

# NOTES AND COMMENTS

## A Consociational Approach: New Voices

One extremely unpleasant aspect of the current conjuncture of Sri Lanka's politics is the re-ascendance of intolerance in the political debate. Our republic has a President who, either out of sheer ignorance or false tacticality, has been repeating at public fora, a conceptual discovery made sometime ago by extreme Sinhala racists: 'there is no ethnic question in Sri Lanka, but only a terrorist problem.' Colombo's mainstream press has also found it perhaps more profitable — economically and politically — to give prominence to the Sinhalese war lobby, and to portray the human rights community in demonic terms. Half-truths, outright lies, distortions and innuendos were rampant in August when the idea of UN mediation was interpreted as US military intervention and the advocates of UN mediation were branded as lackeys of American imperialists. It was as if we were in an age of unreason and intolerance.

A redeeming feature of this otherwise gloomy intellectual climate is the appearance, almost simultaneously, of three papers arguing for a Consociational democratic solution for Sri Lanka's ethnic crisis. Professor Lakshman Marasinghe's essay — "A Case for Consociational Democracy for Sri Lanka" — appeared in the *Sunday Observer* of September 12. A paper jointly prepared by Drs. Navaratne Bandara and Sumanasiri Liyanage of Peradeniya University is scheduled to be discussed at the Ceylon Studies Seminar. The title of their paper is "The Consociational Democratic Solution to the Sri Lankan Ethnic Conflict." The third paper, "Ethnic Strife in Sri Lanka: The Politics of Space", is written by Professor A. J. Wilson and published in an international journal called *Regional Politics and Policy* (Spring 1993).

It needs to be noted that these interventions are being made at a time when a new discussion, though at a low-key level, is taking place on constitutional reforms. The constitutional debate, which received a new lease of life in the aftermath of President Premadasa's sudden demise in May, does not seem to be attracting much public enthusiasm. The government's appointment of a Minister for constitutional affairs and a parliamentary select committee on constitutional reforms has also been greeted by the public with skepticism, primarily due to the half-hearted attitude of the Wijetunge administration to serious re-thinking on constitutional changes. It is also obvious that the Wijetunge regime is deeply divided on the question of constitutional reforms. What President Wijetunge himself has uttered in public — "there is no

ethnic question, but only a terrorist question" — does not lead one to believe that he has any deep-felt commitment to alter the present constitutional structure of Sri Lanka. He would perhaps prefer minor changes in the Presidential system and no more. Even minor changes to the Presidential system are likely to be resisted by a powerful group in the government which, according to what the opposition press has been disclosing, includes Prime Minister Ranil Wickramasinghe and the UNP old guard.

Despite the government's dilly-dallying with the question of constitutional reforms, the discussion on preferred or desirable changes has been taking place at least among academics. The Colombo University took the initiative through its Centre for Policy Research and Analysis. A series of essays written by researchers at the Centre and published in the Sunday press dealt with a wide range of issues, from the Presidential system to the MPs right to vote according to conscience. The Law and Society Trust and the Organization of Professional Associations have also initiated public fora on constitutional reforms. Meanwhile, the Movement for Interracial Justice and Equality (MIRJE) is finalizing a constitutional document which would soon be presented to the public. The discussion, at least, is alive.

To return to "consociationalism", the concept was developed by the Dutch political philosopher Arendt Lijphart in a number of essays which he wrote in the 1970s. This was a conceptual response to the limitations of majoritarian democracy which has, particularly in deeply-divided multi-ethnic societies, led to a status of ethnic-majority dominance in politics. Lijphart advocated federalism and consociational democracy as solutions to these problems of plural societies. Consociational democracy, Lijphart argued, should rest on four cardinal principles:

- i. There should exist a grand coalition among leaders of various ethnic groups, which should, in turn, bring together all ethnic groups in the country.
- ii. The grand ethnic coalition must rule under a principle called the "Concurrent Majority" or "Mutual Veto." The purpose of this principle is to enable each ethnic group in the coalition to agree to any public policy matter effecting them as a separate and distinct unit. This principle is expected to minimize, if not eliminate, conflicts among the partners of the coalition.
- iii. There should be an electoral system which is thoroughly representative of the people.



