Pluralism, Democracy and Ethnic Conflict Resolution: Trajectories in Sri Lanka
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Introduction

Amidst many setbacks to peace and democratization processes in South Asia, Sri Lanka has recently embarked on a somewhat ambitious project of working out a negotiated settlement to the island’s two-decade long ethnic war. A partial change of regime occurred at the Parliamentary elections held on December 05, 2001 created immediate domestic conditions for negotiations between the newly formed United National Front (UNF) government and the Liberation Tigers of Tamil Eelam (LTTE). An unofficial, unilateral ceasefire declared by both sides came into effect soon after the new regime took power. In mid-February 2002, the UNF government and the LTTE formalized their informal cease-fire arrangement through a Memorandum of Understanding (MOU), which was signed by Prime Minister Ranil Wickramasinghe and LTTE’s leader, V. Prabhakaran. The MOU was in fact the prelude to direct negotiations between the two sides which Norwegian government had been ‘facilitating’ for quite some time (Uyangoda, 2002a, 2002b).

Set against that backdrop, this paper’s focus is on exploring the conditions of political possibility for grappling with the Sri Lankan ethnic conflict through comprehensive political reform. The central thrust of my argument is that while a negotiated political settlement to the island’s ethnic conflict is feasible, the task of politically managing the settlement trajectory requires new political conditions that can effectively replace the Tamil ethnic secessionist project while addressing the democratic-emancipatory impulses of the Sri Lankan Tamil nation. It also presupposes the emergence of a qualitatively new phase in the process of democratic state formation in the entire post-colonial Sri Lanka, encompassing its Sinhalese, Tamil and Muslim polities. The defining characteristic of this new phase of state formation is that it has opened up a new possibility for Sri Lanka’s political transformation to move away from its post-colonial phase of war and violence to a post-ethnic-war phase in which the two divergent and competing processes

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1 The regime change that occurred at the parliamentary elections of December 05, 2001 was partial in the sense that although the majority of seats in the legislature was won by the United National Front, which earlier was in the opposition, the office of the Executive Presidency continued to be occupied by Mrs. Chandrika Bandaranaike Kumaratunga of the People’s Alliance. In Sri Lanka’s peculiar constitutional set up, President is the most powerful center of state power. Until December 2001, office of the President as well as the majority in parliament was held by the same political party. The parliamentary election of December 2001 altered this pattern and created a still more peculiar situation where the President and the rest of the cabinet came from two opposing political parties.
of state formation can merger in dialogue and deliberation. I argue that this political potential of Sri Lanka’s present moment has the capacity to propel forward a deep reform project aimed at re-making the post-colonial state.

Global Context

The new dynamics of global politics emerged after the US government-led campaign against what has been termed as ‘terrorism’, both in Afghanistan and Iraq, provides an overall context for Sri Lanka’s peace attempts. Quite significantly, there is increasing global interest in the Sri Lankan peace process, as has been actively demonstrated by the US, Japan, the UK, governments of the European Union as well as a number of multi-lateral agencies including the World Bank and the Asian Development Bank. Individuals active in the global civil society movements – for example Amnesty International and Forum for Federations -- have also been invited to directly involve in some aspects of the negotiation process as advisors. The Indian government’s skeptical and less-than - convinced stand towards Sri Lanka’s present negotiation process as well as its likely outcome is obviously an exception in this regard. Nonetheless, Sri Lanka at present seems to constitute a post- September 11case study of peace-making in an intra-state civil war. A cardinal feature of the post-September 11 character of Sri Lanka’s peace process is that the peace - making project is overtly internationalized with three levels of international actors engaging with it -- the global state, multilateral economic agencies and the global civil society. Consequently, actors other than and outside the three traditional parties to the conflict -- the government of Sri Lanka, the LTTE and the government of India -- now appear to define the political trajectories and perhaps the outcome too, of the negotiation process. In this sense, Sri Lanka’s present peace process is in a path to being globalized.

