Could the Civil War Have Been Prevented in Sri Lanka? 
In Comparison with the Swiss and Lebanese Political Models

Bachelor thesis in Political Science
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Abstract

The objective of this thesis is to analyse whether Sri Lanka could have avoided the civil war, if changes in the constitution, from 1948 to 1978, offered a political structure guaranteeing the minority rights. Furthermore, the thesis intends to study if the Swiss and Lebanese political models could offer any guidelines for the Sri Lankan conflict.

The stated purpose of the thesis is studied by analysing official documents, literatures and articles. The finding of the study is that Sri Lanka might have prevented the civil war if the constitutional arrangements had guaranteed the minority rights.

The Sri Lankan conflict is a unique case, which probably requires its own resolution model. The Swiss and Lebanese models may be applicable in the Sri Lankan case to some extent. However, a possible solution that could prevent the current political and ethnic conflict in Sri Lanka, by avoiding another fatal civil war, is to establish power-sharing political arrangements, under a federal state. Whether or not Sri Lanka can achieve a sustainable peace is a question of political willingness.
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1 Introduction

The conflict in Sri Lanka is multidimensional and it is, therefore, not easy to find a single reason for the conflict. Many will argue that the Sri Lankan conflict has been polarised along ethnic and religious lines.

When one looked at the history, coexistence of different ethnic groups appeared to be rather harmonious when Sinhalese and Tamil communities had separated kingdoms. These territorial arrangements enabled the communities to solve their own matters within their territories. The social and political structures of the country affected when the Western colonial powers invaded the island for the first time in 1505. The whole country came under the British control in 1815 when it imposed a unitary state with a centralised administration. The social, economic, and political structures of the Sri Lankan people changed dramatically due to the centralised institutionalisation. The extensive degree of regional autonomy under separate kingdoms disappeared. The centralised state could not guarantee the rights of all communal groups, particularly the Tamil minority. This group became the most vulnerable since they were easily outvoted by the Sinhalese majority under a Westminster model of parliamentary government in the post independence era of 1948. The Regional majority group of the Tamils in the Northern and Eastern provinces suddenly became a minority under the new centralised state. Their interests were often neglected and outvoted in the parliament in the post-independence period. The political conflicts between these communal groups deepened and the island paved the way to a fatal civil war in the early 1980s. Sri Lanka has still not resolved its conflict and the country is still under a treat for another civil war, which ceased in early 2002 when a ceasefire was negotiated by the Norwegian facilitators.

Could the civil war in Sri Lanka have been avoided if the majority group was willing to share the power with the country’s minority groups? Comparative evidences show that conflicts in pluralistic states have been prevented due to democratic political structures with federal characteristics. Switzerland, on one hand, has resolved its religious and linguistic conflicts by consociational democracy within a federal state. Lebanon, on the other hand, has solved its confessional conflict to some extent by consociational arrangements within a unitary state. What characterises a consociational democracy compared to a majoritarian democracy is that, it allows a proportional power-sharing among different groups within a pluralistic society. Furthermore, a federal political structure enables self-determination. These types of political arrangements allow minority groups to coexist with a majority group with less political instabilities.

The purpose of this thesis is to analyse whether Sri Lanka could have prevented the civil war, if amendments in the constitution from 1948 to 1978, provided a political structures that guaranteed minority rights. Furthermore, the thesis aims to see if the Swiss and Lebanese political models can provide any possible guidelines for the Sri Lankan conflict.

1.1 Scope of the study

This thesis studies the conflict in Sri Lanka where two major ethnic groups in the country are involved, the Sinhalese majority and the Tamil minority. There are often several reasons why civil wars break out within a pluralistic state and, therefore, it is not easy to categorise a single factor for a conflict. The same complexity can be found in the Sri Lankan case, which is a pluralistic society. One way to understand the conflict is to study the political structure of a country since roots of conflicts may often be embedded in unequal political
power-sharing among different communal groups. This thesis chooses to study the Sri Lankan constitution mainly dealing with minority rights, from 1948 to 1978. During the selected period, Sri Lanka experienced a significant political development where the island struggled to build a nation-state. It is of significance to analyse this era closely in order to understand one aspect of the Sri Lankan conflict.

Political stability tends often to be less stable in pluralistic societies compare to homogeneous societies as discussed above. There are some good examples where pluralistic states have succeeded to resolve their internal problems by democratic means. Those successful nations may provide some guidelines to the Sri Lankan case and are of equal significance to study. This thesis has selected the Swiss and the Lebanese cases as two examples of pluralistic societies, where these nations have solved their internal conflicts by consociational political arrangements. The Swiss and the Lebanese political models are studied in order to see if these models could offer any lessons for the Sri Lankan case.

Switzerland is a classic example of a federal state with consociational democracy and it is often chosen as a conflict resolution model. The major reason to choose the Swiss case in this thesis is that some fragments of the Swiss political arrangements could provide directives to the Sri Lankan case. Similar to Switzerland, Sri Lanka is a multi religious and linguistic state. Switzerland is a secular and federal state that has resolved its internal conflicts by establishing a unique constitution, that guarantee the minority rights by giving diverse communal groups equal political power-sharing. Lebanon is also a multi-communal state where it has solved its domestic conflict by a consociational political establishment within a unitary state. This country has experienced some similar problems as Sri Lanka during its early post-independence period and, therefore, it can be significant to explore this case in this study as well.

This thesis focuses on major advantages of the Swiss and Lebanese political arrangements. This does not imply, nevertheless, that these countries have the best models. Instead, the major benefits of the political models are highlighted assuming that they may be guidelines for the Sri Lankan conflict.

1.2 Method

The Sri Lankan conflict is often categorised as an ethnic issue and can, therefore, initiate different opinions and valuations depending on who portrays the conflict. Have this concern in mind, the materials used in this thesis are carefully collected in order to give a relatively objective picture of the Sri Lankan conflict. Any pro or anti resources about Sinhalese or Tamils without critical approach are avoided since they do not have any credibility in academic writings. These types of writings create feelings without providing any unbiased facts and, hence, become purely propaganda.

This thesis is based on studying primary and secondary resources such as official documents, literatures and articles. Therefore, it is of significant to critically analyse if the used resources have characteristics of facts or of opinions and valuations. Resources coloured for instance by ethnic, religious and political dimensions do not only inform facts but also generate assessments. These types of resources can have some biased standpoints, which are needed to be analysed critically. There are two ways to analyse resources, external and internal critics. External critics intend to see if a resource is sincere and authentic, and study if it provides a true picture of what it describes. Internal critics, on the other hand, aim to
analyse contents of a resource very closely. The latter type of critical analysis is often used in small scale researches (Bell, 2000).

There are some factors that are useful to study when using internal critical methods. These factors are such as the knowledge of the author, the purpose of the studied resource, and the intention of the author’s writing. This thesis has applied the internal critics when choosing materials for this thesis. One way to avoid extremely biased resources is to use those resources that are referred by other credible authors. This type of methods is also practiced in the resource collections of this study (Bell, 2000; Svenning, 1997).

1.3 Disposition of the thesis

The thesis is organised as follows. In section two, historical aspects of religious and ethnic factors of the Sri Lankan conflict are outlined. Religious myths and legends, particularly the myths of Buddhism, from the ancient history came to play a major role in the post-independence period in Sri Lanka. The same section discusses the difficulty of a clear classification of ethnicity on the island. It is argued that ethnicity became rather a political factor when a decennial census was established during the colonial period. Section three sketches theories on ethnicity, multiculturalism, federalism and consociationalism, which are relevant in this study. Empirical evidences on these concepts are sketched in sections four and five where these sections describe the Swiss federalism and the Lebanese political arrangement respectively.

In section six, a selective draft of the Sri Lankan constitution that covers minority rights is studied. Constitutional amendments in the selected period of 1948-1978 are explored in relation to political processes in Sri Lanka. Section seven analyses the possibility of a federal solution in Sri Lankan and compares the Swiss and Lebanese models with the Sri Lankan case. Finally, section eight concludes the thesis with a discussion.
2 Historical burdens

The first subsection outlines historical burdens of the Sri Lankan conflict. Religious myths and legends played a less significant role in pre-independence era. These factors strengthened during the post-independence period and contributed negative impacts on the Sri Lankan ethnic groups. The second part of this section provides a short overview of different ethnic groups in Sri Lanka that is not easy to categorise.

2.1 Ancient history

The Sri Lankan conflict has a religious dimension, which cannot be ignored even though it is not the primary motive for the conflict between the Sinhalese majority and the Tamil minority. It can be argued rather that mystic of the past became crucial particularly among the Sinhalese Buddhists, in the eve of the conflict in the post-independence era.

Several documents written by Sri Lankan Theravada Buddhist monks reflect a mystic view of the Sinhalese as “a people destined with a sacred mission”. One of the important documents during this period is called Mahavamsa, which was written in the sixth century BC. According to Mahavamsa, the Buddha visited the island and upon his visit, he expelled the original population. By expelling the original inhabitants, he made room for a group of immigrants from Sinhapura in north India who was guided by Vijaya, the father of Sinhalese. Vijaya arrived to the island about fifth century BC. He was the offspring of a lion and a human female and, hence, the Sinhalese considered as “the people of the lion”. The responsibility of the Sinhalese is to safeguard Buddhism ever after since they were the chosen people. The Sinhalese language considered to have developed from Indo-Aryan. As a consequence, the Sinhalese people identify themselves as Aryans (Little, 1999; Sivarajah, 1996).

The Mahavamsa is crucial for the Sinhalese since they consider it as an evidence for their arrival on the island before south Indian Tamils and, hence, consider having a “prior right” to the country. The Mahavamsa also describes chronicle about Dutta Gamini, which further intensified the Sinhalese nationalism. Repeated invasions from Tamil kings from south India had angered the Sinhalese and, hence, helped them to maintain their nationalism. Dutti Gamini’s victory over a Tamil (Chola) king, Elara, (ruled from 145 BC to 101 BC) became a significant historical event for the Sinhalese people. Since this episode is considered as a symbolic event for enhancing the ethnic identity of the Sinhalese. One race, one faith and one nation became a cornerstone for the Sinhalese nationalism (Little, 1999; Sivarajah, 1996).

Alternatively, the Tamils1 identifies themselves with Dravidian ethnic group and argue that they arrived to the island as early as or even before the Sinhalese people. They consider themselves being present on the island two or three centuries BC (Sivarajah, 1996). Other Tamil historians claim that Tamils were the original inhabitant of the island and, hence, argue that Sinhalese people were initially Tamils who converted to Buddhism and adopted the Sinhalese language. Chorological sources indicated, however, that both Sinhalese and Tamil kings controlled the whole island occasionally. Tamils established a “Tamil distinctiveness” from the Sinhalese and even from the Tamils in south India because of the existence of Jaffna Kingdom in the Northeast during the 13th century to the 17th century. The

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1 The category of Tamils in the section 2.1 refers mainly to the Sri Lankan Tamils.
existence of a separate Tamil kingdom was observable when the Portuguese arrived to the island in the 16th century. The Tamils consider the Northeast territory as their traditional homeland (Nissan & Stirrat, 1990; Sivarajah, 1996; Wilson, 1988).