- iv. Power should be devolved to the maximum possible extent.

The revival of recent academic interest in the concept of consociational democracy has largely occurred in the literature on 'conflict management'. The Conflict management paradigm, evolved in the early 1970's, was also a response to the recognition that maximalist solutions to ethnic questions (cessession, ethnic cleansing, for example) were thoroughly impractical. The essence of the conflict management paradigm is that ethnically divided societies should find 'solutions' by living with and accommodating existing ethnic cleavages, rather than by trying to either eliminate or ignore them.

Although Marasinghe accepts the system of consociational democracy as suitable in neutralising ideological, inter-personal and ethnic conflicts, he does not propose details. Whereas Navaratne and Liyanage make the following proposals:

- i. Establishment of a system of power-sharing either by fully implementing the existing devolutionary package and by enhancing the powers of the provincial councils, or by a governmental system similar to the Indian system of federalism, as proposed by the Moonesinghe committee.
- ii. "Devolution of power" or "territorial autonomy" should be the central focus of "any amicable settlement."
- iii. Introduction of a 'consociational system' in the North-East, enabling all three ethnic communities in the region to share the executive power in rotation. In such a power-sharing scheme, senior offices in the provincial administration (the Governor, the Chief Minister, and the Chairman of the Council) can be held on an alternate basis by representatives of the three ethnic groups. Similarly, the executive (Ministerial) positions of the provincial government may also be shared by the three ethnic groups on the basis of proportionality.
- iv. Setting up of a power-sharing scheme for the central government. Navaratne and Liyanage argue for a cabinet, in lieu of the Presidential system of government, as having the structure best capable of providing a consociational scheme. In this system, if the Prime Minister is a Sinhalese, a position of Deputy Prime Minister could be allocated to the Tamil community and the position of the Speaker of Parliament to the Muslim community.
- v. Reforming of the existing PR system, giving the members of parliament the right to cross-over.

- vi. Creation of a Constitutional Council to ensure that executive and legislative actions would not harm ethnic relations.

These are still broad ideas that need precision. The essence, nevertheless, of a consociational approach is that ethnic/political leaders should make rational calculations about the nature, consequences and the management of the conflict. Consociationalism is thus essentially a conflict-management enterprise which starts with the assumption that political reforms, mutually agreed upon by leaders, should reflect a 'rational choice' approach to conflicts. As Donald Horowitz notes, the thrust of this and similar approaches is that "leaders need not wait for inexorable social processes to do their work, but can have an impact on conflict despite hostile attitudes."

The grand ethnic coalition, as envisaged in the consociational model, requires the commitment to a polity that should bring about ethnic justice. This is where the rational choice approach to conflict management brings into focus the normative standards and ethical bases of the new polity. The rational choice of conflict management cannot conceivably be based on economic calculations alone. Normative and ethical calculations are also essential in such a 'rational' scheme so that ethnic grievances that had earlier created conflict would not be repeated, thereby jeopardizing the entire consociational enterprise.

In the Sri Lankan political and constitutional debate, normative/moral issues involved in conflicts as well as in contemplated solutions are rarely acknowledged and recognized. Sri Lanka is not an exception. As Allen Buchanan points out in his recently published book *Secession, The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*, although ethnic separatism is one of the foremost themes in the politics of the modern world, no attempts have been made by scholars to examine the ethical bases of the claims to separation. The failure to acknowledge the moral claims to separation can obviously make our attempts towards solutions too devoid of necessary normative and moral convictions. Because, the conflict reconciliation attempts in deeply divided societies like ours require the creation of new bases for political re-union for the majority and minority communities. The peace and conflict resolution task in many societies today involves the persuasion of communities for re-association with a polity which they have chosen, rightly or wrongly (and rightly from their moral standards), to dissociate with. Constitutional engineering alone would not suffice to assume the responsibility of re-creating political associations called the states.