Meanwhile, the globalizing trajectories of what has been termed as Sri Lanka’s post-conflict reconstruction process has also begun to produce new contradictions and disjunctures, as already evident from the unease and even resistance which the LTTE as well as Sinhalese nationalist forces have recently demonstrated. The LTTE, with its hyper nationalist commitment to a thoroughly indigenous future for the Tamil Eelam, is likely to resist the attempts made by the global state as well as the global civil society to shape Sri Lanka’s Tamil society future in the master image of a neo-liberal polity. Similarly, the nationalist forces in the Sinhalese South have begun to see Sri Lanka’s internationally – mediated peace initiative as a form of hegemonic external intervention leading to jeopardizing the country’s territorial unity as well sovereignty. In any case, if Sri Lanka’s economic and political change as being mapped out at present in association with the global custodians of peace is going to be anchored on a neo-liberal reform agenda, there may also be possibilities for the conflict to assume new dimensions and dynamics. This is where the very notion of ‘post-conflict-ness’ as almost casually assumed in the policy thinking of the global custodians of Sri Lanka’s peace process is likely to become a mere utopian gesture.
Federalist Options?

Meanwhile, amidst doubts concerning the outcome of the new phase of negotiations, one significant development occurred in Sri Lanka’s peace effort is the stand taken by the LTTE’s negotiation team that their movement would explore a ‘federalist’ solution while working within the parameters of ‘internal self-determination.’ This gesture of shift made by an ethnic secessionist movement with no previous history of political accommodation with the state has generated mixed reactions within as well as outside Sri Lanka. The skeptical reaction to the LTTE’s ‘federalist turn’ is that it is actually not a shift in their goal, but a mere tactical maneuver designed to survive in a new global reality that has become fundamentally hostile to terrorist movements. The skeptics have also argued that the LTTE is most likely to return to its secessionist military campaign under different conditions that could legitimize such a shift. While recognizing the validity of such skepticism in grappling with the challenge posed by a committed minoritarian nationalist movement of the nature of the LTTE, it is nonetheless important to explore the possibilities of politically managing and resolving the ethnic conflict in such a way that the secessionist project of the minority Tamil nation in Sri Lanka might become irrelevant to Tamil community’s political aspirations for peace, democracy and equal rights.

The key idea that I try to develop in this paper is ‘state re-making.’ I employ it to suggest that the settlement of the ethnic conflict should be viewed as a task that goes far beyond piecemeal constitutional reform as suggested in Sri Lanka’s dominant conflict resolution perspective. It also points towards a direction of radically politicizing the conflict settlement process. In developing the state re-making proposal, I emphasize that the post-conflict state should be one that has both the capacity and legitimacy to effectively address the causes of the conflict as well its consequences in such a way that the conditions for conflict-reproduction are constructively mediated. I also argue that a project of state re-making in Sri Lanka should presuppose a relatively protracted period of transformatory peace consisting of three interrelated phases. The first is the termination, or substantial de-escalation, of the present war through negotiations between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). Negotiations should be a process that creates space for political engagement among parties to the conflict as well as ethnic communities while sustaining all the possibilities for effectively rupturing the link between ethnic conflict on one hand and war and violence on the other. This may be termed as the phase of ‘negative peace’ in the sense that war and violence would be absent in negotiating community interests. The second phase, integrally linked to the first, should focus on radically reforming the state through re-defining the constitutional foundations of Sri Lanka’s post-colonial state. Re-constitutionalizing the state may ideally have two components: the conflict settlement framework agreed upon by the parties to the negotiation and a constitutional covenant arrived at through a political consensus among national/ethnic communities. For such a constitutional project to become an instrument of transformative peace, it should posses a deeply democratic and federalizing charter. This phase can be viewed as a transitional one, from ‘negative peace’ to ‘positive peace.’ The third phase presupposes working towards ‘positive peace’ involving the task of post-settlement re-construction of
economic, social and political relations. This re-construction task in its most positive consequences will create enabling conditions for Sri Lankan society to manage its conflicts through democratic practices that would not necessitate war and violence.

Protracted Conflicts, the Question of Politics and the Post-Conflict State

In the recent literature on protracted social conflicts, there has emerged a considerable emphasis on the political reform dimensions required for their resolution. The assumption shared by scholars in the 1970s and 1980s that inter-state or intra-state conflicts were amenable to resolution through negotiation and mediation came to be re-examined in the 1990s against the backdrop of post-agreement difficulties in instances like Northern Ireland and Israel-Palestine. Sri Lanka has provided insights into further complications in negotiation when post-agreement complexities in the later 1980s were followed in the subsequent years by two other instances of negotiation failure.

