POLITICAL REPRESENTATION AND CONFLICT IN A MULTI-ETHNIC SOCIETY: A STUDY OF THE CIVIL WAR AND THE CHALLENGES OF RESOLUTION IN SRI LANKA

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Credits

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Declaration

I, Mari Hofsvang, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

Signature………………………………..

Date………………………………………..
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Abstract

Sri Lanka’s intra-state conflict has persisted for a quarter of a century, and is rooted in tensions between the country’s two largest ethnic groups, the Tamils and the Sinhalese. Since 1983, the Tamil insurrection group, the Liberation Tigers of Tamil Eelam (LTTE), has fought an armed struggle for an independent Tamil state. Concurrently, Sri Lankan governments have, in accordance with the Constitution, emphasized Sri Lanka as a unitary and centralistic state. This contradictory relationship has reinforced the conflict, and the conflict has indeed proven difficult to resolve peacefully. The objectives of this thesis are to examine the character of the representative institutions of Sri Lanka, and their relationship to the intra-state conflict, and to investigate and assess the challenges of conflict resolution in relation to Sri Lanka’s representative democracy and ethnicity.

The study is a qualitative case study, and primary and secondary data sources have been employed to gather relevant data. A theoretical framework consisting of interrelated theoretical perspectives has been employed, which will be related to the historical background of Sri Lanka and the empirical findings, and provides a backdrop for discussion and analysis. The main theoretical assumption is that a majoritarian democracy in the context of a multi-ethnic society may produce ethnic fragmentation and ultimately ethnic conflict. Arrangements of power devolution and political institutions that give incentives for inter-ethnic cooperation and accommodation are argued to ideally reduce or even impede the occurrence of ethnic conflict.

The post-independence institutions of political representation in Sri Lanka were defined by the political design developed prior to independence. Designed as a majoritarian democracy, the institutions of representation amplified the commencing ethnic fragmentation and communalization of democracy. Additionally, the use of ethno-nationalist politics and the politicization of ethnic affiliations affected the functioning of the democracy. Ultimately, the majoritarian democracy generated political exclusion of minority groups and implementation of discriminatory policies, consequently creating a ‘legitimate’ cause for the violent secessionist conflict.

Throughout the twenty five years of violent conflict, various actors have attempted to resolve the conflict peacefully. A peaceful resolution of the protracted conflict requires a political,
structural transformation of the institutions that have engendered and reproduced violence. Substantial devolution of power from the central authorities is required to satisfy the involved stakeholders’ objectives. Paradoxically, in the case of Sri Lanka it is the political institutions by definition that have prevented the necessary institutional transformation required for a peaceful, political resolution of the conflict. In order to facilitate a peaceful resolution a mutual consensus for peace is necessary. However, this proves challenging in a fragmented, divided society.
Abbreviations

APRC  All-Party Representative Committee
CFA   Ceasefire Agreement
CNC   Ceylon National Congress
CP    Communist Party
CWC   Ceylon Worker’s Congress
EPRLF Eelam People’s Revolutionary Liberation Front
EROS  Eelam Revolutionary Organization of Students
FP    Federal Party
FPP   First-past-the-post
GOSL  Government of Sri Lanka
IPKF  Indian Peace Keeping Force
ISGA  Interim Self-Governing Authority
JHU   Jathika Hela Urumaya (National Sinhalese Heritage [Party])
JVP   Janatha Vimukhti Peramuna (People’s Liberation Front)
LSSP  Lanka Sama Samaja Party (Lanka Equal Society Party)
LTTE  Liberation Tigers of Tamil Eelam
MP    Member of Parliament
PA    People’s Alliance
PLOTE People’s Liberation Organization of Tamil Eelam
PR    Proportional Representation
SLFP  Sri Lanka Freedom Party
SLMC  Sri Lanka Muslim Congress
SLMM  Sri Lanka Monitoring Mission
TC    Tamil Congress
TELO  Tamil Eelam Liberation Organization
TNT   Tamil New Tigers
TULF  Tamil United Liberation Front
UF    United Front
UNF   United National Front
UNP   United National Party
UPFA  United People’s Freedom Alliance
UPF   Upcountry People’s Front
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1. Introduction

The extent of armed conflicts worldwide has declined since the end of the cold war. Concurrently there has been a new development of conflict, in which the majority of armed conflicts revolve around internal challenges toward state authority (Ramsbotham et al. 2005). As such, most of the armed conflicts since the end of the 1980s can be classified as intra-state wars. Intra-state conflict represents a significant impediment to a country’s development, as the costs of warfare affect the whole of society. To prevent or resolve conflict it is necessary to establish and understand the root causes of the conflict, as to transform violent and hostile behaviour to friendly and constructive (Wallensteen 2007). Scholars have identified various potential root causes of intra-state conflict. However, there is a general understanding of conflict as fundamentally caused by a perception of incompatible goals between two or more actors (Uyangoda 2003a).

Ramsbotham et al. (2005) argue that bad governance and ‘mal-development’ may cause internal conflict. Subsequently they contest that good governance and economic development are ‘preventors’ of intra-state conflict. Accountable and legitimate democratic governance is conventionally upheld as a measure of peaceful conflict resolution. “…[A]rmed conflict degrades governance, deforms institutions and destroys development. The reverse can be shown to be true: good governance, sound institutions and effective development inhibit the incidence of armed conflict” (Ramsbotham et al. 2005: 119). Moreover, high levels of economic development are frequently argued to decrease the risk of intra-state conflicts. As economic development succeeds countries become increasingly safer from the risk of war. However, where development falls short countries experience an amplified risk of armed intra-state conflict (Collier et al. 2003). The level of development is here solely measured by per capita income. Others maintain that high economic inequality between groups in society constitutes a significant risk of internal conflict in low- and middle-income countries. Consequently, high economic equality between groups is recognized as a factor that reduces the risk of conflict (Ramsbotham et al. 2005). According to Cramer (2003), economic inequality is an important explanation of civil conflict. However, only if the economic inequality is considered inseparable from the social, political, cultural, and historical forces and structures in society in which the economic inequality is embedded. Whether an unequal situation in a society translates into conflict depends upon not only on the extent of economic inequality, but the particularities of the state and its structures.
Previously to the breakout of the protracted, violent conflict in 1983 Sri Lanka was frequently regarded as a prospering developing democracy. The country was seen as successful in terms of economic growth performance and scored high on social welfare indicators, in comparison to other low-income countries (Kelegama 1999). According to the income level at the time, Sri Lanka displayed “high quality-of-life indices in health and literacy” (International Crisis Group 2007b: 7). It is, nevertheless, contended that the provision of government welfare services was unequally distributed between the population segments. And as I will discuss in this study, the exclusionary and discriminatory policies of the Government of Sri Lanka have proved to be critical within the context of a multi-ethnic society. Accordingly, regardless of indicators demonstrating high levels of economic and social development Sri Lanka has the past twenty-five years struggled with an armed intra-state conflict. As many as 100,000 people have been estimated killed throughout the period of active conflict, in addition to the several hundred thousands that have been internally displaced (International Crisis Group 2006). Past resolution attempts have not succeeded, and as the government currently is determined to terminate the conflict by military means today’s situation is strained.

The Government of Sri Lanka (GOSL) withdrew from the Norwegian brokered ceasefire agreement (CFA) in January 2008. At the time of writing the situation is uncertain, though the abrogation of the CFA has made the prospects for peace bleaker than ever. The GOSL has declared its intention to defeat the insurgent movement, the Liberation Tigers of Tamil Eelam (LTTE or ‘Tamil Tigers’), militarily, as such causing profound fears of escalating violence and casualties throughout 2008. The conflict is embedded in ethnic tensions between the Sinhalese majority and the Tamil minority. The LTTE seeks secession from the Sri Lankan state and aspires to establish an independent Tamil nation. At the same time, the Sri Lankan government strongly embraces the concept of a unitary state. Furthermore, several additional factors continue to influence the conflict dynamics. From the time of independence Sri Lanka has been recognized as a representative democracy, but as I will discuss in my thesis, several scholars have questioned the legitimacy and performance of Sri Lanka’s political institutions. It is frequently argued that particular components and designs of representative institutions in multi-ethnic societies may pose a certain risk of majoritarianism, and of generating conflict. Several scholars have contested that this tendency is tenable for the case of Sri Lanka (DeVotta 2004; Horowitz 1985; Luckham et al. 2003).
1.1 Statement of the Problem and Rationale

The primary purpose of this thesis is to investigate the Sri Lankan conflict and the past resolution attempts with reference to the representative institutions and the multi-ethnic society of Sri Lanka. This implies a study of the Sri Lankan state, more exactly of the representative institutions and the politics of ethno-nationalism. I intend to examine whether the representative institutions and the multi-ethnic character of Sri Lankan society have affected the course of the conflict, and if so, how. Moreover, the study will consider the challenges of conflict resolution in the context of a multi-ethnic, majoritarian democracy as Sri Lanka. It will be necessary to identify and understand the internal dynamics and the intra-elite competition within the political system, as this have influenced the conflict dynamics and the resolution attempts. My aim is to obtain a better understanding of the relationship between the representative institutions, the conflict dynamics, and the challenges of resolution in Sri Lanka.

My rationale to carry out such a study is based on several grounds. First, I consider the topic of conflict and conflict resolution essential due to the current global extent of intra-state conflict. Research confirms that an overwhelming majority of contemporary armed conflicts are intra-state (Uppsala Conflict Data Program 2007). Intra-state conflict is frequently argued to impede or slow down a country’s development. Hence, I find the topic of conflict and conflict resolution significant and of current interest in regards to development studies. Second, the case of Sri Lanka was chosen because of the specific characteristics of the political system and the multi-ethnic character of Sri Lankan society. I believe that the case of the Sri Lankan intra-state conflict may illustrate how political structures and ethnicity can influence conflict dynamics and resolution. Accordingly, it may shed light on the relationship between political institutions, conflict, and conflict resolution. There have also been several attempts of resolving the conflict, with various international actors comporting themselves as facilitators and mediators. However, none of these efforts have led to enduring reconciliation. I would argue that it will be constructive to assess the preceding efforts made, in regards of the particular political and ethnic environments of Sri Lanka. Finally, my aim is to perform a thorough study of the conflict dynamics and resolution attempts, through which I hope to acquire a better and profound understanding of the Sri Lankan conflict and of the challenges of resolution.
1.2 Objectives

I have defined two main objectives of the study. These are as follows:

1. To examine the character of the representative institutions of Sri Lanka, and their relationship to the intra-state conflict.

2. To investigate and assess the challenges of conflict resolution in relation to Sri Lanka’s representative democracy and ethnicity.

1.3 Research Questions

Following from the above stated study objectives I have formulated three specific research questions:

1. What were the main institutions of political representation after independence, and how did they affect the ethnic relations and the conflict dynamics of the intra-state war?

2. To what extent has the multi-ethnic character of the Sri Lankan society influenced the performance of the representative democracy and the conflict dynamics?

3. To what extent have the representative institutions and the politics implemented influenced or impeded recent resolution attempts?

1.4 Structure of Thesis

The following chapter, chapter two, will provide an overview of the relevant theoretical issues and a review of literature on the topic. It will include definitions of the primary concepts, and illustrate how I interpret their meaning. Drawing on existing theoretical literature, the chapter will furthermore explore the relationships between the relevant concepts, such as ethnicity, conflict, conflict resolution, and political representation. Accordingly, the chapter will contextualize and relate the concepts to each other, and provide a theoretical framework for the study.
Chapter three contains an explanation of the research approach and of the applied methods. It will explain the methods used to gather and analyse data, and account for limitations of the study.

Chapter four will give an overview of the historical background of Sri Lanka and explain the context of the study. The chapter will be divided into three parts: First, it will present the country profile of Sri Lanka, including an account of the ethnic compilation of the country and the shaping of the ethnic identities. Second, the chapter will account for the political history of Sri Lanka, with particular focus on the representative institutions after independence. Third, it will give a review of the intra-state war and the challenges of resolution, focussing on the main course of events and the resolution attempts. However, the different parts of this chapter are closely interlinked as the events covered intersect both according to time and topic.

The findings of the study will be presented and discussed in chapter five. The chapter will be roughly divided into two parts that are, however, closely interlinked. First, the main institutions of representation after independence will be identified, with the intention of discussing its influences on the ethnic relations and conflict dynamics. Second, the chapter will provide a discussion and analysis of the challenges of conflict resolution in relation to the specific political design and the multi-ethnic character of Sri Lankan society. The theoretical framework will as such be related to the empirical findings and the historical background of Sri Lanka. Expectantly, this will give an answer to my objectives and research questions. Chapter six will provide a conclusion of the study.
2. Theoretical Issues and Review of Literature

The main concepts employed in the study will be accounted for and defined. Subsequently, they will be contextualized and discussed in regards of related theories. The literature review introduces existing, relevant literature and theoretical perspectives regarding the significant concepts.

2.1 Concepts and Definitions

**Armed Conflict**
A ‘conflict’ is generally defined as “the pursuit of incompatible goals by different groups” (Ramsbotham et al. 2005: 27). It is important to distinguish conflict from competition. Competing parties are striving independently to obtain something that is in short supply, whereas the parties in a conflict believe they have incompatible goals and aim “…to neutralize, injure, or gain advantage over the other party or parties” (Uyangoda 2003a: 3). The definition of an ‘armed conflict’ is more specific, “…denoting conflicts where parties on both sides resort to the use of force” (Ramsbotham et al. 2005: 28). The Uppsala Conflict Database (2007) defines ‘armed conflict’ similarly, but more narrow: “An armed conflict is a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least twenty-five battle-related deaths in one calendar year”. However, I choose not to include the number of battle-related deaths during a certain period of time, as this does not account for other human suffering and loss. Following these definitions I will define ‘armed conflict’ as ‘the pursuit of perceived incompatible goals by two (or more) actors that attempt to neutralize, injure or gain advantage over the other actor(s) by the use of armed force”. It implies that both, or all parties, resort to the use of armed force.

**Intra-State Conflict**
The Uppsala Conflict Database (2007) defines the term ‘intra-state conflict’ as “a conflict between a government and a non-governmental party, with no interference from other countries”. ‘Interference’ refers to military support or troop support from a foreign country that partakes actively in the conflict. However, as Zartman (1995) notes, few intra-state conflicts are entirely internal. The majority of intra-state conflicts and wars are not isolated events and has a substantial international dimension. Primarily internal conflicts often exceed
state boarders, *inter alia* by regionalization of the conflict, diffusion, proxy wars, or external support. Nevertheless, Zartman (1995: 4) emphasizes that such “…conflicts are nonetheless internal in their cause and core”. I choose not to include the requirement of ‘no interference’ in my definition of ‘internal conflict’, but define the term as “a conflict between government forces and a non-governmental movement within one state”.

**Conflict Resolution and Transformation**

“…[T]he aim of conflict resolution is to transform actually or potentially violent conflict into peaceful (non-violent) processes of social and political change” (Ramsbotham et al. 2005: 29-30). ‘Conflict resolution’ indicates a process where the root causes of conflict are dealt with and transformed, and where conflict behaviour changes from violent to friendly and peaceful. It does not necessarily imply that the causes of the conflict disappear, however, the antagonists’ attitudes change. Wallensteen (2007: 47) defines the term similarly: “…a social situation where the armed conflicting parties in a (voluntary) agreement resolve to peacefully live with – and/or dissolve – their basic incompatibilities and henceforth cease to use arms against one another”.

‘Conflict transformation’ is generally recognized as the deepest level of conflict resolution, though some scholars argue that the term exceeds beyond conflict resolution. The term is defined as “…a deep transformation in the institutions and discourses that reproduces violence, as well as in the conflict parties themselves and their relationship” (Ramsbotham et al. 2005: 29). Ramsbotham et al. (2005: 163) have outlined five generic processes of conflict transformation, identified as five types of ‘transformers’ of conflict. These are as follows: ‘context transformation’, ‘structural transformation’, ‘actor transformation’, ‘issue transformation’, ‘and personal and group transformation’. Conflicts are embedded in its surrounding environments, such as the social, regional, and international contexts, which affect the reproduction of hostilities and the potential of resolution. Contextual change, as for instance changes in global geopolitical structures, may be essential in order to solve an initially local conflict. Structural transformation is necessary when the conflict causes lie within the structural relationships between and within the involved actors. Zartman (1995) argues that for negotiation and resolution of a conflict to be successful, the relationship between the conflicting parties must be balanced. Meanwhile, conflicts are often characterized by an unbalanced or asymmetrical relationship. To enable resolution of the conflict the asymmetrical relationship must be transformed into a symmetrically, balanced relationship.
Actor transformation implies that the involved parties have to change their perspectives, objectives, and values to be able to transform the conflict into a process of peaceful social and political change. Issue transformation is closely connected to actor transformation, as transformation occurs as the opposing parties change their positions regarding the conflicting issues and as such open up for a resolution of the conflict. Personal and group transformation implies that a change of the involved actors’ sentiments and behaviour is necessary to transform the conflict (Ramsbotham et al. 2005). The issue of conflict resolution and transformation will be further discussed in the next section.

The term ‘conflict resolution’ is closely interrelated to other terms such as ‘conflict settlement’ and ‘conflict management’, ‘ceasefire arrangements’, ‘negotiation’, and ‘mediation’. ‘Conflict settlement’ and ‘management’ are more limited and do not necessarily imply that the root causes and sources of the conflict are addressed. Ceasefire arrangements denote “…an agreement that is regulating the behaviour of the warring parties without addressing the incompatibility” (Uppsala Conflict Database 2007). ‘Negotiation’ is defined as “…the process whereby the parties within the conflict seek to settle or resolve their conflicts” (Ramsbotham et al. 2005: 29). The process of ‘mediation’ involves third party intervention and the term ‘facilitation’ refers to third party encouragement to negotiation.

**Ethnicity and Ethnic Conflict**

In this thesis I choose to interpret ‘ethnicity’ as a socially constructed affiliation that is prone to both passionate and calculative action (Horowitz 1998; Lake & Rothchild 1998). I will define ‘ethnic conflict’ as “conflict between different ethnic groups”. An extended discussion of the terms ‘ethnicity’ and ‘ethnic conflict’ will follow in the next part of the chapter.

**Political Representation and Representative Institutions**

‘Political representation’ refers to an arrangement of government in which the constituency does not participate directly in the democratic processes, but are represented by formal and elected representatives. The representatives have the responsibility of acting according to the people’s interests, however, not necessarily according to their wishes. Dahl (1998: 85) identifies six types of political institutions in a representative democracy, the ‘representative institutions’. These are as follows:

1. Elected officials
2. Free, fair, and frequent elections
3. Freedom of expression
4. Access to alternative sources of information
5. Associational autonomy
6. Inclusive citizenship

According to Luckham et al. (2003: 18) representative democratic institutions are defined as: “…a set of arrangements for organising political competition, legitimating rulers and ensuring accountable governance, typically through free elections to determine the composition of the legislature and the government...”. Due to the topic of this study I will not focus on all of Dahl’s categories of representative institutions. I will mainly focus on category one, two, and six, respectively the categories of elected officials, free, fair, and frequent elections, and inclusive citizenship. Combined with the above stated definition, I will employ the term ‘representative institutions’ to refer to the electoral system, the party system, the constitutional system, and the parliamentary system of Sri Lanka. Regarding the category of inclusive citizenship, I will interpret it as being inherent within democratic institutions. Democratic institutions “…are the resources through which citizenship can be made real, guaranteed and reproduced” (Grugel 2002: 7). This is related to my interpretation of ‘democracy’, as rights-based and substantive, in contrast to merely formal democratic institutions. I will, as such, argue that Dahl’s category of ‘inclusive citizenship’, as well as the categories of ‘freedom of expression’, ‘access to alternative sources of information’ and ‘associational autonomy’, is embedded in the institutions of a substantive representative democracy. But that they are not necessarily defined as institutions of representation themselves. It is also important to emphasize that political representation refers to all levels of representation, including local and regional institutions, and that these will be included in the analysis.

Electoral Systems
Political representation stipulates, as mentioned, the representation of the constituency by elected officials, and it is the electoral system that designates the translation accuracy of the votes and the composition of the parliament seats. The proportionality of the people’s votes and the composition of the elected officials in parliament may vary according to different electoral systems. Reilly & Reynolds (1999: 20) have categorized various electoral systems into eleven main types, which again fall into three broader families, by grouping them according to their degree of proportionality. The three broader families are respectively
referred to as ‘plurality-majority systems’, ‘semi-proportional systems’, and ‘proportional representation systems’.

