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Post-Conflict Reconstruction in Sri Lanka and Cyprus: Avoiding a Stalemate

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Abstract

By comparing the post-conflict reconstruction patterns of Cyprus and Sri Lanka, it is possible to evaluate what was or was not effective in the Cyprus case and how these lessons may be applied to Sri Lanka. Considering the underlying similarities of the two islands' respective conflicts, the focus determining the best course of action for Sri Lanka, so that it does not face the same stalemate situation as Cyprus. The recommended policy contrasts with the consociationalist models proposed for Cyprus, and is instead based on the unique Basque model of autonomy.

List of Acronyms

AKEL   Progressive Party of the Working People

CMEV   Center for Monitoring Election Violence

CNTIC   China National Technical Import and Export Corporation

EOKA   National Organization of Cypriot Fighters

ETA   Euskadi Ta Askatasuna

EU   European Union

FPP   First-past-the-post

HSZ   High Security Zones

ICCPR   International Covenant on Civil and Political Rights (ICCPR)

ICESCR   International Covenant on Economic, Social and Cultural Rights

ICG   International Crisis Group

IDMC   International Displacement Monitoring Center

IDP   Internally Displaced Person(s)

IPKF   Indian Peace Keeping Force

JICA   Japan International Cooperation Agency

LAA   Land Acquisition Act

LTTE   Liberation Tigers of Tamil Eelam

NATO   North-Atlantic Treaty Organization

NFRR   National Framework for Relief, Rehabilitation and Reconciliation

NIRP   National Involuntary Resettlement Policy

OPEC   Organization of Petroleum Exporting Countries

PAFFEL   People's Action for Free and Fair Elections

PR	Proportional Representation
PSO	Public Security Ordinance
PTA	Prevention of Terrorism Act
SAARC	South Asian Association for Regional Cooperation
SEZ	Special Economic Zone
TMT	Turkish Resistance Organization
TNA	Tamil National Alliance
TRNC	Turkish Republic of Northern Cyprus
TULF	Tamil United Liberation Front
UN	United Nations
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNP	United National Party
UPFA	United People's Freedom Alliance

Chapter One: Goals

Over 200 wars were fought in the second half of the twentieth century – most of which were civil wars. Once a state emerges from civil war, is primary focus is to implement measures to prevent another. After all, 36 percent of states that experienced a civil war would experience a second or a third. The bitterness of civil wars and the resultant physical destruction impairs socio-economic development and undermines human dignity. Therefore, the prevention of future conflict depends on a clear comparison between and understanding of the roots of the original conflict and current post-conflict conditions.

Sri Lanka

The Sri Lankan Civil War lasted 26 years and was primarily an inter-ethnic conflict between the Tamils and the Sinhalese. Over this period, approximately 80,000 lives have been lost to the war. In the early 1980s, the largest ethnic groups were the Sinhalese (74 percent of the population), Northeastern Tamils (13 percent), Muslims (7 percent), and Upcountry Tamils (6 percent). During the following 2 decades, the demographics changed dramatically such that the 2001 government census revealed that Sinhalese constituted 82 percent of the population, whereas Tamils and Sri Lankan Moors made up 9.4 and 7.9 percent respectively (Department

of Census and Statistics – Sri Lanka, 2001); this change may have been an effect of the mass exodus of minority groups from Sri Lanka. Although the Sri Lankan army defeated the main secessionist group, the Liberation Tigers of Tamil Eelam (LTTE), the underlying frustrations that sparked the conflict still remain.

The civil war has had a palpable negative impact on the Sri Lankan economy, and a recurrence of the conflict would be immensely detrimental to the country's development. During the early stages of the conflict, Sri Lanka was performing relatively well: "The ratio of investment to GDP rose from 14 percent in 1977 to 31 percent in 1982… and annual real GDP growth averaged 6.5 percent from 1977 to 1984" (Morris and Gnanaselvam 1993, 396). However, Sri Lanka was - and continues to be - deeply in debt in order to fund its defense expenditure, to the extent that its "total long-term debt service payments exceeded 20 percent of exports by 1987" (ibid. 404), notwithstanding an inflation rate above 20 percent in the early 1990s. The state's public debt load is an astounding 86 percent of GDP (U.S. Dept. of State, 2010). Despite boasting a 91 percent literacy rate and a life expectancy of 75 years, 15 percent of the 21.3 million Sri Lankan citizens are impoverished (ibid.). Although Sri Lanka has experienced an average economic growth rate of approximately 4.5 percent since independence, it must achieve growth rates of 7-8 percent as well as an investment ratio of 30 percent of GDP (as opposed to the current average of 25 percent) to experience a fall in unemployment and poverty (ibid.).

One significant concern expressed by Tamil leaders is their exclusion from political power (Sriskandarajah 2005, 344). At one point there was a rumor that Tamils held up to 60 percent of all government posts in the years immediately following independence (ibid.), however this statistic was grossly exaggerated. In fact in 1956, 8 years following Sri Lanka's (then known as Ceylon) independence, lawmakers passed the Official Language Act (also known as the Sinhala Only Act), which drastically reduced the public sector opportunities available for non-Sinhala speakers. This had a significant impact on the Tamil community as state control of the economy - and consequently political patronage - was so widespread that it "extended to land, housing, industrial licenses, school admissions, credit, foreign exchange and jobs" (ibid. 345). Few Sri Lankan Tamils spoke Sinhala before the language legislations came into effect, as English was the medium of communication between ethnic groups. In contrast, approximately three-quarters of the Sri Lankan Tamil population now speak Sinhala.

The issue of political exclusion is exacerbated by the prevalence of electoral violence that polarizes the electorate along conflict lines. Electoral violence exists to influence the electoral process and in the case of Sri Lanka, the stakes of winning or losing the elections directly affect minority groups due to the nature of the political system. Sri Lanka has "an electoral system that translated small swings in popular votes into large swings in seats" (Horowitz 2001) based on the first-past-the-post electoral system, thereby encouraging parties to appeal to the Sinhalese majority by propounding Sinhalese nationalism, instead of seeking support from other ethnic groups. "Violence has accompanied most – if not all – elections in Sri Lanka" and

"targeted both property and persons" as recently as October 2000, December 2001 and April 2004 (Hoglund 2006). Even though the number of incidents and the proportion of major to minor incidents reduced over time, electoral violence resulted in 163 deaths (ibid.) not to mention the hundreds injured in the process. Under the existing electoral system, the Tamil minority is for the most part excluded from political power and thus a political culture of violence has emerged, partially to foment initiatives for constitutional reform. Finally, the Center for Monitoring Election Violence concluded that violence during the 2000 election (when almost 58 percent of incidents were classified as major) was that "the most violent areas are precisely those in which the Police has acted in partisan and unprofessional manner providing immunity to many prominent perpetrators, while denying even basic rights and justice to some of the victims". It is clear that electoral violence impedes conflict management and reinforces the notion that conflict is institutionalized within the political sphere.

In addition, most of the infrastructure development initiated by the government was concentrated within and surrounding the capital, Colombo, and largely neglected the Northeast region, where Tamils were – and still are – concentrated. Another issue of contention was the expansion of Sinhalese settlements in the northeast, which "many Tamils perceived the expansion of Sinhalese settlements in the northeast as an act of political and geographical 'colonization of traditional Tamil areas'" (Korf 2005, 2060) and as such threatened their political aspirations and their ethnic integrity. On the other hand, Nationalist Sinhalese asserted that "colonization schemes largely touched unoccupied land and thus did not

expel Tamils from any land" (Peiris 1991). In essence, the situation produced a distorted view of local institutions and promoted "clientelism" due to the manner in which resources were asymmetrically distributed. From this environment, a secessionist group emerged from the Tamil community demanding self-rule, if not independence. However, it is understood that "if one community holds that it shares the majority of the burden and peace is installed at its own expense that community would have little incentive to continue with the whole process" (Misra 2004) and thus the Tamil rebel plan was not agreeable to the Sinhalese population.

Although the Sri Lankan Civil War is now over, there are cases that suggest horizontal inequalities still exist, particularly with respect to property rights. For example, the Allai Extension Scheme, established in the 1950s, provided land to Sinhalese settlers as well as Tamil and Muslim farmers. However, the policy favored Sinhalese farmers who were given land upstream that was considered prime area, given the nature of the hydraulic infrastructure to be installed in the area. Not did this create a "differentiated system of entitlement to water," (Korf 2005) it made those holding political power more accessible to the Sinhalese farmers who took advantage of their strategic location by diverting the flow of water away from downstream fields. The most affected by this scheme were the Muslims, who began to lease their land to Tamils, who in turn declined to pay rent by threatening to invite the LTTE if the Muslim landlord involves the police to retrieve his dues. No doubt, such strategic and informal bargaining does not reflect equitable or sustainable allocation methods and policies. Given that most Tamils are still geographically isolated to the

northeastern part of Sri Lanka, there is a severe need for a re-evaluation of such policies so as to prevent such informal, conflict-inducing inter-group politics.

The ambiguous land rights and infrastructure policies also pose environmental risks. In the culturally-sensitive "Dry Zone" – to which both Tamils and Sinhalese laid claim as part of their respective "homeland" – the redistribution of Sinhalese people to this predominantly Tamil area increased hostilities and put a strain on the resources of this region. The Sri Lankan government relocated landless peasants and "colonized" the Dry Zone and set up irrigation infrastructure (e.g. the "Mahaweli Ganga" project) that would specifically benefit the Sinhalese population, but at such a high cost that it drew intense criticism from the World Bank. The Sinhalese population in the area, according to the Sri Lankan census, increased from 19 percent to 91 percent over 30 years. This ethnic redistribution policy has resulted in severe deforestation, largely due to slash and burn land clearing techniques (Johnson 1998). Such policies are inefficient, costly and only serve to perpetuate conflict.