Among scholars who have attempted to grapple with the new challenges of protracted conflicts, William Zartman (1995) has emphasized the need of what he calls “returning to normal politics.” Internal conflicts begin, in Zartman’s insightful formulation, “with the breakdown of normal politics” (1995:5), with the inability of or unwillingness of the government to handle social grievances to the satisfaction of the aggrieved. Characterized by dynamics of ‘asymmetry’ protracted internal civil wars have become the most difficult of conflicts to negotiate. Zartman points out that only a quarter to a third of modern civil wars have found their way to negotiation. About two-thirds of the internal; conflicts have ended in the surrender or elimination of one of the parties involved. However, in protracted conflicts based on issues of deprivation, discrimination and identity, the defeat of the rebellion merely drives the cause further underground – or even abroad, in contemporary conditions of globalization – only to emerge at a later stage. As Zartman says in fairly straight terms, “it is the government’s job to be responsive to the grievances of its people; it is the insurgent’s purpose to draw attention to their grievances and gain redress. Negotiation is the natural meeting point of these needs, an extension of the ‘normal politics’ that should characterize a well-functioning polity” (1995: 3). However, as Zartman acknowledges, internal conflict works against its best outcome. The process of resolving internal conflicts through negotiation and assisted by mediation, -- a long, arduous and complex process -- presupposes a return to normal politics:

The eventual key to the effectiveness of mediators and negotiators is an outcome that returns the conflict to normal politics. In this respect, too, civil wars differ from many other conflicts. Internal conflict cannot be resolved by some wise judgment on an outstanding issue, such as the location of a boundary, the exchange of disarmament quotas, or the terms of a treaty. Rather, the outcome must provide for the integration of the insurgency into a new body politic and for mechanisms that allow the conflict to shift from violence back to politics. Generally, this involves creating a new political system in which the parties to the conflict feel they have a stake, thus in a very positive sense co-opting all parties – government and rebels – in a new creation... [A] stable outcome must be a joint
creation with benefits for both sides to hold them to the agreement. (Zartman, 1995:21-22, emphasis added).

In this paper, I will take Zartman’s insight of ‘returning to normal politics’ further to argue that in protracted ethnic conflicts that involve the question of state power – often conceptualized in demands for autonomy or separation --, normalization of politics should mean reconstitution of the political order. It presupposes not a return to the old order, or some slightly altered version of it, but rather ‘creating a new political system’ – or, to put it different terms, re-working the associational bases of the state. Indeed, studies on negotiated settlement attempts at resolving violent conflicts are replete with warnings that even returning to normal politics in its very literal sense has not been easy even after signing peace accords. Darby (2001:8), for example, provides the following startling statistic: “Of the thirty-eight formal peace accords signed between January 1988 and December 1998, thirty-one failed to last more than three years.”

To explain the last point, one way of reading the contemporary political crisis of Sri Lanka is to relate the protracted ethnic conflict to the unresolved problem of nation formation and state making. As critical commentators of Sri Lanka’s political change after independence have repeatedly pointed out, there has been a relationship of crisis between the nation formation and state building processes leading to the present ethnic conflict. Its defining characteristic has been the political incommensurability of two nations, Sinhalese and Tamil, that have struggled to exist in one nation-state, without being able to reconcile each other’s political claims to statehood in a mode of cooperation as one political entity. Consequently, they have found themselves locked in a self-destructive war for nearly two decades. This in a way represents a key political dimension of the intractability of Sri Lanka’s ethnic conflict. One major reason for the incommensurability of the Sinhalese and Tamil nation projects is the Sinhalese nationalist commitment to maintaining Sri Lanka’s in the centralized, unitary form. Although there exist revisionist versions of unitarism – devolution of power, for example -- the hegemonic logic of mono-ethnicity has taken deep roots in the political thinking among Sinhalese as well Tamil nationalist forces. Meanwhile, Sri Lanka’s separatist Tamil nationalism has also developed, in reaction to Sinhalese majoritarian unitarism, a project of minoritarian unitarism. It promises to negate both democracy and pluralism in the so-called ‘Tamil Homeland’. Because of its preoccupation with the aim of territorialization of Tamil nationalist claims in the island’s Northern and Eastern provinces, the secessionist LTTE, which has a militaristic program of national emancipation, has developed a vision of the state which is not meant to accommodate regional or smaller minority demands for equality, recognition and rights. The LTTE’s claim to monopolize the representation of all ‘Tamil-speaking people’ of Sri Lanka is specifically designed to subsume the political demands of the Muslim community in the Tamil nationalist vision of national independence. Sri Lanka’s Sinhalese as well as Tamil nationalisms do not offer possibilities for the resolution of the conflict resolution on the basis of political pluralism. That is in a very fundamental way a consequence of