## Parties Under Judgement

Sri Lanka's proportional system of electoral representation continues to be a major theme in the political debate. Introduced in 1978, the PR system has been amended a number of times, as its many opponents claim, to help the ruling UNP. It is, however, inaccurate to suggest that the Opposition has suffered singularly due to the PR system. The Opposition's rather strong representation in the present parliament and in many provincial and local bodies would not have been possible under the previous first-past-the post-system.

A significantly novel feature of the PR system is the right of the MPs to challenge, before the Supreme Court, their expulsion from the party on whose ticket they are elected. The rationale for this facility for judicial redress emanates from another feature of Sri Lanka's PR system: if a member is expelled from the party, he/she will in effect lose the elected office. Once expelled, members can challenge the validity or legality of the expulsion from the party. It is this facility that Messrs. Athulathmudali and Dissanayake utilized, though unsuccessfully, when they were sacked from Mr. Premadasa's UNP in 1990.

The latest episode of judicial pronouncement over the sacking of an MP concerns Mr. Tilak Karunaratne whose expulsion from the Sri Lanka Freedom Party has now been invalidated by the Supreme Court. Karunaratne, a leading spokesman of the ultra-nationalist wing of the SLFP, has been a prominent critic of the Sirimavo-Chandrika faction of the SLFP. His expulsion also had another political dimension, with regard to internal factional struggles of the Freedom Party. Karunaratne was and is a close associate of Anura Bandaranaike, Mrs. Bandaranaike's offspring as well as contender for party leadership. The Sirimavo-Chandrika faction engineered the expulsion of Karunaratne in their first strategic move to attack and weaken the Anura group.

The Supreme Court judgement on Karunaratne's expulsion, delivered on August 27, is the legal sequel to the political quarrel between the two factions of the SLFP. While allowing the application of Karunaratne, the observations made by the Court in its majority decision has far reaching implications for the internal political relations of the party, the leadership of which the two Bandaranaike siblings — Chandrika and Anura — are tussling in a mutually destructive battle. Consider, for example, the following excerpts of the judgement delivered by Justice Dheeraratne:

The petitioner firmly and honestly believes that all maladies afflicting his party, which is committed to the ideals of democracy, spring from the failure to hold party elections since 1986. He may be right in his opinion; or he may be wrong; but that does not concern this court. The party constitution stipulates

holding annual elections for the party organizations and the leadership is bound, as far as the membership is concerned, to hold such elections annually or within a reasonable period determined by the central committee. No meetings of the executive committee or the all-island committee were summoned and thus the petitioner was deprived of the opportunity of placing his views before those committees.

The judge concluded that in those circumstances Tilak Karunaratne's statements—which the SLFP hierarchy found to constitute a breach of party discipline—were “justified as having been made in the exercise of his freedom of speech, guaranteed under the constitution.”

This is in fact not the first time that the question of “internal party democracy” came before judicial consideration. In their pleas justifying the move to impeach President Premadasa, Athulathmudali and his fellow UNP dissidents argued that the lack of party democracy necessitated them to work secretly to remove their leader from office. The court, however, did not act on this explanation. Instead, Athulathmudali, himself a leading lawyer, was found by the court to have violated the norms of cabinet government and collective responsibility. The judiciary's reluctance to deal with the problem of internal party democracy in this particular instance now stands in contrast with the apparent change of judicial attitudes towards party politics, as demonstrated in the Tilak Karunaratne case.