Another urgent post-conflict reconstruction issue is that of internally displaced persons (IDPs) and former refugees who, in the course of the conflict, likely "lost" property or are unable to return to their original residence. The overcrowded camps faced severe shortages of food, sanitation and medical attention. As of November 2009, there were 350,000 IDPs in Sri Lanka (though this number may have risen partially as a result of the 2004 tsunami). As long as there are IDPs, the state will face problems of physical security; subsistence needs; public participation; documentation; and resettlement, among other issues (IDMC 2009). Furthermore, the problems

associated with managing the internally displaced population are heightened by the continued existence of High Security Zones (HSZs). HSZs prevent IDPs from returning to their homes or pursuing their usual means of livelihood and pose other "intractable ongoing barriers to return" (ibid.). The Sampoor and Trincomalee HSZs hold a significant portion of the Tamil IDP population and are a hindrance to development as any productive activity is suspended and there is no timeline as to when these zones will cease to exist or when the people residing within them can return or relocate (COHRE 2009). Not only is this a humanitarian issue, but also one of dignity; without this, the camps are a potential breeding ground for future dissent.

Sri Lanka's most notorious contribution to the conduct of civil conflict is "The Sri Lanka Option". The International Crisis Group (ICG) characterized this as combining "a tough military response, a refusal to countenance a political solution, the dismissal of international concerns and a willingness to kill large numbers of civilians" (ICG 2010). The ICG conducted a detailed study that suggests war crimes were committed by both the Sri Lankan government as well as the LTTE with impunity. However, this impunity poses a risk of a resurgence of violence as it fails to acknowledge the humiliation of Tamil civilians given the defeat of the LTTE and the fact that the major patrons of Tamil separatist aspirations are the 25 percent of Sri Lankan Tamils who live abroad. These overseas Tamils would likely sympathize with the over 280,000 Tamil civilians who fled to government-held areas in the last months of fighting and were unlawfully interned in emergency camps run by the security forces (ibid.). The acts in question included attacks on civilian hospitals and in "no fire zones", as well as the extralegal internment and interrogation of (mostly

Tamil) civilians. Hence, it is crucial for Sri Lanka to work towards justice and accountability for war-time acts so as to prevent a resumption of civil war.

Cyprus

Cyprus' total population is 900,000, of whom 75 percent are Greek Cypriots and 20 percent are Turkish Cypriots. The rest are Maronites, Armenians and other minorities. The conflict in Cyprus has faced varying degrees of tensions since 1963 – three years following the Cyprus' independence from Britain. It is a an ethnic conflict between the Greek Cypriots and Turkish Cypriots, who are now geographically separated by a UN-enforced Buffer Zone named the "Green Line", divided according to the 1974 conflict. In 1974, with the support of Turkish Cypriots, Turkish troops invaded Cyprus and ultimately the Turkish Cypriots controlled 37 percent of the island. Until then, the two groups were represented by their respective armed non-state actors – the Turkish Resistance Organization (TMT) and the National Organization of Cypriot Fighters (EOKA). Their allegiance to Turkey and Greece respectively was encapsulated by the terms *taksim* and *enosis. Taksim* stands for the partition of the island and *enosis* is the Greek Cypriot vision of "the union of Cyprus with Greece" (Papadakis, Peristianis and Welz 2006, 2). In essence, "Inter-communal relations in Cyprus today are the product of competition between two irredentist nationalist ideologies which have polarized the communities into distinct interest groups on every issue of political importance" (Souter 1984, 667).

The northern part of the island is the Turkish Cypriot-administered area called the "Turkish Republic of Northern Cyprus" (TRNC) and the southern region is the Greek Cypriot-administered area called the "Republic of Cyprus". The former is only recognized by Turkey, whereas the latter is the region referred to in the international community as representative of Cyprus as a whole; The Republic of Cyprus is a member of the European Union (EU).

Cyprus' initial constitutional structure was one of the key elements leading to the failure of the continuation of a united, independent Cyprus. It was based on the London-Zurich agreements and codified as the 1960 Cyprus Constitution, which expressly forbade both *enosis* and *taksim*. This constitution was the result of negotiations between Greece and Turkey (the two states with significant socio-political interests in the island) and minimal input from the existing colonizer, Britain. The 1960 constitutional provisions for power-sharing were seen by Greek Cypriots as undemocratic and unfair because the minority Turkish (composing 18 percent of 1960 Cyprus population) were allocated 30 percent of all government positions (executive, legal and judicial); Greek Cypriots argued that this arrangement was a violation of the democratic majority principle. The power structure arrangement also posed problems; the necessary arrangement of having Greek Cypriot President and Turkish Cypriot Vice-President was another element of the Constitution that raised questions regarding democracy and the political role of other non-Greek or –Turkish (but nonetheless Cypriot) ethnic groups. In addition, the Constitution specifically articulated the separation of church and state. However, during Cyprus' extended Ottoman rule, the Orthodox Church of Cyprus was given considerable control over

the affairs of the Greek Cypriots. Given this norm, in practice "for decades, no minister of education has been appointed without the approval of the Archbishop" (Hadjipavlou 2007).

Turkish Cypriots withdrew from the united Cyprus state, when Greek Cypriots proposed a set of constitutional amendments to reduce the autonomy and representation of Turkish Cypriots. They argued that Turkish Cypriots, who had been blocking taxation and other legislation to protest the lack of implementation of policies regarding joint municipalities were obstructing progress and development. The general displeasure on both sides with the constitution, which does not include any specific inputs by a Cypriot representative, hampered the sustainability of a united Cypriot state.

Although the 1960 Constitution seemed a plausible compromise, its makers neglected that there is a very limited notion of a purely "Cypriot" identity in the nationalist sense (Fisher 2001, 309) – ethnic identifications were, and still are, far stronger. In fact, in the divided capital city of Nicosia, "the Greek and Turkish flags were and still are more visible than Greek- and Turkish- Cypriot flags" (Hadjipavlou 2007, 357). Even during the period of British rule, the two identity groups were dealt with separately in terms of education, religion, and cultural affairs, "with considerable autonomy being accorded to them" (ibid.). In 1971, Archbishop Makarios reiterated, "Cyprus is a Greek island. It was Greek from the dawn of history and it shall remain Greek forever. We have taken it over as a wholly Greek island and we shall preserve it as an undivided Greek island until we hand it over to mother Greece" (Patrick

1976). Furthermore, Greek Cypriots are socialized into believing that Hellenism and Orthodoxy are interlinked and form part of their national identity. Of course, such a definition of Cyprus' identity is not acceptable to Turkish Cypriots. The overwhelming bias toward Greek culture and symbolism was an identifiable reason for the TMT to fight for an autonomous region. While both Greek and Turkish are official languages of Cyprus as per the Constitution, prior to 1974 few Greek Cypriots spoke Turkish; on the other hand, 40 percent of Turkish Cypriots spoke Greek (Fisher 2001, 309). Consequently, English is often the language of common exchange. Furthermore, Cyprus does not have its own national anthem. According to the Constitution of Cyprus, the Greek national anthem is used in the presence of the Greek Cypriot president, and the Turkish national anthem is used in the presence of the Turkish Cypriot vice-president. The Republic of Cyprus stopped using the Turkish anthem after the Turkish Cypriots broke away in 1974.

The geographic separation between the two groups rose starkly over an extended period of time; between 1891 and 1970, the proportion of mixed villages dropped from 50 percent to under 10 percent (ibid.). Under the current arrangement, those Turkish Cypriots that resided in the South migrated to the North under an organized program, with the assistance of the UN Peacekeeping Force in Cyprus (UNFICYP), Greek Cypriots in the North are free to stay, and are given facilities for their education and practice of religion as well as medical care by their own doctors and freedom of movement within the North (Third Vienna Agreement 1975). Priority is given to the re-unification of families. Although both groups faced internal displacement, the most insightful divergence is in each group's view of the future

regarding migration. Greek Cypriots expected to be able to return and receive remedy for their lost property, whereas Turkish Cypriots considered their displacement to the North permanent; the latter group was more concerned with existing property if the division of the island ended.

A long-term consequence of the Turkish occupation of 1974 was that "about one-third of the island's population became internally displaced with no homes or employment and few personal possessions" (Kliot and Mansfeld 1994). Between 180,000 and 200,000 Greek Cypriots fled South (Egeli 1991) and between 50,000 and 60,000 Turkish Cypriots (ibid.) fled North. In proportional terms, Turkish Cypriots were much more likely to be displaced. However, the TRNC and Republic of Cyprus differed in that the North was better prepared for resettlement; The TRNC's resettlement policies advocated permanence, rather than repatriation (Kliot and Mansfeld 1994), The Republic of Cyprus was less prepared for the rural backgrounds of its new inhabitants and was more likely to perpetuate the 'myth of return'. The geographic isolation of the north is intensified as a result of the Republic of Cyprus' accession to the European Union (EU) on May 1, 2004. Even though the Republic of Cyprus' entrance into the European body was controversial, it did not face the diplomatic/military interventions it expected from Turkey and enjoys the benefits of membership – particularly the economic aspects. Turkish Cypriots were typically of lower income and Greek Cypriots had a "strong entrepreneurial spirit" (Fisher 2001, 309).

Since the Greek Cypriot administration (Republic of Cyprus) has gained international legitimacy and recognition, it has managed to successfully secure an economic embargo as well as cultural and political restrictions on the Turkish-Cypriot community. Furthermore, the TRNC is only recognized by Turkey, its main trading partner. The Turkish Cypriot per capita is approximately 40 percent of that of the South (CIA 2010). The large public sector, reliance on the Turkish lira and small market size all limit the economic production of the TRNC. TRNC gains $400 million in annual aid from Turkey, which also finances about one-third of the TRNC's budget (ibid.). While in power, Andreas Kyprianou (the 2nd President of Cyprus) imposed economic embargoes on the TRNC. This has led to stagnation and "a growing disparity between living standards north and south of the Green Line" (Souter 1984, 671).