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2 Many studies on Sri Lanka’s ethnic conflict have pointed to the contradictory process of nation and state making in Sri Lanka. For example, Rajasingham-Senanayake (1999a), Krishna (1999), and Uyangoda (1994).
ethnicizing visions of political emancipation. As I argue in this chapter, politically credible explorations into real possibilities of ethnic conflict resolution in Sri Lanka require a new shift in politics in the direction of de-ethnicizing the way in which political futures of ethnic communities are conceptualized.

An important political lesson which protracted ethnic conflicts generally offer may be formulated as follows: although ethno-nationalist political projects can highlight ethnic grievances and injustices, they can rarely offer democratically emancipatory solutions. There are number of reasons for this. Firstly, minoritarian nationalisms, as in the case of the LTTE version of Tamil nationalism in Sri Lanka, in multi-nation states generally demonstrate a tendency for imagining their political futures in the master image of the pre-existing unitarist nation-state. They are indeed mini ethnic state projects in which the oppressed minority yesterday awaits to transform itself into an oppressive, or at least majoritarian, majority tomorrow. This critique clearly suggests that ethnic conflicts demand democratic solutions and not retreat to ethnic re-constitution of the political community. Democratization of the political community, pluralization of the state and sharing of sovereignty are three programmatic goals around which non-ethnic solutions to ethnic problems could be imagined and worked out. These solutions are non-ethnic in two perspectives. Firstly, they are not viewed through an ethnic zero-sum prism. In other words, they do not give rise to ethnic jealousies in terms of who gets more than the others. Secondly, they are pre-conditions for the political emancipation of all, as opposed to of some, ethnic communities in plural societies and therefore they make political emancipation an egalitarian desire.

The second reason why ethnic projects engaged in protracted struggles have failed to offer emancipatory alternatives is the general tendency among them to de-generate into predatory political formations along with a peculiar political economy of war. To use the insights offered by Keen (1997) as well Rajasingham-Senanayake (1999b), protracted conflicts are not just irrational breaking down of economies and societies. Neither would ethnic wars remain merely ethnic over the spread of protracted conflicts. Conflict, then, is about the re-ordering of society in particular ways under conditions of its dynamics of reproduction. In Keen’s words (1997:25), in wars we see the “creation of a new type of political economy, not simply the disruption of the old one.” Rajasingham-Senanayake (1999b:61) makes the point in relations to Sri Lanka’s conflict that population displacement, culture of terror, extortion and illegal taxation constitute “a profitable exercise for armed groups” which functions “through an economy of terror, scarcity and fear.” Thus one paradox of protracted civil wars is that the emancipatory project of the counter-state struggle becomes subsumed by the imperatives of the political economy of the armed conflict. The thoroughly authoritarian politics of Tamil nationalist groups, including the LTTE, is thus to a great extent linked to the political-economy imperatives of the war itself.

Pre-requisites for Democratic State Formation

The focus of this section of the paper is on the possibility of a strategy to recreate the associational bases of the Sri Lankan state for reasons of ethnic reconciliation, peace,
pluralism and democracy. This discussion is built around three assertions. The first is that, as I have already pointed out, ethnic conflicts have no ethnic solutions that can deliver political emancipation to minority nations in multi-nation states. It implies that conflict resolution and political reforms in societies in ethnic conflict require democratic alternatives that can accommodate ethnic identity aspirations of communities while protecting political struggle for emancipation from being transformed into ethnically conceived programs for hegemony. The second is that pluralist federalization of Sri Lanka’s state presupposes political re-association of the three main ethnic communities of the island society -- the Sinhalese, Tamils and Muslims in active cooperation with regional, local and other minorities. At present, the Sri Lankan state is a fragile association of the three main ethnic communities and the state’s continuity is in constant jeopardy while its break-up is in the historical agenda. There is virtually no recognition even in the democratic political discourse the need to extend the entitlements of democracy to regional and local minorities. Meanwhile, to arrest the Sri Lanka state’s trajectory of disintegration, the re-creation of the associational bases of state has become a historical necessity. The third assertion points towards this idea of state-recreation. It argues that the state recreation project should be politically open enough for the unitarist majority, the secessionist minority as well as other ethnic and identity communities to discover a mutually enabling framework of political association in the form of a covenant. The covenant-based re-association should provide the ethnic communities a mutually-agreed ground for sustainable cooperation while discouraging inter-ethnic enmity, suspicion and antagonism. My state-recreation proposal is further linked to the argument that covenantal re-association would enable the all ethnic and identity communities who constitute the state as a social entity to treat each other as political communities of equal worth.

