlike the present People's Alliance led by his daughter.
- iv. For discussion of this see, K M de Silva, "Bandaranaike and the National Debate on Devolution, 1926-1957" in K M de Silva (ed.), *Devolution in Sri Lanka: S W R D Bandaranaike and the Debate on Power Sharing*. A Documentary Survey with an Introduction by K M de Silva, ICES Occasional Paper No. 5, Kandy, Sri Lanka, ICES, 1996. See particularly pp 10-12.
- v. This is reviewed in K M de Silva, *Managing Ethnic Tensions in Multi-Ethnic Societies, Sri Lanka 1880-1985*, Lanham Md., University Press of America, 1986, pp 313-318, 331-332.
- vi. For the background to this see, K M de Silva, *Regional Powers and Small State Security, India and Sri Lanka, 1977-1990*, Baltimore Md., Johns Hopkins University Press, and Washington DC, the Woodrow Wilson Center Press, 1995, pp 147-198.
- vii. *Ibid.*
- viii. See, K M de Silva, "Bandaranaike and the National Debate on Devolution, 1926-1957" in K M de Silva (ed.), *Devolution in Sri Lanka: S W R D Bandaranaike and the Debate on Power Sharing...*, *op.cit.*
- ix. See, K M de Silva, "Coming Full Circle: The Politics of Language in Sri Lanka, 1943-1996," *Ethnic Studies Report* (hereafter *ESR*), XIV(I), January 1996, pp 11-48.
- x. See, S D Muni, *Pangs of Proximity: India and Sri Lanka's Ethnic Crisis*, New Delhi, Sage Publications, 1993. Alan J Bullion, *India, Sri Lanka and the Tamil Crisis 1976-1994: An International Perspective*, London and New York, Pinter, 1995. K M de Silva, *Regional Powers and Small State Security, India and Sri Lanka, 1977-1990*, *op.cit.*
- xi. See, Dayan Jayatileka, "Premadasa-LTTE Talks: Why they failed and what really happened" in Kumar Rupasinghe (ed.), *Negotiating Peace in Sri Lanka: Efforts, Failures and Lessons*, London, International Alert, 1999, pp 173-185.
- xii. See *Report from the Select Committee appointed to recommend ways and means of achieving peace and political stability presented by Mangala Moonesinghe* (Parliamentary Series, No. 47, November 1993).

- xiii. Jayadeva Uyangoda, "Breakdown of 'Peace Talks,'" *Pravada*, May-June 1995, pp 18-20.
- xiv. For a definitive study of Moro resistance see, C A Majul, *Muslims in the Philippines*, 2nd ed., Quezon City, University of the Philippines Press, 1973.
- xv. On Federalism, the standard works include, I D Duchacet, *Comparative Federalism: The Territorial Dimensions of Politics*, London, 1987; Carl Friedrich, *Trends of Federalism in Theory and Practice*, London, 1968; T M Frank (ed.), *Why Federations Fail: An Inquiry into the Requisites for Successful Federation*, London, 1968; C U Hicks, *Federalism: Success and Failure*, London, 1978; Preston King, *Federalism and Federation*, London, 1982; G Sawyer, *Modern Federalism*, 2nd ed., London, 1976; K C Wheare, *Federal Government*, (first published, London, 1946; this book has gone into several editions).
- xvi. An English translation of the text of the Spanish Constitution of 1978 was published in *Keesing's Contemporary Archives*, 5 October 1979.
- xvii. L Hooghe, *A Leap in the Dark - The Belgian Federal Reform*, Ithaca, NY, Cornell University Occasional Papers on Western Societies Programme, No. 27, 1991.
- xviii. Eghosa E Osaghae, "Federalism and the Ethnic Question in Africa," paper presented at a conference on Ethnicity and Governance in the Third World, Utah, USA, Weber State University, 10-13 June 1999, pp 1-26. The extract quoted is at p 4.
- xix. See, K M de Silva, "Nineteenth Century Origins of Nationalism in Ceylon" in K M de Silva (ed.), *University of Ceylon, History of Ceylon*, Vol. III, Peradeniya, Sri Lanka, 1973, pp 249-261 for discussion of this.
- xx. Nigerian Federalism is reviewed in A B Akinyemi, P D Cole and W Ofonagoro (eds), *Readings on Federalism*, Lagos, Nigerian Institute of International Affairs, 1979; J I Elaigwu, P C Logams and H S Galadima (eds), *Federalism and Nation Building in Nigeria*, Ajuba, 1994; J E Elaigwu, "The Challenge of Unity in a Heterogeneous Society: The Case of Nigeria," *Development Studies Review*, 2(2), 1987, pp 78-93, and the same author's "Nigerian Federalism under Civilian and Military Rule," *Publius, The Journal of Federalism*, 18(1), Winter 1988, pp 173-188.
- xxi. Milton Esman, "The Management of Communal Conflict" in *Public Policy XXI*, Winter, 1972, p 64.
- xxii. Milton Esman, *Ethnic Politics*, Ithaca, NY, Cornell University Press, 1994, p 43.
- xxiii. Some of these issues are discussed in G H Peiris, *Development and Change in Sri Lanka: Geographical Perspectives*, Delhi, Macmillan, India, 1996, pp 168-207.
- xxiv. For details of this see, K M de Silva, *Regional Powers and Small State Security... op.cit.*, pp 186-194. See also, K M de Silva, *The "Traditional Homelands" of the Tamils. Separatist Ideology in Sri Lanka: A Historical Appraisal*, Kandy, ICES, and revised edition, 1994, pp 50-54.
- xxv. See, *The Economist*, 11 November 1995, pp 71-73.
- xxvi. The article carried the title "Scots on Road to Freedom, Haltingly," *The Hindu*, 12 September 1997.
- xxvii. Thomas Abraham in *The Hindu*, 20 September 1997, "The Welsh Say a Reluctant 'aye.'"
- xxviii. See Chapter IX sections 282 to 290, of the Constitution of the Kingdom of Thailand, B.E. 2540 (1997).