The issue of party democracy, meanwhile, is arising in a new context which is not yet adequately appreciated by political leaders. The imposition of rigid frameworks of party discipline on members—a legacy of both Westminsterian democracy and of Bolshevik ‘democratic centralism’—is obviously an anachronism, because in today's politics, most parties are not homogenous and monolithic bodies with strictly defined ideological agendas. Parties, at best, are heterogenous entities in which many competing and even conflicting interests — economic, social, cultural, ideological, generational etc., — attempt to co-exist. Political parties today are generally alliances of multiple power blocs which are, in a way, a reflection of the fact that societies are constituted by large numbers of fragmented and inarticulate power blocs. Thus, political parties tend to be characterized by factions. The issue at hand is whether party leaders are willing to accommodate this trend in party politics. The experience in Sri Lanka—particularly of the UNP and the SLFP—is that factions are not accommodated; they are instead persecuted and suppressed, and ultimately expelled. In the process, party leaders as well those who are in factions waste most of their energies and resources in self-destructive factional struggles; the SLFP provides the classic example. Questions of ‘party discipline’ and ‘party democracy’ are then mere slogans that hide an enormously important facet of our contemporary political life.



To illustrate the point, let us take the case of the SLFP. Anura Bandaranaike, Tilak Karunaratne and their 'dissident' colleagues in the SLFP parliamentary group represent a wholly new stratum of an urban-based economic and political elite, whose ascendance has largely occurred during the post-1977 regime of 'open economy.' They are not social children of the '1956 Revolution', although in their factional and mobilizational politics they use the ideology of extreme Sinhala racism, thereby claiming to represent the legacy of 1956. The problem with the SLFP is that as a party it cannot accommodate this new elite group, primarily because the party does not have necessary structures, programmatic as well as organizational, through which to bring them in. Hence the factional fighting which is euphemistically called one for 'democracy' and 'party unity.'

Atul Kohli's recent book, *Democracy and Discontent: India's Growing Crisis of Governability* (Cambridge University Press, 1990), provides some useful insights into problems which almost all South Asian polities are beset with. The central thesis of his book is that India's governability has reached a crisis and the political order has broken down putting into question the future capacity of the Indian state to govern. In his wide-ranging discussion on the contemporary 'political incoherence' of India, Kohli also points to the corrosion of authority and cohesion traditionally vested in political structures and institutions. "Increasing power struggles in society and a highly factionalized elite", Kohli thinks, "have provided a combustible political mixture that ignites periodically." Kohli's comments on the recent decline of the Congress party have a typically Sri Lankan resonance. After discussing the emergence of new power struggles in society, Kohli writes:

These power struggles have also been difficult to accommodate within the framework of the Congress party, especially because the party has consistently been weakened from the top during this period. Instead of allowing such conflicts to evolve to some democratic resolution, Indira Gandhi (read Ranasinghe Premadasa or Sirimavo Bandaranaike—Editor) sought to ensure her control over the party by appointing those loyal to her positions of power. Organizational decline within the Congress party and the many power disputes have both contributed to the erosion of established patterns of local authority. Barring a few exceptions, new institutional patterns of authority have not emerged. The institutional vacuum in the periphery, in turn, helps explain a number of political trends, including coalitional instability and substantial fluctuations in the "political mood" and thus in electoral outcomes, ineffective local government, and the emergence of personal rule, often with ruffians as de facto local leaders.... Weak political parties... have ceased

functioning as arenas for accommodation and resolution of conflict (p. 15).

To add to Kohli's excellent diagnosis of the problem of governance in our societies is the decline of political parties as institutions of representative democracy. Most parties in South Asia have now become entities of entrenched interests, thereby ceasing to function as democratic organs of interest representation for wide sections in society. When families, clans and small groups, who are bonded by sheer desire to be in power, control political parties, they become anomalous (is this the word?) with the increasingly defused nature of power in society.

## When Caste Matters

What is the significance of caste in the life of a Sri Lankan today? Confronted by this question, different people will give varying answers. Some would say that the caste factor is fast disappearing, if not completely disappeared. Many Sinhalese would say that although caste still remains a major facet in Tamil society, in Sinhalese society it has lost its relevance. Meanwhile, sociologists and anthropologists may not give a clear answer, because they have not in recent years studied the theme of Sri Lankan caste, except as an issue marginal to their central concerns of ethnicity and identity politics.