Under the plurality-majority system there are five main types, and the most common is the first-past-the-post (FPP) system of election (Reilly & Reynolds 1999). The FPP system is one of the most frequently employed electoral schemes in the world, as it for many countries constituted a colonial legacy of the British colonial empire. FPP is based on a plurality system and is often endorsed due to its simplicity. Elections are organized in single-member districts and the winner is simply the candidate with the plurality of the votes, or the most votes compared to the competing candidates. As such, an absolute majority of the votes are not required if there are more than two candidates. Semi-proportional systems include three types of election methods, which fall in-between plurality-majority and proportional representation.

All of the three types of proportional representation (PR) aim to achieve a balance between the share of votes and the subsequent share of representatives. If a party wins a certain percent of the votes, the same party should win approximately the same percentage of the parliamentary seats (Reilly & Reynolds 1999). The most common form of PR in elections is the list PR-system, implying that all parties are required to present a list of candidates for the electorate. List PR elections are commonly held in large, multi-member constituencies, and the parties receive seats according to their share of the national vote. Countries with a list PR-system operate either with open or closed lists, in which the former the constituents vote directly for a party, contrary to the latter where the electors vote on candidates whose votes pool to a specific party. As will be discussed later, the case of Sri Lanka may illustrate how the choice and design of the electoral system influence the proportionality of political representation.

2.2 Theory and Review of Literature

Ethnicity and Ethnic Conflict

It is common to distinguish between three different perspectives on ethnicity and ethnic conflict. The most distinct division is between the ‘primordialist’ approach and the ‘instrumentalist’ approach. The ‘constructivist’ approach can be said to represent an intermediate stance. According to the primordialist perspective, ethnicity is a natural attribute of an individual or a group. Whether natural by birth or ascribed by centuries of practice
ethnicity is something that cannot be altered (Lake & Rothchild 1998). Ethnic identity is an immutable feature, hence ethnic conflict and tension is seen as rooted in ethnicity itself and in the strong emotions connected to the sense of ethnic affiliation. Critics of this perspective maintain that it fails to explain how other identities come into being, and why many groups sustain peaceful relationships despite different ethnic identities.

The opposing ‘instrumentalist’ perspective sees ethnicity as an instrumental identity, organized to achieve a specified material objective. Ethnic identity is argued to be part of the larger political process that seeks to obtain collective material rewards. As such, the solidarity among members of an ethnic group is based on the expectation of material rewards provided collectively. Since the ethnic identity cannot be described as an immutable affiliation the group boundaries are soft and flexible. Such flexibility makes the entity vulnerable to strategic manipulation and mobilization by elites in order to gain potential material rewards. Ethnicity can be used by individuals as a political instrument to achieve a desired outcome or reward. Conflict is then liable to arise due to competition over often limited material ends. Ethnic conflict is as such part of larger conflict processes and does not differ from other interest or identity based conflicts (Horowitz 1998; Lake & Rothchild 1998). Critics of the instrumentalist view argue that individuals cannot choose ethnic identity, as ethnicity is a part of the larger society and lies beyond individual influence.

As mentioned, the ‘constructivist’ approach to ethnicity and ethnic conflict represents an intermediate perspective between the primordialist and the instrumentalist views. Constructivism posits the view that ethnic identity is a socially constructed sentiment that is malleable according to changes in social identity. Ethnicity is constructed by social interaction, though the identity lies beyond the control of individuals. The approach does not see ethnicity as intrinsically leading to conflict. It is the social systems and interaction that causes conflict, whether based on ethnicity or other socially constructed groups and cleavages, such as for instance religion or nationalism (Lake & Rothchild 1998).

Horowitz (1998) similarly distinguishes between hard and soft perspectives on ethnicity and ethnic conflict. The hard approaches claim that ethnicity is primordial and ascriptive, with rigid boundaries. Ethnic groups are prone to confrontational behaviour towards other groups, based on emotions. The soft positions, on the other hand, claim that ethnicity is malleable, based on the instrumentality of the group members. It is susceptible to calculation,
manipulation, and strategic actions from members of a specific group that may cause conflicts as a result of strategic dilemmas. However, Horowitz (1998) advances an approach to ethnicity and ethnic conflict that is the result of a synthesis between the two opposed approaches, much like the constructivist perspective. He argues that ethnicity is ascriptive in nature, but not immutable. It is a “…powerful Gemeinschaft affiliation that can induce both calculative and passionate action” (Horowitz 1998: 342). In this thesis I will, as mentioned, lean towards such an intermediate position, and as such claim that ethnicity is a socially constructed entity, prone to both passionate and calculative action that may cause conflict.

However, it is important to acknowledge that ethnicity does not necessarily or intrinsically cause violent conflict. As the constructionist perspective argues it is the social systems and the interaction within and between the systems that causes conflict to erupt. Context and relation are as such important features when explaining the causes of violent conflict. Brown (1996: 13) has identified four main categories of contextual factors that make “…some places more predisposed to violence than others: structural factors; political factors; economic/social factors; and cultural/perceptual factors”. Structural factors include state weakness, intra-state security concerns, and the ethnic geography of a state. Political factors include discriminatory political institutions, exclusionary national ideologies, inter-group politics, and elite politics. Economic and social factors consist of economic problems, discriminatory economic systems, and issues regarding economic development and modernization attempts. The last cluster of factors includes cultural and perceptual factors, as patterns of cultural discrimination and problematic group histories (Brown 1996: 12-22).

The presence of the various contextual factors, individually or combined, is argued to make some places more predisposed to violent conflict than others. In this regard it is important to notice that ethnicity is emphasized as a recurring feature of all four clusters of factors. I would as such argue that it is the interaction between ethnic identities and other features of a state that makes places more predisposed to violent conflict. Other scholars have in similar approaches identified ethnicity in combination with other state features as a potential source of violent conflict. As an example, the relationship between ethnic groups and political institutions of a state has been argued to be a potential cause of violent internal conflict (Brown 1996; Lake & Rothchild 1998). The weakening of state institutions may lead to an intensification of power struggles between groups and increase the level of conflict. A state becomes weaker if it looses its ability to mediate between populations segments or as it no
longer is capable of providing credible safeguards for groups in society (Lake & Rothchild 1998). Oppressive states, by their use of force instead of legitimate authority, are regarded as weak due to their dependence on coercion to implement their policies and ideologies. Ethnic groups that have experienced oppression by the state have an increased potential to insist on their political rights and aspirations, potentially through claiming autonomy from the central authority. Additionally, state weakness may lead to security dilemmas between groups. As state institutions weaken groups may develop a fear for their future security and hence develop their own defense mechanisms. Accordingly, threatening the security of other groups.

The design of the political institutions of a state is also a potential source of ethnically based violent conflict. In this thesis, I will focus my attention on the relationship between ethnicity and the representative institutions of the Sri Lankan state, and attempt to explain how this relationship may have caused violent conflict. In the following section, I will give an account of the relevant literature and theoretical perspectives on the relationship between political representation and ethnicity in regards of internal conflict.

**Political Representation and Ethnicity**

Representative democratic institutions are presumed to generate democratic politics and lead to the implementation of democratic policies, as to create and maintain a just and inclusive society. They are furthermore “…expected to provide avenues for the peaceful resolution of conflict because plural systems allow for compromise and balance between contesting interests through institutions for the redress of grievances and discontent” (Luckham et al. 2003: 52). However, democratic institutions do not necessarily ensure democratic politics and policies. Particular features and designs of representative institutions convey a certain risk of excluding segments of the constituency and impose non-democratic policies. The risk is particularly amplified in multi-ethnic, divided societies. As Horowitz (1994: 45) argues: “There are many institutions compatible with democracy in the abstract, but not all of them are conductive to multi-ethnic inclusiveness”.

The impact of political representation on an ethnically divided or multi-ethnic society depends on the particular political framing and the institutional design. Especially majoritarian democracies constitute a certain risk of turning non-democratic when placed on the backdrop of an ethnically divided society. According to Luckham et al. (2003: 43), the institutional design of a majoritarian system most often features a strong presidential or parliamentary rule,
first-past-the-post elections, unicameral or bicameral legislatures with a weak second chamber, weak constitutional division of power, and a unitary, centralised state structure. Within a context of an ethnically divided society such institutional frames can under certain circumstances produce non-democratic politics. Majoritarian institutions have a potential of being exploited in order to obtain political power. A majoritarian institutional framework can facilitate the exclusion of minorities from political power and decision making, unsatisfactory minority protection, and the manipulation of ethnicity in politics.

Horowitz (1994; 1998), among others, employs the concept of ‘ethnic outbidding’ or ‘ethnic bifurcation’ to explain the above mentioned tendency. He maintains that ethnic cleavages in societies, combined with segmented electoral markets and ethnically based parties, may indicate that the probability of power alternation is obstructed by ‘ascriptive affiliations’. To obtain the majority of the votes necessary to attain power, the political parties take advantage of the ethnic affiliations and cleavages, as such bringing ethnicity into politics. A majoritarian system in a segmented society “…encourages a system of head-counts, and it encourages the formation of groups whose heads can be counted to reach the majority threshold” (Horowitz 1998: 362). Horowitz describes the phenomena as an extension of Riker’s theory of coalition building. Riker (1962) contended that by forming minimal winning coalitions political parties make as few concessions as possible, and as such maximize their advantages from winning the necessary majority. In a majoritarian system the creation of coalitions generates no incentives for a larger than necessary majority. Ethnic outbidding in politics relates to the view on ethnicity forwarded by the instrumentalist approach. Instrumentalists see ethnicity as a strategic tool to reach a material end, in this case through using ethnicity as a calculative playing card in order to win elections and obtain political power. Although, it is important to note that the intermediate constructionist perspective also recognize that ethnicity has a potential of being exploited to obtain power through calculative action.

DeVotta (2004) contends that politicians are inclined to ethnic outbidding due to at least three reasons. First, ethnic outbidding occurs in situations where the political structure facilitates it due to superficial or non-existent minority guarantees. Ethnic outbidding is then a means of attaining power. Second, political opportunism may act as a constraint for the political elites to structure institutions as to preclude ethnic outbidding from the political system. Political elites have the authority to alter the institutional design, however, political opportunism may hinder the accomplishment of such restructuring due to personal interest and gain. Finally, an
immobilized or less powerful minority may also encourage ethnic outbidding, as the majority knows there is little the minority can do to mobilize against their actions or decisions. According to DeVotta (2004), the Sri Lankan case illustrates the negative consequences that may follow from ethnic outbidding, including institutional decay and excluded minorities. I will argue that Sri Lanka’s institutional framework as a majoritarian democracy illustrates how the design of the representative institutions in a multi-ethnic state may lead to violent conflict. The case of Sri Lanka may serve as an example of “…a mono-ethnic constitutional design [that] has denied political and ethnic minorities an effective voice in government, and aggravated the political conflicts of a multi-ethnic society” (Bastian & Luckham 2003: 8). And as Horowitz (1994: 48) states: “If majorities shut out minorities clearly and permanently…it is not surprising that the sense of exclusion might ultimately produce large-scale violence”.

**Ethnic Conflict and the Challenges of Resolution**

The term ‘conflict resolution’ implies, as mentioned, that the conflicting parties agree to change their behaviour from violent to friendly through a peaceful process. This does not necessarily entail that the underlying causes of the conflict cease to exist. However, the attitudes towards such issues are transformed. Furthermore, it is required that use of arms is prohibited and put to an end, through ceasefire arrangements or demilitarization (Wallensteen 2007). Nevertheless, the concept of conflict resolution exceeds the implementation of agreements, de-escalation of violence and arms use. It is maintained that certain requirements must be fulfilled in order to characterize a conflict as resolved (Uyangoda 2003a: 9). The involved parties must freely accept the negotiated solution, and it has to satisfy the fundamental interests and needs of the involved parties. It is required that the parties are not inclined to renounce the agreed solution in the future. The solution has to meet just and fair standards, in addition of being adequately beneficial to all involved in order to be viable and self-enforcing.

Regarding internal or intra-state violent conflict there are particular issues concerning conflict resolution that should be acknowledged and considered. An especially challenging feature is that conflict resolution implies an agreement between the conflicting parties. Though, in an intra-state conflict there is no guarantee that the parties are willing to recognize each other as legitimate actors. As such, they may not be willing to enter into an agreement with the adversary (Wallensteen 2007). A government of a state may refuse to regard an opposing
movement as a legitimate actor, as that would indicate its recognition of the opposing party as a legitimate and equal actor within the state. Conversely, a non-governmental movement may not be willing to recognize the government as legitimate by entering into an agreement. Many intra-state conflicts revolve around contest for state power and the incompatibility of the antagonists’ objectives regarding the state power. Such issues are often associated to claims of discrimination and identity-based, territorial opposition. Ethnic groups that hold sentiments of discrimination and grievances towards central state authorities may resort to violent opposition and action. In several modern identity-based conflicts the opposition against government is accompanied by claims of secession, autonomy or federalism within a specifically articulated territory. In other words; the insurgent groups claim state power. Such conflicts, often referred to as ‘state formation conflicts’, are argued to be more deep-rooted, complex and difficult to settle than other types of conflict (Uyangoda 2007a; Wallensteen 2007).

Uyangoda (2003b: 3) accounts for four different reasons to why internal state formation conflicts are more difficult to settle than inter-state conflicts. First, a political resolution to an intra-state conflict demands the antagonists’ agreement to form one common government. This is a challenging task, as internal conflicts generally relate to incompatibility of state power and contest for government. Second, such conflicts are often ‘total wars’, referring to a situation in which the adversaries believe that the only possible settlement is the complete defeat of their opponents. This creates a security dilemma as the parties fear for their future security in case of defeat. Third, the conflicting parties in intra-state wars will often accept nothing but total victory and complete control over the territories in question. The fourth and last reason mentioned is that the rhetoric of total war amplifies the risks and fears of the opposing parties.

There is a wide range of academic perspectives concerning the challenges of conflict resolution. Theoretical approaches to the topic discuss the preconditions and contextual circumstances under which a settlement of a conflict may be viable (Uyangoda 2007a). In the following I will account for theoretical perspectives concerning the challenges of conflict resolution in ethnically divided societies and state formation conflicts. The complexity and variety of ethnic and state formation conflicts clearly demand case specific approaches to conflict resolution. However, there are some general and acknowledged approaches of significance. Diamond & Plattner (1994) point out that the primary lesson to learn in order to
reduce ethnic conflict is to avoid exclusion of particular groups from power. No groups, whether in minority or majority, should be excluded from political power and political participation. As such, it is significant not to allow political actors to establish a long lasting predominance of power. All groups should have a future possibility of attaining political power through elections and the rotation of power.

The design of the political framework and institutional arrangements may help to ensure an inclusive political system, securing the interests and voice of the constituencies. An inclusive and just political system may subsequently facilitate the necessary transformation of hostile behaviour to friendly and non-violent between conflicting groups. Institutional design that promotes power devolution and provisions for federalism or forms of regional autonomy are argued to ideally reduce or even impede the occurrence of ethnic conflict. Territorial solutions to ethnic conflict range from arrangements of self-administration, autonomy, federalism and confederalism, to independence and secession (Wallensteen 2007). It is maintained that different forms of constitutional power-sharing are the most conceivable solution to ethnic conflict in plural societies (Diamond & Plattner 1994). As an example, Lijphart’s ‘consociational’ model argues that specific forms of power-sharing have the potential to manage ethnic cleavages in society as to avoid or resolve ethnic conflict. The consociational power-sharing model consists of four primary features, namely: “…grand coalitions at the center, minority veto powers, federalism (where ethnic cleavages are territorially based)…and proportionality in the distribution of legislative seats, government posts, and public funds” (Diamond & Plattner 1994: xxiii). Consociationalism implies the restructuring of the political system through corporate decentralization, in which all groups of society are represented both politically and economically.

Horowitz criticizes Lijphart’s consociational model, arguing amongst other things that grand coalitions are unsustainable in ethnically divided societies (Diamond & Plattner 1994; Horowitz 1985). Grand coalitions tend to be too reliant on political collaboration between ethnically based elites, which in ethnically divided societies often lack the elite customs and incentives for compliance and adaptation. Additionally, such grand coalitions will run into problems of distribution (Horowitz 1994). When everyone is included in coalitions, the distribution is fixed, and minorities that left in opposition would be voiceless are given not only a voice, but a veto, there will be no award of winning. Nevertheless, and in conformity with Lijphart, Horowitz encourages political systems and designs that promote power dispersal
and inter-ethnic collaboration, as for instance federalism. According to Horowitz (1994), it is necessary to design political institutions that give incentives for inter-ethnic collaboration and that reduce the inclination towards ethnic outbidding, however, without grand coalitions including all parties. The ideal arrangement would be competing multi-ethnic coalitions that alternate in power and keep the parties mutually dependent on each other. Though, Horowitz admits that the examples he gives of such political systems have been the result of idiosyncrasies, he maintains that particular “…conflict-reducing techniques [are] required… [including] electoral systems to create ongoing incentives for interethnic cooperation and for pre-election coalitions based on vote pooling” (Horowitz 1994: 52).

Thus, Horowitz (1994; 1985) recognizes the potential of power-sharing arrangements such as federalism as means to reduce and impede the occurrence of ethnic conflict within a state. Federalism is asserted to potentially reduce ethnic conflict through five functions. First, it has the potential to disperse conflict, by diffusing the responsibility of power onto several levels and points of administration. Second, it may cause intra-ethnic conflict by stimulating other, non-ethnic subgroups’ identities through decentralization of power. As such, diverting the attention directed towards ethnicity. Third, federalism has the potential to generate inter-ethnic cooperation through compelling the parties to cooperate in order to gain advantage from the center. Additionally, it has the potential to promote ‘alignments on non-ethnic interests’, in situations where new federal states cut across ethnic boundaries. Finally, through decentralization of power from the center to regional authorities, federalism may help reduce material inequality among ethnic groups. Federalism and power devolution give ethnic groups a possibility to control their affairs and interests regionally, even though they have no or little power in the central government.

It is, however, important to acknowledge that power-sharing agreements, such as consociationalism and federalism, not always are adequate to prevent or resolve deep rooted ethnic divisions in a society. According to Luckham et al. (2003), both consociationalism and so-called ‘integrative power-sharing arrangements’, constructed to avoid the pitfalls of consociationalism, may have unintended consequences. Objections include tendencies of “…over-emphasis on elite politics, insulation of governments from opposition criticism and…political immobilism” (Luckham et al. 2003: 50). Additionally, arrangements of power-sharing may further entrench ethnic divisions in both politics and society. The case of Sri Lanka will demonstrate how power-sharing initiatives may furthermore sustain and embed
ethnic divisions. Demands for power-sharing and federalism led to fears of secession amongst the political majority, as well as the subsequent reinforcement of unitarianism and continued conflict.

Other approaches to intra-state conflict resolution investigate the conditions under which a conflict may be successfully resolved. Zartman (1995) for instance, considers the preconditions for negotiating successful solutions to intra-state conflicts. According to his arguments, conflicts based on territorial struggles must be solved by agreeing on a solution that meets both the insurgent's demand for regional autonomy or self-determination and the government’s claim for national unity and centralism. However, internal conflicts are hard to negotiate and resolve, due to the asymmetrical nature of such conflicts. The government party is strong, while the insurgents are weaker by all means. Asymmetrical negotiations are according to Zartman (1995: 8) a paradox, as negotiations function optimally under equal conditions and as the parties have mutual vetoes over the outcomes. The ideal moment for resolution is defined by a mutually hurting stalemate. Such a stalemate takes place as both parties are deadlocked in a hurting situation without opportunity to escalate the conflict at an acceptable cost and with existing means. Though, the stalemate does not necessarily need to be a situation of complete power parity between the parties, the asymmetrical nature of territorial intra-state conflicts seldom generates a mutually hurting stalemate. A softer perception of a stalemate, as a ‘no-win’ situation for both sides, is then the best that can be produced to define a moment ideal for negotiation. To enable negotiation and resolution the antagonists are required to transform their mentality of conflict. They must accept that “negotiation offers the way to an alternative somewhere between unattainable triumph and unlikely annihilation” (Zartman 1995: 18).
3. Methodology

This chapter provides a brief description of the research methods employed throughout the fieldwork and the writing of the thesis. Included in this section are the research strategy chosen, the research design employed, and the methods of data collection and analysis, in addition to reflections on the limitations of the study.

3.1 Research Strategy and Design

Qualitative Research

The field of qualitative research is highly complex as it includes numerous research designs and various methods. Bryman (2004) defines the term ‘qualitative research’ by comparison to ‘quantitative research’. While quantitative research is mainly concerned with the quantification of numbers and variables, qualitative research emphasizes word and meaning in the analysis of data. Moreover, Denzin & Lincoln (2003) accentuate that any definition of qualitative research has to take into account the complexity of the discipline. They suggest an initial, generic definition of the term as follows: “Qualitative research is a situated activity that locates the observer in the world. It consists of a set of interpretative, material practices that make the world visible” (Denzin & Lincoln 2003: 4).