To clarify my emphasis on ‘regional and local minorities,’ it is important to recognize the political mistake of framing Sri Lanka’s community identities as well as community identity-based democratic political claims only in terms of macro-ethnic categories such as Sinhalese, Tamil or Muslim. This in Sri Lanka has resulted in two counter-democratic consequences in ethnic relations. Firstly, it has established in the polity an ethnic hierarchical order in a discourse of majority and minority that is essentially inegalitarian in its political practice. Secondly, it totally obliterates shifting power relations of communities in situation where majority-minority classification becomes meaningless under local circumstances. For example, a community who would belong to the majority in the macro sense of ethnic categorization would in fact find itself in a minority in a multi-ethnic regional setting, like the Sinhalese communities in Sri Lanka’s Eastern Province. Similarly, a community which is a minority in a macro sense, like the Tamils in Sri Lanka, would find itself a majority in a regional context. In the logic of group politics, there are not only a majority and some minorities, but many minorities, minorities even within the majority framed in such existential categories as region, caste, religion, language and other identities. One radically enabling way to overcome the undemocratic majority-minority hierarchy and re-ground group relations in an egalitarian imagination is to treat all communities as constituted by multiple minorities.
Conflict Resolution and Democracy

Democratic re-constitution of political communities under conditions of a bitter, protracted and intractable ethnic conflict like in Sri Lanka is, by no means, an easy task. In this paper, I propose two ways to grapple with this difficult task in Sri Lanka. The first is to view the Sri Lankan state as the institutional embodiment of certain normative principles that would bring all communities together to form a collective political association. This approach may seek to answer the question as to why Sinhalese, Tamil, Muslim and other regional ethnic/identity communities should stay together to form a political community even after two decades of war and violence. Or to put the question more bluntly, why should Sinhalese and Tamil communities, or Muslim and Tamil communities, who have experienced years of enmity in the recent past, decide to stay together within a single state form? The answer to this question should be one that can transcend pragmatic or coercive bases of political union among communities. Pragmatic political unions have no lasting foundations to survive circumstances and conditions of crisis. Indeed, a pragmatic political union can easily rationalize political disunion too, on pragmatic, utilitarian grounds. In contrast, normative principles of political union are higher goals, secular-transcendental values -- like justice, fairness, equality, tolerance and collective happiness -- that can best be achieved collectively when ethnic communities, -- to put in the language of Hannah Arendt -- “act in unison” (Arendt, 1958).

The second approach is to discover, believe in and be convinced of the virtues of continuing democratization of the political sphere -- the state, its institutions, structures and practices, political relations among communities and state-society relations etc. in a continuing life of democratic reinvention. In this view, relentless democratization is not a weakness, an evil, but a source of strength, a virtue. This I propose is one sure way in which identity politics among ethnic groups can be re-humanized and the fact of their inter-community differences turned into enabling resources of the democratic populace in diversity.

This twin approach to ethnic conflict resolution and democratic reform for Sri Lanka as suggested above necessitates a norm-based political agenda the broad outlines of which may be formulated as follows. Firstly, there should be a fresh envisioning -- indeed, re-envisioning -- of the state as a voluntary democratic political association of all ethnic and other identity groups. Secondly, the re-envisioning of the state should be a cooperative project among all identity communities in which categories of political imagination should be derived from the future possibilities of greater democratization and political voluntarism, and not from the pre-independence or pre-colonial past inhabited in the historical unconscious. This presupposes, at least for the sake of a new political imagination, the erection of a veil of ignorance concerning most of the past of inter-ethnic encounters, from yesterday backwards. Thirdly, political and social emancipation of all identity communities as well as individual citizens should be inscribed in all spheres of state and civil society interventions. This point needs to be particularly noted