The increasing physical and ideological separation between the Greek and Turkish Cypriots prompted Greek Cypriots to continue procuring armaments to serve as "an effective deterrent" to the large numbers of Turkish troops based in the northern part of Cyprus since 1974 (estimated range of 30,000-45,000 heavily armed men). Greece and the Republic of Cyprus signed a military cooperation agreement in 1993; Greece would build a military airport and supply fighter planes purchased from Russia, which are capable of attacking Turkish planes over the Turkish mainland. By 2001, the Republic of Cyprus purchased $3.4 billion worth of modern weapons systems. The TRNC has a security guarantee from Turkey, which has a high probability of victory on Cyprus in a military conflict (Kramer 1997).

The brief opening of the "Green Line" in April 2003 by the Turkish Cypriot authorities, termed the 'Green Line Revolution', resulted in 3.7 million crossings[1] in a year. This phenomenon opened up the possibility of a permanent solution to the Cyprus situation, as outlined by the Annan (UN) Plan of 2004. The Plan included a federal constitution and collective Presidential Council, a proposed United Cyprus Republic flag and national anthem, and a limited right to return between North and South Cyprus. The proposed Presidential Council was loosely based on Switzerland's Federal Council, which heads the federal administration and operates both as a cabinet and a collective presidency. Cyprus' Presidential Council would consist of six voting members, allocated according to the population (at the time four Greek Cypriots and two Turkish Cypriots) – all of whom would be selected and voted in by parliament and serve a five-year term in office. In addition to these six members, three non-voting members would be assigned to the Council based on a 2:1 ratio. The Presidential Council would be responsible for choosing the President and Vice-President – one a Greek Cypriot and the other a Turkish Cypriot – from among its members. The Plan also permitted Greece and Turkey to maintain a permanent military presence on Cyprus. The proposed Supreme Court composed Greek Cypriot and Turkish Cypriot judges of equal numbers, as well as three foreign judges appointed by the Presidential Council. However, this plan was supported by 65 percent of Turkish Cypriots and rejected by 76 percent of Greek Cypriots. This

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[1] Cyprus' population then was approximately 900,000 (North and South included)

seeming contradiction is a starting point to understanding why the 'stalemate'

continues.

Chapter 2: Background and Trends

Sri Lanka

Internal Displacement

During the course of Sri Lanka's civil war, the Sri Lankan government began to use a new strategy against the Tamil militancy in the 1980s that was modeled after the use of zones in Israel. There are four categories of zones declared under the Public Security Ordinance (PSO) or Prevention of Terrorism Act (PTA): "prohibited zones," "surveillance zones," "security zones," and "high security zones." The surveillance and prohibited zones are normally located around the coastal areas of northeastern Sri Lanka (such as Jaffna and Trincomalee); this area is dominated by Tamils and Muslims. The original objective for enforcing these zones was to prevent the transfer of arms and supplies to the LTTE by sea.

Of the four categories, High Security Zones are the most controversial. They were legally established in May 2007 to protect military camps and strategic installations, to prevent the main entry points of supplies to security forces stationed in and around Jaffna (Kankesanthurai Harbor and Palaly Airport) from LTTE attacks. In the Jaffna peninsula (which has a predominantly Tamil population and was the stronghold of the LTTE) there are 18 High Security Zones covering approximately 190 square kilometers, constituting about 30 percent of the district's total land area. These High Security Zones have displaced almost 130,000 people, who have to live with relatives or in refugee camps. Many of these displaced families were from

farming or fishing communities. A deep cultural tradition underlies this controversy, as people seek to preserve their original land and land rights including ancestral homes handed over to them by their forefathers.

In late 2003, Velupillai Prabhakaran (the now-deceased leader of the LTTE) called attention to this issue by posing Tamil objections to High Security Zones as a humanitarian matter; "Under the cover of high security zones, the Sinhala armed forces are occupying residential areas and social, economic and cultural centers... unless this problem is resolved, there is no possibility of normalcy and social peace being restored in Jaffna" (Manoharan 2007) Those internally displaced fishermen and farmers often looked to the LTTE for employment and even protection. In contrast, President Mahinda Rajapakse maintained that it was for the "welfare and benefit" of its people. At the time, the government linked the removal of these zone classifications with the complete disarmament of the LTTE. Hence, considering that the LTTE has essentially been dismantled, the continued existence of High Security Zones in Tamil-dominated areas raises questions regarding its underlying objective.

There is a widespread concern that that High Security Zones may become an increasingly permanent feature of administration in the Northern and Eastern parts of the island; this would exacerbate communal tensions as displaced populations become more permanent, and increase citizens' distrust in the Government and the rule of law. However, it has been argued that "High Security Zones exist in different ways in different parts of the country and in some areas do not result in any form of displacement, proving that a useful security presence may be maintained with fewer

disturbances to the local population" (COHRE 2009). Still, over 100 complaints have been lodged with the Human Rights Commission in Jaffna District, and three cases filed with the Supreme Court asserting that High Security Zones violate of fundamental and constitutional rights (ibid.).

The Sri Lankan Constitution allows for "permissible restrictions to be imposed on the fundamental right to freedom of movement and freedom of movement and freedom to choose a place of residence." The Sri Lankan government has, thus far, been able to continue with its High Security Zone policy because "Article 15(6) of the Constitution allows for the restriction of the right to freedom of movement in the interests of national economy" (ibid.); the broad interpretation of "restriction" has allowed the Government to put a wide variety of restrictions in place. On the other hand, the Supreme Court ruled that restrictions cannot be imposed with the result of denying these rights. Yet, existing laws such as the Land Acquisition Act No. 9 of 1950 (LAA) are still featured prominently the Sri Lankan government's policies. The LAA provides for the acquisition of private lands by the State to be used for public purposes; once acquisition has started, private land owners can make challenges to the LAA but it is unclear how often this avenue was used. The LAA only provides for compensation for land, structures and crops, and does not require the government to address major resettlement issues such as compensation for those who do not possess land titles, consultation with affected people (migrants as well as hosts) and the socio-economic rehabilitation and integration of the affected people.

With regard to international laws and norms, Sri Lanka is a signatory of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). Sri Lanka is bound by the Geneva Conventions and customary international law which provide the basis for the protection of civilians, vulnerable persons and actors involved in armed conflict (but not party to Additional Protocol II to the Geneva Conventions concerning non-international armed conflicts). Under these conventions, the International Displacement Monitoring Centre (IDMC) regards High Security Zones as violations of human rights. The lack of civilian access in High Security Zones – particularly those in Jaffna – fits the United Nations' definition of forced evictions.[2]

The Sri Lankan government has embarked on one notable initiative to address issues surrounding High Security Zones and Internally Displaced Persons. Under an Asian Development Bank initiative in Sri Lanka in 2001, all new development-induced land acquisition or recovery of possession by the State requires "a comprehensive Resettlement Action Plan will be required where 20 or more families are affected… regardless of source of funding." This new National Involuntary Resettlement Policy (NIRP) sought to avoid, minimize, and mitigate the negative impacts of involuntary resettlement. At the very least, it would the productive and self-sustaining endeavors of those people adversely affected by development projects.

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[2] UNESCO defined forced evictions as "the permanent or temporary removal against their will of individuals, families and/or communities from their homes and/or land without the provision of and access to, appropriate forms of legal or other protection…" (UN CESR General Comment no. 7, 1997)

A compelling case study that both highlights the problems associated with High Security Zones and the role of the NIRP is the Sampur High Security Zone in Trincomalee, which has been selected for the construction of a coal power station. The Sri Lankan Government has declared that the existing High Security Zone will be replaced by a Special Economic Zone. This is part of the Negenahira Navodaya or Eastern Revival Program – a three year development program that was proposed in 2007. A Special Economic Zone was declared in Trincomalee on October 16, 2006 by President Rajapakse. The Trincomalee Special Economic Zone is divided into regions for local investment and international investment. This Special Economic Zone is also referred to as a Licensed Zone, and covers an area of 675 sq. km. – the whole area formerly gazetted as part of the Sampur High Security Zone. The land in this zone is highly fertile; it has 88 water tanks for the irrigation of farmlands and has grazing land for livestock. There are also 19 schools, 18 Hindu temples, a church and two hospitals. The overlap of the High Security Zone and Special Economic Zone regions (for security and development respectively) has caused considerable confusion amongst Internally Displaced Persons.

A year and a half after the initial gazette notification, the Sampur High Security Zone was reduced from 105.2 sq. km to 73.42 sq. km to supplement the area for a coal power plant. Since many Internally Displaced Persons were free to return to their original homes, many did so, only to find secondary occupation, security forces or a Government decree prohibiting resettlement in the property. The Internally Displaced Persons were offered 0.124 acres of land, 25,000 rupees (about US$ 230) for household goods and livelihood assistance and a house. However, many Internally

Displaced Persons were displeased with the outcome as they otherwise owned significantly more land than the amount offered, were prevented from returning home by Emergency Regulations, and saw their land acquired by the Government for security purposes (High Security Zones) or economic development (Special Economic Zones); in essence, their pre-displacement situation was not matched. These sentiments may have been carried over from the displeasure expressed by the then-displaced Sampur residents who were not involved in the discussion regarding the Coal Power Plant location. The Tamil National Alliance (TNA), a political party, stated that Tamil lands were taken away without consultation and that this reflected the Government's "hidden political agenda." Under the LAA, the Internally Displaced Persons should be compensated at market rates for the loss of their property and provided more permanent solutions for their displacement.