Thus, qualitative research implies a study of objects or phenomena in their natural settings. Efforts are made to understand and interpret particular objects or phenomena in terms of the meaning people construe them through. Following from this, qualitative research typically entails the epistemological tradition of ‘interpretivism’, which contrasts to ‘positivism’. Epistemology defines what is regarded as acceptable knowledge within a particular discipline (Bryman 2004). Positivism is conventionally related to natural science research and a quantitative research approach. Interpretivism, on the other hand, perceives the subjects of social sciences, as people and institutions, as differing from the objects of natural science. Hence, such subjects demand fundamentally different research methods that reflect the subjective meaning of social action. Interpretivism emphasizes the understanding of social subjects or phenomena, through examining how people interpret and understand the particular subject matters. The importance placed on interpretation of the social world relates to the ontological position of ‘constructivism’. Ontology concerns the nature of social entities, and questions whether they are external facts beyond human influence or whether they are
constantly being constructed and reconstructed by humans. Constructivism posits that social reality and ‘truths’ are constantly shifting properties of humans’ interpretation and creation (Bryman 2004).

The objectives of this study consist of two interrelated subject matters. First, my aim is to examine the character of the representative institutions of Sri Lanka and assess their relationship to the intra-state conflict. Second, I attempt to investigate the challenges of conflict resolution in relation to the Sri Lankan representative democracy and ethnicity. Because my goal is to investigate social institutions and relationships, I find a qualitative research approach clearly the most efficient and suitable for the analysis. The objectives furthermore imply interpretation and understanding of political processes and institutions. I will employ theoretical perspectives and scholarly literature in order to analyze and discuss such relationships, however, the purpose is not necessarily to test existing theories or to generate new theory. My intention is to give a thorough analysis and discussion of the stated objectives that possibly, but not necessarily, may prove valid to a larger context than the study area.

**Case Study Design**

Research design provides the framework for the collection and analysis of data (Bryman 2004). This study is designed as a case study, determined by the intensive, in-depth analysis of a single case. Yin (2003: 13) defines a case study as: “…an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident”. The relationship between the particular phenomenon and its context is emphasized, as one of the objectives of employing case study design is to cover the contextual circumstances that make the case interesting for research.

This study can be categorized as an ‘exemplifying case’. An exemplifying case is not chosen due to its unique characteristics, but rather because the case will provide an appropriate context for answering the particular research questions and objectives (Bryman 2004). In this case, the Sri Lanka intra-state war provides a suitable context in order to investigate the relationships between representative political institutions, ethnicity, and conflict. This implies that my findings in regards of such relationships to a certain degree may be generalizable to a larger context than Sri Lanka. However, the question of the generalizability of case studies is
a contested issue, which in the following will be discussed in relation to other research design criteria.

**Criteria for Evaluating Case Study Research**

Yin (2003: 33-39) proposes four different measurements to establish and test the quality of case studies, however, these are also valid to any kind of social, empirical research. The four criteria are as follows: ‘construct validity’, ‘internal validity’, ‘external validity’, and ‘reliability’. Construct validity, also referred to as ‘measurement validity’, concerns the quality of the operational measures for the concepts that are studied, and whether they objectively reflect the concepts. Internal validity measures the causality of the relationships within the case, to ensure that the relationships are not spurious. The external validity establishes the generalizability of the case beyond the immediate context and the phenomenon studied. Reliability concerns the research procedures employed, and can help minimize the risks of bias and errors in the study. Nevertheless, the appropriateness of such criteria in case study research has been the subject of debate among scholars (Bryman 2004). Generally, the focus has been directed towards measuring the external validity and the replicability of case study research.

Regarding the external validity or generalizability of a case study, it is important to contrast ‘analytical’ generalization and ‘statistical’ generalization’. The latter is vital to for instance survey research, in which the objective is to select samples that are generalizable to a larger universe (Yin 2003: 37). Analytical generalization is concerned with generalizing a specific set of results to some kind of broader theory. It implies that a theory may be used as a template to compare a case study with. The theory, or theories, employed leads to the choice of the particular case, and at the same time, the same theory, or theories, may help identify other cases in which the results are generalizable. However, in order to decide that the case is generalizable, one must test the results in the context of another case. In this study, theories regarding the relationship between ethnicity, political representation and conflict led to the choice of the Sri Lankan context and case. By testing the results of this study in similar cases and contexts according to the theories employed, and by replicating the research procedures, one might find this particular case generalizable to other cases. Replication relates to the reliability of the study. To ensure the reliability of a case study, the researcher should make sure that later research conducted the same way, by following the same procedures, should arrive at the same findings and conclusions (Yin 2003). In order to comply with such criteria
for research quality, researchers should employ appropriate research methods in the data collection and analysis.

### 3.2 Data Collection and Analysis

**Triangulation**

Triangulation entails the use of various research procedures, in order to reduce the risk of misinterpretation and to ensure the reliability of the research conducted (Stake 2003). By employing a process of using multiple perceptions to verify the repeatability of observations and interpretations, the researcher may clarify meaning by identifying different perspectives regarding the particular phenomenon. Yin (2003) mentions three different types of triangulation, namely: data triangulation that concerns multiple uses of data sources, theory triangulation entailing different perspectives to the same data set, and methodological triangulation that involves use of different methods. One of the most frequently employed methods of triangulation is redundancy of data gathering (Stake 2003). In this study, triangulation of data sources has been used in order to engender greater confidence in the findings. To gather data I have employed various methods to converge the evidence of the findings. The procedure of collecting data has included methods such as interviews, observation, use of archival and official data, and previously published research reports, as well as theoretical literature.

**Data Collection**

My fieldwork was conducted in Colombo, Sri Lanka, with the intention of gaining a better and more thorough understanding of the current situation. Prior to the departure I had established contacts in Colombo, which had particular knowledge regarding my research topic. Most of the contacts had some kind of institutional or organizational affiliation, within the field of conflict or conflict resolution. The interviews conducted were as such not structured or semi-structured, due to the interviewees’ varying professional background and institutional affiliation. Accordingly, unstructured interviews, as well as informal conversations and meetings, were conducted throughout the four weeks in the field. Flexibility in the interview situations has been emphasized to allow a deeper understanding of the various issues discussed, and is an acknowledged feature of qualitative interviewing (Bryman 2004). The experience of conducting field work in Sri Lanka additionally provided an opportunity to first-handly observe and follow public debates and opinions regarding the
topic of my thesis. This has proved valuable for my understanding of the political discourses and debates regarding relationships within the country. I also experienced the instability of the current situation, and felt I obtained some awareness of how Sri Lankan people relate to and cope with residing in a country that have been dominated by a violent civil war the past twenty-five years.

Concurrently, the fieldwork facilitated access to various documents and materials not easily available outside of Sri Lanka, such as research reports and scholarly literature. Both primary and secondary sources of data have been used and analyzed throughout the study. The former includes official documents, as the constitution of Sri Lanka, political statements, reports and interviews. The latter includes scholarly literature as research reports and analysis, comments and newspaper articles, as well as theoretical literature in the field. Both the primary and secondary sources have been vital for my understanding of the historical background to the conflict and the current situation.

3.3 Limitations of the Study

First in this regard, it is important to acknowledge the issue of objectivity of social research and data sources. According to Bryman (2004: 517), the social researcher never conducts research in a moral vacuum, implying that she will influence the research through inherent presuppositions. Subsequently, Bryman (2004) claims that social research will never be completely value-free or unbiased. I recognize that my own values may have influenced issues related to the research, from the choice of research topic till the writing of the thesis. Additionally, many of the data sources I have employed have been written or uttered by actors involved in the conflict in some way or another. Thus, I acknowledge that there is little doubt that one could question the objectivity of many of the texts and sources used in this thesis, as the sources have different intentions and positions regarding the subject matter. However, I also recognize the importance of the contexts within which the sources have been expressed or produced, and I have tried to employ the sources respectively. I have attempted to present and analyze the findings as objectively as possible, *inter alia*, through data triangulation and by ensuring reliability.

Finally, I would like to make a note regarding the use of terms denoting ethnicity. In this respect, it is important to acknowledge that an ethnic group is a heterogeneous entity, and that
the members of such a group do not necessarily have converging opinions. When employing expressions as ‘Tamils’ and ‘Sinhalese’, they refer to a generic meaning of the terms. I am aware of the fact that opinions within these groups diverge. For instance, not all Tamils support the LTTE, and not all Sinhalese support the government. I would also like to emphasize that when doing limited research on such a complex issue, it is obvious that not all elements and features can be included in the analysis. When analyzing a potential solution of the conflict in Sri Lanka, it is important to acknowledge that the complexity of the context should be considered. Accordingly, this thesis has been limited to the stated objectives and research questions, within the specified theoretical framework.
4. Historical Background

The following section of the chapter provides a brief presentation of the demographic profile of Sri Lanka, accounting for the various ethnic identities and the historical shaping of those identities. Second, the chapter gives an overview of the political history of the country, focusing on the development of the political institutions of representation in the twentieth century. The last part of the chapter will account for the commencing conflict between the government and the Tamil Tigers. By identifying the core events leading to the intra-state war, it will enable an understanding of how the ethnic tensions in society developed into a violent intra-state war.

4.1 Country Profile

Demography

The island of Sri Lanka, known as Ceylon until 1972, is located in the Indian Ocean, south of India. With its 65,610 square kilometres it inhabits approximately 20.9 million people (CIA - The World Factbook 2008). The plural society of Sri Lanka comprises of several ethnic and religious groups. Due to the conflict it is difficult to find accurate population statistics, as the 2001 census did not include the LTTE controlled areas and the 1991 census was precluded due to the intra-state war. However, statistics released in 1999 supports the last all-island census of 1981 and found that nearly 74 percent of the population was Sinhalese, 12.6 percent Sri Lankan Tamils, 5.5 percent Indian Tamils, 7 percent Moors, and less than one percent belonged to the groups of Burghers, Malays, and Veddhas (DeVotta 2004). Additionally, it is important to note that several hundred thousand Tamil civilians have fled the country. More than 200,000 Tamils have sought refuge in the West since the outbreak of the intra-state war (CIA – The World Factbook 2008).

The majority of the population of Sri Lanka is Buddhist, counting for approximately 70 percent. According to the 2001 census data, which does not include the LTTE controlled areas, 7,6 percent of the population is Muslim, 7,1 percent Hindu, and 6.2 percent Christian (CIA – The World Factbook 2008). Approximately 90 percent of the Sinhalese are Buddhist, and 90 percent of the Tamils are Hindu. The Moors and Malays are Muslim, and the Burghers are Christian. The Christian community also includes both Tamils and Sinhalese (DeVotta 2004).
**Ethnicity and Identity**

The pre-colonial history of Sri Lanka is contested, as both Tamils and Sinhalese claim to be the first settlers on the island. The Sinhalese claim that their Aryan North Indian ancestors were the first to settle on Sri Lanka about 2,500 years ago. At the same time the Tamils contend that their Dravidian South Indian ancestors were the first to inhabit the island. Connected to such claims of descent and arrival are several historical myths, substantiating the two groups’ allegations of being the first to arrive on the island. Such myths have indeed also accentuated the perception of Tamils and Sinhalese as long-standing and entrenched antagonists (Bose 1994). However, scholars now maintain that Sri Lanka has been multi-ethnic and multi-cultural since ancient times, and that Sinhalese and Tamil people originate from the same South Indian-Sri Lankan gene-pool. Tamil and Sinhalese kingdoms cooperated, traded, and intermixed through marriage throughout many centuries.

It is, however, apparent that by the twelfth century the two distinct groups had evolved strong identities, both in terms of territory and religion. The Tamils identified with the north and east, which is still considered to be Tamil Eelam or the traditional Tamil homeland, while the Sinhalese associated themselves with the rest of the island. The Sinhalese had developed and consolidated a strong group affiliation, rooted in Buddhist religion and culture. Sri Lanka was commemorated as *Dhammadipa*: “…the island ennobled to preserve and propagate Buddhism” (DeVotta 2004: 26-27). Concepts of ‘foreigners’ and ‘outsiders’ evolved, and the Sinhalese regarded it as their responsibility to protect Sri Lanka as Buddhist territory. It is, nevertheless, recognized that latter-day Sinhalese nationalism emerged as a resistance movement towards the British domination, and especially against the colonial rule’s negligence of Buddhism (Jayawardena 1984). The impact of colonialism on ethnic identities in Sri Lanka will be discussed under the next heading.

Even though the contemporary conflict in Sri Lanka primarily revolves around ethnic tensions between Tamils and Sinhalese, it is necessary to account for the other ethnic groups of Sri Lanka. These too are part of the political system and have been influenced by the conflict dynamics. The Indian Tamils, constituting for about 5, 5 percent of the total population, are descendants of Indian immigrants who came to Sri Lanka during the nineteenth century to work on tea plantations. This population group is for the most part settled in the up-country hills. By independence in 1948 many of the Indian Tamils were denied citizenship, and their numbers were considerably reduced as the Indian government twice agreed to relocate Indian
Tamils to India. However, the 1978 constitution enfranchised a large number of Indian Tamils, and those left out was granted citizenship in 2003. They are claimed to be the most marginalized group in Sri Lankan society, though they are not directly involved in the violent conflict (DeVotta 2004).

The Moors are descendants of Arab and Indian traders that migrated to Sri Lanka during the seventh century and onwards. They predominantly speak Tamil, though define and identify themselves as Muslims. “Unlike the Tamil and Sinhalese, who have an ethnic identity based on language and history, the Muslims claim a separate ethnic identity predominantly based on their adherence to Islam” (International Crisis Group 2007a: 1). I will refer to this group as Muslims. The recognition of a particular Muslim ethnic identity goes back to the late nineteenth century. A leading Tamil intellectual in the 1880s claimed that the Sri Lankan Muslims were ethnologically Tamils, and as such not entitled to separate political representation in the colonial system. However, the Muslim elite resisted this claim, arguing that the Muslims descend from Arabs (Uyangoda 2001: 120). Tamil elites have subsequently made similar claims, defining Muslims as ‘Tamil-speaking people’, while the Muslims dissociate themselves from such categorizing.

As the majority of Muslims are concentrated on Sri Lanka’s littoral, particularly in the eastern and northern provinces, violent confrontations between Tamils and Muslims have occurred. The Muslims constitute nearly one fifth of the population in the north, and one third of the population in the east (Bose 1994). Additionally, Muslim claims of discrimination directed against them by the Sinhalese majority, both in terms of trade and political representation, have been raised. The Sinhalese-Muslim riots in 1915, where Muslim traders were attacked by Sinhalese gangs, are claimed to be one of the first, modern expressions of the ethnic tensions that have afflicted the country since independence (Jayawardena 1984). Nevertheless, the Muslims have been largely ignored as a separate ethnic group. Their role in the conflict and in a potential solution has much been disregarded. Though, as observers argue: “Understanding their role in the conflict and addressing their political aspirations are vital if there is to be a lasting peace settlement. Muslims need to be part of any renewed peace process…” (International Crisis Group 2007a: i).

Another ethnic group adhering to Islam is the Malays. They are of Javanese origin, descending from Javanese mercenaries who came with the Dutch colonizers to Sri Lanka in
the eighteenth and nineteenth centuries. Though, they are a small group, counting for about 50,000 people, and less than one percent of the population. As such they have little influence on national Muslim politics (DeVotta 2004). The Veddas are Sri Lanka’s indigenous population group and the smallest ethnic group in the country. They have intermixed with other ethnic groups through marriage and are struggling to preserve their traditional and customary culture. The Burghers are another small group also struggling to maintain their distinctive cultural and ethnic identity. Initially, the term referred to the Dutch settlers who came to work for the Dutch East India Company. However, it subsequently came to include others of European and Eurasian origin. It is commonly distinguished between Portuguese Burghers and Dutch Burghers. The Burghers had a dominant position in society throughout the colonial period, however, when it became clear that the British intended to grant Sri Lanka independence the Dutch Burghers began emigrating to Britain and Australia. After independence the Portuguese Burghers became marginalized in society, and it is argued that the group soon may lose their cultural distinctiveness due to intermixing with other ethnic groups (DeVotta 2004).

Colonialism and the Shaping of Ethnic Identities

Sri Lanka was colonized successively by the Portuguese, the Dutch, and the British. The colonial period lasted approximately four hundred years, until the country gained independence in 1948. Neither the Portuguese nor the Dutch obtained complete control over the island, only certain parts of the littoral. As such, they never had any fundamental effect on the internal relations and affairs. The majority of the population continued to depend on subsistence agriculture as they had for centuries. The British colonial powers, on the other hand, developed a direct economic interest in the country and by the early nineteenth century the British had established a “classic colonial plantation economy” based primarily on tea, rubber and coconut (Bose 1994: 48). To enable such cultivation the British needed control over the highlands, and militarily defeated the Kandyan kingdom that had ruled the highlands for centuries.

Both the Portuguese and the Dutch proved to be religious intolerant, and marginalized all religions but their own (Little 1999). In order to convert local people to Catholicism the Portuguese used force against local religious institutions. Especially Buddhism and Buddhist institutions suffered. The Dutch also marginalized and discriminated against local beliefs as to convert people to the Dutch Reformed Church. Though, as neither of the two colonial powers
controlled any inland areas they never represented any real threat to the local religions. Buddhism, as well as Islam and Hinduism, continued to thrive in the Sri Lankan highlands, protected within the boundaries of the Kandyan kingdom. The British were the first to obtain control over the entire island, including the highlands, after conquering the Kandyan kingdom. Through the Colebrook-Cameron reform of 1815 the British became the first to unify Sri Lanka administratively. According to DeVotta (2004), the British did not oppress the local religions to the same extent as their colonial predecessors. However, they did favour Christianity to an utmost degree, simultaneously as they neglected Buddhist needs and necessities.

Traditionally, the governing institutions, as the various Sri Lankan kingdoms ruling prior to the British, supported the needs of the Buddhist clergy, the Sangha. The British first agreed to follow this conventional practice, however, after pressure from British missionaries they withdrew the support in the 1840s (DeVotta 2004). The preferential treatment of Christians and Tamils in the colonial bureaucracy provoked a counter-reaction from the Sinhalese, often referred to as ‘Buddhist revivalism’. By the twentieth century several contradictions between Christians and Buddhists had developed. Sinhalese Buddhists felt politically and culturally disadvantaged compared to the more privileged Christians. For instance, between 1833 until 1912, Buddhists were poorly represented in government services and the legislative council (Jayawardena 1984).

Jayawardena (1984) argues that tensions between Tamils and Sinhalese arose with the development of the colonial economy throughout the nineteenth century. She contends that because the indigenous, Sinhalese capitalist class of Sri Lanka, throughout the nineteenth and twentieth centuries, did not have any basic economic contradictions with the British colonial power it failed to challenge the imperial rule. The Sinhalese Buddhist elites did not question the British’ colonialism, and lacked a strong nationalist ideology at the time. Meanwhile, they did attack the government’s neglect of Buddhism and attempted to revive Buddhist religion and culture. In order to evoke Buddhist nationalist identity the elites employed historical myths of descent and of the Sinhalese as protectors of Buddhism. Such myths did indeed aggravate divisions between the Sinhalese and the minority groups; “…thereby espousing the retrograde ideology of communalism…” (Jayawardena 1984: 91).
As the Sinhalese counter-movement interpreted their role as protectors of Buddhism and perceived Sri Lanka as a Buddhist country, they concurrently emphasized a connection between nation and religion. At the same time, Tamils were overrepresented in the colonial bureaucracy, the civil service, and the educational system. The marginalization of the majority Sinhalese and the concurrent preferential treatment of Christians and Tamils have been argued to be part of the ‘divide and rule’ model of British colonial policies. By deliberately marginalizing the majority and favouring the minority, the British attempted to weaken the majority as it constituted the largest perceived threat to the colonial powers (DeVotta 2004). Paradoxically, the political design developed throughout the late colonial years clearly favoured the majority Sinhalese, and as early as in 1936 an all-Sinhalese ministry was the reality.

It has been argued that the “…concurrent anti-Buddhist and pro-minority policies of the British may be seen as the backdrop to Sinhalese-Tamil divisions” (DeVotta 2004: 29). According to Uyangoda (2001), important features of Sri Lanka’s post-colonial state formation took initial shape in the relationship between the colonial state, Sinhalese majority politics and Tamil minority politics. The foundation for the relations between minority and majority groups as perceived subsequent to independence were laid during the late colonial years. “Sri Lanka’s historical experience of modernity under colonial conditions, particularly during the last 20-30 years of British rule, shaped the political categories of ethnic majority and minority as they are understood today” (Uyangoda 2001: 13). In the following chapter I will consider the political narrative of Sri Lanka’s representative institutions, beginning with the pre-independence politics that contributed to shape the political reality of Sri Lankan society after independence. In order to understand the conflict dynamics in the context of the political system, I will focus on the representative institutions and the minority-majority relations in politics that crystallized after independence.