Caste, nevertheless, appears and re-appears in public discourse in its own way. In politics, as it is in marriage, caste seems to be a perennial presence. The following, for example, is taken from the political column of a Sunday English newspaper:

Unrest is reported in the UNP following the new cabinet changes brought about by President Wijetunga. Sources say that there is concern being expressed in the sudden catapulting of some backbenchers as subject ministers. Some Southerners are reported to be alleging KGB (Kandyana Govigama Buddhist) forces coming into play.

A Southern Coastline MP exploding against a senior minister from the hills and another Southern MP telling a newly appointed subject minister in the presence of a journalist in the parliament lobby that the KGB was at work is evidence of this feeling running through the UNP ranks....

Another Southern MP was complaining that while there were four cabinet ministers from the Western Province, the Southern Province had only one (*The Island*, August 29, 1993).

De-coding some expressions used in this quote is called for. The word "Southerner" as used in this context has both regional and caste connotations. Caste connotations



are subtler: a Southerner can be both a low country govigama and a non-govigama. "A Southern Coastline MP" can for all probability mean an MP belonging to the karawa caste. Caste and regional factors are intertwined (so nicely)?.

Not so nice are the political implications of caste-region linkage. First of all, they imply that political choices are made or unmade according to petty and parochial loyalties. Secondly, increasingly strong caste and regional identities in politics, as the above report indicates, give a rather queer meaning to the whole notion of pluralism in politics. Democratic pluralism, we always profess, should accommodate, and give representation to, multiple constituencies that make up societies; yet can caste-ism and regionalism legitimately claim to be components of any 'pluralism'?

This is a complex problem in societies where seemingly pre-capitalist structures of hierarchy are reproduced in political, social and ideological relations. In India, the doctrine of positive discrimination was incorporated into the Constitution and public policy, as a part of the utilitarian welfarist policy of the Congress.

The important point, however, is that the new men and women who think and practice politics in caste and regional terms are not feudal or pre-capitalist elements; these are 'modern' men and women in the sense that they are urbanite sophisticates. They are also modern in the sense that they are actors in an intense competition over the question: who gets what?

To return to the *Island* report cited above, the sanitized language it has used to refer to caste indicates a fascinating aspect of how the Sinhalese society deals with caste: in the public domain, caste remains largely a secret culture. One is not supposed to acknowledge in public that it matters. Caste dimensions of political decisions, for example, are discussed primarily in private conversations, and as a rule, among persons who belong to the same caste group. When a cabinet reshuffle is effected, it is only in rumours and private conversations that caste explanations of who has got what is scrutinized and analyzed. The *Island* report is a public re-statement of such a private conversation.

This paradigm of private culture of caste in Sri Lanka stands in sharp contrast to the utterly public character of caste in India. There, political and social movements with caste bases are explicit about their caste affiliations and identities. India, unlike Sri Lanka, does not publicly deny — or disacknowledge — caste.

The public denial of caste in Sri Lanka has produced its own dialectic; denial in this instance has affirmed what it denies. When Mr. J. R. Jayawerdene as President claimed at public meetings, pointing to his Prime Minister, that caste had no place in the UNP, he was in fact affirming that caste did actually exist. And Mr. Premadasa had to suffer the ignominy of being the President of the Republic to experience that caste — after sixty years of universal franchise, social welfarism, socialism and representative democracy — still mattered a lot in Sri Lankan politics and society. **P**

The final obstacle to freedom of expression in our countries has more to do with the public than the press. In spite of what the newspapers reveal, there are too many people who either cannot read, do not read, read but do not understand or, worst of all, read and understand only too well but do nothing about what they have read. Where their copy does not do a subject justice, or adequately explain the facts, journalists must bear the responsibility. But human behaviour, particularly *en masse* does not always obey rational laws, as the easy support obtained by so many demagogues over the centuries demonstrates. History, patriotism, religion and the memory of ancient conflicts still have more power to move people than all the information the press can offer. It is highly unlikely that more and better information would have prevented the internal tensions in Yugoslavia from exploding.

Homero Alsina Thevenet  
in **Notes from a Pessimist**  
(curtesy *Index on Censorship*)