Infrastructure Development Projects & Policies

Following the end of the Sri Lankan Civil War, the Sri Lankan government commenced a series of developmental projects – largely focused on infrastructure in rural areas – to revive its economy. One extensive project was named the "Re-awakening Project" funded by the World Bank under the Community Livelihoods in Conflict-affected Areas scheme and focused on the Northern and Eastern Provinces and their adjoining areas so as to "restore the livelihood, enhance agricultural and other production and incomes, and build capacity for sustainable social and economic reintegration[sic]" (Sri Lanka Ministry of Economic Development). In other words,

the Re-awakening Project is specifically aimed at improving the conditions in the Tamil-dominated areas of Sri Lanka. One venture under this grander project is the Allai Extension scheme, an irrigation project in the district of Trincomalee. The Allai Extension scheme aims to divert water from the Mahaweli River to serve Sinhalese, Tamil and Muslim paddy cultivators farming in what used to be a "Dry Zone" and as of May 31, 2010 is 89 percent complete. This policy partially seeks to address the considerable grievances arising from the prior initiatives of "land colonization" favoring Sinhalese settlements in areas primarily occupied by Tamils and Muslims. Nationalist Sinhalese scholars asserted that "colonization schemes largely touched unoccupied land and thus did not expel Tamils from any land."[3] Yet, the consequent change in the ratio of ethnic populations in districts such as Trincomalee became a major source of distress. The initiative was thought to have "undermined the electoral basis of Tamil political parties" (Balasundarampillai 2002).

The Allai Extension scheme was first discussed in the 1950s as a means of providing irrigation land and water to farmers residing in the Dry Zone. Sinhalese migrant farmers from southern Sri Lanka would receive water from upstream, whereas the Tamil and Muslim farmers would receive water from downstream, hence giving Sinhalese farmers substantial control over water resources. Anticipating confrontation, the Sri Lankan government designated new administrative boundaries that placed Sinhalese farmers within their own sub-district served by a Sinhalese

[3] Peiris, 1991, 1994

administrator. This was separate from the Muthur sub-district in which Tamil administrators served the Tamils and Muslims. The Allai Extension scheme remained and functioned throughout the civil war, but was often subject to clashes regarding entitlement. Now that spatial and mobility issues have been minimized, there is greater potential for the Allai Extension to serve the farming needs of all the residents in the area and be seen as a general measure to improve regional infrastructure. However, the dynamics surrounding the implementation of the project during the civil war period had, in many ways, instigated tensions between the Tamils and Muslims. Hence, there is a need for heightened sensitivity when continuing with the development of the Allai Extension so as to avoid contestations over "ethicized" entitlements (Korf and Funfgeld 2006).

A more prominent but equally prolonged project is the Mahaweli Ganga Development Project. The Mahaweli River is the longest river in Sri Lanka and its drainage basin makes up nearly 20 percent of the island's land area, and the energy obtained from six dams in its system provides for over 40 per cent of Sri Lanka's supply of electricity. Its objective was to provide infrastructure support irrigation farming that would raise rice production and intended to serve 24,100 farm families (DEReC Report No. 29489). The plan was first conceptualized in the 1950s but was only seriously considered in 1979 and was to be implemented over a 35-year period. The directors of the project specifically employed people living in the regions in which the construction took place to "ensure a better money flow to the residents even during the construction period" (Sirimane 2010). The grander project has multiple foreign donors including the World Bank, Organization of Petroleum

Exporting Countries (OPEC), Japan International Cooperation Agency (JICA), China National Technical Import and Export Corporation (CNTIC) and the Kuwait Fund for Arab Economic Development. The impact of foreign funding and technical involvement is that one of the conditions their participation is that resettlement of the affected communities is a key priority. As a result, each family has received or been allocated "two and a half acres of land suitable for cultivation and another half an acre for residential purposes in addition to compensation" (ibid.).

The Mahaweli Project may well be considered Sri Lanka's flagship development program. The project invites a significant amount of media attention and publicity, to the extent that on the occasion of President Rajapaksa's victory in his re-election campaign and second swearing-in, the Mahaweli Authority of Sri Lanka hosted a Tree Planting Ceremony. The Mahaweli Authority even has two songs linked to the program – the "Mahaweli Song" and the "Mahaweli Mahayesa Song". Notably, the project continued during the period of civil conflict. However, while the advancements made in the implementation of the program are significant, the World Bank's Operations Evaluation Department regards the project (and the Bank) as highly unsatisfactory in meeting its objectives, based on survey of 200 households. Reductions in government spending and minimal diversification into crops yielding higher margins indicate that the project may not be viable. More specifically, the continuing land insecurity poses a pressing problem as it was one of the factors that led to the outbreak of hostilities. The project's target for resettlement in 2007 was 161,235 families. In the Upper Mahaweli area – where most of the Sinhalese farmers reside – 99 per cent of the families have been successfully resettled (Mahaweli

Development Programme Statistical Handbook 2007). In contrast, 94 per cent of those families living downstream have been successfully resettled.[4] Yet, the 94 per cent statistic does not take into account the 2,035 families living downstream who had "abandoned their land in 1999 due to insecurity" (ibid. Table 3.1).

This problem is a broader reflection on the manner in which the Sri Lankan government approaches the Mahaweli program from a cultural perspective. In presenting its mandate, the Mahaweli Authority of Sri Lanka calls the Dry Zone "the cradle of our civilization". Taking a singularly Sinhalese perspective, the Authority describes Sinhalese kings as the first to build canals and irrigate the area – "the more enterprising Sinhala Kings of ancient Sri Lanka, heirs to a remarkable tradition of irrigation engineering, left behind evidence that they had the measure of the might of the Mahaweli."

In this respect, foreign-funded projects and other forms of aid play a crucial role in Sri Lanka's post-conflict reconstruction. More than sixteen different governmental and inter-governmental agencies fund various developmental projects in Sri Lanka, and these agencies emphasize the objective of assisting people who have been affected by the civil war as a pre-requisite for their involvement. Consequently, the majority of foreign funded projects are focused in the northern and eastern parts of the island, where mainly minorities reside. The Sri Lankan government has thus far accepted requirements, despite its remonstrations that "there

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[4] Of the 161,235 families, 153,275 lived downstream and the remaining 7,960 families lived in upstream.

are bottleneck, issues, constraints that confront the implementation of the projects and the unfavorable situation prevailing in the project areas [sic]."

Political Representation and Electoral Violence

Following the end of the Sri Lankan Civil war on May 18, 2009, many heads of state and foreign government officials, such as Hillary Clinton, the Secretary of State of the United States appealed to Sri Lanka's President Mahinda Rajapakse to work towards "political reconciliation" while underscoring the need for "post-conflict power-sharing with Tamils." Initially, President Rajapakse seemed to agree. In his victory speech delivered to the Sri Lankan Parliament on May 19, 2009, he stated that it was the "responsibility and duty" of the state to ensure the safety of the Tamil population so they may live with "equal dignity." On the other hand, he added that majorities and minorities would no longer exist in the country. It is unclear from this statement whether he intended to suggest a greater equality in treatment of minorities and majorities as groups or that minorities are not to be accorded any special treatment given their experiences in the war.

Despite the lack of clarity, Rajapakse won the January 2010 presidential election, and his coalition won the parliamentary election held in early April 2010 with a 65 percent majority. Consequently, it is unclear whether there is political will to undertake reforms, given that the popularly elected President may summon, suspend or end leg session and dissolve Parliament after serving for just one year. Also, the Parliament reserves the right to make laws. President Rajapakse is a member of the United People's Freedom Alliance (UPFA), which comprises

Sinhalese nationalist parties and entities that object to any offers of regional autonomy to the Tamils; rather, they are committed to a unitary and centralized Sri Lankan state. Thus, they viewed the LTTE's insurgency as solely a terrorist problem, for which the military solution was sufficient. It is unsurprising then that the Tissa Vitharana Committee that was set up in 2006 and led by a politician with moderate views on minority rights, failed to come up with new proposals or recommendations that would be accepted in Parliament, since the fall of the LTTE.

This view ignores the deep and fragmenting electoral violence that occurred during the 2010 elections – after the end of the civil war. Electoral violence – especially in Tamil areas - was a mainstay during periods leading up to presidential and parliamentary elections in Sri Lanka. Yet, there was a general anticipation and hope in the international community that the extent and scale of violence would be substantially less after the end of the war. Unfortunately, despite the deployment of over 68,000 policemen and military personnel on election day and an additional 12,500 Sri Lankan and foreign monitors from the People's Action for Free and Fair Elections (PAFFREL) and the Centre for Free and Fair Elections, the violence before, during and after election day persisted. In fact, the Center for Monitoring Election Violence (CMEV) reported that the proportion of incidents classified as "major" was 45 percent and that 60 percent of these major incidents referred to threat and intimidation, assault or (attempted) murder. This proportion of major incidents in 2010 is comparable to the figure in 2000, when the war was at its peak and 58 percent of incidents during the election period were classified as major. Of the 386 major violations, it is alleged that 241 of the 386 major violations were initiated by the

UPFA, the ruling party in Sri Lanka today. The CMEV also reported a high incidence of violence in the Jaffna district – formerly home to the LTTE cadre – "immediately before the commencement of polling and in the early hours of polling" that "indicate a systematic attempt to disrupt to voting and ensure a low voter turnout in the peninsula. Officially, four murders have been linked to the election. Assaults on election officers were also reported, and highlighted that election monitors were prevented from observing vote counts.

When asked about post-election violence, Foreign Minister Rohitha Bogollagama said, "I don't think the people of Sri Lanka have time for street protests. It has never happened." In reality, the situation was much more serious than street protests. Compared to 76 incidents in 1999 and 39 incidents in 2005, post-election violence in January 2010 is estimated at 85 incidents, including arson, assault, grievous hurt and threat and intimidation – of which 18 involved the use of firearms.