4.2 Political History

Pre-Independence Politics

Sri Lanka was granted independence in 1948 and in the preceding years there was much debate regarding the design of the constitutional order that should govern. A much contested issue concerned the minority-majority relations, according to ethnicity, class and caste. The period from 1910 till 1945 is argued to be of particular importance regarding Sri Lanka’s
political history. Several important constitutional reforms were initiated during this period, which laid much of the foundation for the post-independence politics (Uyangoda 2001).

Prior to the limited franchise introduced in 1911, the Legislative Council, which was controlled by the British Governor, governed the country. The Legislative Council of 1833 consisted of sixteen members, of which ten were officially appointed by the Governor-in-Council. The remaining six were elected on a communal basis according to ethnicity, or ‘race’ as the British referred to it. The Europeans qualified to three out of the six seats, while the Sinhalese, Tamils, and Burghers respectively qualified to one each (Sirivardhana 1984). Even though the Legislative Council was expanded after several demands for reform, the system remained excluding, and under-represented segments of the population. A limited male franchise was introduced in 1911, though restricted to the highly educated elite. Despite the communal system of representation, the first ‘all-island’ election in 1912 saw the educated elite vote according to class and caste divisions. High-caste Sinhalese and Tamils united to elect high-caste Tamils and defeat lower-caste Sinhalese. The period from 1875 till 1925 was dominated by campaigns for representation along caste- and class-divisions. As such, “[the] divisions beginning to take shape between the Tamils and the Sinhalese over representation in the immediate pre-independence era remained latent, given politicians’ continued emphasis on caste relations” (DeVotta 2004: 37).

The Ceylon National Congress (CNC), a political organization formed in 1919, did however introduce and strengthen pro-Sinhalese and pro-Buddhist forces, though they lacked the means to institutionalize such dominance into politics. The non-existence of a party-system and the limited suffrage at the time impeded such ethnic and religious domination and bifurcation. Though, as universal franchise was introduced in 1931 through the Donoughmore constitution, the subsequent reforms added political value to ethnic identities (Uyangoda 2001). The Donoughmore reforms elucidated minority fears of majority domination, both in terms of ethnicity and caste. It became clear that systems of political representation could favour or disfavour different groups according to numerical strength. As Uyangoda (2001: 15) remarks: “When ethnic and caste groups began to develop a political self-understanding through the category of ‘minority’, they initially saw their minority status as one that accorded them distinct disadvantages”. Fears of majority domination resulted in that both caste and ethnic minorities sought political safeguards against the majority.
Prior to the expansion of colonial democracy, the Tamils enjoyed approximate parity of representation compared to the Sinhalese. Subsequently, the Tamils perceived themselves as one of the country’s two majority groups. As democracy expanded through constitutional reforms the Tamils feared that their majority status would become compromised (DeVotta 2004). Indeed, as early as 1920 Tamil representation was reduced and Sinhalese representation increased due to constitutional reforms. The consequent fear of majority domination resulted in proposed initiatives aimed to strengthen minority representation throughout the period from the 1920s until independence. In 1922-23 there was an intense debate regarding the replacement of communal representation with territorial representation (Uyangoda 2001). The system of communal representation was argued to generate attitudes of divisiveness among the people, but it was concurrently seen as a safeguard against majority domination. Meanwhile, the communal system continued until the implementation of the Donoughmore constitution.

The arrival of the Donoughmore commission generated further debate regarding the constitutional order of Sri Lanka. Universal suffrage was introduced, and communal representation abolished through the Donoughmore constitution of 1931, and an executive committee system of government based on territorial representation was initiated. The executive committee system of government entailed that the members of the legislature were seated in seven committees that controlled the legislative and executive powers (DeVotta 2004). Through elections the Sinhalese obtained the majority of government, and in 1936 an all-Sinhalese ministry was a fact. Sinhalese dominance and concurrent minority fears of exclusion resulted in Tamil claims for balanced representation, in which the Sinhalese would have 50 percent representation and the minority groups would share the remaining 50 percent (Bose 1994). However, as the Sinhalese at the time constituted for approximately 70 percent of the population the proposal was rejected. The introduction of the Soulbury commission furthermore intensified the debate regarding the constitutional design. The commission was to investigate the constitutional arrangements and evaluate them in relation to granting Sri Lanka independence.

The First Constitution of Sri Lanka
The British granted Sri Lanka independence in 1948 and attempted to prepare the country for independence before their departure. The Soulbury constitution of 1947 defined the terms of decolonization and endeavoured to shape the political conditions in accordance with
'multiethnic harmony' (Little 1999). As mentioned, much of the constitutional debate during the framing of the post-independence politics concerned majority-minority issues, as for instance minority demands for balanced representation. Ethnic, religious, and caste minorities sought special representation schemes in order to avoid majority dominance. Meanwhile, the Soulbury commission rejected such minority claims for special representation due to their dedication to ‘de-communalize’ the legislative institutions (Uyangoda 2001). But, the commission did advance on the proposal of multi-member constituencies to strengthen minority representation, by allowing members of minority groups to concentrate votes on candidates of their own choice. The Delimitation commission was to create such constituencies, however, only in some areas seen as appropriate. Additionally, the Soulbury commission implemented a ‘safeguard clause’, which prohibited parliament to enact any laws “…[r]endering persons of any community or religion liable to disabilities, or confer upon persons of any community or religion any privilege or advantage which are not conferred on persons of other communities or religions” (Loganathan 1996: 2). Nevertheless, the prospected ‘de-communalization’ of electorates and the constitutional minority safeguards would prove insufficient to avoid majority dominance within the political system and the continued communalization of representation.

The post-independence constitution adopted a Westminster form of democracy based on the British model. The drafters of the constitution envisioned a unitary state, with a supreme parliament and centralised power (Coomaraswamy 2003). An elected House of Representatives and a Senate, partly nominated and elected by members of parliament, constituted a bicameral legislature. The prime minister and the government were chosen from the majority group in parliament, and controlled the executive powers. Parliamentary systems lack the kind of ‘checks and balances’ found in presidential systems, though the accountability of the different powers is to be controlled by the sharing of power. In Sri Lanka, the parliament was considered the most important institution of power and perceived as the representation of the sovereignty of the people. The judicial and the executive powers were weak and subordinate to the parliament. As such, the strong emphasis on the parliament impeded a proper form of horizontal accountability in the Sri Lankan system. The constitution was in addition a minimalist one, and opened up for a high degree of freedom of political interpretation.
Post-independence democracy in Sri Lanka was designed as a majoritarian democracy, including the typical elements as such. The system adopted in 1947 included a strong parliament, a unitary, centralised state, weak division of power, and a first-past-the-post (FPP) electoral system. The combination of a FPP representational system and the lack of a bill of rights led to inefficient protection of minorities in the society (Rotberg 1999). Contrary to proportional representation (PR) in elections, FPP systems may be problematic in heterogeneous societies. In Sri Lanka, FPP elections and the single-member-district plurality, a ‘winner-takes-it-all’ method of election, created further majority domination within the political system. The minority Tamil constituencies did not have enough leverage in the electoral system to oppose the majority in any way. “…[C]onstitutions were enacted by ruling governments and amended to serve their self-interest” (Coomaraswamy 2003: 148).

According to Coomaraswamy (2003), the exceptional power experienced by the members of parliament led to the development of political patronage. Partisan politics is ensued as a means to reach narrow partisan goals. Meanwhile, it is important to note that political parties were not emphasized until after independence. The conservative United National Party (UNP) was organized in 1946, while its strongest opponent, the Sri Lankan Freedom Party (SLFP), was formed in 1951. The Trotskyist Lanka Sama Samaja Party (Lanka Equal Society Party – LSSP) was organized in 1935, and the Communist Party (CP) in 1943 (DeVotta 2004: 39). Though, only two members of the leftist parties were elected as members of a political party during the Donoughmore constitution period, as most of the candidates were elected as independents. Horowitz (1993: 4) argues that the Sri Lankan political system developed into a pattern of representation according to ethnicity and ethnically based political parties. The Ceylon National Congress, as mentioned formed in 1919, was initially a multi-ethnic national movement, including both Tamils and Sinhalese. However, within two years most Tamils had left the organization after a dispute concerning the design of the representative institutions. By the 1950s most politically active Tamils supported either the Tamil Congress (TC) or the Federal Party (FP), leaving the UNP and the SLFP, as well as the left-wing parties. “Consequently, Sri Lanka’s party system has revolved around the competition, on the one hand, of the two main Sinhalese parties for Sinhalese votes, and on the other, of the two main Tamil parties for Tamil votes” (Horowitz 1993:4).

Upon independence it became clear that the Sinhalese, with their approximately 70 percent of the total population, easily could obtain the majority in parliament as long as they voted along
ethnic lines (International Crisis Group 2007b; Horowitz 1993). And indeed, it was the Sinhalese that obtained majority in parliament after independence, hence also control over the development of the political framework. Through the safeguard clause the first constitution of Sri Lanka placed certain limitations on the legislative powers of parliament as to impede discriminatory legislation (Loganathan 1996). However, three legislative acts passed in the post-independence era were perceived as highly discriminatory by the groups affected. These were respectively the Citizenship Act of 1948, the Franchise Legislation of 1949, and the Official Language Law of 1956 (Uyangoda 2001).

The Citizenship Act of 1948 aimed at creating a legal category of ‘a citizen of Ceylon’, as this did not exist in the legislation or the constitution. According to the act a person could acquire citizenship in two ways: by descent or registration. Seemingly, such an act should be a legitimate part of a country’s legislation, however, the consequences were the withdrawal and denial of citizenship for a large segment of the population. The Franchise Legislation of 1949 defined the rights of franchise, and deprived those who were not defined as Ceylon citizens under the Citizenship Act their franchise rights. The majority of people who lost both their citizenship and their franchise rights were Indian Tamil plantation workers. The two acts were challenged as unconstitutional in court, as both breached the constitutional safeguards against discrimination against a minority (Article 29 (2) of the first Constitution) (Uyangoda 2001: 59). However, the two acts were endorsed by the Supreme Court, which did not consider the discriminatory nature of the legislation. As such, a substantial segment of the population lost their influence on the governing institutions.

‘Sinhala Only’
The Official Language Law, also referred to as the ‘Sinhala-only legislation’, was implemented in 1956. The ‘Sinhala-only’ act originated from an SLFP electoral campaign prior to the 1956 national election, with their candidate for prime minister, S. W. R. D. Bandaranaike, fronting the campaign. Bandaranaike and the SLFP proclaimed that within twenty-four hours of victory Sinhala would be established as the only official language, implying subsequent renunciation of English as state language (Bose 1994). DeVotta (2004: 73) remarks that: “The Official Language Act of 1956 was unfortunately not a law designed for the common good. On the contrary, its goal was to enhance the majority community’s socioeconomic possibilities, while imposing relative deprivation on the minorities”.
However, as the Sinhalese constituted 70 percent of the population, concurrently with Tamils being over-represented in the bureaucracy and in higher education, scholars maintain that a language act was necessary. Prior to the initiation of the language act the administrative language was English, and in the early 1950s campaigns for a more democratic language of administration developed, as English was only spoken by educated elites (Jayawardena 1985). Political movements opted for both Sinhala and Tamil as official languages, however, the SLFP receded from such demands, and made ‘Sinhala Only’ their official policy prior to the 1956 elections. The ‘Sinhala-only’ act was seen as highly discriminatory by the Tamils who aspired for an equal status for the Tamil language. Sinhala was made the only state language, consequently excluding Tamils from labour markets and public services. The language act is often regarded as an elucidation of Sinhalese nationalism, and led to violent protest from the Tamil population. According to Bose (1994), the language legislation of 1956 instigated processes of intra-ethnic outbidding or ‘competitive chauvinism’, in which efforts to reach agreements with Tamil political parties were undercut by the Sinhalese opposition. Ethnicity was substantiated as a malign feature of politics, which would continue to distinguish Sri Lankan politics for years ahead.

The so-called ‘Bandaranayke – Chelvayanakam’ (B–C) pact of 1957 serves as an example of the ‘opportunistic opposition’ that repeatedly has prevented Sinhalese attempts to reach agreements with Tamil parties. The B-C pact was the result of Tamil opposition against the Official Language Act, spearheaded by the Federal Party (FP) and Chelvayanakam, one of the party’s originators. Under the B-C pact the FP dropped their demands for equal status of the Tamil language, and Prime Minister Bandaranayke proposed three moderations of the SLFP’s policy. These proposals were as follows: reasonable use of Tamil language and recognition of Tamil as a minority language, limited power devolution to provincial councils, and constitutional amendments to guarantee minority rights (Loganathan 1996). However, the main Sinhalese opposition party, the UNP headed by J. R. Jayewardene, rallied to protest against the B-C pact by employing ethnic rhetoric. Bandaranayke soon after resigned under the pressure from the Sinhalese nationalists and abrogated the pact, consequently leading to Tamil protests and deadly riots across the island in 1958. The B-C pact illustrates the manner in which Sinhalese parties in power have tried to accommodate multi-ethnic accord, while the opposition has rallied Sinhalese nationalism to prevent such attempts.
The Constitution of the First Republic of Sri Lanka

The first constitution of Sri Lanka lasted nearly 25 years, and according to Coomaraswamy (2003) both Sinhalese Buddhist nationalism and left-wing, populist ideology grew stronger during this period. The 1970 election witnessed a massive victory by the United Front (UF) coalition, consisting of the SLFP, the LSSP, and the CP, which obtained 115 out of the 151 seats in parliament. Mrs. S. Bandaranaike, late Prime Minister Bandaranaike’s wife, began her second out of three terms as prime minister, and her government stressed the necessity of a welfare socialist state. In order to implement such measures the UF coalition decided to promulgate a new constitution. The foundation for the new constitution was the UF’s nationalist-socialist ideology, which merged Sinhalese nationalist aspirations and the notion of socialistic development and progress.

The 1972 republican constitution gave Buddhism special status as the foremost religion and made it state responsibility to ‘protect and foster Buddhism’, in conformity with Sinhalese Buddhist nationalism. It gave Sinhala constitutional status as the sole official language and abrogated the minority safeguards drafted in the Soulbury constitution (Uyangoda 2001). The intensified entrenchment of Sinhalese nationalism through the new constitution, led to Tamil frustration and the subsequent expression of demands for a separate Tamil state (Coomaraswamy 2003). Though, as the constitution declared the political structure of the state as unitary and centralized it effectively prevented Tamil aspirations for self-determination of any kind. Accordingly, the 1972 constitution reinforced the unitary, centralized notion of the Sri Lankan state, and by emphasizing Sinhalese nationalism it additionally enforced further communalization of the population.

Under the new constitution Sri Lanka became a republic with a president as the head of state, though the actual executive powers remained within the now unicameral legislature. The principle of legislative supremacy of the parliament was another feature of the 1972 constitution that additionally undermined the rights and status of Sri Lankan minority groups (Uyangoda 2001). Parliament, or the National Assembly, was emphasized even further than in the first constitution, and the judiciary was equally weakened. The judiciary was denied any right to question or scrutinize bills passed by parliament. A special constitutional court to defend the constitution was introduced, nevertheless, decisions made here could be overridden by a two thirds majority in the National Assembly. Thus, the judiciary lost its entitlement to question or determine the constitutional validity of parliament’s decisions, and could not
interfere in questions regarding minority rights. As a consequence, “…the government could rule with impunity, without any effective checks and balances” (Coomaraswamy 2003: 149).

Furthermore, to enable the prospected socialistic development and welfare state the UF government implemented several economic reforms and significantly expanded the role of the state. The state took control over privately owned economic enterprises and increased the state sector, as well as the extent of state-subsidized prices and price controls (Bastian 2003). Social welfare measures were emphasized, the economy closed through import-substituting industries, and terms of trade deteriorated. Some scholars argue that Sri Lanka’s economic growth was retarded during this period of government compared to previous periods (Kelegama 1999; Snodgrass 1999). The new government of 1977, led by J. R. Jayewardene and the UNP, had a fundamentally different approach regarding national economic policies. “Key features of the new policy regime included promotion of export-led industrialization by offering incentives to domestic entrepreneurs, and encouragement of foreign direct investment in the newly established export processing zone” (Kelegama 1999: 72). In addition to the radical change of the economic policy lines, the UNP-led government introduced the constitution of the Second Republic of Sri Lanka.

**The Constitution of the Second Republic of Sri Lanka**

The UNP, led by J. R. Jayewardene, won the 1977 election with a massive victory. The party obtained 141 out of the 168 seats in parliament, and concurrently reduced the SLFP to eight seats. As the Tamil Congress (TC) and the FP had previously merged to organize the Tamil United Liberation Front (TULF), they became the opposition with 18 seats in parliament (DeVotta 2004). The TULF was formed in 1972, and had prior to the 1977 election created a founding document, known as the ‘Vaddukkoddai Resolution’, through which they urged Tamils to unite for a separate, sovereign state; the Tamil Eelam (Uyangoda 2001). Compared to earlier demands for self-autonomy the demand for separation illustrated a shift in Tamil political aspirations, as well as in attitudes towards the Sinhalese majority. Meanwhile, the 1978 constitution of the Second Republic of Sri Lanka further cemented the concept of a unitary, centralized state.

As the UNP controlled more then two thirds of parliament, the party was able to enact the second constitution in less than one decade. The constitution of the Second Republic of Sri Lanka did to some degree strengthen the status of rights and protection of minorities, though
still with severe limitations (Little 1999). The judiciary was strengthened by opening up and allowing for questioning of the parliament’s decisions, though only before the bill would be adopted. At the same time the new constitution of 1978 set forth to transform the political system by adding emphasis on the presidency. The presidency, directly elected from the constituency, would collaborate with parliament and prime minister, much like the French political system. Even though the parliament would be in charge of the legislative tasks the president would have the decisive powers over parliament and prime minister. The president obtained control of emergency powers and the power to dissolve parliament. According to Coomaraswamy (2003: 151), this presidential system would define the politics of Sri Lanka into the 1980s and -90s.

Reforms regarding the electoral system were also initiated through the 1978 constitution. The FPP electoral system was replaced by PR, to ensure a more stable system reflecting the votes of the constituencies more accurately than before. By establishing PR the voice and leverage of minority groups increased, and the legislative power was restrained through coalition building. Under PR it is more difficult to obtain a massive majority in parliament, and a two-thirds majority is virtually out of reach. As such, the system prevents constitutional tampering by ‘unbridled legislatures’ (Coomaraswamy 2003: 151). The introduction of PR shifted the dynamics in majority Sinhalese politics to a certain extent from the ‘ethnic outbidding’ to bargaining for positions in the political center. Despite the fact that the PR system was established to ensure improved reflection of the voting patterns, it also led to a less stable system of weak coalition governments. Unstable governments with decreased endurance and bargaining powers based on partisan politics have reduced possibilities of constitutional reform. Weak coalition governments will have a reduced ability to attain the necessary two-thirds majority required for constitutional reform, as they do not have the majority of the parliament’s votes. The combination of weak coalition governments unable to obtain the majority required for constitutional reform and the political practice of ‘opportunistic opposition’ have undermined various peace initiatives (Shanmugaratnam & Stokke 2008).

4.3 The Intra-State War and the Resolution Attempts

This section will contain an account of the course of the intra-state conflict and the resolution attempts, including proposals of constitutional reform. The point of departure will be the
The formation of the Liberation Tigers of Tamil Eelam (LTTE) and the following militarization of the conflict.

**The Liberation Tigers of Tamil Eelam**

The formation of the TULF and the articulation of separatist demands illustrated, as mentioned, a shift in Tamil political aspirations in the early 1970s. During this period of time several other organizations formed to mobilize Tamil people to unite for a separate Tamil state. Hence, by the early 70s there were two distinct elements within Tamil politics; the parliamentarians of the TULF, and a smaller, militant youth movement (Senaratne 1997). The latter included the ‘Tamil New Tigers’ (TNT), initially known as the ‘Tamil Students’ Federation’ and the Tamil Eelam Liberation Organization’ (TELO). In 1975 the mayor of Jaffna, a Tamil align of the SLFP, Alfred Duraiappah, was assassinated by members of the TNT, amongst them allegedly the then unknown Vellupillai Prabhakaran. On May 5, 1976, The Liberation Tigers of Tamil Eelam (LTTE or ‘Tamil Tigers’) was founded, headed by Prabhakaran (Swamy 1996).