Document I

TULF'S LETTER TO RAJIV GANDHI 1 December 1985

Shri RAJIV GANDHI
Govt. of India
NEW DELHI.

Date 1/12/1985 Prime Minister

Dear Prime Minister,

We are addressing this letter at a time when the Tamil people of Sri Lanka are going through the most critical period in their history. The cessation of hostilities between the Government of Sri Lanka and the Tamil Liberation Groups brought about by the assiduous efforts of the Government of India has broken down. No less than 1500 Tamils - men, women, and children have been killed and about ten thousand houses belonging to unoffending Tamils have been burnt and destroyed or damaged by the armed forces, police Commandos and Sinhala home-guards in the Trincomalee, Batticaloa, Amparai and Vavuniya districts during the three weeks immediately prior to 18th June, when the ceasefire first came into operation and since then. The killing and destruction has escalated in the last three weeks particularly in the Eastern Province. One pursuit of search and destroy operations by the armed forces in contravention of the ceasefire accord, has led to ambushes by the militants, which in turn have been used as occasions for unleashing, unbridled violence against innocent Tamil people and their properties. Recent statements by President Jayawardene and other Ministers make us fear that the violence and massacres by the armed forces will be intensified during the next few weeks, using the sophisticated arms the Sri Lankan Government has purchased in the recent past. It is to India that the Tamils look to save them from this genocidal attack.

It was at the height of the ethnic violence against the Tamils in July-August 1983 that the late Prime Minister Smt. Indira Gandhi offered her "good offices to enable a final solution to be reached." It was her intervention that saved the Tamils from continued massacre at that time. Her efforts, through her special envoy Mr. G. Parthasarathy, resulted in the formulation of certain proposals and the summoning of an All Party Conference in Colombo by President Jayawardene. Because of the failure of successive governments to implement agreements entered into with Tamil Leaders over the last three decades, and the futility of protracted negotiations, we had earlier decided not to enter into bilateral dialogue with the Government. We regarded India's offer of good offices and the acceptance of it by the Government of Sri Lanka as bringing a fundamental change in the whole situation, and therefore we agreed to participate in the All Party Conference.

We made our position clear at the all party conference. We stated: "The position that the T.U.L.F. has taken is that although their mandate in the 1977 elections was for the liberation of the Tamil nation by the establishment of an independent state, if a satisfactory alternative which could meet the legitimate aspirations of the Tamil people and redress their grievances, which gave rise to the demand for a separate state was offered, we could place it before the Party which would take a decision in consonance with the wishes of the Tamil people." This stand of ours was accepted as a reasonable one by the Government of India and a number of delegations at the All Party Conference.