Given the extent of violence, it is unsurprising then that the voter turnout was low (Polgreen 2010). The regions with the highest voter participation rates were those in and around the capital of Colombo (and average of about 65 percent). On the other hand, the lowest was found in Jaffna, which was formerly home to LTTE camps, where voter participations was only 23.33 percent. Other predominantly Tamil areas, such as Batticaloa and Vanni also had relatively low rates of voter participation – typically less than half of all eligible voters in those districts voted.

In addition, Sri Lankan Tamils seek a dilution of presidential powers including the prerogatives to appoint prime ministers and dissolving parliament, and

more power devolved to the regions - neither of which Rajapakse supports. Some Sri Lankan and foreign media cite the violence as an example of Rajapakse's focus on consolidating power. His historic defeat of the LTTE prompted him to call for elections early, although he was serving only the fourth year of his six-year term. President Rajapakse intended to secure a two-thirds majority for his United People's Freedom Alliance coalition in parliament, which would then allow him to alter Sri Lanka's constitutions. His party (UPFA) underperformed, securing 60.33 percent of the votes in the proportional voting system. Rajapakse has stated that winning a strong majority would ensure the political stability needed for economic growth after decades of ravaging war. The voter statistics also indicate some skepticism of Rajapakse's intentions as the total number of participating voters in the parliamentary elections (held three months after the presidential elections) fell by more than 13 percent. It is important and fascinating to note that the decrease in predominantly Sinhalese regions was as much as a 17.32 percent whereas the mainly Tamil region of Vavuniya registered an increase in voter participation of 3.56 percent.

The Sri Lankan political climate also has a distinct lack of a sustained opposition to the leading political party. During the presidential elections of January 2010, General Sarath Fonseka was a favored opposition candidate who was considered a national hero for bringing an end to the Sri Lankan Civil War while serving as commander of the Sri Lankan Army (2005-2009). Following the military victory over the LTTE, Fonseka publicly accused President Rajapakse of sidelining him. In light of this, Sri Lankan opposition parties asked Fonseka to run as their "common candidate" in anticipation of early elections. Fonseka retired from the

military in November 2009, in time to announce his presidential candidacy two weeks later as the New Democratic Front's candidate. However, Fonseka lost to Rajapakse, garnering about 40 percent of the votes to Rajapakse's majority of 58 percent. In February 2010, Fonseka was arrested and charged with "illegal political activity while still in uniform," and now faces a court martial. The government asserted that Fonseka, at the time of his arrest, was at a gathering with 400 alleged armed army deserters. The military defended the arrest as a preventive measure because they were unsure of the purposes of the gathering, when Fonseka accused the military of intending to arrest him if he won the election. Fonseka asserts that the charges are politically motivated and his party asserts that ten of the men arrested were part of his personal security arrangements. No opposition figure has sought to replace him and thus the opposition remains fragmented and isolated.

<u>Cyprus</u>

The Green Line

The Green Line in Cyprus is a 180 km stretch that partitions the island of Cyprus into a southern area controlled by the Greek Cypriots and their government (the Republic of Cyprus), and the northern area controlled by the Turkish Cypriots and the Turkish army (the Turkish Republic of Northern Cyprus). The Green Line was the de facto cease fire line that cuts into Cyprus' capital of Nicosia and was first established in 1964 and became semi-permanent in July 1974, following Turkey's invasion of Cyprus. The area is now policed by the United Nations Peacekeeping

Force in Cyprus (UNFICYP) and is more formally known as the United Nations Buffer Zone in Cyprus.

Although there has been minimal traffic across the Green Line since 1974, Rauf Denktash, the then President of Cyprus, opened up the Green Line on April 23, 2003. This brief opportunity to cross the border meant that Turkish Cypriots could make a day trip to southern Cyprus and Greek Cypriots could visit their former homes in the north. Although the border was initially opened up by the Turkish Cypriot government, permission to cross the Green Zone was more likely to be sought by Greek Cypriots; according to the Cyprus News Agency data 5,000 Greek Cypriots crossed the border on the first day while only 2,000 Turkish Cypriots availed themselves of the opportunity. This disparity may have been due to the Greek Cypriot government ruling that Turkish Cypriots could only cross the border on foot, because allowing automobiles bearing "foreign" license plates into Greek Cypriot territory implied a de facto recognition of the government of Northern Cyprus.

Despite the arrangements to allow traffic across the Green Line, and the media allusions to the Berlin Wall, the Greek Cypriot government did not support the move to free up the border. Kypros Chrysostomides, a government spokesman, stated that these arrangements did not indicate that the Green Line no longer held, nor were they the means to a solution to the conflict. Rather, the Republic of Cyprus deemed Denktash's move illegal by arguing that given Greek Cypriots were required to show their passports at the checkpoint that it was in effect an admission that they were travelling to a foreign country and because Denktash's decision was unilateral.

The opening of the Green Line was also timed strategically. It occurred a week following the signing of Cyprus' European Union accession treaty. Greek Cypriot leaders, UN diplomats and Turkish Cypriots all blamed Denktash for the breakdown of unification talks on Nicosia, and the opening of the border was a symbolic outreach to the Greek Cypriots on his part. Furthermore, the European Union was keen on unifying Cyprus before it gained membership and proposed that if the northern and southern sides could not hold talks and reach a conclusion by the date set for EU expansion – May 1, 2004 – then the Republic of Cyprus would become a member without the northern part of the country.

The Annan Plan

The opening of the Green Line and the EU deadline together sparked a renewed interest in attempts to find a lasting solution to the Cyprus problem. Kofi Annan, who was then the Secretary-General of the United Nations, led the new round of negotiations as well as a team of diplomats and experts on constitutions to form what was later termed the "Annan Plan". The Plan was considered the "most elaborate and sophisticated proposal ever presented to the rival ethnic communities of Cyprus" (Anastasiou 2008, 52). Fundamentally, it covered the basic aspects of the Cyprus problem: governance, territory, internally displaced persons, property, and security. The vision of a united Cyprus was based on a loose, bi-zonal, Swiss-modeled federation.

The Annan Plan proposed that Cyprus form a confederation – "a loosely federal union in which the constituent territorial union would have maximal autonomy" (Bose 2010, 96) – and the limited federal-level joint institutions would operate on the basis of consociational norms. The constituent states would be allocated based on existing population demographics. At the time, it meant that the United Cyprus Republic would comprise of a Greek Cypriot state that controlled 72 percent of the island's territory and a Turkish Cypriot state that controlled the remaining 28 percent. These constituent states "would have jurisdiction over all matters except foreign policy, EU affairs, and central bank functions, which would be the province of the federal government" (ibid. 96)

The 72-28 ratio would have resulted in a transfer of 9 percent of the island's territory to the Greek Cypriot constituent state from the current Turkish Cypriot-held territory. This was necessary because Turkish Cypriots – who comprise 18 percent of the total Cypriot population – have been in possession of 37 percent of the island and 57 percent of the island's coastline since 1974. The areas earmarked for transfer covered the 1974 residences of 73 percent of those Greek Cypriots who became refugees in 1974. Consequently, one-third of Turkish Cypriots would have to relocate from their current residences. Refugees and other internally displaced persons would be compensated for lost property, regardless of whether they are Greek or Turkish Cypriots. 62 percent of Turkish Cypriots didn't approve of this aspect of the plan, while 3 percent of Greek Cypriots opposed it as they were concerned about the ill-defined access to their properties in the area that would remain under Turkish Cypriot control and thus feared restrictions on their ownership rights.

However, the Annan Plan failed to garner the necessary votes in the Cyprus-wide referendum that would give it the support to enter into force. Even before the vote, hardcore nationalists on both sides of the ethno-national divide strongly expressed their opposition to the Plan; "both Turkish Cypriot nationalists, who uncompromisingly continued to support ethnically clean secession, and Greek Cypriot nationalists, who still strove for a single island-wide Hellenic state, strongly opposed the federal interethnic nature of the proposed solution. Strikingly, but not surprisingly, both viewed the plan as national treason" (Anastasiou 2008, 58). The Greek Cypriot Communist party, AKEL (Progressive Party of the Working People), pushed for a 'No' vote "after its last-minute demand for a postponement of the referendum pending further assurances on implementation and the security provisions was rejected" (Bose 2010, 100).

In addition, the international community's 'selling' of the plan fueled negative sentiment among Greek Cypriots, who responded to the rejectionist propaganda that the label 'Annan Plan' in itself underscored the notion that the plan was an imposition. Most Greek Cypriots remained unconvinced by the rest of the world's view that the Annan Plan was the last and most promising effort towards a settlement.

Consequently, it was no surprise that the Greek Cypriots voted overwhelmingly against the Annan Plan. Indeed, "the level of the 'No' vote was more or less uniform across Greek Cypriot society" (ibid. 103) not least because the Greek Cypriots were well aware that the Republic of Cyprus could and would join the European Union regardless of whether a settlement was reached. In contrast, Turkish

Cypriots strongly favored the Annan plan compared to their Greek Cypriot counterparts as "it was clear that the Annan Plan was the bridge that could decisively and immediately link their future to the EU" (Anastasiou 2008, 62). Analysts later found that only one-third of respondents on either side of the Green Line felt sufficiently informed about the provisions in the Annan Plan. Anastasiou concludes, "Either the plan was completely irrelevant to reality in Cyprus, or it was so relevant that it exposed and challenged the intolerant ethnocentrism of persons and groups still entrapped in the nationalism that had created the Cyprus conflict in the first place."

The turn of events also highlights some key changes in Greek Cypriot society, that in a way reflects John Kenneth Galbraith's culture of contentment; even the Greek Cypriots who acknowledge that the Turkish Cypriot minority suffered mistreatment after Cyprus' independence from the United Kingdom, still "tend to harbor passionate convictions that an intolerable injustice was inflicted on their community in August 1974" (Bose 2010, 102). In addition, Greek Cypriots no longer spoke of enosis, but cemented the notion that Cyprus is inherently (culturally and historically) a Greek island and thus it is the Greek Cypriots' right to have a dominant voice in the state system.