In addition to the LTTE and the TELO, the ‘Eelam Revolutionary Organization of Students’ (EROS), and the ‘Eelam People’s Revolutionary Liberation Front’ (EPRLF) were significant movements during the 1970s. An internal fraction in the LTTE split out and formed the ‘People’s Liberation Organization of Tamil Eelam’ (PLOTE) in 1980 (Swamy 1996). The LTTE and the other militant Tamil groups mobilized violently against police and military personnel during the late 1970s, and became more daring in their attacks as retaliation targeted Tamil civilians. After several violent incidents in the late 1970s the government declared a ‘state of emergency’ in Jaffna, and the subsequent military presence led to a reduction in violence from the Tamil insurrection groups. However, throughout the early 1980s Tamil militant organizations increased the intensity of their attacks and the insurgent activity escalated (Senaratne 1997).

**Eelam War I - 1983-1987**

In July 1983 Tamil militants ambushed and killed thirteen government soldiers in the vicinity of Jaffna. As a response anti-Tamil riots broke out, initially in Colombo, but the riots quickly spread throughout the country. Tamil property and homes were targeted and burned down, and many were left homeless. Many people died in the riots; as many as 1,000 people are believed dead from the violence during the riots (International Crisis Group 2006). The
government seemed to take little action to end the violence, and the ethnic conflict continued to escalate.

The July 1983 riots mark the beginning of the intra-state war, and what is referred to as the first Eelam War. Several thousand Tamils subsequently sought refuge abroad, though many young Tamils fled north and joined the armed struggle for the Tamil Eelam. Accordingly, the LTTE and the other militant organizations were rapidly strengthened and transformed into a significant insurgent force (Swamy 1996). Due to the anti-Tamil riots and the commenced intra-state war the government of neighbouring India felt obliged to intervene. The state of Tamil Nadu, situated on the eastern littoral of the southern part of India, inhabits nearly sixty million Tamils in close proximity to Sri Lanka. The 1983 anti-Tamil riots provoked high emotions in Tamil Nadu, and the Prime Minister of India at the time, Indira Gandhi, felt compelled to intervene in the conflict. Abraham (2006: 10) remarks that her actions took two forms; “…one conventional, and one unconventional”. Gandhi offered to mediate between the GOSL and the TULF, and as a more controversial measure she also assisted the armed Tamil movements by offering arms and military training. The rationale for such actions is claimed to be fears of a resurgence of Tamil separatism in Tamil Nadu, if India’s government did not support the Tamil cause (Dixit 2006). However, India was not aiming for a separate Tamil state in Sri Lanka, though attempted to exercise pressure towards the Sinhalese dominated GOSL to be more responsive to Tamil aspirations and demands.

Both political and material support from India strengthened the insurgent groups, by training cadres and supplying more and better equipment. Throughout the mid-1980s, however, the internal fractionalization and competition between the Tamil militant groups increased. Additionally, intra-Tamil violence emerged as a threat towards moderate Tamils and Tamil supporters of non-Tamil parties. The LTTE began to attack the other organizations, killing many of their leaders and absorbing their members into their own movement. Consequently, the Tamil Tigers became the most powerful and prominent group compared to the other secessionist groups (Senaratne 1997). Due to allegations claiming that India allowed the LTTE to set up bases in Tamil Nadu, the Indian Prime Minister from 1984-1989, Rajiv Gandhi, attempted to reverse his mother’s lenience towards the LTTE and withdrew the Indian support. Peace talks were initiated by India in 1985 in Thimphu, the capital of Bhutan, however, with little substance (Smith 1999). The Thimphu talks represents the first out of five
unsuccessful resolution attempts, as the intra-state war continued with increased intensity through the late 1980s.

The Indo-Lanka Accord

After several severe attacks by the LTTE in the mid-1980s that caused a massive loss of civilian lives, the GOSL felt pressured to retaliate. It was decided to follow up the attacks by launching a military campaign, accompanied by a blockade of the Jaffna peninsula (Senaratne 1997; Dixit 2006). Operation Liberation commenced on May 26, 1987, and inflicted the civilian population of the Jaffna area severe hardships. From the beginning of the campaign the Indian government employed pressure on the GOSL to end the operation, and by June -87 Operation Liberation was terminated. India further intervened by dispatching the Indian Peace Keeping Force (IPKF) in the north and east of Sri Lanka, and concurrently impelled the GOSL to sign the ‘Indo-Lanka Agreement to Establish Peace and Normalcy in Sri Lanka’, referred to as the ‘Indo-Lanka Accord’ (Bose 1994).

The Indo-Lanka accord forced the Sri Lankan government to accept to implement constitutional amendments in order to give the Tamils a degree of autonomy, through the thirteenth constitutional amendment. Prior to the Indo-Lanka accord Jayewardene and the UNP had implemented a ‘district development scheme’ as the first actual attempt to put a system of devolution into practice. The district councils would be granted a decentralized budget and some autonomy of guiding development (Coomaraswamy 2003). Nevertheless, the councils in the north and east soon ceased to function, due to large-scale violence in relation to the council elections.

The thirteenth amendment to the 1978 constitution constituted the second attempt to put a devolution system into practice. Through the Indo-Lanka accord the Jayewardene government was impelled to prepare a devolution scheme as an essential part of the accord. The devolution scheme proposed the delegation of both legislative and executive power to eight provincial councils, and the Northern and Eastern Provinces were to be temporary merged into one unit. Subjects and functions of the councils included inter alia “…police and public order, provincial planning, local government, provincial housing and construction, agriculture and agrarian services, rural development, [and] health… (Tiruchelvam 2006: 35). Subjects reserved for the central government were articulated as ‘the reserve list’, and included areas “…such as defence and national security, foreign affairs,…broadcasting, …justice, [and]
foreign trade and commerce (Tiruchelvam 2006: 35). State land was, controversially, vested within the presidential powers, an issue that attracted much criticism. Land should according to the amendment be a subject of the provincial councils, nevertheless, under special provisions and regulations, as such giving the central authorities the power in reality. The allocation of state land does, according to Bastian (2006: 74), reflect “…a fundamental contradiction between a Presidential system that has centralised power to a great degree, and the attempt to devolve power to regions”.

Budget allocations from the GOSL were to finance the Provincial Councils, in addition to limited taxation and revenue sharing. Another important feature of the devolution design was that a high court should be established in every province to exercise jurisdiction in criminal cases (Tiruchelvam 2006). However, the central legislature could override the councils by a two thirds majority, and it was certainly not a federal solution. The limited self-determination by the devolution system would turn out to be insufficient, as would subsequent constitutional reform proposals of devolution.

Additionally, the accord entailed a ceasefire that forced the Sri Lankan army to withdraw from the areas it had gained control over through the Operation Liberation (Senaratne 1997). India initially dispatched a force of 10,000 troops, but the force eventually peaked at a number of 125,000 in 1987. Nevertheless, the Indian intervention turned out to be a complete failure as the IPKF underestimated the strength of the Tamil Tigers, turning the resolution attempt into an armed conflict between the Tigers and the IPKF (Smith 1999). The LTTE fought a ‘classic’ guerrilla warfare based in the north-eastern jungles, and caused the IPKF increasing casualties. At the same time the south witnessed a violent resurgence of populist Sinhalese nationalism led by the ‘People’s Liberation Front’ (Janata Vimukti Peramuna, JVP), rallying against the Indo-Lanka accord and the ruling UNP. During the late 1980s the GOSL was challenged from two different fronts, concurrently to a foreign military intervention, causing extremely high levels of violence throughout the period from 1987-1990.

By late 1988 a military stalemate between the IPKF and the LTTE emerged, in which neither parties seemingly would be able to overcome the other (Senaratne 1997). At the same time, the GOSL perceived the presence of the Indian forces as the cause of the violent revolt by the JVP in the south. Consequently, the government, led by President Premadasa, urged both the LTTE and the JVP to join in negotiations. The JVP did not respond to the offer, however, the
LTTE agreed to a ceasefire in what is referred to as the Premadasa-LTTE talks, which constituted the third resolution attempt. Mutual sentiments of opposition towards the IPKF have been regarded as the backdrop of the talks. The JVP insurrection was later countered and brutally repressed by the government, a campaign claimed to have killed thousands of JVP supporters and innocent civilians. As the LTTE, the main insurgent group, had ceased its violence towards the government, the sole reason for the IPKF presence was eliminated and by March 1990 the Indian troops left the island. Though, the IPKF did not succeed to achieve any of its objectives, respectively to disarm Tamil armed groups, to implement the Indo-Lanka accord, and to end the secessionist rebellion. As the forces withdrew from the occupied areas in the north-east, the LTTE resumed its control of the area as it filled the vacuum after the Indian troops (Smith 1999).

**Eelam War II and III - 1990-2001**

The intra-state war intensified in the early 1990s, as the Tamil Tigers expanded in terms of size and military capabilities. Violent insurgent attacks and government counterattacks led to massive human loss and suffering. The Tigers attained more sophisticated weaponry; heavy machine guns, missiles, and mines, as well as naval and airborne capabilities, and caused increasingly heavy casualties on the Sri Lankan army (Smith 1999). However, as the People’s Alliance (PA) coalition won the 1994 general elections, hopes and expectations were raised for a peaceful resolution of the conflict (Rajanayagam 2006). The PA coalition included the SLFP, the LSSP, the CP, and the Sri Lanka Muslim Congress (SLMC). The coalition’s election victory ended the UNP’s seventeen year long reign, and illustrated Sinhalese aspirations for a peaceful solution to the conflict. Chandrika Kumaratunga became president and sought to peacefully end the war by negotiations with the LTTE. The government’s pro-peace policy did, however, come to an end after unsuccessful negotiations with the Tamil Tigers, as the Tigers put forth a series of demands that the government did not agree to. In April 1995 the LTTE attacked and sank two government navy gunboats, an incident that led to the breakdown of the negotiations (Rajanayagam 2006).

The government’s pro-peace policy was transformed into a ‘war for peace’ strategy, implying military action to defeat the Tigers. Despite the military offensive against the LTTE, a political solution in the form of a devolution package was, nevertheless, offered to the Tamil people by President Kumaratunga in 1995. The proposal was the most comprehensive devolution plan suggested in the country’s history, and was only to be implemented after a
cessation of LTTE’s hostilities (Smith 1999; International Centre for Ethnic Studies 2006). Under the devolution scheme eight individual regions would be granted authority over particular sectors, such as for instance finance and law and order. The northern and eastern provinces were intended to be merged, as previously proposed, to meet the LTTE’s demands, and the country would be converted into a federation of eight provincial states.

However, the proposal was rejected by the Tamil Tigers, according to Smith (1999: 27) “on the grounds that it was a ‘betrayal of minority Tamils’”. Not surprisingly, the devolution scheme was furthermore heavily criticized by Sinhalese nationalists and the Buddhist clergy, and in 2000 the proposals were defeated in parliament (international Crisis Group 2006). The functioning of the provincial devolution itself was overshadowed by the intense fighting following the breakdown of the attempted resolution. As the war resumed after the collapse of the fourth resolution attempt, it advanced as a conventional war over territory (Shanmugaratnam & Stokke 2008). The Tigers developed from a guerrilla movement into a highly efficient military organization, increasing the intensity and occurrence of their attacks. Through a wave of terrorist campaigns in Colombo and the south, often by the use of suicide bombers, the so-called ‘black tigers’, the LTTE killed and wounded hundreds of civilians. Concurrently, the Sri Lankan army’s military operations and counterattacks failed, and the morale amongst the government forces decreased.

**The Fifth Peace Process**

The escalation of the war, from 1995 and onwards, resulted in a severe humanitarian crisis in the north. Nearly half a million people were displaced from the Jaffna Peninsula to the Vanni district, an area immediately south of the Jaffna peninsula, by the Tamil Tigers (Uyangoda 2006). The Vanni district had already deteriorated due to the conflict, and the displaced refugees had to live without sufficient supplies of food, shelter and medicines. The objective of immediate improvement of the humanitarian situation was used by the international community to promote communication between the LTTE and the GOSL. Communication between the antagonists was argued to have the potential to pave way for further political dialogue. In addition, throughout 2000 and 2001, the Tigers obtained military control over strategically important areas, and in June 2001 they attacked the international airport outside of Colombo. The military advancement placed the LTTE in a situation of approximate military power parity compared to the government forces. Concurrently, it provided the
perceived bargaining power necessary in order for the Tigers to engage in a political resolution attempt with the GOSL (Shanmugaratnam & Stokke 2008).

Despite the failure of the government’s ‘war for peace’ strategy, Mrs. Kumaratunga and the SLFP won the presidential elections in 2000. However, the parliamentary election in 2001 was won by a coalition dominated by the UNP. The United National Front (UNF) coalition consisted of the UNP, the Ceylon Worker’s Congress (CWC), the Upcountry People’s Front (UPF), and members of the Sri Lanka Muslim Congress (SLMC) (Goodhand et al. 2005). Ranil Wickremasinghe, the leader of the UNF, was elected as prime minister. The new government won the election based on “an agenda of peace and economic prosperity” (Goodhand et al. 2005: 20), and shortly after the victory the UNF and the LTTE agreed to a temporary, one-month ceasefire from December 24, 2001. In February 2002, Norwegian facilitators brokered a full ceasefire agreement (CFA) between the antagonists, consisting of three main features.

*Ceasefire Agreement and Peace Talks*

The CFA included provisions on the cessation of military hostilities, measures for normalization of the north-east, and the outline of the mandate of the Sri Lanka Monitoring Mission (SLMM). The SLMM was originally to consist of staff members from the Nordic countries, mandated to monitor and inquire into ceasefire violations, in addition to solve disputes regarding the CFA on the lowest levels (SLMM 2008). From September 2002 till March 2003, the LTTE and the GOSL attended six rounds of peace talks. The Oslo conference in December 2002, the third round of talks, resulted in an agreement between the parties “…to explore a federal solution based on the concept of ‘internal self-determination’ for the Tamils of the North-East” (Shanmugaratnam & Stokke 2008: 94). Even though the Oslo agreement generated hope for more substantive talks, the two following meetings engendered little of importance. The situation was further complicated as the LTTE was excluded from the donor meeting in Washington to prepare the sixth round of talks, and consequently decided not to attend the following Tokyo conference (Goodhand et al. 2005).

As the peace process stalled and the antagonists failed to achieve any of their objectives through negotiations, the LTTE made a unilateral demand for an interim self-governing authority (ISGA) in the north-east. The government had offered three proposals for such an interim administration earlier in 2003, which the LTTE had rejected on the basis of being
insufficient (Shanmugaratnam & Stokke 2008). The proposed ISGA was to transfer governing powers to a LTTE dominated administration in the north-east, however within the Sri Lankan state’s unity and sovereignty. Though, the ISGA would give the LTTE a substantial degree of autonomy for five years, as elections then would decide the future form of government in the area (Goodhand et al. 2005).

The maximalist ISGA proposal was highly controversial to the Sinhalese south, and was met by strong opposition and upheaval by media and political elites (International Crisis Group 2006). The notion of an interim administration had been part of the UNP’s initial peace platform prior to the negotiations, however, the government’s immediate reaction to the proposal was aloof. President Kumaratunga and the Sinhalese opposition were even more negative to the proposal, fearing that an interim administration would be the first step towards secession. As such, the President intervened by declaring a state of emergency, and took over three key ministries in an attempt to paralyze Wickremasinghe’s government. In February 2004 the president dissolved parliament and called for elections. Subsequently, the President’s PA coalition and the JVP formed the United People’s Freedom Alliance (UPFA), which defeated the UNF government in the 2004 elections, and formed a fragile coalition government. The new government rejected the ISGA proposal, and took a far more critical attitude towards the peace process.

Meanwhile, December 26, 2004, the unprecedented event of a tsunami hitting the shores of Sri Lanka caused massive damage to the island. Over 30,000 people lost their lives; many more were displaced and lost their livelihoods due to the disaster. Immediately after, humanitarian needs were given precedence, and the peace process and related issues were subsequently put in the background. At the same time, the tsunami generated hope for an opportunity to regenerate the peace process. Nevertheless, controversies regarding the emergency aid distribution and aid management caused such initial hope to fade, as tensions between the parties continued to build (International Crisis Group 2006; Goodhand et al. 2005).

Mahinda Rajapakse, representing the SLFP, was elected president in November 2005, and the subsequent development aggravated as the fighting and violence escalated. Despite the return of a violent state of conflict, the CFA and the SLMM were still in place. The SLMM attempted to adapt and reorganize the organization according to the developments of the
escalating conflict, in order to accommodate to their mandate and the requirements of both antagonists (SLMM 2007 [interview]). However, ceasefire violations became increasingly frequent and the CFA essentially collapsed in the midst of 2006. From then on the situation in Sri Lanka has been dominated by outright war. The International Crisis Group (2008: 1) characterized the situation as increasingly severe: “…both sides [have] engaged in the full range of offensive military action, including artillery and ground assaults, air and naval raids, ambushes and use of mines, and committed many human rights violations against civilians”. As the conflict furthermore intensified in 2007, through rebel attacks and government counterattacks, civilians both in LTTE and government controlled areas have been inflicted yet more suffering and hardships.

On January 2, 2008, the GOSL formally abrogated the CFA, and despite its claimed ambitions of a political solution to the conflict, the government pronounced its intention to defeat the LTTE with military means. The military campaigns currently initiated by the GOSL aim to completely eradicate the Tigers, which according to the government is a necessary prerequisite for a political solution. Concurrently, the international society is concerned with the development and vow for a political solution. Meanwhile, the violence persists and escalates, and the civilian population continues to suffer. The prospects for peace and a resumed peace process in Sri Lanka are bleaker than in a long time.

*The All-Party Representative Committee*

Nevertheless, in 2006 the government appointed the All-Party Representative Committee (APRC) to design a new political solution proposal. The intention was to create proposals for a new power devolution scheme, in addition to a full revision of the constitution and a complete implementation of the thirteenth constitutional amendment. Though, Sinhalese nationalist parties, as the SLFP and others, have blocked implementation of the proposals until January 2008. Sinhalese nationalists are determined to block any proposals that might alter the constitutional definition of the unitary state, as they see the articulation of the unitary state as an assurance against power devolution leading to secession (International Crisis Group 2008).

On January 23, 2008, the APRC sent a new document to the government that proposes provisions “…in order to achieve maximum and effective devolution of powers to the provinces in the short term” (Government of Sri Lanka 2008). After 63 sittings throughout
one and a half years, the APRC have finalized a consensus document that recommends full implementation of the thirteenth amendment to the 1978 constitution and a review of the current constitution. However, as the situation in the north is highly uncertain, and the APRC argues that democratic elections to a provincial council in the north is impossible at this time, they recommend the government to establish an interim council that would function until elections can be held in the area (Government of Sri Lanka 2008). Additionally, the APRC emphasizes measures to enact the Official Languages Provision to the constitution, as a part of the thirteenth amendment, which specifies Tamil as an official language.

Meanwhile, there are strong doubts regarding the government’s willingness and ability to implement such a proposal at the time being, especially regarding the strong influence by Sinhalese nationalist forces on the government (International Crisis Group 2008). The government must challenge strong opposition from *inter alia* the JVP who argues that a provincial council in the north easily may facilitate secession if controlled by Tamil nationalists. Additionally, the thirteenth amendment to the constitution has been implemented previously, without success, and even if it is fully implemented it may not fulfil Tamil demands of autonomy. As the APRC proposals do not fully specify or define the measures recommended, it is, nevertheless, difficult to anticipate the outcome if the proposals are implemented by the GOSL. And as the government currently seems determined to defeat the Tamil Tigers military, before pursuing a political solution, a successful devolution of power at the time of writing do indeed seem unlikely.
5. Findings and Discussion

The political narrative of Sri Lanka’s post-independence representative institutions illuminates the strong influence the political institutions have exerted on the development of Sri Lankan society after independence. It becomes apparent that the shaping and the character of the political institutions have affected the course of the ethnic conflict, as well as the resolution attempts. This chapter sets forth to investigate the relationship between the representative institutions, the conflict dynamics and the challenges of conflict resolution, in the context of a multi-ethnic society. The objective is to answer the stated research questions by linking empirical facts and theoretical perspectives in a thorough analysis and discussion.

The chapter will be divided into two separate sections that are, however, closely interlinked and intersect according to subject matter. Beginning with the outline of the main institutions of political representation after independence, my aim is to account for their influence on the ethnic relations and the conflict dynamics. Concurrently, I intend to determine to what extent the multi-ethnic character of Sri Lankan society has influenced the performance of the political system and the conflict dynamics. As such, the chapter will expectantly provide an examination and discussion regarding the relationship between the representative institutions, the multi-ethnic characteristics of Sri Lankan society and the conflict dynamics. The second part of the chapter will contain a discussion and analysis of the challenges of conflict resolution in relation to the particular political framework and the multi-ethnic society of Sri Lanka.