As outlined above, each ethnic group has conflicting views on their past. Not surprisingly, the Sinhalese people’s historical views have remained unquestionable and the modern Sri Lankan state has adopted it as a result of their political dominance as the majority ethnic group on the island. Although the accounts differ in many ways, there are some similarities in each group’s historical claims. First, each ethnic group argues that they have always been separated as they are in the modern history even though this may not be the case. Historical and archaeological evidences indicate that each group has influenced each other’s culture and that they have even been mixed with each other to some extent. Second, historical disagreements of each group cover events that took place between the fourth century BC and the tenth century AD. Third, both groups portray their communities as always been opposed to each other through warfare, as they are in modern time. Fourth, each group’s histories portray as a national people’s demand for its own territory. Finally, each ethnic group describes the other more violent than their own group and has chosen selective historical events for own benefits (Nissan & Stirrat, 1990).

The legend and the mystic of the Sinhalese as the chosen people had, however, been glorified by Sinhalese historians and nationalists, particularly in the eve of colonial independence. This was done to proclaim the sole rights of the island to the Sinhalese people. On the other hand, other ethnic groups on the island were portrayed as interlopers. The revitalized Sinhalese nationalism motivated the major Sinhalese political parties to advocate for a unitary state in the post-independence period. Furthermore, the antagonism of Buddhist nationalism, which incorporated in the Mahavamsa, did not rise until the post-independence era. A rise in Tamil nationalism was also a fact during this period (Wilson, 1988; Balasingham, 2004; Little, 1999).

2.2 The ethnic mosaic of Sri Lanka

Politicisation of ethnicity plays a crucial for the Sri Lankan conflict. A decennial census on ethnic groups in Sri Lanka was introduced first by the British authority in the second half of the 19th century, which allowed a systematic reflection of ethnic groupings. Collection of census records enabled the British power to have knowledge about diverse ethnic groups in their controlled areas and, hence, a nation-state could be visualised. Collection of censuses based on ethnicity differentiated each group’s customs and needs, and thus made it possible to categorise each individual according to his or her ethnic or race background. The categorisation of ethnicity was essential to legitimise the British rule. Table 2.1 shows the proportion of ethnicity in Sri Lanka collected in 1981 and is the recent census recording, which incorporates the whole island. The census collection in 1991 did not take place because of the civil war and the 2001 census does not cover territory controlled by the LTTE (the Liberation Tigers of Tamil Eelam) (Orjuela, 2004).

A short description of each ethnic group is as follows. The Sinhalese speaks Sinhala and are largely Buddhist even though there are Christians within this ethnicity. As mentioned

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2 The LTTE is also called Tamil tigers or Tamil rebels.
above, Sinhalese consider themselves originated from Aryans from northern India and major-ity of them reside in the west and south of Sri Lanka. The *Sri Lankan Tamils* speak Tamil and are mainly Hindus but there are Christians in this group. This group, on the other hand, as mentioned in the earlier section, are Dravidians and originated from south India and are largely populated in the Northeast of the island. The *Indian Tamils* were originally imported labour force from south India during the British rule. They were brought to the island to solve the problem of labour shortage in tea plantations in the central highlands. They still live in the central highlands but speak the same language, and have the same religions as the Sri Lankan Tamils. However, the Indian Tamils belong to a deprived class compared to the Sri Lankan Tamils because of their social status. The *Sri Lankan Moors* and *Malays* identify themselves as Muslims and, hence, they separate their identity based on Islam. These groups live mainly in the Eastern province although they are spread over the whole island. The mother tongue of the present Muslim population is commonly Tamil but those who live in the Sinhalese areas speak Sinhalese. These ethnic groups have a background as Arab or Indian traders or Malay soldiers and craftsmen imported by the Dutch to the island. The *Burghers* are descendants of the Portuguese, Dutch and other of European origins, who have intermarried with local people of the island and a majority of them speak English (Orjuela, 2004; Sivarajah, 1996).

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Population</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sinhalese</td>
<td>10,979,568</td>
<td>74.0</td>
</tr>
<tr>
<td>Sri Lankan Tamil</td>
<td>1,886,864</td>
<td>12.7</td>
</tr>
<tr>
<td>Indian Tamil</td>
<td>818,656</td>
<td>5.5</td>
</tr>
<tr>
<td>Sri Lankan Moor</td>
<td>1,046,927</td>
<td>7.0</td>
</tr>
<tr>
<td>Burgher</td>
<td>39,374</td>
<td>0.3</td>
</tr>
<tr>
<td>Malay</td>
<td>46,963</td>
<td>0.3</td>
</tr>
<tr>
<td>Others</td>
<td>28,398</td>
<td>0.2</td>
</tr>
<tr>
<td>Total</td>
<td>14,846,750</td>
<td>100.0</td>
</tr>
</tbody>
</table>


The ethnic mosaic of Sri Lanka described above gives an unambiguous picture of different groups on the island. Nevertheless, the definition of ethnicity has not been straightforward when looking at history of census recordings. Census collecting in the early 19th century in marine areas was for instance based on people’s cast and, therefore, did not distinguish between the Sinhalese and the Tamils. Cast category was later dropped from the colonial power and nationality category was launched instead. The nationality category was replaced later by categories of race or ethnic group. Other problems were also faced when defining ethnic group for instance individuals in mixed marriages. The census collecting throughout the years has been very simplified and new categories have sometimes been introduced. The 2001 census, for instance, added two new groups *Sri Lankan Chetty* and *Bharatha* who were earlier categorised as Tamil cast groups. Tamil nationalists claim that these new ethnic categories are designed by the Sri Lankan state to divide and reduce the Tamil category (Orjuela, 2004).
Representation of different races or nationalities became crucial in diverse part of administration as result of the categorisation of nationality or race in the census collection. The British Empire, however, abandoned the idea of ethnic representation before it handed over the power to the Sri Lankan people. A British-style constitution and democratic arrangement was introduced on the island by the time politicisation of ethnic diversity had already been well established (Orjuela, 2004).

As shown in the previous discussion, ethnic identity was not clear-cut. This can be verified further by looking at the identity of the Tamil speaking population in the country. The Tamil identity is ambiguous as portrayed in figure 2.1. Definition of Tamils is related to people who speak Tamil language. Despite the common language, Tamils practice different religions as can be observed in the figure 2.1.

![Figure 2.1 Tamil identity in Sri Lanka](source: Hettne (1996))

The majority of Tamils are Hindus who are distinguished as Indian or Sri Lankan Tamils. The Sri Lankan Tamils have lived on the island several thousand years while the Indian Tamils were the imported labour force from south India during the 19th century. Furthermore, a majority of the Sri Lankan Tamils live in the Northeast provinces while a majority of the Indian Tamils live in tea plantations in the central highlands (Hettne, 1996).
3 Theoretical framework

This section outlines federalism and power sharing political structures as possible political resolutions for multi-ethnic, multi-cultural and multi-confessional societies even though these models may not be the only solutions. Other concepts that are discussed in the section are ethnic identity, multiculturalism, and consociationalism. Evidences on the outlined theoretical models in this section, are studied in sections four and five. These sections portray the Swiss federalism and the Lebanese political arrangement respectively.

3.1 Ethnic identity

The concept of ethnicity is multidimensional and ambiguous. An ethnic group is referred to as “people who share a distinctive and enduring collective identity based on a belief in common descent and on shared experiences and cultural traits” (Gurr, 2000, pp.3-5). Ethnic groups can classify themselves and be defined by others by several traits. These traits are related to customary behaviour and dress, religion, language, race (physical appearance), area of residence, traditional occupations, a history of conquest, and suppression by culturally different people. Ethnic identities can be created and re-created, which in turn affects identity politics. Identities can be created in some cases by myths. This type of identity creation occurs often when powerful agents, states and dominant groups, who classify groups by labelling and treating them differently over several generations (Gurr, 2000).

There is possibility for mobilisation and political actions when the ethnic identity becomes prominent. The group who uses ethnic identity as the basis for different treatment or collective political action is specified as ethno-political group. Consequently, this group suffers or benefits collectively as the result of differentiated treatment compared to other groups in a society. Moreover, the ethno-political group mobilises to defend or promote their self-interests but this group does not need to be “ethnic” (Gurr, 2000).

3.2 Multiculturalism

Gurr and Kymlicka’s definitions of “ethnic group” are different and need to be taken into consideration. Gurr gives a general definition of what an ethnicity is while Kymlicka provides a specific classification that refers to groups that immigrate to another state. Gurr’s definition of ethnic group is widely used rather than Kymlicka’s definition.

Kymlicka (1995) claims that generalisation of the term multiculturalism is often misleading since it incorporates diverse types of cultural pluralism, which in turn raises its own challenges. He explores multiculturalism on liberal theoretical point of view. Kymlicka highlights two broad patterns of cultural diversity. In the first situation, he argues that, cultural diversity can arise when formerly self-governing and territorially concentrated cultures are incorporated into a larger state. Kymlicka calls these incorporated cultures as national minorities. These groups have desire to remain as separate societies beside the majority culture. Furthermore, they demand different kinds of autonomy or self-government to safeguard their distinct societies. In the second situation, cultural diversity can arise when individual and family immigrate to another state and these groups are defined as ethnic groups by Kymlicka. These groups, on the other hand, are willing to integrate into the larger society and want to be recognized as members of the new society. The ethnic groups aim at modifying institutions and law of the hosting state in order to keep their cultural diversities
(Kymlicka, 1995). The first case is of significant in this thesis and will be discussed more closely below.

Many countries are recognising that cultural differences have to be accommodated by guaranteeing special legal or constitutional measures apart from the common rights (civil and political rights of individual) of citizens. This implies that cultural diversities can be accommodated if they have certain \textit{group-specific rights}, \textit{differentiated citizenship}. There are particularly two kinds of group-specific rights, self-government rights and special representation rights, which can safeguard the rights of national minorities. The national minorities often demand to have political autonomy in order to defend a full and free development of their cultures and, hence, to secure their interests. One way to achieve self-government is through federalism and this political structure enables power-sharing between the central administration and the regional subunits (Kymlicka, 1995). More on federalism will be discussed in subsection 3.3.

There are three arguments that favour group-specific rights for national minorities (and ethnic groups) on a liberal theoretical point of view. First, based on \textit{an equality argument}, defenders of group-specific rights for minorities claim that all citizens have to be treated equally. Therefore, they claim that group-specific rights are crucial in order to accommodate their differences. In the case with national minorities, their societal cultures can be neglected when economic and political decisions are decided by the majority. In the majority decision making, minority groups may be outvoted on resources and policies that are significant for the existence of their societal cultures. Because of these reasons, group-specific rights, for instance territorial autonomy, veto powers and guaranteed representation in central bodies, can prevent the vulnerability of minority’s claims in majority decision-makings. Second, \textit{a history-based argument}, in favour of group-specific rights, argues that minority rights have some historical claims. This means that their rights can be based on their previous sovereignty, treaties or other historical contracts. Third, \textit{a cultural diversity argument}, in favour of group-specific rights, advocates that diversity enriches people’s life and can provide opportunities for new life-styles and experiences (Kymlicka, 1995).