Chapter Three: Conditioning Factors

Certain dynamics revealed in the Cyprus case that provide some insight into the conditions that led to the current stalemate between its two major ethnic groups. Some of these dynamics may be applied to Sri Lanka. However, some key differences exist between the Cypriot and Sri Lankan cases, so it is necessary to adapt these factors accordingly. For instance, the end of the Sri Lankan civil war was clear when the Sinhalese-majority government vanquished the LTTE, unlike Cyprus where the immediate outcome was a stalemate.

Leaders

The Cyprus case makes clear that those leaders with strong personalities can determine the impact of most negotiations by steering public sentiment towards or against a certain outcome or relevant cause. The most obvious example of this is the lead-up to the failure of the Annan Plan, the failure of which was most directly attributed to the then President of TRNC Rauf Denktash's stiff opposition to the plan. In fact, even when there was strong initial support from the Turkish Cypriots for the Annan Plan and Denktash was up for re-election, Turkish Cypriots did not oust him from power. Consequently Denktash remained central to the negotiation process, and his personal disapproval paved the way for the Plan's rejection and thus a continued stalemate. This phenomenon is not new to Cyprus and previous instances of it had more positive effects. Toward the end of the 1970s, the mayors of the divided Cypriot

capital of Nicosia "decided to cooperate on an essential necessity – a joint sewerage system for the divided city, which became operational in May 1980." This plan was neither initiated nor approved by the government of the Turkish Republic of Northern Cyprus or the government of the Republic of Cyprus. Instead, it was undertaken by the two mayors. Nevertheless, the system was successful and encouraged the two mayors to formulate a "Nicosia Master Plan" with input from scholars, architects and urban planners from both sides of the Green Line. Although the plan was met with much skepticism from the general public, the mayors' eagerness to cooperate with one another eased the people's hesitations.

Sri Lanka's experience with leaders is quite similar. The country's first female President, Chandrika Bandaranaike Kumaratunga, was heavily influential in shaping the conduct and outcome of ceasefire negotiations between the Sri Lankan government and the LTTE. Kumaratunga was herself a victim of an attack by a suspected Tamil Tiger suicide bomber in 2000, which caused her to permanently lose vision in one eye. During her presidency, the then Sri Lankan Prime Minister Ranil Wickramasinghe and the Tamil Tiger rebels were negotiating a permanent ceasefire agreement as brokered by Norwegian mediators. Kumaratunga vehemently opposed the manner in which the ceasefire initiative was undertaken, arguing that the government made too many concessions to the LTTE and that the Sri Lankan government should not be the anomalous government that tolerates "a foreign delegation advising them to write away their sovereignty." This language when combined with Kumaratunga's background as a member of a prominent Sinhalese family of political leaders provided the necessary critical mass of support and implicit

political license to declare a state of emergency and dissolve the Parliament. This allowed her to take control of three ministries under Wickramasinghe's government – including defense – and force the Tigers to pull out of peace talks in April 2003.

On the Tamil side, Anton Stanislaus Balasingham, the chief political strategist of and negotiator for the LTTE, strove to use his influence abroad (as a British citizen married to an Australian) to draw attention to the conflict in Sri Lanka. He encouraged the violently-inclined LTTE members and supporters – led by Velupillai Prabhakaran - to enter into peace talks with the Sri Lankan government. The Sri Lankan government perceived his involvement differently. Upon Balasingham's death, Sri Lanka's Ministry of Defense stated, "His lifelong achievement is considered to be his ability to manipulate peace negotiations and postpone them indefinitely under various ruses until his movement could raise enough funds from the Tamil Diaspora and rearm the Tamil Tiger cadres strong enough to face the Sri Lankan army."

Group Dynamics

The geographic isolation of an ethno-linguistic group reinforces its role as a separate, distinct group in a unified state. Following the rejection of the Annan Plan, Cyprus "reverted to the status quo ante of de facto partition" (Bose 2010, 57). In Cyprus, the Green Line dividing the northern and southern regions of the island dominated by the Turkish Cypriots and Greek Cypriots respectively serves as a reminder to the Turkish Cypriot community that their state is not recognized by the

international community. Although the Green Line has become somewhat more permeable since then, the ethnic homogeneity on both sides of the border amplifies sentiments of isolation. This separation was present long before the Green Line came into effect in 1974. In fact, over the period from 1891 to 1970, the proportion of mixed villages dropped from 50 percent to less than 10 percent (Fisher 2001, 310). In addition, the criterion for classifying a village or settlement as "mixed" was very modest – the presence of ten or more people from the minority group – even in places where there were "distinct ethnic quarters between which there was little social and economic contact and inter-communal marriage was nearly nonexistent" (Bose 2010, 79). That the geographic separation of the two groups from each other has such a long history reflects the Cypriot communities' reluctance to support reunification efforts.

Only a week before the Green Line opened on April 16, 2003, the leaders of southern Cyprus signed a treaty of Cyprus' accession to the European Union – a process that began in 1990. Despite the failure of the Annan Plan and other negotiations, the EU suspended the *acquis communautaire* – the body of EU legislation and regulations in northern Cyprus (because the island remained divided) "pending a settlement of the ethno-national conflict" (ibid., 60) when it formally admitted the Republic of Cyprus as an EU member-state on May 1, 2004. In effect, only 63 percent of the island – the area under Greek Cypriot authority – was admitted to the EU, whereas the Turkish Cypriot region, covering the remaining area of the island, was excluded. The subsequent diplomatic and economic isolation reinforced the Turkish Cypriot belief that their ability to obtain fair representation in a unified Cypriot state was slight.

Some Turkish Cypriots sought to adapt to the situation. They realized that any individual possessing a passport issued by the Greek Cypriot authorities – the now internationally recognized government of Cyprus – can live and work in any area within the EU zone. Consequently, upon the failure of the Annan Plan in 2003, approximately 25,000 Turkish Cypriots applied for "Republic of Cyprus" passports with the Greek Cypriot authorities to try to take advantage of otherwise unavailable opportunities. Previously, few Turkish Cypriots were granted Republic of Cyprus passports. All Turkish Cypriots are entitled by law to a Republic of Cyprus EU passport, as long as they can prove their Cypriot heritage. In other words, immigrants from Turkey into Cyprus are barred from obtaining these passports.

In contrast, citizens of northern Cyprus are entitled to Turkish citizenship and Greek Cypriots are entitled to visit Turkey since 2003. However, Turkey prevents Turkish Cypriot holders of Republic of Cyprus passports from leaving Turkey to go to a third country unless they also have passports issued by the TRNC. The United Kingdom, France, United States, Australia, Pakistan, Gambia and Syria are the few countries that accept TRNC passports – but only with visas obtained prior to arrival - as they are the only countries that host representative offices of the TRNC.

Intriguingly, the geographical separation between the Tamil and Sinhalese people of Sri Lanka is also based on a north-south divide, where the minority Tamils reside in the northern part of the island, albeit there is no distinct border that resembles the Green Line in Cyprus. Regardless, the divide is clear as Sri Lankan military bases that served as transit points for Sri Lankans travelling in and out of the

(formerly) LTTE-controlled northern and eastern provinces of Jaffna and Trincomalee. One of the key factors that encouraged Tamils to seek independence, or at the very least regional autonomy, was their geographic concentration in the northeast (Stewart 2002, 42). During the decades-long civil war, Tamil people in the Vanni, or 'uncleared' areas, were displaced and described as having crossed the "war border to end up as half-prisoners in refugee camps" (Schrijvers 1999, 311). These camps are deemed by international human rights groups to "function as detention centers" (ibid.) as the internally displaced persons they host are usually prevented from leaving, or are allowed to exit for up to one day only.

At the time, the Sri Lankan government feared LTTE penetration, and as a result enforced a policy that specified that Tamils in Sri Lanka (particularly those living in the LTTE's home base, Jaffna) were not free to move around as they wished. Their identity cards or special passes were inspected regularly at checkpoints, and they were required to report any visitors and petition for temporary relocation to the police or army (ibid.). This enforced separation of Tamils residing in the northern and eastern parts of the island reinforced the LTTE's call for a separate nation and greater civil liberties.

Another obstacle to the reunification of both Cyprus and Sri Lanka is their respective majority ethno-linguistic groups' belief that their in-group constitutes the nation. The Greek Cypriot concept of *enosis* (the union of Cyprus with Greece) originated during the British reign over Cyprus and emerged just as the Turkish Cypriots founded the concept of *taksim* (the partition of Cyprus on ethnic grounds).

Whereas the Greek Cypriots regard the entire island as Greek, the Turkish Cypriots focus specifically on the region they inhabit and control. Furthermore, at the time of Cyprus' impending independence, Greek Cypriots viewed the Greek island of Crete as a precedent for their own island. Crete played a strategic role in the Greek struggle for independence from the Ottomans in the late 19th and early 20th centuries. Following Greece's independence in 1913, Crete officially became a part of Greece.

The Turkish invasion of 1974 suited this argument, as the presence of the Turks in the North was attributed to a Turkish desire to restore some of the remaining memory of the fallen Ottoman Empire. In response to Greek Cypriots references to the TRNC as a "pseudo-state", the Turkish Cypriots call the Republic of Cyprus side simply "south Cyprus" (Bose 2010, 58). The lack of a Cypriot identity in the sense of a nation-state is clear. When the Green Line opened, many Greek Cypriots who crossed the de facto border remarked that they were more likely to see the Turkish flag than the TRNC flag. This is comparable to the Republic of Cyprus' use of the Greek national anthem as its own.