5.1 Post-Independence Political Representation

Colonial Legacy
The Sri Lankan post-independence political design can be regarded as a colonial legacy of the British, as the colonial powers attempted to prepare the country for independence and shaped the first independent constitution of Ceylon prior to their departure. Through the adoption of a Westminster type of democracy, the colonial legacy of the British shaped the political environment of Sri Lanka for the following twenty-five years. Despite attempts to accommodate democratic institutions to inter-ethnic cooperation it soon became clear that the constitution did not entail sufficient safeguards against majority domination (DeVotta 2004; Uyangoda 2001).
British colonial policies entrenched the ethnic divisions in Sri Lankan society, and by independence the tensions latent in society, mainly between the Tamils and the Sinhalese, intensified (Uyangoda 2001). However, the particular ethnic identities had evolved throughout several centuries, indeed also prior to the colonial era. The different ethnic groups had cohabitated in relative peace before the Europeans occupied the island, though they had developed distinct identities over time. In accordance with the constructivist approach to ethnicity, I will contend that it was the social systems and the contextual circumstances that generated the social conflict based on ethnic affiliation. Constructivism does not regard ethnicity as intrinsically leading to conflict, but argues that the social systems and the contextual circumstances cause conflict to erupt (Lake & Rothchild 1998). It is the social systems and the interaction within and between such systems, whether based on ethnicity or other socially constructed cleavages or divisions, that generate conflict.

Regarding the case of Sri Lanka, I will argue that the combination of a multi-ethnic society and the particular colonial policies engendered ethnic tensions in society. For instance, the ‘divide and rule’ policy of the British contributed to evoking Sinhalese Buddhist nationalism by favoring the minority Tamils and Christians compared to the Sinhalese and Buddhists. Modern Sinhalese nationalism did, according to the International Crisis Group (2007b), emerge as a ‘counter-colonial movement’ emphasizing Buddhist identity to rally popular support. As such, I find it plausible to argue that the subsequent tensions between Tamils and Sinhalese were partly constructed by the British colonial rule through their ‘divide and rule’ methods. Additionally, it is important to acknowledge the contended historical myths regarding descent and arrival, and the role of such myths in the construction of ethnic affiliation.

According to Jayawardena (1984), modern Sinhalese nationalism was evoked in the conjunction between class identity and colonial policies. The Sinhalese Bourgeois elite were not powerful enough to mobilize a strong anti-imperialist nationalism, and did nevertheless not have any economic contradictions with the British colonial economy. However, in order to revive Buddhist religion and culture, as a counter-movement to the British neglect, the Sinhalese elite employed old ethnic myths that aggravated the ethnic divisions between Sinhalese and Tamils. Hence, commencing the development of communalization of society according to ethnicity. Furthermore, the development of ethnic identities and divisions has
induced both passionate and calculative action, which in the context of Sri Lankan society subsequently generated violent conflict.

Yet, with the implementation of universal suffrage through the Donoughmore reform the Sinhalese, in capacity of being the numerical majority, shortly after obtained majority in parliament. Accordingly, political value was added on to ethnic identities and illuminated fears of majority domination. Despite the fact that both the Donoughmore and the Soulbury constitutions abandoned communal representation, the political system implemented at independence furthermore intensified the ethnic divisions and tensions in Sri Lankan society, much due to the framing and the design of the representative institutions. The political design of post-independence Sri Lanka has been categorized as a majoritarian democracy, as it included all the typical elements as such. Distinguished by strong parliamentary rule, a FPP system of election, a bicameral legislature with a weak second chamber, a unitary, centralized state structure, and a weak division of power (Coomaraswamy 2003), the Sri Lankan institutions of representation constituted a majoritarian system placed in a heterogeneous society. Several scholars have, as mentioned, maintained that a majoritarian democratic framework in the backdrop of a heterogeneous, multi-ethnic society has the potential to generate non-democratic politics (Luckham et al. 2003; Horowitz 1994).

**Majority Rule and Ethnic Affiliation**

The majoritarian system of democracy defined the main representative institutions in the post-independence period. The strong parliament and the concurrent weak division of power, the centralized state structure, and the FPP method of elections were elements that facilitated majority domination within the political system. As a FPP system only demands the plurality of votes to win elections, the Sinhalese majority could easily obtain majority in parliament on a mere thirty to forty percent of the total votes. According to Horowitz (1993: 4), the FPP system in single-member constituencies, combined with mainly homogenous Sinhalese constituencies in the south and Sinhalese inter-party competition, produced a system inhospitable to inter-ethnic accommodation. The FPP system concurrently facilitated large and often disproportional majorities in parliament, which frequently exceeded the two-thirds majority necessary for constitutional reform. Hence, the majority in office was allowed an instrumental rhetoric as to enact constitutional amendments according to their own interest (Coomaraswamy 2003).
The Sinhalese dominated constituencies in the south made it easy for Sinhalese parties to acquire the necessary majority in parliament if the voters voted according to ethnicity. Thus, the strong inter-party competition between the two main Sinhalese parties, the SLFP and the UNP, initiated a habit of appealing for Sinhalese votes by ethnic sentiments, and featured the performance of ‘opportunistic opposition’ (Horowitz 1994). ‘Opportunistic opposition’ denotes the pattern of repeated opposition towards ruling parties’ proposals for ethnic accommodation, and represents a form of ethnic bifurcation or outbidding. Post-independence politics in Sri Lanka have been dominated by a tendency towards a bipolar party system short of consensus between the parties (Uyangoda 2007b [Interview]). The political dynamics of bifurcation and opposition were distinguished by the party in office being more moderate in its politics, while the opposition party employed nationalistic, extremist ethnic argumentation (Goodhand et al. 2005). To obtain the Sinhalese nationalist votes, the opposition has repeatedly attempted to corral the ruling parties’ efforts to facilitate inter-ethnic cooperation, by arguing along ethnic lines.

The intra-elite competition between the two primary political parties, the SLFP and the UNP, has had a severe effect on efforts of solving the ethnic conflict, from the Bandaranayke-Chelvayanakam (B-C) pact of 1957 till the more recent resolution attempts. The previously mentioned legislative acts, promulgated during the post-independence era, illustrate the ‘instrumental constitutionalism’ and the ‘ethnic outbidding’ employed by the Sinhalese majority. The Citizenship Act of 1948, the Franchise Legislation of 1949, and the Language Law of 1956 were all perceived as highly discriminatory by minority groups and exemplify the contentious use of ethnicity and ethnic affiliation in politics. The two former laws were challenged in the Supreme Court, however, they were found within the authority of the constitution. According to Uyangoda (2001: 61) the effects of the Supreme Court’s endorsement of the two laws had far reaching implications for the judicial basis of ethnic pluralism. Most importantly, the laws are argued to have undermined the constitutional safeguards for minority protection implicit in the limitations imposed on the legislative power of the parliament. As such, the management of the laws illustrates the commencement of Sri Lankan parliament supremacy compared to the judiciary. Indeed, as Uyangoda (2001: 64) observes:

“The contradiction between the notion of legislative sovereignty of parliament and minority rights continued to characterize the constitutional thinking of Sri Lanka
into the 1970s, with the result that the judiciary was to remain disinterested in mediating majority-minority relations”.

The Language Law of 1956 did also facilitate further communalization of Sri Lankan society and the inherent entrenchment of divisions between the different ethnic groups. Ethnicity began to develop as a highly contentious feature of Sri Lankan society. Additionally, the ‘Sinhala only’ legislation of 1956 and the following B-C pact serve as an example of the nationalistic opposition. As the SLFP attempted to reach a compromise with the Tamil FP regarding the ‘Sinhala Only’ legislation, the oppositional UNP rallied in protest by using Sinhalese nationalist rhetoric. Less than a decade later the same dynamics occurred, however, with the roles of the rival parties reversed (International Crisis Group 2007b). The Senanayake-Chelvayanakam (S-C) pact of 1965 was the result of the UNP’s dependence on the Tamil FP to ensure to reach the necessary majority threshold in parliament after the 1965 election. The S-C pact would have redressed some of the Tamil grievances in relation to the ‘Sinhala Only’ legislation, by recognizing the Northern and Eastern Provinces as Tamil speaking, by including Tamil as official language in courts of law, and establishing district councils, however, placed under the central government (DeVotta 2004: 130-134; Bose 1994). Nevertheless, the S-C pact collapsed as the UNP’s proposed devolution scheme was fiercely opposed by the opposition, spearheaded by the SLFP. The political dynamics of opportunistic opposition and ethnic outbidding have been a recurring feature of Sri Lankan politics, and have constituted a major impediment to a political solution of the conflict (Shanmugaratnam & Stokke 2008).

The political institutions of Sri Lanka have indeed facilitated the recurring ethnic outbidding that has implicated the post-independence political practice. The divisive exploitation of ethnicity through ethnic bifurcation has been enabled by distinctive features of the political system. The majority have been given free reins to employ ethnically based rhetoric to obtain votes, due to deficient minority safeguards and judicial inertia in relation to minority rights. Because of the majoritarian system minorities have not been able to attain any significant power in parliament as to defy and mobilize against such political practice. Additionally, as the distinct system served to reward those actors playing the ethnic card, and thus punishing those who refrained from it, the political opportunism created incentives to take advantage of the ethnic cleavages in society.
Democratic Deficits

The political design of the main representative institutions in post-independence Sri Lanka has contributed to deepen the ethnic divisions in society by the exclusion of minority groups from the political sphere. The minority Tamils have in particular experienced the ‘democratic deficits’ of the majoritarian rule, thus generating a ‘legitimate’ cause for the violent insurgence. As discussed, certain features of a formal democracy may cause non-democratic policies and intensify fragmentation between ethnic groups. Luckham et al. (2003: 24) have identified three levels where democratic deficits potentially may occur, and the case of Sri Lanka encompasses all three types. First, the term ‘hollow citizenship’ refers to the distribution of rights. When citizens of a state do not enjoy equal rights compared to others, due to failure of the constitutional and legal institutions to guarantee equal rights and entitlements, they possess a ‘hollow citizenship’. In Sri Lanka, the constitutional safeguards for minority rights and the judicial institutions have been insufficient to guarantee equal rights for all. The lack of a bill of rights or any articulated minority rights for an extended period, as well as the judicial inertia, have caused severely deficient minority protection, and discrimination against minority groups. The centralistic nature of the state structure has additionally impeded equal political representation for all. The majority elite have been overrepresented, compared to minority groups who have been excluded from political power and processes of decision making.

Second, ‘weak vertical accountability’ within the political system denotes a condition in which citizens lack the power of holding the political elite and the government accountable for their actions (Luckham et al. 2003). In a majoritarian system with FPP elections, minority parties have little chance of obtaining power. Consequently, the majority in power can rule unbridled without having to account for their actions towards the excluded minority groups. ‘Weak horizontal accountability’ refers to situations where either the executive or legislative power has accumulated too much power compared to the other. This may be caused by the lack of, or weak, constitutional systems of checks and balances, by general corruption, or cooption of media and civic organizations, legal inertia, government patronage, or weak opposition parties (Luckham et al. 2003). In the immediate post-independence era, the strong, almost supreme parliament and the weak judiciary and executive power in Sri Lanka allowed parliament to rule instrumentally and without impunity. However, as the political dynamics were later changed through constitutional amendments, the executive powers of Sri Lanka became stronger compared to the legislature.
Despite the formal democratic institutions of Sri Lanka being in place, the majoritarian democracy and the democratic deficits have left governments unconstrained and thus able to rule without concern for minority parties, throughout the post-independence era. The exclusion of minority groups from the political, democratic sphere and the lack of minority safeguards have indeed engendered fragmentation and deepening of ethnic divisions in society. Furthermore, the Sri Lankan democracy has demonstrated its incapability to handle and resolve the emerging conflict in a peaceful manner. The political institutions have failed to provide the expected measures for peaceful conflict resolution. Consolidated democracies have indeed been argued to be institutionalized measures of conflict solving, as groups loosing elections and hence are excluded from power will have several chances of winning future elections within a democratic system. If the chances of attaining power through future elections are high enough, the excluded groups may refrain from using force and involve themselves in conflict, as they continue to “play by the democratic rules” (Robinson 2001: 89). Thus, in the case of Sri Lanka the political system of representation and democracy lead to a state of constant exclusion of minorities from the political sphere, and an extended period of Sinhalese nationalistic domination in politics.

5.2 Changing Political Dynamics and Ethnic Conflict

Proportional Representation and Presidency
The conditions that defined the political dynamics of Sri Lanka throughout the post-independence period were later altered. These new political features entailed critical implications for the conjunction between political representation and ethnic identities. In 1978 the UNP-led government implemented a new constitution that included amendments for a presidential system and the introduction of proportional representation (PR) in elections. Juxtaposed to a FPP system, a PR system reflects the proportionality of the votes according to the seats allocated in parliament more accurately. The Sri Lankan electoral system was changed to a party list system with elections held in multi-member constituencies (Horowitz 1993), which conventionally facilitates more proportional parliamentary assemblies and stronger minority leverage in the political system.

As a consequence of the 1978 constitutional reforms, the political dynamics shifted to a certain extent away from the contentious ethnic outbidding. PR systems conventionally make
it more strenuous for political parties to obtain a massive majority in parliament due to the particular electoral design. As such, the parties are forced to collaborate in coalitions to win the necessary majority and obtain parliamentary power. Moreover, minority parties gain a stronger leverage in the political system, as they under PR may have the potential to decide the outcome of elections by supporting one of the majority parties. Hence, as every constituency and each vote ideally count under PR, political parties ought to be more restrained in their ethnic appeals (Horowitz 1993). To obtain the necessary minority support in order to reach the majority threshold, majority parties in a PR system would ideally benefit from ethnic moderation.

The presidential system established through the 1978 constitution represented further alterations in political practice and dynamics, which have characterized the politics of Sri Lanka until today. According to the 1978 constitution, the republican president of Sri Lanka is the head of state, the head of the executive powers and government, as well as the commander-in-chief of the armed forces. As such, the president possesses the power to declare war and peace (Constitution of Sri Lanka 1978a). Presidential elections are held every sixth year in separate constituencies, and the president is elected directly by the people. Referred to as a ‘hybrid’ system, such arrangement of power sharing entails collaboration between the executive president and the prime minister and parliament. The parliament has maintained its responsibility for the legislative powers and appropriations. However, the president is the main constitutional institution and is endowed the rights to dissolve parliament (Coomaraswamy 2003).

Compared to the post-independence political system, the 1978 constitution did to a certain degree introduce some improvements. As mentioned, the new constitution opened up for questioning of the parliament’s decisions, hence strengthening the judiciary to a certain extent. A bill of rights guaranteed a system of individually based fundamental rights, irrespective of ethnicity, and included clauses for equality before the law and equal protection of the law for all (Uyangoda 2001). Hence, the individual rights of a citizen were strengthened in comparison to the previous constitutions, however, still with severe limitations and deficiencies (Little 1999). As the formal judicial framework exists, it is the judicial practice and the enforcement of the laws that have failed to guarantee minority rights. Moreover, the constitutional amendments of 1978 would prove to have decisive implications for the years ahead.
The transition from FPP to PR in elections has been argued to force political parties to be more receptive to ethnic accommodation, and more moderate in their ethnic appeals. However, even though the majority parties acknowledged the minority parties’ potential to be decisive in election outcomes, the practice of utilizing majority Sinhalese nationalism in politics have continued into the contemporary politics of Sri Lanka. As Shanmugaratnam (2002: 115) has observed regarding the period after 1977: “At times, these [minority] groups proved to be critical in tipping the balance of power one way or the other, often they remained marginalized and, in certain periods, almost totally ineffectual”. Furthermore, according to Bastian (2003), the implementation of PR had the objective to consolidate the political power within the larger, majoritarian parties. One of the proposed principal elements of the PR system articulated a twelve point five percent ‘cut-off’ point, making it nearly impossible for smaller parties to obtain parliament seats without entering into coalitions with the larger parties. Without the minimum percentage required the parties would not be eligible for seats in parliament, and would be eliminated from power. This was to avoid a recurring consequence of PR, namely the proliferation of smaller parties. However, this was after much protest changed to a minimum requirement of five percent of the votes, hence making the smaller parties more significant in the parliamentary politics. Yet, the dominating two-party system continued to dominate Sri Lankan politics, emphasizing the Sinhalese majority power furthermore.

Because the PR system makes it more difficult to obtain a massive majority in parliament, the political parties had to resolve to coalition building to reach the necessary majority threshold. This has functioned as an impediment to the ‘constitutional tampering’ exercised by parliamentary majorities, nevertheless, it has also led to an era of unstable and weak coalition governments (Coomaraswamy 2003; Goodhand et al. 2005). Parties in coalitions have decreased expected endurance and less bargaining powers, hence, the coalition governments became subsequently weaker and did not obtain the power to implement constitutional amendments. This development has had, as I will discuss in relation to the challenges of resolution, far-reaching consequences for the recent resolution attempts.

Concurrently, the implementation of the PR system further entrenched tendencies of partisanship and patronage within the political system. The remarkable power of the parliamentarians during the FPP electoral scheme led to a system of partisan politics,
strengthened by the majoritarian structure in which parties in power could enact politics according to own interest (Coomaraswamy 2003). With the PR system the parties gained greater control over their members, as the party leadership determined the hierarchy of the party lists (Bastian 2003). Additionally, the constituencies became geographically larger, demanding as such more resources and capacity to campaign. The party supporters became increasingly important, and the parties required stronger loyalty from their MPs. Through ‘anti-defection’ clauses the party leaderships enabled stronger control over the MPs and party members, as inter alia to avoid individuals being able to take down governments during a term. However, defecting MPs were given opportunity to appeal to the Supreme Court. At the same time, the new presidency did indeed accentuate partisan politics and inclinations towards patronage in Sri Lankan politics. The separate president elections generated a partisan approach towards the executive presidency; “…a cult of personality that would play a major part in electoral politics” (Coomaraswamy 2003).

Another consequence of the introduction of the new electoral design was a transformation of the inter-party dynamics between the main Sinhalese parties. The preceding ethnic bifurcation was somewhat replaced by a struggle to obtain the more moderate votes in the middle of the political spectrum, as the extremist, nationalist argumentation was passed on to the JVP and the Jathika Hela Urumaya (JHU) (Goodhand et al. 2005). The succeeding ideological convergence between the UNP and the SLFP led to an increased importance of partisanship within both parties. As the political distinctiveness declined, the ‘symbolic capital’ of the party leaders became increasingly essential as to differentiate between the parties and to attract supporters. The symbolic “…capital originates in the personal fame and status of individual leaders, the use of ethno-nationalist discourse for mass mobilization, and the ability of individual political patrons and networks to extend patronage” (Shanmugaratnam & Stokke 2008: 109).

Despite the fact that the PR system facilitates ethnic moderation, the use of ethnic argumentation has continued, illustrated inter alia by the political dynamics of the fifth peace process. Bose (1994) indeed argues that the introduction of PR and the strong executive presidency in 1978 was ‘too little too late’ in order to eliminate the chauvinistic competition in Sinhalese party politics. The strong presidency was presumed to stabilize the political system and act as a brake on the strong legislature, while the PR system was expected to force the Sinhalese parties to look for support within the Tamil parties. Despite the UNP’s and
Jayewardene’s intentions, the reforms failed to alleviate the increasing ethnic tensions between the Tamils and Sinhalese in society. Due to the continued emphasis on unitarianism and the centralistic nature of the state, and the communalized nature of democracy, the ethnic fragmentation and polarization continued throughout the 1970s and -80s. Bose (1994: 80) further contends that herein lies the “…irony of the dialectical relationship of the Sinhalese-Buddhist state and the Tamil civil society: the state elite’s strenuous efforts to homogenise the population within its domains led, ultimately, only to division, discord and confrontation”.

5.3 Ethnic Fragmentation and Emerging Confrontation

Political Representation and Fragmentation
The post-independence political institutions of Sri Lanka have not accommodated the inter-ethnic hospitality and cooperation required in a plural society. As discussed above, the immediate post-independence political institutions facilitated a majoritarian democracy that excluded minority groups from the political sphere. I will argue that the main institutions of representation in Sri Lanka, as determined by independence, severely affected the ethnic relations. The majoritarian democracy facilitated majoritarian domination and democratic deficits, subsequently causing deepening ethnic divisions between the ethnic groups. FPP elections and the majority domination in politics lead to an era of ethnic outbidding or chauvinistic competition, consequently accentuating ethnic affiliation as a malign and contentious feature of politics. At the same time, the centralized, unitary state structure has impeded every attempt and aspiration for self-government or autonomy for the Tamils, which have been discriminated against and basically excluded from politics. The lack of minority safeguards combined with a weak judiciary made it possible for majoritarian parliaments to rule according to own interests without regards for minority demands. Consequently, the exclusion from democratic institutions, ethnically or linguistically based discrimination, unequal distribution of economic welfare services, hollow citizenship, and lack of accountability, has proved unfortunate in regards of ethnic minority-majority relationships.