\section{3.3 Federalism}

It is rare that nation-states consist of a homogenous population group. Instead, states have become residence for more than one identity group. Despite this fact, many nation-states formed historically by coercive methods where minority groups were neglected and this situation remains mainly unchanged even in the contemporary world. As a consequence of nation-building processes, some identity groups were either assimilated or eliminated while others were resisted. A minority group, within a state territory, can be concentrated as a majority group in specific regions or it can be evenly spread over the territory of the state. The latter case can create a situation of “inter mingling”, while the first case can evoke a territorial cleavage when a self-conscious minority is territorially concentrated. A minority group distinguishes itself because of social, economic, ethnic or cultural attributes. Presence of minority groups does not always lead to conflict but comparative evidences show that conflict is likely to occur when minorities are concentrated in a specific region of a state’s territory. One way to solve the territorial cleavage is to create a federal state instead of a unitary state (Amoretti & Bermeo, 2004).

The federal principle can provide a solution for national, ethnic, linguistic, and racial conflicts since it provides several options for the organisation of political authority and power when suitable relations are established. The simplest definition of federalism is related to
self-rule plus shared rule. Hence, the federal principle enables distribution of power sharing, puts limits around the issue of sovereignty and can be supplement for previous organisations without destroying it. These opportunities can solve crises of political organisation and integration. Thus, federalism is constructed to achieve some degree of political integration, which is founded on a mix of self-rule and shared rule. On a federal level, political integration requires a specific set of relationships, for instance, relationship between two sides of politics, power and justice. Politics deals with the organisation of power but at the same, it is concerned about the pursuit of justice. These two factors are represented in all political life, where the organisation and distribution of power is based on justice concept while the pursuit of justice is formed by the realities of power. One of the main characteristics of federalism is that it cannot exist without power and justice concepts (Elazar, 1987).

Federalism is founded on a specific type of constitutional framework. The framework is based on the division of power. Furthermore, federal policies are characterised on a non-centralised basis, which implies that the powers of government are not concentrated in a single centre, but are diffused among many centres. The existence of governmental powers and authority are safeguarded by the general constitution, which indicates federal democracy. Concept of non-centralisation is not equal to decentralisation. A decentralised political system means that, a central authority decentralises or recentralises according to its wishes. Power in a non-centralised political model, on the other hand, is so diffused that it is not possible to legitimatise it centrally without violating the structure of the constitution. This implies that a central government cannot control all political communications and decisions in the same way. Instead, authority is directly driven from the people at regional levels. Regional governments collaborate, however, with the federal government without sacrificing their policy-making roles and decision-making powers (Elazar, 1987).

One of the features of federalism is to uphold both unity and diversity simultaneously. Hence, federalism implies both establishment and preservation of unity and the diffusing of power in the name of diversity. Federalism can also be one system for social, territorial and cultural expressions. Federalism as social phenomenon can be divided in two ways. In the first case, people are relating to each other federally as individuals or as families and groups, at the same time being citizens. In this way, they respect each other’s integrity while collaborating for the common good in federal ways. The second case of social phenomenon implies that permanent religious, ethnic, cultural, or social groups organise their political life around these factors. This case is referred as consociational arrangements, emerging as semi-formal bases before becoming institutionalised. The process of institutionalisation becomes constitutionalised. The latter process brings them into sphere of federalism (Elazar, 1987). More on consocialisation is explored in subsection 3.4.

Federalism also plays an important role when establishments of social and political organisations are based on territory. On one hand, territory becomes the basis of political action when the federal structures are founded on fundamental territorial divisions of power. These structures provide opportunities for different interests to be heard. On the other hand, territorial divisions of power can be applied for protecting minorities and minority communities since these arrangements permit them to have a greater autonomy within their own political authorities. The territorial basis of federalism can also enable that no single urban centre becomes dominant. Federalism can also enable multiculturalism because of political structures. The structures of federalism are seen as means to accomplish political ends on four different levels. These ends are to establish practical political arrangements, to generate a practical polity, to establish a just polity and to attain a just moral
order. The different kind of federal forms can be associated with above stated four ends (Elazar, 1987).

### 3.4 Consociationalism

Consociational democracy plays a crucial role in plural societies and is classified by four characteristics. The first and important characteristic of consociational democracy is that, political leader from all segments of plural society collaborate in a *grand coalition* in the government of the country. This type of government could be distinguished from the type of democracy (British model) that divides political leaders into a government based on majority support and a large opposition. The grand coalition is complemented by three secondary instruments, which are *mutual veto*, *proportionality*, and *segmental autonomy*. Decisions made in a grand coalition are achieved by majority vote, which implies that majority may outvote minority's interests. Therefore, a minority veto is required in order to provide a guarantee of political protection for each segment of a society (Lijphart, 1977).

There is, however, a threat that the minority veto can lead to minority tyranny. There are three reasons why this threat may not be dangerous as it seems to be. First, the veto is mutual implying that all minority segments possess and can practice it. Therefore, a frequent use of the veto right by a minority is not likely since it may be turned against its own interest. Second, the existence of veto right as a possible weapon gives the minorities a feeling of safety and, hence, the real practice of it becomes implausible. Third, each segment of minorities is aware of unrestrained exercise of veto rights since there is risk for deadlock and immobility. The practice of proportionality is also important since it departures from a majority rule and has two significant functions. The practice of proportionality enables to allocate civil service appointments and scare financial resources between diverse segments in the society when a proportional allocation role is applied. Moreover, proportionality allows all important segments to be represented in decision-making bodies and enables them to be represented proportionally. Finally, a segmental autonomy enables minority rule implying that a minority can govern over a territory, which has its own interests. A special kind of segmental autonomy is federalism. Federalism can be applied as a consociational method when the plural society is a “federal society”. This means that every segment is territorially concentrated and divided from the other segments. The political structures of federalism, nonetheless, allow implementing the concept of segmental autonomy (Lijphart, 1977).
4 The Swiss federalism

Switzerland is a good real world example to the stated theories in the section three. The Swiss federalism is based on the division pf power with consociational democracy. The Swiss case is studied closely in this section.

The Helvetic Republic, Switzerland, emerged as a loose alliance of cantons (Orte) in the late 13th century when three small alpine regions proclaimed autonomy from the Habsburgs. This alliance was culturally rather homogeneous since establishment of cantons included only Catholic and German-speaking people. Conflict existed instead between the rural agricultural cantons and the urban manufacturing cantons. A new separation appeared by religious cleavage between Catholics and Protestants in the sixteenth century after the Reformation. The Protestant and the Catholic cantons waged four civil wars between each other from the sixteenth and the eighteenth centuries. Switzerland continued, however, to be German-speaking until the French Revolution. By the time of the French Revolution, thirteen cantons had established a loose Swiss confederation, which started to emerge in the late thirteenth century. This old confederation of thirteen old cantons was a system of alliance rather a political system. The loose confederation was abolished for a short period of time when Napoleon Bonaparte invaded Switzerland in 1798 and launched a new regime with a centralised government. By this time Switzerland become multilingual when French, Italian, Romansch speaking regions joined the Helvetic Republic. Now Switzerland consisted of 75 per cent German speakers, 20 per cent French speakers, 5 per cent Italian speakers and less than 1 per cent Romansch speaker. These figures have changed a little in the present time (Amoretti & Bermeo, 2004; Church, 2004; Linder, 1998).

In 1803, cantons regained part of their sovereignty when Napoleon Bonaparte ordered to restore autonomous of cantons in the Mediation Act (Mediationsakte). At the Congress of Vienna in 1815, cantonal independence with loose confederation was confirmed. Consequently, 25 autonomous cantons established a loose confederation but Switzerland was not a true nation yet since it did not have a real parliament. Switzerland remained as a confederation from 1815-1848. During 1815-1848, Switzerland lived with internal conflicts between two forces, the Conservatives and the Radicals. The Conservatives were Catholics mainly from rural areas while the Radicals were primarily Protestant from industrialising cantons. The Catholics being minority opposed to the Radicals’ idea of a strong centralised government since they feared that their interests would be ignored. The Conservative insisted on to protect their traditional and political roles of the Catholic Church in the early process of democratisation (Amoretti & Bermeo, 2004; Church, 2004; Linder, 1998).

The Radicals campaigned for democracy in order to enhance people’s sovereignty and hence aiming at public control of all authorities. The democratic movements in several cantons advocated for division of power, secular state and political rights of all people. Radicals rejected the old privilege of the Catholic Church. Conflicting interests between the Radicals and the Protestants intensified when the Catholic cantons signed a separate treaty,
the Sonderbund, in 1845 to protect their common interests. Furthermore, the Catholic cantons claimed an amendment of the treaty of confederation and requested external help from Austria, France and Sardinia to protect their claims. The Catholic cantons left the assembly of cantonal delegates, Tagsatzung \(^5\), in 1847 when their demands were not achieved. The protestant cantons interpreted this movement as a step forward secession (Amoretti & Bermeo, 2004; Linder, 1998).

The Radicals feared foreign intervention and declared war against the Conservatives. A short civil war, the Sonderbundskrieg (War of Secession), took place in 1847 between the Radical and Conservative forces. The Radicals won the civil war and became the leading force in drafting a new constitution. The draft of constitution was put to referendum. The referendum passed even though the credibility of vote results from some cantons was uncertain. The Tagsatzung announced, nevertheless, on 12 September 1848 that federal constitution had been accepted by a majority of the Swiss people and the cantons (Amoretti & Bermeo, 2004; Linder, 1998). The following sub-section describes the structure of the Swiss federal state, which enables different religious and linguistic groups living peacefully side by side.

Most of the organisational framework of current Swiss polity is found in the constitution of 1848 even though it has been amended. The Swiss federal model is divided into legislative, executive and judicial organs at federation, canton and commune levels as can been observed in table 3.1. Details of each level are described here below.

**Table 4.1 The Swiss federal model**

<table>
<thead>
<tr>
<th>Executive</th>
<th>Legislative</th>
<th>Judiciary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Assembly</td>
<td>Federal Council</td>
<td>National Council</td>
</tr>
<tr>
<td>Federal</td>
<td>Council of States</td>
<td>Federal Supreme Court</td>
</tr>
<tr>
<td>Canton</td>
<td>Cantonal Council</td>
<td>Cantonal Parliament</td>
</tr>
<tr>
<td>Commune</td>
<td>Communal Council</td>
<td>Communal Assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>District Court</td>
</tr>
</tbody>
</table>

Source: Linder (1998)

### 4.1 The federal level

*Federal council* is the highest and governing authority of the Swiss federation. The composition of the federal council reflects power-sharing between diverse parties and cultures. There are seven members in the federal council who represent four different political parties that have been having the same composition since 1959. There should be a minimum of two member from French-or Italian-speaking cantons according to an unwritten law. This “magic formula” offer one of the best cases of the grand coalition in the world. Prime minister of the federal council has no privileges over other members in the government and hence most decisions are decided by the council as whole. The president of the federation is chosen among the seven cabinet members and traditionally a different member from

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\(^5\) The Tagsatzung was the legislative and executive council of the Swiss confederation until the Swiss federation in 1948 was formed. Delegates from individual cantons had a meeting here but the power of Tagsatzung was constrained because of cantonal strong autonomy.
the council performs the presidential post each year. The president has, however, only formal duties. The seven ministries (departments) are headed by each member of the federal council (Linder, 1998; Lijphart, 1977).