3 Arendt’s idea of plurality in politics is quite relevant to fresh political imagination in ethnicized political communities. In her discussion on political action she writes: “Action, the only activity that goes on directly between men without the intermediary of things or matter, corresponds to the human condition of plurality, to the fact that men, not Man, live on earth and inhabit the world…. This plurality is specifically the condition … of all political life.” (1958 (1198): 7).
in view of the fact that among marginal ethnic and social minorities, social oppression and exclusion is widely prevalent, as manifested in their relative as well as absolute inaccessibility to education, public health, non-caste occupation, basic public utilities, social justice and public infrastructure. Fourthly, and by no means finally, is the re-democratization of the politics of Sri Lanka’s Tamil society, which is crucial to sustaining the democratic impulses of Sinhalese and Muslim societies. Sri Lanka’s Tamil society has lost most of its democratic bearings in the context of a protracted and destructive war. As long as the politics and everyday life of Tamil society remains militarized, democratic impulses in Sinhalese and Tamil societies are most likely to remain weak and vulnerable. De-linking the ethnic question from the war is an essential pre-condition for the re-democratization of Sri Lanka’s Tamil, Muslim and Sinhalese polities.

The formulation of a new democratic agenda in the above outline is a difficult yet productive enterprise. Its creative aspect can be derived from the fact that it will have to immediately confront and politically negotiate two powerful nation-ist fantasies, produced by two energetic appropriative desires of the state: the Sinhala-centric unitary state and the Tamil-centric separate state. Being ethnic fantasies, these two projects cannot reconcile with each other in the real world of democratic politics. De-fantasizing these nation projects is therefore fundamentally important for Sri Lanka’s democratic political future. But, who will de-fantasize Sri Lanka’s future? In a polity where the ruling class groups have abdicated their key class responsibilities, the question of the historical agency for democratic re-envisioning of the state should come to the fore in any serious discussion on Sri Lanka’s political tomorrow. Similarly, there is also the need for a modernizing collective fantasy of democracy, around which the mass political energies can be re-mobilized. This is indeed where the social emancipatory ideals of democracy need to be summoned back to define our terms of political imagination.

**Immediate Tasks**

At a time when a fairly serious attempt is being made to find a political settlement to Sri Lanka’s ethnic conflict, it is important to defend the idea of federalism, notwithstanding the fact that the present negotiation process between the UNF government and the LTTE has its own drawbacks. Defending the idea as well as the future of federalism should not be confined to the UNF-LTTE political agenda. It should indeed be integral to a programmatic commitment to democratic as well as pluralistic re-building of Sri Lanka’s post-colonial state. After years of violence, community polarization and breakdown of political institutions, there is no room for returning to the old politics, or the old state. This is particularly so when the state enters into a settlement process with a secessionist

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4 I use the term ‘fantasy’ here not in its political-pejorative sense, but as a metaphor to describe Sinhalese and Tamil nation-ist imaginations. In using this metaphor, I also have in the back of my mind the horrendous fact that both nationalist projects have succeeded in sending thousands of young men and women to death. Death in custody, in battle field, under most sadistic torture and in suicide, almost as a voluntary exercise preferred by young men and women to seek the ultimate meaning in life in the negation of individual life.
nationality. The challenge at present for the Sri Lankan state concerns how to reform itself in such a way that the secessionist project of the LTTE becomes politically redundant. The challenge for the LTTE is to convince themselves and their people that the political settlement, short of their original goal, is a victory, a worthwhile compromise that brings equality, justice and recognition to their ‘nation.’

Confronting that challenge requires working on a number of levels. Firstly, the main protagonists of the conflict should be able to discover a political framework within which they can co-exist as partners as well as competitors in a pluralistic-democratic polity. It calls for a new politics of co-existence. The framework of co-existence is usually a constitutional model that should have the capacity to provide adequate flexibility to determine modes of power-sharing between the center and the periphery as well as among ethnic communities. But the important point about any political-constitutional framework of co-existence is that it should be one jointly agreed upon by the protagonists, and not one imposed by one side on the other. In this sense, Sri Lanka’s post-conflict state should be one to which the rebellious ethnic community can also claim ownership.

Secondly, the post-conflict political reform exercise should be understood and treated as an important, and crucial, stage in the process of post-conflict state formation. The old state, the post-colonial one, has been in an acute and inescapable crisis. The conflict has been historically brought about by the inadequacies of the old post-colonial state and the political framework associated with it. If a process of sustainable conflict settlement is to consolidate itself, it should manifest itself in re-making the state. A project of state re-making in Sri Lanka presupposes a radical shift from the unitary state model as well as the legacy of majoritarian democracy. The present emphasis on federalism represents a significant conceptual shift. While Tamil nationalists, as represented by the LTTE, have opted for returning to the original goal of post-colonial Tamil nationalism, the Sinhalese ruling elite, at least a section of it, does not seem to have much inhibition towards a radical re-working of the way in which political power is organized and structured in the state.