Attempts of constitutional improvement and accommodation to the minority demands, as the introduction of PR and an executive presidency, proved to be insufficient within the unitary, centralistic state of Sri Lanka. The introduction of PR did to some degree facilitate political moderation in regards of ethnic outbidding, but at the same time it further emphasized the symbolic use of ethnic argumentation due to increased partisanship and the transformation of
the inter-party dynamics in Sinhalese politics. Furthermore, the presidency introduced was given much power compared to the parliamentarians and the prime minister, and became the main constitutional institution. Established with the intention to break the repeated constitutional tampering by parliament, the PR system and presidency, however, led to unstable coalition governments unable to perform any potentially necessary constitutional innovations. Additionally, despite the strengthening of the judiciary through articulated minority rights and the right to question bills passed in parliament, the judicial inertia has continued until today, as will be discussed further. It becomes clear then, that the representative institutions of Sri Lanka repeatedly have failed to provide minority groups with the necessary political inclusion and democratic latitude required for institutionalizing peaceful cooperation and conflict resolution within democratic frames.

A plural, multi-ethnic society placed on the backdrop of a majoritarian democracy with a strong nationalist majoritarian dominance may, as in the case of Sri Lanka, produce ethnic fragmentation (Bastian & Luckham 2003). In Sri Lanka the Sinhalese nationalistic domination generated a counter-reaction from the minority Tamils. As the Sinhalese elites engendered a political monopoly through the framing of the political institutions, the consequences were the exclusion of minorities from access to both resources and participation in political processes (Bose 1994). The majoritarian domination created incentives for ethnic outbidding, a process that in Sri Lanka generated institutional decay and exclusion. Paradoxically, at the same time as the state institutions proved to be exclusionary by denying minority groups political leverage and voice, the Sinhalese majority has since independence emphasized the unitary state of Sri Lanka. The contradictory relationship between unitarianism on one hand, and exclusion and communalism on the other, has indeed been a driving force behind the ethnic divisions and fragmentation in Sri Lankan society.

Thus, as for instance the Tamil parliamentarians in the TULF did not experience enough leverage in parliament, due to their minority status, their articulated demands for a separate state became futile (Senaratne 1997). In political negotiations with the Sinhalese parties the demands for secession were demoted to discussions regarding the implementation of Provincial Councils and autonomy within the unitary state. However, the demand for secession had incited radical Tamil youth, and as it became clear that the TULF would not put their proposals into practice the Tamil youth perceived a militant struggle for Tamil Eelam as their only option (Bose 1994). Self-rule for the Tamils could, according to the Tamil Tigers
and the other militant groups, not be accomplished in any other way than through the creation of a separate Tamil state.

The experiences of devolution through the Provincial Councils have indeed been deficient as to include minority groups and giving such groups increased political leverage. Tamils, as well as other minorities in society, have continued to be excluded from the political center, a condition that has generated further Tamil counter-nationalism and a violent struggle for self-determination. As the Tamil parliamentarians lacked the required bargaining powers in the political system, concurrently with the exclusion of extremist Tamil youth from the political center, the demands for autonomy developed into an armed struggle for Tamil Eelam. The crux of the conflict is the conflicting objectives of the antagonists regarding state power and the distribution of such. Hence, the conflict can be categorized as a ‘state formation conflict’ based on ethnic identity, and accompanied by claims of autonomy and ultimately secession. According to Uyangoda (2007a), such conflicts are more complex and difficult to resolve compared to other types of conflicts. In the following section I will discuss possible approaches to a resolution of the conflict in Sri Lanka, in the context of the particular political system and the multi-ethnic nature of the society.

5.4 The Devolution Debate

Conflict Transformation and Macro-Approaches to Conflict Resolution
Conflict transformation is conventionally recognized as the deepest level of, or even exceeding, conflict resolution (Ramsbotham et al. 2005). The term indicates a deep transformation of the institutions and discourses that reproduces violence and conflict, in addition to transforming the actors and their relationship. Ellis (2006) distinguishes between macro and micro approaches to conflict resolution, in which macro approaches are based on structural transformation and change, contrary to micro approaches that are grounded in communication and interaction between the involved actors. In the following discussion I will juxtapose conflict transformation and macro approaches to conflict resolution, as both imply a structural transformation of the institutions that engender conflict and violence.

Macro approaches seek to manage political power through various power sharing designs, and thus by avoiding power to accumulate with one group of actors (Ellis 2006). As many internal conflicts, including the Sri Lankan conflict, revolve around incompatibility of state power and
contest for such power, Ellis’ macro approach provides a suitable framework for a discussion regarding conflict resolution and transformation in Sri Lanka. Power sharing arrangements are, according to several scholars, the most plausible solution in internal state formation conflicts, because such conflicts are based on contest for, and accrual of power (Ellis 2006; Wallensteen 2007; Horowitz 1994; Uyangoda 2007a). Subsequently, conflict resolution measures should seek to accommodate political power between the parties through some particular arrangement or design. Nevertheless, it is important to acknowledge that such resolution measures attempt to maintain peaceful relations between groups, and thus function better in times of peace. As a consequence, conflict resolution in times of conflict also requires what Ellis (2006) labels as micro approaches. It is essential to ensure the conditions under which a conflict may successfully be resolved, such as interaction and communication between the antagonists in order to facilitate negotiations and agreements.

However, the case of Sri Lanka may illustrate that a political, structural transformation of institutions is necessary in order to facilitate resolution. The attempted negotiations and peace talks have failed as the political institutions have remained unchanged. The political marginalization of the Tamils and the majoritarian political domination has continued despite several negotiation attempts, as the institutional structures have persisted. This will be further illuminated through the discussion regarding challenges of resolution in the context of the Sri Lankan political institutions. Nevertheless, there are several methods of conflict transformation and macro approaches regarding internal state formation conflicts. As discussed in chapter two, consociationalism and federalism have been contended as measures that may reduce or even impede the occurrence of ethnically based conflicts, including state formation conflicts. Federalism involves several layers of government that legitimate power across separate entities of ethno-political groups. The objective is to create a power sharing arrangement by delegation of authority and rights, however, such measures function optimally when the groups are concentrated in territorial areas, and when the lines of authority are undisputable (Ellis 2006).

Similarly, consociationalism or consociational democracy claims to manage ethnically divided societies as to avoid ethnic conflicts to erupt. Consociationalism assumes that the differences and divisions between ethnic groups are real, and that compromise and power sharing will impede the privileging of one group over another (Ellis 2006). Through consociational arrangements no groups will be privileged or over-represented compared to
others. Though, as previously discussed, such arrangements have been criticized. Horowitz (1994), for instance, claims that such arrangements are unsuitable in ethnically divided societies, as they among other things lack incentives for compliance and compromise. Concurrently, Horowitz (1994) contends that some sort of power sharing is necessary to avoid ethnic conflict in divided societies. Political institutions should be designed to encourage and give incentives to inter-ethnic collaboration and to promote sharing of power.

The most extreme conflict resolution measure or macro approach to conflict resolution in state formation conflicts is complete partition or secession (Ellis 2006). Secession may alleviate divisions and tensions between groups, as the competition for the same resources and power may be modified. Objectives of state formation conflicts include territorial control and the organization of political power. Through secession, the competition for state power and territorial control may cease to exist as new boundaries and entities are created, however, only if the parties agree to the partition. In the case of Sri Lanka, the objective of the Tamil Tigers is a sovereign, Tamil nation, something that can only be achieved through secession. However, secession is indeed a highly problematic and complex process, especially in a plural society as Sri Lanka. According to Ramsbotham et al. (2005: 233), physical separation through secession is not a feasible strategy of conflict resolution or transformation; “…given the mismatch between state boarders and the geographical distribution of peoples”.

The distribution of the different ethnic groups in Sri Lanka is not concentrated within particular geographical entities, as such the construction of a Tamil nation would be extremely controversial and problematical to accomplish. Partially because of the Sinhalese emphasis on state power as non-negotiable, referring to the perception of state power as organized within a strict unitary framework (Uyangoda 2007a). Sinhalese nationalists have repeatedly resisted proposals of power sharing to any degree, by resorting to ethnic outbidding and constitutional instrumentalism. Additionally, the Tamil secessionist demands in the context of the multi-ethnic society have led to a process of multiple state formation processes in Sri Lanka. Uyangoda (2007a: 11) argues that the unitary vision of the Sri Lankan state has continuously shaped the ideology behind Sinhalese state formation policies throughout the post-colonial years. Moreover, the majoritarian democracy and the process of state building has led to the emergence of a parallel process of state formation in Tamil politics, first articulated by demands for federalism, then through a violent struggle for independence.
This dual competition of state formation has caused the Muslim population to raise demands of their own, as they constitute a large part of the population, particularly in the east. As the Tamils expressed demands for independence the Muslim communities experienced insecurity regarding their role and position in the conflict. In the earlier phase of Tamil nationalism, Tamil leaders perceived themselves as representatives for the Muslims, because these too speak Tamil (Uyangoda 2007a). And as the Muslim community did not organize themselves politically until the late 1980’s, Muslims have advanced political aspirations through Sinhalese and Tamil political parties. However, the Sri Lanka Muslim Congress (SLMC), formed in 1986, has articulated particular Muslim demands in relation to political representation and units of power-sharing. Tamils and the LTTE in particular, are firmly committed to a merger of the eastern and northern provinces regarding autonomy and devolution of powers. However, Muslims are concerned that such a merger may lead to a reduction of the Muslim community to a ‘disempowered minority’ (Uyangoda 2007a: 29). To avoid such a development, Muslim parties have claimed guarantees for special representation and safeguards against exclusive control by the LTTE, as well as demands for a separate Muslim unit of administration.

Thus, secession as an approach to solving ethnic conflict generally raises further problems (Diamond & Plattner 1994). Issues concerning perceptions of the state compared to the nation, and by who, emerge. As in Sri Lanka, the territories claimed to be part of the Tamil Eelam have its own minority groups, as the Muslims, who do not share the aspirations of self-determination and independence. Furthermore, it is essential to acknowledge that the Tamils are not a homogenous group sharing the same objectives of secession or the same political goals. It is not possible for me to assess the degree of support to the Tigers by the Tamil communities in Sri Lanka, however, I assume that a substantive proportion of the Tamil population does not necessarily agree with the Tigers’ objectives or means. As such, I will argue that the only acceptable solution for all the involved parties is to build institutions able to manage ethnic divisions and conflict. As secession is an unlikely alternative, the remaining solution must be some kind of power sharing arrangement with substantial power devolution from the center.

In the context of the recent escalation of the conflict and the GOSL’s determination to a military solution, the prospects of an immediate solution based on institutional transformation
seem rather bleak. However, previous solution attempts indeed demonstrate the importance of structural, deep transformation of the political institutions of power to accommodate inter-ethnic cooperation and peaceful conflict management. Through an assessment of the previous efforts of political reform and resolution attempts, I will discuss the necessity of substantive power devolution in order to peacefully manage the ethnic divisions and conflict of Sri Lanka.

**Power Devolution and Political Reform in Sri Lanka**

Questions regarding political representation and the accumulation of state power have since the establishment of the first independent constitution been a subject of public debate in Sri Lanka. Demands for minority representation and power devolution have been expressed as the majority rule and centralized state structure have impeded equal political representation throughout the post-independence era. Various political reforms have been initiated by the central authorities, however, these have proved to be insufficient or ineffective. Uyangoda (2007a: 19-24) delineates four distinct phases of Sri Lankan ‘state reform trajectory’ to enable an understanding of the limitations of state reform as means of conflict resolution in Sri Lanka.

The first phase of ‘reform refusal’, lasting approximately from the 1950s until the late 1970s, saw arguments for state reform articulated by Tamil nationalists (Uyangoda 2007a). The controversy regarding the ‘Sinhala-Only’ legislation illustrates how Tamil claims for equal representation and self-autonomy were undercut by the Sinhalese majority parties through ethnic outbidding. Throughout the 1960s and -70s Tamil groups continued to rally for power-sharing arrangements and equal representation, however, the Sinhalese political elite refused to acknowledge the ethnic divisions and commenced conflict as either a significant or legitimate political issue. Hence, any claims for political reform were turned down by the political elite. Nevertheless, the pressure for reform grew throughout the 1970’s, for instance as the TULF became the main opposition in parliament after the 1977 elections. The newly elected UNP-led government reacted to the pressure and agreed to establish a system of district development councils. Perceived as a minimalist devolution package, the councils were not implemented as institutions of regional representation or authority, but as decentralized administrative institutions effectively controlled by the central government.

The second phase of Sri Lankan state reform is recognized by external pressure (Uyangoda 2007a). Pressure for a political solution of the conflict and intra-state war came from the
Indian government through the Indo-Lanka accord and the Indian military intervention. The peace accord forced the GOSL to implement the thirteenth amendment to the constitution, including the establishment of provincial councils. However, the political context within which the thirteenth amendment was implemented, constrained the functioning of the provincial councils (Tiruchelvam 2006). The persistent fighting between the government forces, the Indian Peace Keeping Force (IPKF), and the Tamil Tigers in the north and east, prevented the council in the north-east to function as intended. After three years, the north-eastern provincial council was dissolved and ceased to attend to the delegated legislative and executive tasks. The external reform pressure additionally fuelled a populist, nationalistic revolt in the south lead by the JVP. During the mid-1990s the third specified period of reformism evolved. This phase was characterized by the unilateral reforms initiated by the People’s Alliance (PA) coalition government. The PA’s pro-peace policy broke down after unsuccessful negotiations with the LTTE in 1995, as they failed to provide the extensive devolution policy package they had suggested during the negotiations (Uyangoda 2007a). Following the collapse of the negotiations, the coalition government prepared an initiation of the clauses under the thirteenth amendment to the constitution, but the devolution proposals were rejected as unsatisfactory by the LTTE. The unilateral approach to devolution did not succeed, partly because the LTTE did not participate in developing the proposals and partly due to the government’s continued emphasis on Sri Lanka as a unitary state.

Extensive proposals for state reform have indeed also been a feature in the more recent resolution attempts. The fourth phase of state reformism, from 2003 and onwards (Uyangoda 2007a), may illustrate how Sri Lanka’s political institutions of representation to a certain degree have obstructed a political solution to the conflict. Several state reform initiatives have been proposed by the different actors, in order to resolve the conflict during this period of time. Negotiations have revolved around various reform proposals, including constitutional transformations and regional self-autonomy arrangements. Nevertheless, efforts have failed to devolve any significant power to regional authorities. State power is still centralized within the Sinhalese political elites and their unitary vision of the state. At the same time, the contemporary political system makes any significant political reform, which potentially could satisfy minority aspirations, difficult to achieve.

Previous proposals of power sharing in Sri Lanka have failed to provide a satisfactory solution to the ethnic conflict. The devolution of power has been insufficient as merely
decentralization of power and means under government control. As previously mentioned, deep conflict resolution requires transformation of the institutions and structures that engender and reproduce violence and conflict (Ramsbotham et al. 2005). In the case of Sri Lanka, I will argue that the political institutions of representation have repeatedly produced and entrenched the violent conflict in society. Despite attempted reforms of state structures, the political institutions contextualized in the multi-ethnic society of Sri Lanka have not been transformed into institutions enabled to peacefully manage ethnic division and conflict. The continued violent conflict illustrates the need for a deeper structural transformation of the representative institutions in order to resolve the protracted war. The representative institutions may potentially provide the expected measures to politically manage the ethnic conflict and produce democratic politics within a multi-ethnic state. Meanwhile, such a transformation of the political institutions represents a difficult and complex journey for the involved parties. Paradoxically, the difficulties connected to the process of institutional transformation are caused by the nature of the political institutions themselves. The following section will provide a discussion regarding the connection between the representative institutions and the challenges of resolution.

5.5 The Challenges of Conflict Resolution

Previous attempts at resolving the conflict have, as discussed, failed to transform the institutions and structures that reproduce violence into the peaceful processes of social and political change implicit in conflict resolution (Ramsbotham et al. 2005). It is apparent that a structural transformation of the political institutions is required to manage the conflict peacefully and to satisfy all the involved actors. A profound arrangement of power sharing will provide incentives for inter-ethnic accommodation and collaboration in a multi-ethnic society, as well as for managing ethnic divisions and cleavages in society in a peaceful manner (Horowitz 1994, 1998; Diamond & Plattner 1994). However, the institutional design of Sri Lankan democracy has proved to be a challenge in relation to conflict resolution. In the following I will attempt to explain how the political institutions have affected and challenged the recent resolution attempts, and suggest measures to facilitate a successful resolution of the protracted, violent conflict.
The Political Dynamics of the Fifth Peace Process

An account of the political dynamics of the fifth peace process may illuminate the current challenges of conflict resolution in Sri Lanka. At the turn of the millennium, the antagonists found themselves in an enduring military stalemate (Goodhand et al. 2005). After strategic military victories, the LTTE had obtained the necessary bargaining powers that, amongst others, Zartman (1995) argues are a necessary precondition for successful conflict negotiation. The relationship between the GOSL and the Tigers was now hallmarked by a certain symmetry of military power, compared to the asymmetrical relationship that had characterized the previous resolution attempts (Shanmugaratnam & Stokke 2008). According to Zartman (1995), a mutually hurting stalemate, a moment that defines the situation ripe for negotiation, is seldom generated in internal conflicts, due to the asymmetrical relationship between the parties. In the absence of a mutually hurting stalemate and complete power equality, a ‘no-win’ situation is the best opportunity for negotiations. However, as the relationship between the antagonists is asymmetrical due to the character of the state, the Tamils being a minority and the Sinhalese a majority, symmetry of power according to numbers is impossible. The stalemate that occurred included certain military power parity, however, the Sinhalese was still the more powerful party in the capacity of being the numerical majority. Thus, the negotiations were not symmetrical as such.

The United National Front (UNF) government, elected in 2001, and the Tamil Tigers agreed to a ceasefire brokered by Norwegian facilitators commencing on February 22, 2002. In the context of the CFA and the following peace process, it is important to note the exceptional situation of cohabitation between prime minister and president. Prime Minister Ranil Wickremasinghe represented the UNF, while the President, Chandrika B. Kumaratunga, was the leader of the main opposition party, the SLFP. The dynamics of this relationship of dual power would prove contentious for the peace process and the negotiations.

During six rounds of talks, from September 2002 till March 2003, proposals for power devolution were discussed. The third round of talks, in December 2002, emphasized the designing of a political framework for resolving the conflict (Perera 2003). Subsequently, at the end of the third round an agreement between the parties to explore a federal system of power sharing were made, in addition to the establishment of an interim mechanism regarding development in the North-Eastern Province (Shanmugaratnam & Stokke 2008: 94). The federal solution entailed internal self-determination for the Tamils in the north-east, and was
perceived as a significant change of the Tigers’ attitudes from demanding secession to internal self-determination (Goodhand et al. 2005). Nevertheless, the efforts of finding a mutually acceptable federal arrangement proved difficult, and as the LTTE suspended its participation in the negotiations on April 21, 2003 the situation became further complicated.

Following the stalling of the fifth peace process, the LTTE forwarded a unilateral demand for an interim self-governing authority (ISGA) of the north-east. The ISGA would provide the north-east with extensive autonomy, however, within the parameters of the unitary state (Goodhand et al. 2005). The arrangement implied a LTTE dominated governing body, and was perceived as highly controversial by the Sinhalese south. Nevertheless, the LTTE contended that the ISGA was necessary in order to accomplish demands for internal self-determination for the Tamils. Concurrently, the proposed ISGA received massive opposition from the south, who feared that such an arrangement would be the first step towards secession.

Tamil demands for federalism or self-government have repeatedly generated Sinhalese fears of secession, and resurgence of Sinhalese nationalism. This illustrates how demands for federalism or self-autonomy may entail negative consequences. According to Horowitz (1985: 624), arrangements of regional autonomy or federalism are often perceived as concessions to secession by central governments. In the case of Sri Lanka, potential arrangements of power devolution or federalism entail a curtailment of state sovereignty, as the unitary state does not allow power devolution substantial enough to satisfy the demands of the Tamil Tigers. Facilitation of regional self-determination or federalism requires constitutional reform that exceeds the constitutional constraints of the unitary state. The Sinhalese parties fear that such reforms will threaten the sovereignty of the unitary Sri Lankan state and ultimately lead to secession.