*Federal assembly* is a bicameral parliamentary body. It is made up of two chambers, the *national council* (people) and the *council of states* (cantons). Each chamber has equal powers. The federal assembly is responsible for making all federal laws, electing the federal council, the federal judges, the commander-in-chief and other major federal bodies. Furthermore, the parliament supervises all authorities of the federal government and consents the annual budget, which is prepared by the federal government. The national council represents the people and consists of 200 members. There are 26 electoral districts equivalent to the 26 cantons where seats to the national council are elected. Seats in the national council are allocated proportionally, based on population, among the cantons. The proportional system enables each canton’s population to be fairly represented since the population size differs among the cantons. In the council of states, all cantons have rights to equal representation where each “full” canton has two seats while every “half” canton has one seat. There are 20 full cantons and 6 half-cantons. The election candidates for the council of states differ from the election of the national council. Each canton determines the election methods of its members. Further, a majority rule is applied in the most cantons to elect the members and it implies that a candidate must gain a minimum of 50 per cent of votes in order to be elected into the council of states (Linder, 1998).

There is a bicameral lawmaking procedure in the Swiss federal assembly implying that both chambers can initiate constitutional amendments, new bills and regulations. Further to this, both chambers can propose to modify the existing laws and regulations. Each bill has to be approved by a relatively majority in both chambers if they have to become federal law. This implies that both chambers have equal rights in all matters of legislation. Bicameral lawmaking procedure creates a balance of power since the central state cannot impose laws and regulations on the cantons without their approval. Popular vote is required in order to approve parliamentary decisions (Linder, 1998).

There are two significant instruments of direct democracy, that is, the referendum and the popular initiative. There are, however, two kinds of referendum, obligatory and optional. An obligatory referendum is subjected to all constitutional amendments and some international treaties. In this case a double majority is required, a majority vote of all voters (the Swiss people) and a majority vote of the cantons. This type of referendum is rather frequent in Switzerland since all powers are left to the cantons except those, which are delegated to the federation. An optional referendum is subjected to parliamentary acts and regulations. In these situations, parliamentary decisions become laws if not 50 000 (or the vote of 8 cantons) citizens within 90 days requiring a popular vote. A popular vote must be held if people succeed to collect enough signatures. The bill can be approved or rejected with a simple majority vote from people without any approval from the cantons. Because of above-mentioned differences, the obligatory and optional referendums are defined often as constitutional and legislative referendums respectively. A popular initiative, on the other hand, implies that 100 000 citizens can demand a constitutional amendment by signing a formal proposition. If the proposition is signed by a minimum of 100 000 citizens, it has to be submitted to the vote of the people and cantons (Linder, 1998).

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6 Article 3 in the Swiss constitution highlights the sovereign rights of the cantons, which imply that they exercise all rights.
The Federal Supreme Court is the highest court and is responsible for solving conflicts between the federation and the member states, and even conflicts among the cantons. The court has the authority to control the legislative and executive acts of the cantons and further it secures the constitutional rights of the citizens. The federal Supreme Court has no power to rule on the constitutionality of federal laws. The federal court mirrors two-dimensional power-sharing where all three-language groups and the political section of the federal assembly are represented (Linder, 1998).

4.2 The cantonal level

The Swiss cantons have a dual character since they are organs of the confederation but at the same time, they are autonomous, quasi-sovereign (Church, 2004). The Swiss cantonal systems have a mixture of direct and representative democracy. The cantonal executives are more independent compared to the federal executive since they are elected by the people. The cantons are decentralised with an extensive degree of local autonomy and well-built popular rights with different kinds of initiatives and referendums. Moreover, the cantons have all-party cantonal executives and weak cantonal parliaments in comparison with the federal government and administration. These arrangements make the Swiss cantonal political systems power-sharing or consensus democracies combined with a powerful direct democracy. There exist, nevertheless, some differences among the cantons where direct democracy and local autonomy are less developed in the French-speaking cantons compared to the German-speaking regions (Lane, 2004).

All 26 cantons and half cantons are guaranteed the equal rights and responsibilities by the constitution. Hence, each canton enjoys a great amount of independence unless it is not restricted by the constitution. The cantons have many characteristics of sovereignty: territory, people, power to make laws, collect tax, exercise self-government and conduct foreign relationship to some extent. Each canton has freedom to define its own policies within the constitutional framework. The cantons are required to have a constitution of republic model, which has to be approved by the confederation. Moreover, the cantons have to cooperate and respect the confederation and to accept that federal law is superior to cantonal law. The Swiss federal solution, as described above, gives the cantons an extensive autonomy and hence limits any unrestrained growth of federation’s power. Article 3 in the Swiss constitution declares clearly that all rights should be empowered in the cantons unless they are not delegated to the federation. This implies that any changes to shift the power to the central authority are needed to be approved by constitutional amendments. Article 3 of the Swiss constitution has been effective since it prevents new powers to be presumed without amending the constitution and furthermore the procedure requires instruments of direct democracy (Church, 2004; Linder, 1998).

The federal structure of Switzerland is, as mentioned in above discussion, characterised as a system of non-centralisation since the cantons enjoy extensive independence. This makes Switzerland one of the most decentralist nations. As a consequence, the central authority controls approximately one-third of public revenue and expenditure while the cantons and the communes control about two-thirds of them. The latter institutions are the major responsible actors for a large scale of policy programs and they play a significant role in implementing a majority of federal programmes. There is a high degree of cooperation between the sub-national units and the federation since most federal programmes are carried out by them. This kind of cooperation takes place at a vertical level between the federation and the cantons as can be observed in figure 4.1. The federal administration has not, with some exceptions, its own regional services or agencies, which deal with the public directly.
Therefore, co-operative federalism has been a significant part of the collaboration between the sub-national units and the federal government. Self-coordination, on the other hand, among the cantons establishes cooperation at a horizontal level as portrayed in the figure 4.1. The latter type of collaboration enables the cantons to build a close co-operative network without any intervention of the federation. The Swiss federalism implies, nonetheless, regional solidarity rather than competition. Therefore, the core concept of Swiss “cooperative federalism” is to equalise policies among the cantons and their regions (Lane, 2001; Linder, 1998).

Figure 4.1 Vertical and horizontal cooperation within the Swiss federalism

Source: Constructed by the author
5 The Lebanese model

The Lebanese political model is a good example of consociational democracy and the Lebanese political processes are described comprehensively in this section.

The present Lebanon was established in September 1920 when the League of Nations provided the mandate for Lebanon and Syria to France. Hence, the state of Great Lebanon was declared (independent from Syria), which included the former independent province of Mount Lebanon, the provinces of north and south Lebanon, and Bīqā that historically had belonged to Syria. The Lebanon did not gain its full independence from the foreign powers until 1946. In the modern history, Lebanon was ruled by the Ottoman Empire from the 16th century until the end of the World War I. When the Ottoman Empire fell, France was granted a League of Nations mandate to govern Lebanon until 1941. Lebanon differed from the rest of the Arab world since the country had a mix of Muslims and Christian populations when the French established its colonial power under mandate of League of Nations (Abul-Husn, 1998; Picard, 1996).

The population of Lebanon is very pluralist implying that every ethnic group or sect becomes a minority. The state recognises seventeen sects where all of them are divided between Christian and Muslim groups except a Jewish sect. Hence, there is no state religion in Lebanon. The existence of several religious sects in Lebanon is depended on the historical development of religious movements in the Middle East. Over the course of history, Lebanon provided an unreachable haven for tribes and religious groups who were escaping from oppression and persecution in other parts of the Middle East.

The major confessional groupings in the country are the Christian Maronites, the Greek Orthodox Christians, the Sunni Muslims, the Shia Muslims, and the Druze (Muslims) (Abul-Husn, 1998; Picard, 1996).

5.1 Power struggles

A balance of political power between diverse religious groups was specified when the constitution of the republic of Lebanon established in 1926. The mandatory power was referred to France in the constitution (until Lebanese independence in 1943) and the Lebanese government could not interfere with French interests. Nevertheless, Christian communities, the Sunni and Shiites emerged as major political actors in the republic of Lebanon. The most powerful actor was the Christian Maronites. They became the major players in the Lebanese political arena due to demographic and economic advancements after the collapse of Ottoman rule. Furthermore, the French authority during its rule promoted the interests of the Christian communities rather than other confessional communities. The Christian communities, the Maronites in particular, was enthusiastic about Lebanese nationhood since they felt that it could protect their minority status in the larger Arab and Islamic world. The increasing consciousness urged the Maronites to dominate the Lebanese political order, which they did during the French rule and a period after it (Abul-Husn, 1998).

Nonetheless, the system in practice could not guarantee equal share of powers despite the 1926 constitution declared it. There were bitter struggles to achieve a balance of power among different groups, which in turn created instability in the political arena. Neglected confessional communities began to organise them politically. The present of France did not make the Lebanese political situation any better. The National Pact was formed in the time
of independence in 1943. The revision of the constitution of 1926 was strongly opposed by France since it also meant the abrogation of the mandatory power, which referred to France. The main attempt of the National Pact of 1943 was to reduce communal conflict in Lebanon in the long run (Abul-Husn, 1998; Picard, 1996; Zisser, 2000).

The National Pact of 1948 had two aims: to achieve a justice society and to establish a mechanism for national building in a multi-communal society. In order to achieve these goals, it needed to distribute powers based on the confessional communities and further to design a balanced foreign policy. It was also crucial to compromise between the ideologies of Lebanism and Arabism. First, the pact characterised Lebanon as a neutral, independent and sovereign state with an Arab character. Second, conditions for power-sharing were founded among diverse sects, not only between two major blocs, Muslims and Christians. The pact aimed to distribute employments within the public sector proportionately among diverse confessional communities based on the 1932 census (see appendix 2). According to the census, the Christian community was the majority and the Muslims became the minority. Under the census, president always has to be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the House of Representatives a Shia Muslim. The other sects were to share the ministerial posts based on their size of population. The parliament and other public institutions were found according to a ratio of six Christians to every Muslims (Abul-Husn, 1998).

Third, guidelines for Lebanese external relationships, foreign and Arab policies were also defined in the National Pact since the two communal blocs had different interests in their foreign policy. The agreement on foreign policy implied that Lebanon should not seek unity with Syria and the Arab world, and further not to build closer ties with the Western world, particularly with France. The Maronites, in particular, had developed strong ties with France and other Western powers because of their religious connections. This was due to the fact that Christians felt threaten as a minority in the Muslim world. Muslim communities (particularly the Sunnis), on the other hand, established close relationships with the Arab world. They felt that their majority status was stripped away since they were included in a small country under Christian domination. It took more than fifteen years for the majority of Muslim population in Lebanon to accept the republic of Lebanon when it was established by the French authority. They persisted, until then, to advocate for a union of Lebanon with Syria. The National Pact brought different confessional communities together. This agreement was reached when different confessional groups were united in the independence movements in the late 1930s against France colonialism (Abul-Husn, 1998).