Thirdly, federalism should not be understood as a mere exercise in devolving power to the periphery. In fact, the language of devolution is quite inadequate to encapsulate the emerging trajectories of conflict settlement and political accommodation in Sri Lanka. The concept of devolution, as it evolved in Sri Lanka’s constitutional discourse, presupposes that the center, run by the political elite of the majority community, gives away some of its powers to the periphery with reluctance. It also emerged in a context where Sri Lanka’s ethnic conflict was viewed as simply a minority issue. When we look at the whole question of political reforms from the perspective of the Tamil community, we might find that the notion of devolution has majoritarian connotations. Power-sharing is a more democratic term. It presupposes that the ethnic communities are equals and deserve equal worth and recognition. A discursive shift towards equality among communities is useful to enrich our political imagination at a time when transition from war to peace requires a great deal of creativity in constitutionalism (Tiruchelvam: 2001). This is exactly what some people refer to as a paradigm shift in political thinking. To put
it in slightly different terms, a new language of political imagination and dialogue is quite crucial in looking for democratic alternatives.

Fifthly, it is not very clear whether Sri Lanka can lay a strong political foundation for peace unless the emerging reform process constitutionalizes strong safeguards against majoritarian democracy. I feel that many in the South who advocate a negotiated settlement to the ethnic conflict have not adequately thought about this point. There is an unstated assumption among many civil society peace activists that the political structures that would be created for the Tamil society should ideally be a replication of liberal democratic institutions and practices existed in the Sinhalese South. It may not be prudent to forget the historical experience of ethnic minorities, particularly the Tamils, as victims of the majoritarianized liberal democracy – its legislature, its judiciary, its executive and administrative structures and even its electoral processes and practices. The Tamil nationalist ideology shared by the parliamentary moderate and the insurgent guerilla alike posits that Sri Lankan Tamils have been systematically discriminated against, mis-recognized and excluded not only under conditions of war, but essentially under conditions of parliamentary democracy from 1947 to 1983. Meanwhile, the historical record of the post-colonial Sri Lankan state has been that it has particularly failed in the North and East. A failed majoritarian state can hardly be a model for any non-majority ethnic community in search of recognition, equality and self-determination. The makers of Sri Lanka’s new constitution need to be sensitive to this particular aspect of this historical experience Sri Lankan Tamil people. They have been victims of an institutionalized liberal democracy of a particular kind. Without constitutionally entrenched safeguards against majoritarianism, a mere return to liberal democracy in its old institutionalized form can hardly sustain inter-community reconciliation in Sri Lanka.

Finally, a peace process in a deeply divided society like Sri Lanka should be seen as a step towards re-working the founding charter of the polity. A negotiated constitution in this sense is a foundational charter of a new political community. It indeed needs the political sanctity arising from popular legitimacy. In an acutely fragmented polity like Sri Lanka, securing of broad social and political consensus for constitutional reform is not easy. But, constitution making for conflict resolution is likely to be the instance that will really test the capacity of Sri Lanka’s democratic leadership for political management at a crucial conjuncture of the country’s contemporary history.

**Conclusion**

Sri Lankan polity once again finds itself at a crucial conjuncture of circumstances in which constructive ethnic conflict management, termination of civil war and democratic political reforms are intertwined in a single political agenda. The present negotiation process with its international backing has the potential of pushing the conflicting parties to a settlement accord. The fact that the some sections of Sinhalese ruling elites are ready for constitutionalizing an autonomy arrangement is paralleled with the LTTE’s declaration that they were willing to explore federalist alternatives to secession. These developments provide an unprecedented context for far-reaching democratic reforms in
Sri Lanka. However, as I pointed out in this paper, resolving Sri Lanka’s ethnic conflict requires addressing some fundamentals of politics in a polity that has been torn apart by violence and war. Sri Lanka’s state needs to be re-built on pluralized ethnic foundations while structures of power-sharing should be created at state, sub-state and local levels. A program of deep-federalization should define ethnic relations in regional units of federalism as well.

Bibliography