Even though an interim administration had been part of the UNF’s initial election platform prior to the 2001 election, the coalition government proved unable to make the necessary constitutional reforms. The fragile coalition government lacked the two-thirds majority in parliament required for constitutional amendments (International Crisis Group 2006). As such, they were only able to propose minimal reforms within the framework of the unitary state, proposals not satisfying the LTTE’s demands. Due to heavy opposition from the President’s party, the SLFP, the UNF did not circumvent the constitutional parameters as to
enact extra-judicial constitutional reform. Furthermore, as President Kumaratunga and the SLFP claimed that the UNF had jeopardized state security by their ‘lenient’ approach towards the Tigers, the President declared a state of emergency and dismissed three important ministries (Shanmugaratnam & Stokke 2008). The ‘cohabitation crisis’ between the Prime Minister and President culminated as President Kumaratunga dissolved parliament and called for new elections, by employing her emergency presidential powers. Thus, in such a fragmented political environment short of the necessary consensus for constitutional reform, it is not surprising that the ISGA proposals failed to achieve any substantive results.

The political dynamics of the fifth peace process illustrate how the design and framing of the political representative institutions have constituted a challenge to conflict resolution in Sri Lanka. Indeed, the constitutional design, the electoral system, and the cohabitation mode between the executive presidency on one hand and prime minister and parliament on the other, have proved to be contentious features in a divided society. As the current situation is escalating and dominated by outright war, it seems the LTTE is determined to maintain their demands for secession. Nevertheless, any arrangement of substantial power devolution or self-autonomy that may be an acceptable solution for the Tamil community will exceed the boundaries of the unitary constitution of Sri Lanka. The fifth peace process illuminates, however, that such a process of deep, structural reform is indeed difficult to initiate due to the specific political institutions. Paradoxically, constitutional and political reform will be difficult to accomplish as long as the constitution and political system remain the same. As discussed, the PR system, according to the constitution of Sri Lanka (Constitution of Sri Lanka 1978b), tends to generate weak coalition governments, short of the two-thirds majority required to amend the constitution. Through the PR system the era of constitutional instrumentalism did come to an end, however, at the same time constitutional innovativeness has been made increasingly difficult. In order to amend the constitution to meet the demands for power sharing, a political consensus between the main majority parties is necessary. Until such consensus is reached, which may enable the parties to obtain the required two-thirds majority for constitutional reform, no constitutional reform will occur.

Moreover, the ‘opportunistic opposition’ in Sinhalese party politics has repeatedly undermined any attempts at inter-ethnic cooperation and accommodation. Founded in Sinhalese nationalism, such competition and outbidding has corralled several of the attempted peace agreements. Both the fourth and the fifth peace processes stalled as the party in
opposition, respectively the UNP and the SLFP, opposed to the proposed power sharing arrangements. Such ‘zero-sum’ politics, in which neither party is willing to share the prize, has proved to be problematical (Goodhand et al. 2005). In order to enable a structural reformation of the political system and substantive power sharing from the center, a consensus for peace between the major Sinhalese parties will be necessary. Due to the cohabitation mode between president and prime minister, and the lack of a bipartisan approach to peace, the fifth peace process failed to reach the objectives of an interim administration in the North-Eastern Province. According to Goodhand et al. (2005), Prime Minister Wickremasinghe treated the President as a spoiler and excluded her from the fifth peace process. However, as the President employed her emergency powers, dissolved parliament, and called for new parliamentary elections, she illustrated the executive presidency’s superiority through the emergency powers.

The Present Situation and the APRC Proposals
After President Kumaratunga dissolved parliament, the UNF lost the general elections in April 2004 to the United People’s Freedom Alliance (UPFA), a coalition formed by the JVP and the SLFP (Shanmugaratnam & Stokke 2008). The SLFP’s presidential candidate, Mahinda Rajapaksa, won the presidential elections in November 2005. Hence, political power is currently controlled by the SLFP and the JVP, an alliance of parties that was strongly opposed to the fifth peace process. The JVP in particular is deeply against any form of power devolution or autonomy, arguing that the state of Sri Lanka should be a strong, centralized entity (Goodhand et al. 2005). However, as the coalition government does not have a majority in parliament it depends on smaller parties to ensure its survival, such as the smaller Tamil and Muslim parties. Meanwhile, the new government took a far more critical stance towards a renewed peace process, and even though the CFA was officially maintained the situation from 2006 and onwards has been dominated by violent conflict and acts of war.

On January 2, 2008, the government officially abrogated the CFA. During the following time period the situation has escalated, and the government is presently committed to a military solution to the ethnic conflict. There are increasing numbers of violent attacks and counterattacks as the GOSL attempts to recapture LTTE controlled areas in the north. The continued warfare imposes suffering and casualties on the civilian population, especially in the Jaffna area and its vicinity, caused by both government forces and the Tamil Tigers. A recently published report by the Human Rights Watch (2008) illustrates how a continued
judicial inertia and the lack of an independent monitoring mission have created an environment short of respect for human rights and international law. Frequently reported breaches of both international and national laws elucidate the continued judicial failure to address minority rights.

Due to the implementation of ‘Emergency regulations’ of the constitution, constitutional guarantees for equal rights and minority safeguards have been pre-empted (Human Rights Watch 2008). Emergency regulations have been implemented due to the continued violent conflict. Currently, two such emergency regulations are implemented, namely the ‘Miscellaneous Provisions and Powers of 2005’ and the ‘Prevention and Prohibition of Terrorism and Specified Terrorist Activities of December 2006’. Such laws and regulations do indeed “…contradict international standards and undermine the rights enshrined in Sri Lanka’s constitution, but essentially create a legal framework conducive to a wide range of human rights violations” (Human Rights Watch 2008: 34). Several cases of disappearances, and extra-judicial custody and executions, have recently been reported, allegedly carried out by government forces, thus leaving the victims without any protection by the constitution or national law. Furthermore, the Tigers are also responsible for massive violations against human rights, national and international law. According to the Human Rights Watch report (2008), the LTTE is inter alia responsible for landmine attacks targeting civilians, assassinations of Tamil MP’s and political opponents, and forceful recruitment of LTTE soldiers, among them many children. As the conflict continues, without any international or independent monitoring, the situation seems increasingly difficult for the civilian population.

Albeit the GOSL’s determination to defeat the Tigers militarily; on the 23 of January 2008, the All-Party Representative Committee (APRC) delivered an ‘interim’ proposal to President Rajapaksa regarding a political solution of the conflict. The proposal recommends to fully “…implementing relevant provisions in the present Constitution, in order to achieve maximum and effective devolution of powers to the provinces in the short term” (Government of Sri Lanka 2008). However, it is important to note that the APRC is not an ‘all-party’ committee; it does not involve all the parliamentarian political parties. As both the UNP and the JVP withdrew from the committee (International Crisis Group 2007b), the APRC has failed to provide the political consensus necessary for a viable political solution of the conflict. The government will have to face massive opposition from Sinhalese nationalist
parties before implementing the APRC proposals, as for instance the JVP and the UNP are strongly opposed to any form of power sharing arrangement.

Additionally, as the APRC proposal stresses devolution within the unitary state, it is doubtful whether the proposal represents any significant improvements regarding a peaceful resolution. One issue is that the central government will be able to withdraw the powers devolved by presidential decree or a simple parliamentary majority, implying there will be no legitimate authority to make autonomous decisions in the regional governments. The APRC recommended the GOSL to fully implement the thirteenth amendment to the constitution. But, advocates of devolution maintain that previous attempts of implementing the amendment have illustrated the need for deeper, structural constitutional reform to allow devolution to exceed the boundaries of the unitary state (International Crisis Group 2008). In any case, it is remarkable that part of the constitution of a state has not been implemented for twenty years, something that only illustrates the politicization of the judiciary and its lack of independence.

And as Bastian (2006) indeed observes, the strongly centralized presidential powers contradict the attempts to devolve power regionally. The issue of state control over land is controversial regarding the implementation of the thirteenth amendment to the constitution and the allocation of power. State sponsored land colonization has been explicitly defined as a subject of devolution. This has entailed that alienation of land should be implemented with considerations of regional ethnic relations and the concerns of the local communities. However, according to Shanmugaratnam (2002: 119), the same governments that accepted state land colonization as devolved to regional authorities, chose “…to ignore these considerations and continued the old policy and by doing so they compounded the ethnic conflict”.

However, in order to satisfy Tamil aspirations for autonomy a federal solution or substantial devolution exceeding the unitary state will be required. Federalism implies legitimate power sharing between territorial entities with indisputable lines of authority (Ellis 2006). Delegation of authority and rights from the central authority, as well as central representation of the territorial units, entails independent units of democratic power and functions. The power and subject matters of the state government and the federal units must be firmly determined. This to avoid the central government undermining the regional authorities and its independent decisions, or the possibility of the regional units obtaining enough power compared to the central government to enable secession.
Nevertheless, a federal solution is not viable in times of violent, active conflict. Federalism requires functioning democratic elections and institutions, and guarantees against power accumulation in the hands of armed insurgent groups. As the GOSL is determined to pursue a military solution at the time of writing, the prospects of a political solution to the violent conflict is bleak. Moreover, it is important to acknowledge that a military defeat over the Tigers is no guarantee for a resolution or a transformation of the conflict. On the contrary, a military victory over the LTTE does not entail addressing the root causes of the protracted conflict or a transformation of the structures and institutions that engender and reproduces violence (Ramsbotham et al. 2005). And as Zartman (1995) argues; conflicts regarding territory should be solved by agreeing to a solution that meets both the insurgent’s demands for autonomy and the government’s claim for state centrality. A federal power sharing arrangement will provide self-determination for the Tamil population as an alternative to secession, in addition to maintaining Sri Lanka as one sovereign state. However, the arrangement must exceed the boundaries of the current unitary state structure.

Concurrently, the government’s determination to a military solution to the conflict may entail hope for a renewed peace process. The costs of internal warfare are high, both in terms of economic and human tolls. Increased economic spending, and human suffering imposed by both parties, may eventually lead to a more balanced, symmetrical situation between the GOSL and the LTTE. If a mutually hurting stalemate or a no-win situation occurs due to the costs of warfare, the situation may define the moment ripe for fresh negotiations and a renewed peace process (Zartman 1995). However, a successfully negotiated resolution of a conflict requires a change of the antagonists’ attitudes. In Sri Lanka, previous resolution attempts and negotiations illustrates how a Sinhalese political consensus for peace is necessary, as well as a mutual understanding of cohabitation and cooperation between the minority Tamils and the majority Sinhalese. The antagonists have to accept that in order to enable negotiations and a renewed peace process both parties have to replace their mentality of winning with “…one that is willing to trade in conflict with lessened goals” (Zartman 1995: 18).
6. Concluding Remarks

Over the past twenty-five years, the Tamil Tigers have fought a violent struggle, aspiring for an independent Tamil state, the Tamil Eelam. At the same time, the various governments of Sri Lanka have, in accordance with the Constitution, emphasized Sri Lanka as a unitary, sovereign state. This dialectic relationship, in which the contradictory objectives of the antagonists have reinforced the conflict time after time, has generated a complex situation that proves difficult to resolve by peaceful means. The conflict is rooted in tensions between the Tamils and the Sinhalese, which have been amplified by the post-independence political framework and design. The multi-ethnic character of Sri Lankan society combined with a majoritarian democratic framework has proved contentious for the conflict dynamics and the resolution attempts.

In this thesis I have attempted to investigate the relationship between the institutions of political representation, ethnicity, conflict and conflict resolution in Sri Lanka. Accordingly, the objectives of the study have been to examine the character of the representative institutions of Sri Lanka, and their relationship to the intra-state conflict, and to investigate and assess the challenges of conflict resolution in relation to Sri Lanka’s representative democracy and ethnicity. I have defined three more specific research questions to guide the research, following from the above stated objectives. These have been formulated as follows:

1. What were the main institutions of political representation after independence, and how did they affect the ethnic relations and the conflict dynamics of the intra-state war?
2. To what extent has the multi-ethnic character of the Sri Lankan society influenced the performance of the representative democracy and the conflict dynamics?
3. To what extent have the representative institutions and the politics implemented influenced or impeded recent resolution attempts?

The theoretical perspective on ethnicity and ethnic conflict employed in this thesis, namely ‘constructivism’, posits that ethnicity itself does not cause conflict, however, social systems, contexts and interactions do (Horowitz 1998; Lake and Rothchild 1998). Hence, I have employed theoretical perspectives on the subject of ethnicity in context of political representation in my analysis. Such perspectives contend that a majoritarian democratic framework placed on the backdrop of a multi-ethnic society has a potential of leading to
ethnic fragmentation and division (Horowitz 1994; 1998; Luckham et al. 2003). A majoritarian democratic framework may facilitate manipulation of ethnicity in politics, deficient protection of minority groups, and exclusion of minorities from the political sphere, which accordingly may lead to ethnic fragmentation, and ultimately ethnic conflict. As Horowitz (1994: 48) has observed: “If majorities shut out minorities clearly and permanently…it is not surprising that the sense of exclusion might ultimately produce large-scale violence”.

Internal, ethnic conflict is contended to be more difficult and complex to resolve peacefully compared to other types of conflict (Uyangoda 2007a; Wallensteen 2007). However, a common perspective is that in order to solve an internal, ethnic conflict, some form of power sharing is required. Political institutions that promote power dispersal and give incentives for inter-ethnic cooperation are argued to ideally reduce or even impede the occurrence of ethnic conflict (Diamond & Plattner 1994). There are also certain preconditions under which internal conflicts may be successfully resolved. Zartman (1995) argues that one such precondition is some sort of power parity or symmetry between the opposing parties to enable successful negotiations. However, the antagonists also have to transform their conflicting mentalities of exclusive victory into a mutual understanding and consensus for peace.

In Sri Lanka, the main institutions of representation that crystallized after independence were defined by the design and the framing of the political system. Developed and shaped within the discourses and debates regarding minority-majority relations in the pre-independence years, the political system implemented at independence was influenced by the emerging communalization of democracy and the political categorization of ethnic identities. Moreover, the design of the post-independence political institutions of Sri Lanka further manifested the commencing fragmentation and divisions between the ethnic groups. The majoritarian democracy implemented in 1948 included the typical elements as such; the strong parliament, the unitary, centralized structure of the state, weak divisions of power, and a first-past-the-post (FPP) electoral system (Coomaraswamy 2003). These features of democracy would prove decisive for the development of Sri Lankan society regarding ethnic relations and political dynamics. The main institutions of political representation in post-independence Sri Lanka, defined as the parliament, the constitution, the electoral system, and the party system, affected the ethnic relations in the country, and ultimately the emergence of the intra-state war.
Following independence, the FPP system of elections, combined with mainly homogenous Sinhalese constituencies in the south, generated a political system inhospitable to inter-ethnic accommodation and cooperation (Horowitz 1993). To obtain Sinhalese votes, the Sinhalese political parties employed ethno-nationalist rhetoric, and the inter-party competition between the two main Sinhalese parties initiated a pattern of ethnic outbidding and competitive chauvinism. Illustrated by *inter alia* the ‘Sinhala Only’ legislation; Sinhalese parties in opposition have repeatedly attempted to oppose ruling parties’ efforts to facilitate inter-ethnic cooperation. The opposing parties have taken advantage of ethnic sentiments and divisions in the competition for the Sinhalese vote. Engendering ethnicity as a malign feature of politics and further entrenching the communalized nature of Sri Lankan democracy, the politicization of ethnicity caused further ethnic division in society.

The political institutions of representation facilitated Sinhalese majoritarian domination and politics of exclusion and discrimination. The ethnic outbidding and politics of ethno-nationalism, the Sinhalese inter-elite competition, the strong parliament, and the centralized state structure, have in the post-independence period created continued communalization of democracy according to ethnic identities. However, the introduction of the 1978 constitution led to changes in the political dynamics. The strong presidency and proportional representation in elections had decisive implications for the years ahead, and the new political dynamics have been critical for any attempts of resolving the conflict peacefully. Though, introduced primarily to accommodate minority demands and to break the instrumental constitutionalism, the reforms of 1978 were not sufficient to eliminate the contentious use of ethnicity in politics (Bose 1994). The contradictory relationship between communalism and ethnic pluralism on one hand, and the emphasis on unitarianism and homogenization on the other, has indeed been a driving force behind the violent conflict.

The political institutions of representation did indeed affect the ethnic relations and the conflict dynamics. At the same time, the multi-ethnic character of Sri Lankan society has affected the performance of the representative democracy and the conflict dynamics. Old myths regarding ethnic affiliation and descent have been employed through nationalistic rhetoric by all parties, creating further division and hostile sentiments between the different groups. I will argue that the divisive relationship between ethnicity and political representation has mutually sustained and reproduced itself, and has reinforced the conflict.
throughout the post-independence period, ultimately generating the violent, protracted conflict. The discriminatory and excluding politics generated by the political system and the politics of ethno-nationalism led consequently to the emergence of the secessionist war. Tamil aspirations for self-rule, and their discontent with the majority rule, have been repeatedly disregarded by the Sinhalese majority, as such legitimizing the struggle for power and secession.

Previous attempts of solving the conflict have illustrated the challenges of conflict resolution in Sri Lanka. A viable solution of the conflict requires deep structural reform of the state, in order to transform the institutions and discourses that reproduce violent conflict (Ramsbotham et al. 2005). In the case of Sri Lanka, substantial constitutional reform is necessary to accommodate minority demands and to accommodate democracy to inter-ethnic cooperation. Plural societies require a functioning, inclusive democracy that gives incentives for inter-ethnic cooperation and that manages the ethnic divisions in society peacefully. Consolidated democracies are argued to be institutionalized measures of conflict solving, as conflict is transformed into a political process of peaceful change (Robinson 2001). However, the political system and the political dynamics in Sri Lanka have proved to be a challenge for any resolution attempt. Substantial institutional reform is, paradoxically, difficult due to the institutional system itself. Devolution of power or federalism requires constitutional reform exceeding the constitutional constraints of the unitary state, which is difficult to achieve as long as the political system and the constitution remain the same. The political dynamics of the fifth peace process have illuminated the challenges of a peaceful resolution of the conflict.

A peaceful solution to the protracted, violent conflict in Sri Lanka requires a mutual consensus for peace. In order to reconstitute state power to pluralistic, multi-ethnic cooperation, an inclusive consensus for peace is essential. Both among the main Sinhalese parties, which have dominated both preceding and current political power, but also among the minority Tamil and Muslim communities. However, due to the recent escalation of the conflict, following the government’s dedication to a military solution, a peaceful, political resolution seems rather remote at the moment. Despite the recently published APRC report, which promotes power sharing, there are still diverging opinions regarding the extent of power to be devolved regionally. The government’s minimalist decentralization schemes are not sufficient to meet either the LTTE’s maximalist demands, or the minority groups’ demands for regional power devolution. Nevertheless, the recent escalation may bring certain
hope for a renewed peace process. Scholarly literature on termination of internal wars argues that conjunctions for potential peace agreements and negotiations can be the outcome of active war. The toll of war is expensive, and the increased economic spending and human losses on both sides may produce a more balanced or symmetrical situation. A mutually hurting stalemate or a no-win situation for both parties may define the moment ripe for a renewed peace process (Zartman 1995). However, the asymmetrical structure of the state, and thus the asymmetrical nature of the conflict, may make negotiations difficult, as negotiations function optimally under symmetrical conditions. Decisively, the antagonists must transform their mentality of conflict, and develop a mutual understanding and consensus for peace.

In order to resolve the Sri Lankan conflict, various international actors have taken on the role as facilitators and mediators, though, none of these efforts have led to viable, sustained peace. As the fifth peace process illustrated, the previous resolution attempts have failed to include all stakeholders in the processes and failed to restructure and transform the institutions of the state. In the potential of a renewed peace process, these failures should be acknowledged in any attempt to create peace in Sri Lanka. Meanwhile, the government continues its military offensive against the Tigers, and the people of Sri Lanka continue to suffer under the violent, protracted war and the lack of compliance of both national and international law and human rights.

The majority of contemporary armed conflicts are internal wars, revolving around internal challenges toward state authority. Economic development and good governance have been argued to prevent intra-state conflicts (Ramsbotham et al. 2005). However, the case of Sri Lanka illustrates how the democratic institutions of a state, which have been recognized as successful in terms of economic growth performance, may cause violent conflict. As democracy often is recognized as a panacea of conflict, it is important to acknowledge the inherent risk of conflict within democratic institutions and the democratic design of the state, especially in plural, fragmented societies. Institutions should be designed to accommodate inter-ethnic cooperation in plural, ethnically divided states, such as Sri Lanka, to provide institutionalized measures for conflict resolution.
References


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