5.2 The civil war and the Taif Accord

The Lebanese conflict was surrounded around three major factors: reform of political body, the Lebanese national identity and the sovereignty of Lebanon. Other factors also emerged as the conflict advanced. First, internal factors of Lebanese conflict were related to the Muslim-Christian relations. The Christians historically had a stronghold of state power compared to the Muslims. The Muslims did not consider the Lebanese state as a neutral body. Therefore, their interests were directed to other Arab-states, particularly to Syria since the Muslims felt deprived under the Christian dominance. The unequal political

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7 France did not accept the Lebanese declaration of independence in 1943. They left Lebanon in 1946 as a result of Lebanese strikes and demonstrations and diplomatic pressures from the British power. Lebanon gained its full political, administrative and military independence in 1946.
structures created economic, social, and educational imbalances between the Christian and Muslim population where the latter were deprived from equal opportunities and treatments. These inequalities aggravated the harmony existence of the Muslim-Christian relationship. Second, the political stability worsened when external forces involved in the Lebanese domestic issues. The Arab-Israeli conflict, with Palestinian issue, promoted the already instable situations among the Muslim-Christian relations in Lebanon. A massive Palestinian influx into Lebanon territory after 1948 increased the present of Muslim population, which in turn feared the Christian communities about the Lebanese sovereignty. Furthermore, the involvement of Syria made the Lebanese domestic issues unbearable since Syria also promoted the pro-Arab and Islamic ideologies, which differed from the Christian communities. The dominance of Syria in Lebanon lasting long after the end of civil war and made more harm on the Lebanese domestic communal instabilities (Abul-Husn, 1998; Picard).

The primary focus of the National Pact was, nevertheless, to establish a common Lebanese national identity by encouraging loyalty to the whole country. This was an early attempt to transform a multi-communal society into a nation-state by reforming political institutions. Despite important modification in the National Pact of 1943 (compared to the 1926 constitution), the republic of Lebanon experienced several internal conflicts. The country in turn paved the way to a civil war in 1975 that lasted until 1989. However, three main factors hampered the National pact mobility. First, the pact was an agreement on the elite level that could not be converted into a social contract incorporating the masses. Second, the idea of coexistence of a multi-sectarian had a negative impact when Israel in 1948 was established. As a result, a larger amount of Palestinian population fled to Lebanon after 1948. This movement had negative impacts on social, economic and political balance in Lebanon that the National Pact promoted. Third, a pan-Arab ideology emergence in the Arab world weakened the Lebanese nationalism, which the National Pact tried to establish (Abul-Husn, 1998).

The civil war in Lebanon lasted until October 1989 when a cease-fire was agreed as the result of the Taif Accord. The new agreement was a reform of the National Pact of 1948. Some of the major restructuring in the Taif Accord in comparison with the National Pact is portrayed in table 3.2. As previously mentioned, the National pact was based on the 1932 census where the Christians were the majority group. The pact did not modify its contents according to demographic changes. Demographic changes in Lebanon after the 1932 census was not taken into consideration even though the share of Muslim population increased compared to the Christians. Hence, no census has been taken since 1932 because of the political sensitivity of the confessional comprise. Furthermore, the National Pact did not modify its original agreement according to the demographic changes in order to make the agreement more democratic.

In contrast to the National Pact, one of the major changes within the Taif agreement was that it distributed equal parliamentary seats to both confessional groups. There was a redistribution of power and authority from the Maronite president to the Sunni prime minister. The parliament power was still unicameral but there was a slightly increase in decentralisation of powers to the regional administrations. Finally, guidelines for withdrawal of external forces of Israel and Syria were outlined in the agreement as well in order to stabilise the Lebanese political situation (Abul-Husn, 1998; Maktabi, 1999).
<table>
<thead>
<tr>
<th>The National Pact of 1943</th>
<th>The Taif Accord of 1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>President with high executive powers</td>
<td>Some of president’s executive powers shifted to the government</td>
</tr>
<tr>
<td>Ministerial posts unequally distributed among the two communal blocks</td>
<td>Equal distribution of ministerial posts between the two communal blocs</td>
</tr>
<tr>
<td>Two years office time for the Shiite speaker of the House of Representative</td>
<td>The office time was extended to four years for the Shiite speaker of the House of Representative</td>
</tr>
<tr>
<td>Share of parliamentary seats was six Christians for every five Muslims (parliamentary seats 99)</td>
<td>Equal share of parliamentary seats for the two confessional groups (increased to 128)</td>
</tr>
<tr>
<td>The Sunni prime minister had limited power</td>
<td>The Sunni prime minister’s powers was extended</td>
</tr>
<tr>
<td>Limited regional and local powers</td>
<td>Powers were broaden to regional and local administrations</td>
</tr>
</tbody>
</table>

Source: Abul-Husn (1998)

The Taif agreement, however, ended the long civil in Lebanon since both communal blocks could find a compromise that satisfied them both. There are, however, some critics arguing that resolution of the communal conflict in Lebanon is not over yet since changes in the Taif Accord is not sufficient to satisfy all the Lebanese confessional groups (Abul-Husn, 1998).
6 The Sri Lankan case

This section studies a selected draft of the Sri Lankan constitution that deals with minority rights from 1948 to 1978. The post-independence era of 1948-1978 is of significant study since during this period the country tried to build a nation-state including diverse confessional and linguistic communities under a unitary state. The negative outcomes of the constitutional amendments in relation to political developments are outlined as well in order to give a comprehensive picture of the Sri Lankan conflict.

6.1 Unitary state based on the Westminster model

There is chronological evidence, which show that the Tamils and the Sinhalese had separated kingdoms prior to the arrival of Western powers. These independent kingdoms enabled them to coexist with each other despite some internal conflicts over centuries. The relatively harmony coexistence among the Sinhalese and the Tamils was about to change when the Western colonial powers invaded the island, first by the Portuguese in 1505 and second by the Dutch in 1658 and lastly by the British in 1796. Upon the Western arrival, two Sinhalese kingdoms in the south and one Tamil kingdom in the Northeast of the island were present. The total control of the island was finally succeeded by the British colonial power in 1815. The Colebrooke reforms of 1833 made the island a unitary state with a centralised government mainly to improve the efficiency of country's administration. Sri Lanka implemented a Westminster model of parliamentary government, which was introduced by Soulbury commission in 1944. A two chambers parliament was introduced. The country introduced universal suffrage in 1931 and full general elections in 1947. The first-past-the-post, winner-take-all electoral system was, however, unable to represent minority interests on the island. The Soulbury constitution (1948-1972) was written with little Tamil inputs and the constitution lacked an effective formal protection for minority rights. The second republic constitution of 1978 introduced a proportional electoral system with a district-based model. The new system could not provide fair representation for less developed rural areas and for minorities living in sparsely populated areas (Wilson, 1988; Rotberg, 1999).

6.2 Minority representation

One of the first constitutional changes to undermine the rights of minority took place within a few months of independence. The Citizenship Act 1948 and the Indian and Pakistani Residents (Citizenship) Act 1949 transformed the representational picture on the island. As result of these acts, the Indian Tamils were disenfranchised as Sri Lankan citizens and their rights to parliamentary seats were lost. The Indian Tamils could not elect any member into the Sri Lankan parliament until 1977 where they received only one seat as been observed in table 6.1. It shows ethnic distribution of parliamentary seats during the years 1947-77 and demonstrates changes in representation among different ethnic groups. Nevertheless, most of the Indian Tamils was not granted a full citizenship until 1990s. The seven seats lost by Indian Tamils, increased the Sinhalese seats by the same amount from 68 in year 1947 to 75 at the 1952 general election, as can been seen in the table 6.1. The representation of Sinhalese continued to rise at the expense of the Tamils. Representation is, however, very crucial for the ethnic and religious minorities, particularly for the Tamils, since the strength of Tamil voting could block passing of a measure in the parliament if the major (Sinhalese) parties disagree with each other. A change in the total number of parliamentary seats in the post-independence, 1947-2006 is provided in appendix 1 (Orjuela, 2004; Sivarajah, 1996; Wilson, 1988; Sri Lankan Parliament, 2006a).
Disproportion of parliamentary representation undermined the democracy since opposing interests were weakened when almost half of the Tamil population on the island (i.e. Indian Tamils) lost their parliamentary seats until 1977. It is of interest to highlight that many of juridical changes undermining minority rights, especially towards the Tamils, mainly took place during the years 1947-1977 when the Indian Tamils were excluded from the parliamentary representation. As a consequence, the Sinhalese parties strengthened their power against the minorities and had possibility to safeguard interests of the Sinhalese majority (Orjuela, 2004; Sivarajah, 1996; Wilson, 1988; Sri Lankan Parliament, 2006).

Table 6.1 Ethnic distribution in the Sri Lankan Parliament during 1947-1977

<table>
<thead>
<tr>
<th>Seats due to population size</th>
<th>Sinhalese</th>
<th>Sri Lankan Tamils</th>
<th>Muslims</th>
<th>Indian Tamils</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seats obtained</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1947</td>
<td>68</td>
<td>13</td>
<td>6</td>
<td>7</td>
<td>1</td>
<td>95</td>
</tr>
<tr>
<td>1952</td>
<td>75</td>
<td>13</td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>95</td>
</tr>
<tr>
<td>1956</td>
<td>75</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Seats due to population size</td>
<td>106</td>
<td>17</td>
<td>10</td>
<td>18</td>
<td>0</td>
<td>151</td>
</tr>
<tr>
<td>Seats obtained</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>March 1960</td>
<td>123</td>
<td>18</td>
<td>9</td>
<td>-</td>
<td>1</td>
<td>151</td>
</tr>
<tr>
<td>July 1960</td>
<td>121</td>
<td>18</td>
<td>11</td>
<td>-</td>
<td>1</td>
<td>151</td>
</tr>
<tr>
<td>1965</td>
<td>122</td>
<td>17</td>
<td>11</td>
<td>-</td>
<td>1</td>
<td>151</td>
</tr>
<tr>
<td>1970</td>
<td>123</td>
<td>19</td>
<td>8</td>
<td>-</td>
<td>1</td>
<td>151</td>
</tr>
<tr>
<td>1977</td>
<td>137</td>
<td>18</td>
<td>12</td>
<td>1</td>
<td>-</td>
<td>168</td>
</tr>
</tbody>
</table>


a The total number of the parliament seats was 101, including 6 seats for Appointed M.P.s.

b The total number of seats raised to 157, including 6 seats for Appointed M.P.s.

c The total number seats was 168 where Appointed M.P. was eliminated in the 1972 Republic Constitution.