In parallel, Sinhalese nationalists commonly claim that the Sri Lanka as an undivided island is "the homeland… for the Sinhalese people" (Stokke and Ryntveit 2000, 288) – known as *Dhamma Dipa* – particularly suited to the practice of Theravada Buddhism. This Sinhalese worldview led to a defensive position on the part of Tamils, who felt such language indicated that the Tamil community was to face a sort of Sinhalese cultural and religious hegemony. Tamil nationalists began to present Sri Lankan Tamils as community that constitutes its own nation separate from

the Sinhalese identity and that the Tamils' historical pattern of settlement serve as the boundaries of the Tamil homeland, or *Tamil Eelam.* Balasingham said on behalf of the LTTE, "the island… is the traditional homeland of two distinct nations - Tamil Eelam (Tamils) and Sri Lanka (Sinhalese), two distinct social formations with distinct cultures and languages having their own unique historical past" (ibid.).

Policy Formulation

For the most part, Cypriots do not view foreign involvement in their conflict or post-conflict related domestic policies positively, particularly if they perceive that the policies are imposed. When considered in the context of domestic inter-group relations and Cypriot history, this is even less surprising. In the Republic of Cyprus' Greek Cypriot Historical Museum, "the British colonizer is presented as the principal enemy and the Turkish Cypriots as collaborators of the British repression of Greek Cypriot aspirations during the National Organization of Cypriot Fighters' (EOKA) struggle" (Bose 2010, 60). In the Turkish Republic of Northern Cyprus' Turkish Cypriot Historical Museum, "the Greek Cypriot community is portrayed as the enemy and as a mortal threat to the very existence of Turkish Cypriots on the island after independence" (ibid.).

The majority of unification efforts in Cyprus have been the initiative of the British, the Greeks, the Turks, or the European Union and United Nations as opposed to appeals led by native Cypriots. The limited success of these initiatives reinforces the Cypriot mistrust of external influences. Since the Turkish invasion of Cyprus in

1974, Greek Cypriots have been gravely suspicious of the Turkish government, the Turkish military's presence in northern Cyprus and of the non-Cypriot Turkish emigrants to northern Cyprus. As a result, Turkey's military presence in and economic support for northern Cyprus has become a major roadblock for efforts to unify Cyprus. Even Turkish Cypriots have been reluctant to accept immigrants from Turkey as part of their community and the Turkish Cypriot government actively seeks trade partners outside of Turkey, although it is constrained by its limited recognition. The biggest casualty of the skepticism over foreign involvement was the Annan Plan. Considering scholars, diplomats and policymakers from all over the world participated in the formulation of a new constitution for Cyprus - based on a Swiss model - it is likely that the Annan Plan underestimated the importance of highlighting bi-communal Cypriot involvement in devising the plan.

Sri Lanka's experience points to similar conclusions. In 1987, India and Sri Lanka signed the Indo-Sri Lankan Accord that aimed at ending the Sri Lankan civil war. Initially, the Indian Peace Keeping Force (IPKF) was to be deployed in minor military operations. The IPKF's presence produced mixed results. On the one hand the IPKF fought the LTTE in a series of battles. On the other hand, the Indian Air Force was found to be dropping food and medicine parcels in LTTE-controlled Jaffna, which was under siege by the Sri Lankan military, to support Tamil militant groups. This behavior eventually led to the assassination of the then Indian Prime Minister Rajiv Gandhi by an LTTE suicide bomber. Eventually both Sinhalese and Tamils sought the expulsion of IPKF from Sri Lanka, and their wish was granted in

1990. Since then, India has maintained a safe distance from matters relating to the conflict.

Subsequently, over the course of the 1990s, Norway launched United Nations-backed negotiations to implement a ceasefire agreement and adopt a plan of devolution of power to grant the Tamils some autonomy. The Norwegians did manage to bring about some agreement between the government and the LTTE: the warring sides agreed to expel the Norwegian delegation on grounds of incompetency and bias. More deeply, their rejection of Norway's recommendations underscores the notion that the ideas they presented were foreign and isolated from the Sri Lankan case and were so prescriptive as to offend the relevant parties by insinuating their inability to devise a satisfactory outcome on their own.

The issue of internally displaced persons is one of the most pressing in post-conflict regions and in general, displaced persons in Cyprus would rather have guaranteed rights to property than be transferred to their original home or retain their existing house. The issue is less about location and more to do with a sense of security and permanency than the temporary shelters the internally displaced often live in. There are many narratives surrounding the opening of the Green Line, where numerous individuals and families crossed the de-facto border to visit their former homes they had left behind as they fled either north or south. Often, these "visitors" found that the families now living in their homes had preserved many details, including crockery, wedding albums and even sports equipment that were left behind.

Such anecdotes highlight a sense of transience. Greek Cypriots expected to be able to "return" and receive remedy for lost property whereas Turkish Cypriots considered their displacement to Northern Cyprus permanent and were more concerned with their existing property (the ones in which they were residing) if the division of Cyprus ended (Papadakis, Perisitanis and Welz, 2006). Whether or not there is reunification, the fear, discomfort and uncertainty associated with relocation is central to the promotion of protected property rights. In many ways, the EU's recognition of the Republic of Cyprus and the legitimacy associated with it instilled impressions of security and permanency within the Greek Cypriot community.

The same dynamics can be applied to Sri Lanka. Even though – unlike Cyprus - there is limited conflict-induced "exchange" of residences between the two main groups in Sri Lanka, the sentiments are similar (Misra 2004). Those who had been displaced by war seek compensation for lost property and forced relocation, in addition to a guarantee that their new homes will not be subject to the state's new program of setting up Special Economic Zones (SEZs) in war-ravaged regions. Relocation for these purposes cannot be refused and the state establishes these SEZs by purchasing property in those areas at nominal prices.

Consociationalism

Consociational forms of government have often been promoted in states with multiple ethno-linguistic groups as a compatible structure. This is particularly true for states in which a minority group lives in a geographically distinct and definable area

and "where it does not have sufficient loyalty to the greater state" (Ehrlich 2000, 462), because of the tendency of these minority groups to form independentist movements. Consequently, the implementation of a consociational framework is dependent on the different ethnic communities' confidence that the new system will be upheld in a sustainable manner. Although sustainability is assumed in the creation of consociational frameworks, the breakdown of Cyprus' 1960 Constitution suggests that it is not necessarily a universal assumption.

The Zurich Agreements of 1959 grew out of talks held between five parties – including Greece, Turkey, and the United Kingdom and led to the independence of Cyprus. The Zurich Agreements were the basis for the creation of the 1960 Cyprus Constitution, elements of which became known as the "Cyprus model" in studies of consociationalism because Part V (Article 2) of the Constitution established two communal legislative chambers in representing the Greek and Turkish communities. In addition to these separate communal chambers, the 1960 Constitution allocated the 50 seats in the House of Representatives such that 35 representatives were elected from and by the Greek Cypriot community and the remaining 15 seats were filled by the Turkish Cypriots. The Constitution declared its own provisions to the separate communities to be "unalterable". However, this declaration was short-lived – these political arrangements were only sustained for three years.

The then-President Archbishop Makarios III sought to amend the Constitution in a manner that was seen as partial to the Greek Cypriots. AAs a result, Turkish Cypriots gradually withdrew from participating in governmental institutions, instead

seeking the self-governance of the Turkish enclaves of Cypriot cities, towns and villages. The Makarios-led changes were widely supported by the Greek Cypriots, who deemed the Zurich-London agreements as a foreign imposition and thus an illegitimate basis for the foundation of Cyprus. In contrast, the Turkish Cypriots supported the additional constitutional provisions, such as the veto power accorded to the vice-presidents of the state and the House of Representatives. E Even if they may have preferred different arrangements than those in the Zurich-London Agreements, these provisions were seen as necessary to maintain the security and identity of the Turkish Cypriots as its own national community.

The disparate reactions to the 1960 Constitution produced numerous disagreements regarding the relative representation of the two groups in government, foreign policymaking and taxation that brought governmental functions to a halt. While Greek Cypriots expressed their displeasure over their "discounted" allocation of 70 percent of civil service jobs at a time when they constituted 80 percent of the island's population, the Turkish Cypriots were convinced that the 70-30 ratio was not enforced. More troubling were the communities' approaches to the Cypriot army. Initially, a 60-40 ratio was agreed upon (Greek Cypriots, of course, serving the majority) for army units. Yet, there was a split between then President Makarios and Vice-President Fazil Küçük; the former wanted complete integration of the army, whereas the latter preferred a mixed force in battalions but segregated companies. The Vice-President then exercised his constitutional veto power (a power that provoked the ire of many Greek Cypriots) to prevent the installation of an integrated armed force. In response, Makarios stated that Cyprus could ill-afford an army

(Turkish Cypriot representatives had previously vetoed income tax legislation) and thus ended all plans to develop a Cypriot national army. Together, the leaders paved the way for community-based paramilitary forces to emerge.

On November 20, 1963, President Makarios proposed thirteen amendments for consideration to the leaders of the Turkish Cypriot community that would alter a few constitutional provisions that "threatened to paralyze the State machinery" and prevented the communities from "cooperating in the spirit of understanding and friendship" in a memorandum called "Suggested Measures for Facilitating the Smooth Functioning of the State and for the Removal of Certain Causes of Inter-communal Friction". This memorandum required the participation of all five parties that were signatories to the Zurich-London Agreements and the Treaties of Guarantee and Alliance that served to guarantee the status quo of the 1960 Constitution and thereby became an international affair. The proposals included the dismantling of distinct communal chambers in favor of an integrated state with limited guarantees of minority rights and the unification of judicial institutions. The proposals also intended to dismiss the veto powers accorded to the president and vice-president, and representation in the civil service would be proportionate to the size of the community (in effect, the share of Turkish Cypriots would be reduced by ten percent). As a concession, the Vice-President of Cyprus and Vice-President of the House of Representatives (both Turkish Cypriots by default) would have the right to act and serve the functions of the president in the absence of the respective Presidents. It is widely believed that Küçük was agreeable to considering Makarios'

proposals but his Turkish Cypriot government overwhelmingly opposed the plan. The document prompted inter-group violence and accordingly the UNFICYP's birth.