In accordance with this policy, we did not place any proposals before the Conference. But other proposals based on the suggestions agreed to at New Delhi were placed before the Conference on behalf of the Tamil people. But, contrary to all expectations, President Jayawardene went back on the promise, he gave the late Prime Minister Shrimat Indira Gandhi and dropped the proposals formulated in New Delhi in November, 1983 as a basis for the agenda of the Conference. He thus effectively killed the All Party conference, but the Conference was prolonged because of India's efforts, till he suddenly wound it up on the 21st of December, 1984.

The next round of talks, which materialised in Thimphu through your initiative and the efforts of Mr. Romesh Bhandari saw the Sri Lanka delegation putting forward proposals which were even lower than what was offered and found unacceptable by us at the All Party Conference in December, 1984.

By dint of a great deal of persuasion by the officials of the External Affairs Ministry some improvements were made on those proposals, but they still fall far short of what the Tamil people can be reasonably expected to

accept. This draft was quite correctly characterised by your Excellency as merely a "starting paper." The total inadequacy of the proposals coupled with the conduct of the Government of Sri Lanka in escalating violence against the Tamil people, gives rise to serious misgivings with regard to the bonafides of the Government. We felt that the T.U.L.F. which was returned on an overwhelming mandate of working for an independent Tamil state as well as the liberation groups, which are engaged in an armed struggle for the same objective will lose credibility with our people as our friends abroad by putting forward any other demand, with no prospect of a reasonable solution emerging.

We are aware that the view has been expressed that an autonomous state with powers similar to that of a State in India will be reasonable. We are conscious of the fact that our very survival as a people depends on the goodwill and the continuance of the good offices of India to work out a final solution to our problem. We have taken note of the statement of Your Excellency that the Tamil groups should take a positive attitude and put forward their proposals. Although we have grave doubts about the bonafides of the Sri Lankan Government and we entertain fears that the Government will only use any alternative proposals from us to discredit us with our people, we are putting forward the proposals contained in the attached document because of our anxiety that India's efforts at a negotiated settlement should not be frustrated. If a viable and acceptable solution does not emerge, we want it to be clearly understood that our adherence to our mandate to work for an independent state for our people, as the only means for their survival, is inevitable.

The Tamil people of Sri Lanka are always grateful to the Government of India for receiving and looking after the refugees and for all its endeavours to find a final solution to their problem.

With kind regards.

Yours sincerely,

signed
M SIVASITHABARAM
President
T.U.L.F.

signed
(A AMIRTHALINGAM)
Secretary-General
T.U.L.F.

Document II

TULF DRAFT CONSTITUTION FOR SRI LANKA Sent to Rajiv Gandhi, 1 December 1985

PREAMBLE

The Tamil people gave a mandate to the T.U.L.F. in the 1977 Election to establish an independent state of Tamil Eelam. At the all party Conference in Colombo we reiterated our mandate but indicated our willingness to consider any viable and acceptable alternative put forward by the Sri Lankan Government. The Government of Sri Lanka has persistently failed to place any meaningful proposals which merit consideration. In order not to frustrate India's efforts to work out a satisfactory solution to our problem, we now submit these proposals to the Government of India.

D R A F T

PART - I

1. Sri Lanka that is Illankai shall be a Union of States.
2. The Northern and Eastern provinces, which are predominantly Tamil-speaking shall constitute one Tamil Linguistic state (See Annexure-I)
- 2.A The territory of a State, once established, shall not be altered without its consent.

PARLIAMENT

3. The Legislative power of the Union shall vest in a Parliament.
- 3.A Parliament shall have the exclusive power to make laws in respect of any of the matters enumerated in List One.
4. The membership of Parliament shall reflect the ethnic proportion of the Union.
- 4.A Special provision shall be made to ensure the representation of Muslims and Tamils of recent Indian Origin who do not occupy contiguous areas.
5. No Bill or Resolution or part thereof affecting any nationality shall be passed, unless a majority of Members of Parliament belonging to that nationality agree to such a Bill or Resolution or part thereof.