6.3 Electoral system

Sri Lanka succeeded to build a multi-party electoral system in the post-independence era. The political powers were, however, mainly concentrated between two major Sinhalese parties, the United National Party (UNP) and the Sri Lankan Freedom Party (SLFP). These were actors behind several amendments during 1948-1977, which violated the minority rights. Minority groups were often forced to support either of these parties when these were in power, in order to safeguard interests of their own communities. The Sinhalese parties mobilized commonly the Sinhalese electorate based on language and the Buddhism. The Sri Lankan Tamils followed a similar pattern by addressing the Tamil population basis of language and economic issues. The Tamil Federal Party (FP), formed in late 1949, took the lead role among the Tamil parties. The party become the major representative of the
Tamil-speaking people in the country from 1956-1977. Table 6.2 shows minister posts among different groups during 1947-1977. In early 1950s, the FP formed coalition government with the UNP and it had a coalition government in 1965 with several other parties. Other interesting observation was that Tamil Muslims always had some minister posts during the studied period. This was because the Tamil Muslims were often used as ally by the Sinhalese parties in many cases to reduce opposition among the minority groups. The Indian Tamils, on the other hand, did not hold any minister posts during the studied period implying that they were disenfranchised as Sri Lankan citizens (Wilson, 2000; Sivarajah, 1996).

<table>
<thead>
<tr>
<th>Year</th>
<th>Political parties</th>
<th>Sinhalese</th>
<th>Sri Lankan Tamil</th>
<th>Indian Tamil</th>
<th>Tamil Muslim</th>
<th>Burgher</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947</td>
<td>UNP/Ind</td>
<td>11</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>14</td>
</tr>
<tr>
<td>1952</td>
<td>UNP/TC</td>
<td>11</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>14</td>
</tr>
<tr>
<td>1953</td>
<td>UNP/TC</td>
<td>10</td>
<td>3</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>14</td>
</tr>
<tr>
<td>1956</td>
<td>UNP</td>
<td>12</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>14</td>
</tr>
<tr>
<td>1956</td>
<td>MEP</td>
<td>13</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>14</td>
</tr>
<tr>
<td>1959</td>
<td>SLFP</td>
<td>15</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>16</td>
</tr>
<tr>
<td>1960</td>
<td>LPP/Ind</td>
<td>7</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>1960</td>
<td>UNP</td>
<td>7</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>1960</td>
<td>SLFP</td>
<td>10</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>11</td>
</tr>
<tr>
<td>1964</td>
<td>SLFP/LSSP</td>
<td>14</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>16</td>
</tr>
<tr>
<td>1965</td>
<td>UNO/LPP/MEP/FP</td>
<td>15</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>17</td>
</tr>
<tr>
<td>1970</td>
<td>SLFP/LSSP/FP</td>
<td>18</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>21</td>
</tr>
<tr>
<td>1977</td>
<td>UNP</td>
<td>24</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>28</td>
</tr>
</tbody>
</table>

Source: Sivarajah (1996)

6.4 Fail to safeguard the minority rights

The *Sinhala Only Act of 1956* made Sinhalese, the one and only official language of the state. One of the primary impacts of the amendment was that Sinhalese-speaking population increased significantly in the public sector while the share of Tamil-speakers fell dramatically within this sector. During the years 1956-1970, the share of Tamils appointed by the state declined from 60 to 10 per cent in the professions, from 30 to 5 per cent in the governmental services, from 50 to 5 per cent in the clerical services, and from 40 to 1 per cent in the armed forces (Rotberg, 1999). During the British power, the Tamils could find opportunities within the governmental services and were more successful within this field compared to the Sinhalese. In year 1921 for instance, the Sri Lankan Tamils occupied 31.9 per cent of different governmental employment compared to Sinhalese comprising 46 per cent even though total population of each group accounted for 13 and 76 per cent respectively (Sivarajah, 1996).
In early 1960s, legislation to nationalise all secondary schools carried out and came to affect large number of (Christian) mission schools particularly in the Tamil provinces in the Northeast of the island. Tamils, particularly in Jaffna (city in the northern province), lost one of their most important sources of income since private schools were forbidden to charge fees. Furthermore, the state changed the system of university admission in 1971 in order to cut the Tamils’ university entrances mostly the faculties of medicine and engineering. The Standardization of marks and the imposition of district quotas had unfavourable impact on the share of Tamils admitted in science faculties. The proportion of Tamils in university dropped dramatically due to quotas in university admissions (Rotberg, 1999; Gurr & Harff, 2004; Wilson, 1988).

First republican constitution of 1972 did not make any major modification from the Westminster model. Buddhism was given a primary place as country’s religion in the constitution of 1972. As a consequence, “it shall be the duty of the State to protect and foster Buddhism”. At the same time, fundamental rights and freedoms, chapter VI, section 18 (d) of the constitution gave all citizens the right to have different religious beliefs. The Sinhalese language remained as an official language while Tamil language was classified as the use of language. The second chamber, senate, was eliminated, which had been in force since 1947 (The 1972 constitution of Sri Lanka, 1972). One of the motives to establish a senate in 1947 was that it could for instance check against laws disadvantageous to the minority passed in the house of representative (first chamber). Further, the constitution of 1972 abolished a system that enabled nomination of members who belonged to under-represented groups to the house of parliament (Sivarajah, 1996). The 1972 constitution introduced, however, a separate chapter (VI) dealing with fundamental rights and freedoms. First, the included clauses were ambiguous and second they were not respected and exercised to the full extent in the real world (The 1972 constitution of Sri Lanka, 1972).

6.5 The second republican constitution of 1978

The 1972 republican constitution was replaced by the second republican constitution of 1978. The latter constitution was based on the model of Fifth French Republic and introduced an executive presidency with a diminished role for the Parliament. Chapter VII, article 30 (1) in the constitution, declares the power of president: “president of the republic of Sri Lanka, who is the head of the state, the head of the executive and of the government of the armed forces”. According to article 33 (e) the president could also have the right to declare war and peace. There were no major changes concerning the status of state religion and language. The official language was still Sinhalese while the Tamil language classified as a national language. The special treatment of Buddhism was still present in the constitution of 1978 (The 1978 constitution of Sri Lanka, 1978).

6.6 Fail to find a federal solution

As mentioned above, the FP became a powerful political force and the major representative of Tamil people since its victory in the general election of 1956. The FP advocated for a federal solution for Tamil minority in Northeast provinces, which considered as traditional homeland for the Tamils. It carried out several Satyagraha movements (Gandhian non-violent methods) together with thousands of Tamil people in order to oppose the state

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8 This thesis studies the original version of the 1978 constitution of Sri Lanka without any amendments.
actions against the Tamil minority, particularly the Sinhala Only Act. Violent riots in 1958 were one of the responses from the Sinhalese majority when Tamil carried out non-violent movements. The riots forced thousands of Tamils from the south, particularly professional and businessmen from Colombo, to flee to Northern and Eastern provinces. The 1950-60s became, nevertheless, an important period since the FP succeeded to unite majority of Tamil people in the movements to find a sustainable solution for the Tamil minority. The FP’s several attempts to find a federal solution for Tamil minority failed. Two most important of these attempts were agreed by the FP and the ruling parties in 1957 and 1965, which was about to give the Tamil minority a degree of autonomy in the Northeast provinces. The first crucial agreement was reached in 1957 between the prime minister (SLPF party member) at the time, S.W.R.D. Bandaranaike and S.J.V. Chelvanayakam (the leader of the FP), called *Bandaranaike - Chelvanayagam Pact*. The prime minister was forced to abrogate the pact in 1958 due to pressure from the Buddhist clergy. A similar agreement was agreed in 1965 between by prime minister (UNP party member), Dudley Senanayake and Chelvanayakam, called *Senanayake - Chelvanayagam Pact*. This agreement faced the same fate but mainly due to internal conflicts within the ruling party itself (Balasingham, 2004; Wilson, 2000).

The FP was careful not to provoke the Sinhalese majority and had always advocated for a federal solution for the Tamil minority in the Northeast regions through democratic methods. The Tamils’ demand on Northeast provinces was based on the historical evidence on traditional Tamil homeland. The state, however, promoted Sinhalese colonisation in Tamil provinces. Increase in Sinhalese settlements undermined the territorial integrity and appendix 3 shows changes among different ethnic communities from 1953-81. Nevertheless, repeated failures through democratic means, forced to the FP to advocate for Tamil nation in the early 1970s. There was no question of separate Tamil state with a link-up with Tamil Nadu in south India. Majority of Tamil people were, however, in favour of self-rule. In 1960, a majority of Tamil electorates (16 out of 26) voted for the establishment of a federal state. While in 1977, 18 out of 26 Tamil electorates voted for a separate Tamil state (Wilson, 2000).

### 6.7 Armed struggle

Amendments in the Sri Lankan constitution diminishing minority rights deprived the Tamil population’s political, social and economical situations in the post-dependence era. Violent riots and harassments against Tamils in Sinhalese areas in the south forced the Tamils to flee to Tamil provinces in Northeast from 1950s and onwards. These developments accelerated the Tamil nationalism particularly among the Tamil students in early 1970s. Tamil youths had less patience than senior Tamil politicians seeing repeated broken promises by the Sinhalese elites. Gandhi’s non-violence principles were in vain and were ignored by the state. The Tamil youths believed that they could achieve a better solution by an armed struggle. The youths were also seeking help from the Tamil Nadu in south India. The Tamil separatist movements soon became to overwhelm the political scene in Sri Lanka (Wilson, 2000; Balasingham, 2004).

In the wake of the Tamil nationalism, different Tamil militant groups were established against the Sinhalese government in 1970s when the democratic Tamil parties fail to secure

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9 Tamil Nadu is a state in south India where Indian Tamils live.
the right of self-determination for the Tamil people. The LTTE, which established in 1976, became the dominant group and challenged the Sri Lankan government because of its disciplined arm struggle. Some of the Tamil militant groups merged, however, with the LTTE mainly during the 1980s. The LTTE started its armed struggle for an independence state called Tamil Eelam (see the dark areas on the map in appendix 4), for the Tamil minority in the Northeast of Sri Lanka. These areas claimed to be the traditional homeland for the Tamil people in Sri Lanka for centuries (Sivarajah, 1996; Wilson, 1988; Wilson, 2000).

The LTTE’s armed struggle for a Tamil state has lasted about three decades and several peace talk attempts between the Sri Lankan government and the Tamil tigers have been failed. The current Cease Fire Agreement (CFA) between the Sri Lankan state and the LTTE was agreed on 22 February 2002, which was brokered by Norwegian facilitators. The LTTE agreed to establish an interim self-government authority for the Northeast of Sri Lanka although the leader of LTTE, Mr. Vellupillai Prabhakaran, pointed out that the Tamil people have not abandoned the demand for an independent Tamil state. The brokered truce in 2002 has faced several challenges during the past four years and escalation of violence has enhanced on the island (BBC, 2006).

The LTTE controls nearly 70 per cent of the traditional Tamil homeland. The organisation has partially shifted its military actions to political means since the CFA was achieved in 2002 and runs a de facto state administration in the territory it controls. The LTTE starts to have experience of institutions from 1990 to 1995 when they controlled the Jaffna and part of Vanni in the Northeast of Sri Lanka. These experiences were abandoned when Jaffna was lost to the Sri Lankan army. The organisation continues with the state-building project, which is now administrated from Kilinochchi. The LTTE has established de facto administration that includes revenue collection, police and judiciary, public services and economic development programmes. A state apparatus within a state is emerging in Sri Lanka (Stokke, 2006).

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10 The LTTE is also called as Tamil tigers or Tamil rebels.
Analysis: Is a federal solution possible in Sri Lanka?

The previous section studying the Sri Lankan constitution shows that several radical amendments in the constitution were directed against minority groups, particularly against the Tamil population. Instead of uniting all people under a nation, the Sinhalese majority intended to create a Buddhist-Sinhalese state. This was done by giving the religion and the Sinhalese language primary status in the constitution while ignoring other religious beliefs and abrogating the official status of the Tamil language. The establishment of an executive presidency in 1978, with a declined power of the parliament, did not improve the already inflated minority situations. Consequently, an unstable political arena in the centre level worsened the relatively harmony coexistence among the diverse communal societies. A civil war broke out instead in the early 1980s when the state could not provide an equal power-sharing political arrangement for the Tamil people.

The studied post-independence era was a critical and vulnerable period since the Sri Lankan people suddenly forced to find a common “Sri Lankan” identity under a united nation, despite their differences. Dominant political groups provoked, however, the differences between the Sinhalese majority and the Tamil minority for their dirty political gambling instead of promoting a common Sri Lankan identity. Sinhalese nationalism with glory of the historical past was initiated. A state supposed to be a neutral guardian for its country’s citizens but in Sri Lanka case, the civilians, mainly the Tamil people, became victims for the state terror and discrimination.

As outlined in the theoretical section, federalism is a possible solution that enables a peaceful coexistence between diverse communal communities under a democratic pluralistic society. One of the principal characteristics of federalism is that it permits power-sharing and self-rule whilst maintaining a national unity. Furthermore, a consociational democracy is preferable within a pluralistic society compared to a majoritarian democracy. These characteristics are found in the Swiss federalism and to some extend in the Lebanese political arrangements as described in the earlier sections. These are two examples of pluralistic nations that have succeeded to resolve their communal conflicts. These two countries have a lot to lecture Sri Lanka. What can Sri Lanka learn from the Swiss and the Lebanese conflict resolution models?

7.1 Sri Lankan versus Swiss cases

The Swiss case is unique since its federation is combined with non-centralised cantons and a frequent practice of direct democracy. The formation of Swiss nation in the early stage is of interest when it tried to institutionalise the people within the new nation to a common “Swiss” identity. There were frequent frictions between the Radicals (mainly Protestant) and the Conservatives (mainly Catholic) in the early institutionalisation of the Swiss nation. The Radicals advocated for a democracy and a centralised government while the Conservative campaigned for a decentralised rule. The Catholic minority (at the time) feared that their interests would be ignored under a centralised authority and therefore advocated for a federal state. Here we can see some correlations with the Sri Lankan case in the early post-independence period. The Tamil minority feared, similar to the Swiss Catholics against the Radicals (Protestants), that the Sinhalese majority within the unitary state would neglect their interests. For that reason, they advocated for a federal political structure within a national unity. Sri Lanka chose instead a unitary state with unequal power-sharing political ar-
rangement, which eventually forced the Sri Lankan people to suffer a fatal civil war for decades with heavy loss of human lives.

Switzerland, on the other hand, chose a peaceful way where it incorporated all communities under a federal state. Establishment of the Swiss federation with strong cantonal powers enabled different communal groups to coexist. These political structures would not be possible if not for the distinctive constitution that introduced in 1848. The constitution guarantees cantonal autonomy, which allowed cultural diversity within a national unity. One of the characteristics of the Swiss federation is that it has a bicameral lawmaking procedure in the federal assembly. This system enables both chambers to initiate constitutional amendments. A bicameral parliamentary body enables a balance of power since the state cannot impose laws on the cantons without their consent. Furthermore, all constitutional amendments require an obligatory referendum, both from the Swiss people and the cantons. When the constitution for the independence Sri Lankan introduced there were no requirement for an obligatory referendum for constitutional amendments and the minority groups in the country had, however, little inputs in the constitution establishment. When studying the Swiss federalism, the Sri Lankan case may look very dark but there is one important factor that differ these nations. The unity of the Sri Lankan nation was imposed from the outside while the Swiss federation was a voluntary establishment. Accordingly, it was easy to institutionalise a common Swiss identity compare to the Sri Lankan case. The Sri Lankan citizens were, instead, forced to establish a common identity under an imposed unitary state.

7.2 Sri Lankan versus Lebanese cases

This subsection analyses similarities and dissimilarities between the Lebanese and the Sri Lankan problems. A reflection on the Lebanese confessional conflicts makes the Sri Lankan communal conflict more understandable since both of these nations share several common numerators. Both of the countries had been the former colonies of Western powers and liberated themselves in 1940s relatively peacefully. The constitutional arrangements of Lebanon and Sri Lanka at the time of their independence were democratic. The constitution of Lebanon had a consociational political arrangement where majority of confessional sects were included. The Sri Lankan constitution, on the other hand, was based on a Westminster model with majoritian democracy despite its multi-ethnic communities. The post-independence era of the both states were filled with frequent frictions among different communal groups and their major focus was to establish a common national identity. The Lebanese state was more successful with their nation-building process compared to the Sri Lankan state. Why? Why not?

One of the primary reasons for the Lebanese success, first from its independence in 1943 until the civil war in 1975 and second from 1990s, was that it practiced and practices a consociational democracy within a unitary state. This political arrangement differs slightly from the Swiss federalism since Switzerland exercises a consociational democracy within a federal state. Nevertheless, the Lebanese political arrangement was not sustainable since the nation could not be united until a bloody civil war broke out in 1975 that cost many human lives. How could this happen and how did Lebanon resolve the conflict? In short, one of the main explanations was that the Muslim communities were sceptical about the neutrality of the Lebanese state, which they considered to be ruled by the Christians. Accordingly, the Muslim minorities (prior to civil war) were dissatisfied by the disproportion of the power-sharing between them and the Christian minorities. The conflict was, however, more com-
plex than so. Some interesting similarities are worth to analyse closely in order to relate the issues with the Sri Lankan case.

First, historically the Christian communities had developed powerful positions particularly in the Lebanese political arena. The Christians, particularly the Christian Maronites, had traditionally developed closer ties in the Western powers due to their religious relations. It was crucial for the Christian people since they felt threaten as a minority in the Arab-Muslim world. Therefore, it was important for the Christians to build an independent nation with a “Lebanese” national identity without any inference of the Arab world. They had a good opportunity to realise their vision when Lebanon become independent and they had much to win being a majority at the time. The National Pact of 1943 was more favourable towards the Christian community compared to the Muslim community even though its primary goals were to create a justice society within a common Lebanese national identity.

The Muslim communities, on the other hand, could not relate to the claimed Lebanese identity and they were always sceptical towards the Christians as the Christians were towards them. The Muslims sought unity instead among other Arab-states in order to safeguard their interests. Like the Lebanese Muslims, the Sri Lankan Tamil (Hindus) had always sought directly or indirectly ties with the Tamils in the Tamil Nadu in south India mainly because of their minority status. During the post-independence period, the Sri Lankan Tamils were careful not to directly involve the Tamils from the Tamil Nadu. Since their primary goals were and still are to live within Sri Lanka, which has been their home for centuries. The Sri Lankan Tamils have no intension to be united with the Tamils in the Tamil Nadu. Nonetheless, the Sinhalese had and still has fear of the Tamil dominance being regionally majority despite their national majority status.

The Sinhalese majority were determined to establish a unitary state in fear of the Tamils’ regionally dominance similar to the Lebanese Christians’ strong commitment to create unitary Lebanese state in fear of the regionally majority Muslims. The Sinhalese legitimated by the majoritarian democracy under the Westminster model to claim their rights over the Tamil minority. Political strategies, which the Lebanese Christians and the Sri Lankan Sinhalese practiced, did not last long before both countries paved the way into a fatal civil war. Since both the Lebanese Muslims and the Sri Lankan Tamils were denied equal opportunities of power-sharing with the majority group within their respective nations. Neither of the latter groups considered their respective nations being neutral towards them since both groups experienced unequal treatments and opportunities in political, social, economical and educational fields. Furthermore, the latter groups were not easily convinced to build a common nation, which the respective majority group was eager to create in order to safeguard their own interests. Previous discussion gives, nonetheless, a very simplified picture of communal conflicts in Lebanon and Sri Lanka but these similarities cannot be ignored.

There is a significant principal difference between the Lebanese and the Sri Lanka political structures that separate these two nations as mentioned earlier. Despite it mistakes, the Lebanese state has always tried to incorporate all community groups within its political powers by a consociational arrangement, compared to the Sri Lankan state. The Lebanese constitution of 1926 had already a consociational political deal, which enabled power-sharing among the main confessional groups. Significant issues modified in the National pact of 1943, which were not included in the constitution of 1926. The major changes took place in the Taif Accord in 1989 that finally put an end on the civil war that had lasted about fifteen years. One of the major compromises in the latter agreement was that there is a redistribution of power from the Christians to the Muslims. The political arrangements during the history show that the Lebanese state was and is determined to reduce its confes-
sional conflicts by modifying the constitution according to the demographic and social changes in the country. The Sri Lankan state, on the other hand, was and still is less willing to change its political structures. Sadly, ethnic differences were highlighted and promoted by dominant political actors in the post-independence era on the behalf of their political gamble.

7.3 Can a federal arrangement solve the Sri Lankan conflict?

Studying both Swiss and Lebanese political models in comparison with Sri Lanka show that, Sri Lanka could have avoided the civil war if the country chose an equal power-sharing political structure for its ethnic communities. Learning from its past mistakes, what should Sri Lankan do now? A federal solution with consociational political arrangements appears to be a possible resolution for the current political and ethnic conflict in Sri Lanka. Why? One significant question is needed to be answered before analysing the latter question.

Do the Tamil speaking people (hereafter will be refer to Tamils or Tamil people) deserve self-determination? Concept of ethnicity is not easy to define as we saw in the theoretical section and this is very true in the Tamil case in Sri Lanka. The major common identity that the Tamil people share is their mother tongue, the Tamil language. As we saw earlier, it is not easy to make generalization about what is the “Tamil” since Tamil society is geographically, socially, religiously, and politically fragmented. Nevertheless, the Tamils had tried and are trying to unite them based on the common language, which was or is not an easy task. For instance, the Tamil Muslims, in particular, distinguish themselves based on their religion, Islam. Despite internal diversities, the Tamils (except the Indian Tamils) have a significant factor that may unite them. A majority of the Tamils (see the dark areas on the map in appendix 4) has been traditionally concentrated in the Northeast provinces and hence these areas had been their home for centuries. Furthermore, these provinces were historically ruled by Tamil kings and consequently the Tamils were used to govern their own territory.