PART - II

Special Constitutional Provisions

1. Citizenship: Notwithstanding anything in the constitution or any other law regarding citizenship, all those who are not citizens of a foreign country and who were resident in Sri Lanka on 1st November, 1981 and their descendants shall ipsofacto be citizens of Sri Lanka.
2. Official Language: Constitutional provision shall be made to make Tamil also an official language.
3. Union Services: Provision shall be made in the Constitution to ensure that the ethnic proportion is reflected in all Union Services, including the armed forces. Union Services shall also include public sector services.

PART - III

S t a t e s:

1. There shall be a Governor for each State. He shall be appointed by the President of the Union, in consultation with the Chief Minister.

2. There shall be an elected assembly for each State.
- 3 Each Assembly will have its elected Presiding Officer.
4. Elections to State Assemblies shall be on the basis of territorially demarcated electorates. Provision shall be made to ensure adequate representation for Muslims in the Tamil Linguistic State.
5. The legislative power of the State shall vest in the State Assembly.
- 5.A The Assembly shall have exclusive power to make laws for such State or any part thereof in respect of any of the matters enumerated in List Two.
6. When a Bill has been passed by the Assembly it shall be presented to the Governor. He may assent or send it back for reconsideration. If the Bill is passed again, with or without amendment, the Governor shall give his assent.
7. The Executive Power of the State shall vest in the Chief Minister and Council of Ministers.
8. The Executive power of the State shall extend to all matters with respect to which the legislature of the State has power to make laws.
9. The Governor shall appoint the Leader of the largest party in the Assembly as Chief Minister. The Chief Minister shall choose the members of the council of Ministers.
10. The State Assembly shall have power to levy taxes, cess or fees and mobilise resources through loans and grants.
11. All the revenues received by the Government of a State, all loans raised by that Government, and all moneys received by that Government shall form one consolidated Fund to be entitled "Consolidated fund of the State."
12. Some duties and taxes shall be levied and collected by the Union Government but shall be assigned to the State within which such duty or tax is leviable.
13. The President shall appoint a Finance Commission to be presided over by the Governor of the Central Bank. There shall be three other members, one of whom shall be a Sinhalese, one a Tamil, and one a Muslim.
14. There shall be a High Court for each State and such other courts and Tribunals as are necessary. The High Court will be the Court of Appeal for other courts in the State and shall have superintendance and control over all other courts and tribunals in the State. Appeal will lie to the court of Appeal from Judgements of the High Court. The Supreme Court shall deal with constitutional matters.
15. Each State will have a State Service consisting of:
 - a) Officers and other public servants of the State; and
 - b) Such other Officers and public servants who may be seconded to the State.

Each State will have a State Public Service Commission for recruitment and for exercise of disciplinary powers relating to the members of the State Service.

PART - IV

Special provision for Tamils of recent Indian Origin:

In order to meet the needs of the Tamils of recent Indian origin, and to ensure that they enjoy a sense of security, and to provide for their participation in Government, suitable administrative arrangements and institutions shall be established, for example the establishment or creation of an administrative district. Gramasevaka divisions shall be modified so as to comprise estates where Tamils of Indian origin are in the majority. Such Grama Sevaka divisions could be brought together to form an A.G.A.'s division, in the same manner as the Vavuniya South Sinhala A.G.A.'s division was created. Such A.G.A.'s divisions could be brought together to form an Administrative and/or Electoral District. Tamils of recent Indian origin, resident outside such administrative Districts, envisaged above, other than in the Tamil Linguistic State, should be entitled to settle in such

Administrative Districts and pursue their legitimate vocations if they so desire. Likewise such persons should be entitled to settle and pursue their legitimate vocations in the Tamil Linguistic State.

LIST ONE:

1. Defence
2. Foreign Affairs
3. Currency
4. Posts and Telecommunications
5. Immigration and Emigration
6. Foreign trade and Commerce
7. Railways
8. Air Ports and Aviation
9. Broadcasting and Television
10. Customs
11. Elections
12. Census.

LIST TWO: The following among others:-

1. Police & Internal Law and Order (See Annexure-II)*
2. Land and all its uses (See Annexure-III)*
3. Education including University and Technical Education
4. Archaeology
5. Culture
6. Industries
7. Fisheries
8. Local Government
9. Excise
10. Agriculture
11. Irrigation
12. Agrarian Services
13. Health
14. Prisons and Reformatories
15. State Transport and Roads
16. Co-operative Development.

* Note: Annexures are not included in this document.