The Tamil people fit into the Kymlicka’s description of national minorities. They had developed their cultures within self-governing regional powers and there are historical evidences that show that there was a Tamil kingdom prior to the arrival of the Western colonial powers. Kymlicka’s arguments is that a state should provide group-specific rights to national minorities to protect their distinguish cultures. One of the arguments for group-specific rights is a history-based argument, which is related to previous sovereignty, treaties, or other historical contracts.

One of the strongest arguments why the Tamil people deserve self-determination is that they have traditionally habituated the Northeast provinces in Sri Lanka and consider these areas as their home. Moreover, they are the majority group within these provinces. Some might argue that civilisation is a dynamic process, which implies that people have to adapt according to the changes in the society they live. It cannot be claimed that the Tamil people vision about the glory of the historical past. On the contrary, they want to adapt to the changes and to participate and contribute their share in the society. The Sri Lankan state does not provide the Tamils the same opportunities that are provided for the Sinhalese majority and allow them to decide their own destiny as a Sri Lankan citizen. Therefore, the Tamils have chosen their historical rights to achieve fundamental rights as an individual and as an ethnic Tamil. They demand the rights to decide their own issues within self-governed territory fearing that they are a minority within a unitary state, which easily outvote their interests.
A federal solution might be the only possible resolution that both communal groups could agree on or willing to accept. The Tamils are unlikely to accept a solution under a unitary state. At the current situation, the LTTE controls nearly 70 per cent of the Tamil’s traditional homeland and, hence, has built a quasi-state with important institutions. It is very unlikely that the Tamils will step down what they have achieved through the armed struggle. In the present situation, the Tamils are in favourable position than they were in the early post-independence era and therefore they may not accept an unequal political power-sharing.

Why may a federal solution be the only possible solution for a long-lasting peace in Sri Lanka? Look at a simplified model of current conflict situation, which is shown in table 7.1. The Sri Lankan state (ruled by the Sinhalese) insists on a solution for the political and ethnic conflict within a unitary state with a centralised government. While the Tamils (the LTTE representing majority of the Tamils) demand an independence Tamil state, called Tamil Eelam. These two political arrangements may not be sustainable since majority of the Sri Lanka people may not coexist in harmony in the long run. Above stated political arrangements might further inflate nationalism from the both sides. A possible solution that could satisfy both these groups may be a middle negotiable settlement as shown in table 7.2.

| Table 7.1 Barriers for conflict resolution based on different communal groups |
|------------------|----------------|----------------|----------------|----------------|----------------|
|                  | Unitary state | Tamil Eelam   | Federal state | Sinhalese nationalism | Tamil nationalism | Find a common Sri Lankan identity |
| Sinhalese        | +             | _             | +/-           | +                | _              | +/-             |
| Tamils           | _             | +             | +/-           | _                | +              | +/-             |

| Table 7.2 Possibilities for a compromised conflict resolution in Sri Lanka |
|------------------|----------------|----------------|----------------|----------------|
|                  | Federal state | A bicameral parliamentary body | Non-nationalism | Find a common Sri Lankan identity | Secular state |
| Sinhalese & Tamils | +             | +             | +             | +/-           | +             |

First, as observed in the table 7.2, a solution within a federal state could probably create a long-lasting peace in Sri Lanka where both involved parties can find a negotiable settlement. A bicameral parliamentary body, as with the Swiss case, may be needed in order to find a balance of power between different ethnic groups in Sri Lanka and furthermore to prevent central authority to impose laws on the regional levels. As mentioned previously, Sri Lanka experienced uncontrolled constitutional amendments in the post-independence period, which had devastating impacts on the island. Therefore, a settlement of a bicameral parliamentary body could prevent any unrestrained law-makings, which in particular have negative consequences on minority groups.

Second, neither Sinhalese nor Tamil nationalism is preferable for the already war-torn nation. Hence, there is needed to create a common Sri Lankan identity. A common unification is crucial to create a long-lasting peace in Sri Lanka since long-distance among differ-
ent ethnic groups easily initiate less compassion and solidarity, which is the case in the current conflict. Majority of the Sinhalese people do have less understanding and solidarity to the suffering of the Tamil people, which cannot often be blamed since they do have less interaction with the Tamils in the Northeast provinces. Therefore, the Sri Lankan civil society should play a major role promoting different ethnic and religious groups on the island to integrate with each other. This type of integration may eventually lead to find a common Sri Lankan identity based on non-religious or ethnicity or at least create an increased tolerance and solidarity among different ethnic groups on the island. One way to promote integration among the Sinhalese and the Tamils is to promote a non-secular school system where both the Sinhalese and the Tamil children learn each culture without prejudices. This is not the case in the current Sri Lankan school system. Furthermore, children from the both communities should be promoted to integrate with each other in the early ages.

Third, a harmonious society cannot be achieved if the Sri Lankan state promotes Sinhalese nationalism by providing a primary place for the Buddhism in the constitution. A pluralistic democratic society cannot be based on any religious beliefs or ethnicity since this only initiate political instability and nationalism. The Sri Lankan constitution should promote a secular state instead of a Buddhist state. The religious issues in Sri Lanka can be claimed to be a political gambling rather than religious intolerance if one studies the close relationship between Buddhism and Hinduism. The major religions in Sri Lanka, Buddhism and Hinduism, are known for its religious tolerance since both of these religions do not promote missionaries as the way Christianity and Islam do. Furthermore, Buddhism is originated from Hinduism since Buddha who founded the Buddhism was a Hindu. Nevertheless, both these religions do still share several common fundamental issues such as non-violence, religious tolerance and vegetarian diet. What may be clear in the Sri Lankan case is that religions are used as a tool for the political strategy in order to widen and highlight differences among the Sinhalese and the Tamil people in the post-independence era.

Finally, the possible arrangements in the table 7.2 may look too optimistic since the current situations are not promising since the Sri Lanka state and the LTTE have not found a common ground to solve the conflict. The international community tends to be biased on the Sri Lankan conflict since it supports the Sri Lankan state while proscribing the LTTE as a terrorist organisation. Therefore, the international community should treat the both involved parties equal if a long-lasting peace is to be achieved on the island. Can the war-torn island in the Indian Ocean enjoy a long-lasting peace? Yes, if there is a political willingness from the Sri Lankan and international actors?
8 Discussion

The purpose of this thesis is to study whether Sri Lanka could have avoided the civil war, if changes in the constitution, from 1948-1978, provided a political structure that guaranteed the minority rights. Furthermore, the thesis studies if the Swiss and the Lebanese models can provide any directives for the Sri Lankan conflict.

One of the findings from this thesis is that Sri Lanka may have established a peaceful nation if it promoted a common “Sri Lankan” identity instead of neglecting and discriminating the minority groups particularly the Tamils through unfavourable constitutional changes. Moreover, political stability among different ethnic groups could possibly be achieved if Sri Lanka was a federal state. Is a federal solution realistic in Sri Lanka as discussed in the section seven?

The current political situation in Sri Lanka is very pessimistic where the island seems to pave the way to another deadly civil war. Because the Sri Lankan government and the LTTE have not found any common conflict resolution models that can satisfy their demands. The current Sri Lankan government is not ready to solve the Tamil issue under a federal state fearing that the nation may be divided. The reality is that the Tamils in the Northeast provinces are already building a quasi-state within the Sri Lankan state. Therefore, there might not be any other options left for the Sri Lankan state unless accepting the Tamil people’s desire for the self-determination at least within a federal state. This settlement is more favourable in a pluralistic society such as Sri Lanka.

Can the political arrangements of the Swiss and Lebanese models be practical in the Sri Lankan case? Sri Lanka has not established a basic model of a federal state yet and therefore an advanced federal state model such as the Swiss federalism combined with consociational democracy is not realistic in the current situation. The Lebanese model appears also rather unrealistic in the Sri Lankan case. There are possibilities that some fragments of both these model could be implemented in the Sri Lankan case such as a bicameral parliamentary body and a secular political settlement.

Lastly, the international community does not appear to promote peace in Sri Lanka in an unbiased manner. How can a long-lasting conflict resolution be possible if the international community chooses to support the Sri Lankan state and proscribes the LTTE as a terrorist group?
References


**Governmental documents**


**Internet resources**


Appendix

Appendix 1 Changes in parliamentary seats, 1947-2006

<table>
<thead>
<tr>
<th>Year</th>
<th>Parliamentary seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>1931-1947</td>
<td>101 members</td>
</tr>
<tr>
<td>1947-1972</td>
<td>157 members</td>
</tr>
<tr>
<td>1972-1978</td>
<td>168 members</td>
</tr>
<tr>
<td>1978-2006</td>
<td>225 members</td>
</tr>
</tbody>
</table>


Appendix 2 Relative size of Lebanese confessional communities according to 1932 census

<table>
<thead>
<tr>
<th>Communities</th>
<th>Population in number</th>
<th>Population in per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maronites</td>
<td>227,800</td>
<td>28.7</td>
</tr>
<tr>
<td>Greek Orthodox</td>
<td>77,312</td>
<td>9.7</td>
</tr>
<tr>
<td>Greek Catholics</td>
<td>46,709</td>
<td>5.9</td>
</tr>
<tr>
<td>Other Christians</td>
<td>44,925</td>
<td>5.7</td>
</tr>
<tr>
<td>Sunnis</td>
<td>178,130</td>
<td>22.4</td>
</tr>
<tr>
<td>Shii</td>
<td>155,035</td>
<td>19.6</td>
</tr>
<tr>
<td>Druzes</td>
<td>53,334</td>
<td>6.7</td>
</tr>
<tr>
<td>Others</td>
<td>10,181</td>
<td>1.3</td>
</tr>
<tr>
<td>Total</td>
<td>793,426</td>
<td>100</td>
</tr>
</tbody>
</table>

Appendix 3 Changes in population among different ethnic groups due to Sinhalese settlements

| Ethnic groups | Northern region | | | | Eastern region | | | |
|---------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| (Sri Lankan)  |                 |                 |                 |                 |                 |                 |                 |                 |
| Tamils        | 531,722 (93.2%) | 1,023,228 (92.1%) | 491,506         | 92 (47.4%)      | 411,451         | 243,563         | 145 (25%)       |                 |
| Sinhalese     | 13,393 (2.4%)   | 33,148 (3%)     | 19,215          | 137 (13.1%)     | 243,358         | 196,978         | 425 (25%)       |                 |
| (Tamil) Muslims | 20,117 (3.6%) | 52,638 (4.8%) | 32,521          | 162 (37.7%)     | 315,201         | 181,791         | 136 (32.3%)     |                 |
| Other         | 4,878 (0.8%)    | 2,223 (0.002%)  | 2,455           | 50 (1.8%)       | 6,465           | 133             | 2 (0.007%)      |                 |
| Total         | 570,650 (100%)  | 1,112,437 (100%) | 540,788         | 94 (100%)       | 976,475         | 622,466         | 175 (100%)      |                 |

Appendix 4 The map of Tamil Eelam