Turkish Cypriot participation in the legislature fell rapidly due to safety concerns and general displeasure, and by early 1964 it was a singularly Greek Cypriot body. This new dynamic enabled the House of Representatives to pass laws that created an armed force and changed some bi-communal arrangements – such as the dissolution of separate electoral rolls for the two communities – and the consolidation of higher courts into the Supreme Court. The Turkish Cypriots contended that any actions by the Greek Cypriots in the absence of Turkish Cypriot representatives must be unconstitutional, particularly during a period of "involuntary nonparticipation". Before the TRNC was established in northern Cyprus, the Turkish Cypriot community had already begun framing a "transitional administration" that would handle Turkish Cypriot affairs was in fact constructed to serve as a parallel government "until such time as provisions of the 1960 constitution have been fully implemented."

President Makarios immediately held the transitional arrangement as an illegal affront to the unity of Cyprus. During the bi-communal talks of July 1972, it emerged that both sides regarded the elemental constitutional provisions to be so contentious that inevitably new arrangements were required. This trajectory of thought continued into the 21st century as Greek Cypriots overwhelmingly voted against the Annan Plan. Intra-group variations in opinion were hardly evident among Greek Cypriots regardless of age, gender, political affiliation or refugee status.

The recent sentiments regarding political arrangements in Sri Lanka echo the Cyprus case. At the time of Sri Lanka's independence, the Donoughmore Constitution of Ceylon was the first initiative of the British colonialists that attempted to bridge the gap between the two main ethnic groups. In its founding, Donoughmore's intention was to "create a sense of interdependence among various ethnic groups represented in the legislature". This was achieved by creating a cabinet that was not chosen by any one individual who led a majority in the legislature. In addition, party divisions (which at the time were synonymous with ethnic divisions) did not manifest in government. This model included certain types of laws that the Parliament was constitutionally declared incompetent to pass, in particular those that would limit the rights, political access and movements of minorities or otherwise subject them to a different set of standards than the majority group. Even though these protections were guaranteed under Article 29(2), Sri Lanka's Parliament still passed the Official Language Act in 195 by a simple majority.

Hence, it is unsurprising that since the early stages of preparation towards Sri Lanka's independence, the Tamils had a different set of ideas regarding the constitutional model. More specifically, they sought "an ethnically ascertained sub-State - a Tamil homeland in the northern and eastern provinces on the island". During the debate on the Official Language Act (1956), a legislator, Dr. Colvin R. de Silva, said that from the Tamil point of view,, "They do not want to feel that their language and through their language, themselves are looked down upon as an inferior section of the people of this country." The then Sinhalese Prime Minister Bandaranaike's response to Dr. de Silva was that "this desire for making Sinhala alone the official

language stems… from the fear that not merely would the Sinhalese, in fact, be reduced to a position of inferiority - the Sinhalese people - but their language and themselves be pressed back almost to a point of elimination."

Although Cyprus and Sri Lanka have both faced problems with consociationalist constitutions, it is important to note that there are multiple criteria for determining the manner in which the split in representation is handled. For example, in the United States Congress, the Senate has two elected seats per state whereas the House of Representatives allocates the number of seats per state based on the state's population size. This accounts for both the variation in land area and population sizes between states. In addition, a combination of the Cyprus model and the Lebanese consociational model has been successfully implemented in South Africa in the post-apartheid era.

Arend Lijphart, who first described the concept of consociationalism, stated four key requirements for the successful functioning of a consociational democracy – each building upon the previous requirement. First, the elites must have the ability to accommodate the divergent interests and demands of the "subcultures". Second, these elites must have the ability to overlook pervasive cleavages in order to cooperate with the elites of "rival subcultures". Third, this ability to overlook cleavages depends on the commitment of these elites to maintaining the system and continually improving its stability. Lastly, all of these requirements assume that the elites are aware of the "perils of political fragmentation" (Lijphart 1969, 216). Nonetheless, these

requirements are dependent on certain pre-existing characteristics or conditions in the relevant society that determine the degree of success of consociational democracies.

Lijphart expands on some of these conditions, and again narrows them down to three factors that "appear to be strongly conducive to the establishment or maintenance of cooperation among elites in a fragmented system" (ibid., 217). One of these factors is the presence of external threats to the state in question. From his observations, Lijphart argues that in all of the consociational democracies that he studied, a cartel of elites initiated during periods of international crisis, such as the First and Second World wars. Belgian elites entered into Catholic-Liberal grand coalitions – termed "Unionism" – at a time when Belgium was seeking independence, but this unionism had lapsed until the resumption of WWI. Similarly, Austria and Lebanon formed their own versions of a grand coalition during and after WWII because the external threats "impressed on the elites the need for internal unity and cooperation" (ibid.).

Another favorable condition is a multiple balance of power among the different groups. In most majority-minority situations, the leaders of the majority are inclined to dominate the minority, although this may also occur in societies where there is an even distribution of groups. In contrast, when political parties in fragmented societies are assembled according to group divisions (as is the case in Sri Lanka), then a multiparty system is more suited to a stable consociational democracy than a two-party system. Such a system works particularly well for the Netherlands, Switzerland and Lebanon because all their groups are minorities.

Consociationalism is often characterized by a degree of in political action and decision-making and accordingly Lijphart states the third favorable condition as "a relatively low total load on the decision-making apparatus" (ibid., 218) . In some cases of consociationalism, decentralization lightens this load.

Analyses of relatively recent agreements reached in Northern Ireland and Bosnia-Herzegovina have prompted additions to Lijphart's original conditions. Even at the time of the Sunningdale Agreement of 1973-1974 that outlined a power-sharing arrangement, Lijphart had promoted the idea of consociational democracy in Northern Ireland but conceded that the agreement was largely experimental. In Bosnia-Herzegovina, citizens viewed the Dayton Accords (the peace agreements ending the war in Bosnia) as being imposed by outsiders such as the United States, the European Union and the North-Atlantic Treaty Organization (NATO). Like the Annan Plan, the Dayton Accords show that even though these outsiders are motivated to solve the problem and can have a positive impact, the outsiders also prefer negotiated agreements that are very often reached under exogenous pressure rather than endogenous support.

In addition, one of the limitations of traditional consociational theory is that it was specifically derived from observations of the religious and class divisions in European countries. It did not include conflicts involving calls for self-determination or disputes, "that involve ethno-national communities focused on contested homelands" (McGarry and O'Leary 2006, 55) which have been observed in both Cyprus and Sri Lanka. Consociational theory often centers on how power should be

distributed within the central government, whereas disputes regarding self-determination necessitate a focus on how much power the central government should hold and whether there should be multiple central governments.

Finally, to form enduring consociational agreements, the relevant parties must agree on a number of issues other than just the political – legislative and executive – and judicial institutions. Rather, as the Belfast Agreement of 1998 (which introduced consociational provisions to both the Republic of Ireland and Northern Ireland in 1999) in Northern Ireland has shown, the arrangement will endure as long as numerous issues beyond these are addressed in tandem when consociational arrangements are devised. In particular the design of the police, demilitarization, provisions for internally displaced persons, management of prisoners, education reform, economic policy, and language (or other group rights) must all be delineated before the state can achieve broad consensus in its political institutions within a consociational framework. Otherwise, a state may face situations of breakdown, such as the destabilization of the Northern Ireland executive on account of the Good Friday negotiations' inability to resolve the matter of police reform.

International Dimension

While Greece and Turkey are both members of NATO and Turkey has aspired to accede to the European Union (of which both Greece and the Republic of Cyprus are members of), there has been limited discussion in recent years of the Cyprus conflict. NATO has been powerless in attempts to address the Cyprus issue, primarily

because its involvement would paralyze the organization since two key stakeholders in the conflict are also members. In addition, the European Union position was that a settlement was not a "precondition" to admitting Cyprus into the EU, because such a precondition would "empower" the Turkish side with a veto right for which the Greek Cypriot community would have to pay for the possibility of Turkish intransigence. Similarly the resolution of the Cyprus issue was not a precondition for the potential entry of Turkey to the EU. It is likely that the Greek and Turkish officials know that the current situation is very uncomfortable for both the Greek Cypriots and Turkish Cypriots, but that the situation would worsen if they became involved in it further. The overall reluctance to initiate negotiations in Cyprus represents a dynamic in which change can only occur in Cyprus if there is an internal stimulus. The competing interests within the EU and NATO as well as those between Greece and Turkey individually suggest that these parties face a stalemate as well.

In Sri Lanka, there has been a tendency to reject outside influence even if it is well meaning. Countries such as Norway, India and the United Kingdom, that were either involved in ceasefire agreements or attempts to negotiate a peaceful resolution, have been ejected from their positions of influence by both Tamil leaders and the Sinhalese government. Sri Lanka is a member of the South Asian Association for Regional Cooperation (SAARC), which includes all countries in the Subcontinent of South Asia. The Sri Lankan conflict has not been on SAARC's agenda in recent history, due to the regional organization's principle of "non-bilateralism", India's failed involvement in the island in the 1980s and Sri Lanka's reluctance to allow an organization in which its two largest members (India and Pakistan) are already in a

long-standing and devastating conflict. Furthermore, despite the economic influence of the substantial Sri Lankan Tamil Diaspora and their support for Tamil leaders, their host governments (notably Canada, Australia and Switzerland) have shown no indication of getting embroiled in an apparently no-win situation. The only exception to this non-interfering approach is with regard to issues such as human rights violations and rights of the child.

Chapter Four: Projecting Outcomes of Strategies

Sri Lanka's Political Structure

Since Sri Lanka gained independence from the United Kingdom, its form of state has been an executive presidency, based on the French model. The president is the head of state and also holds executive powers. The president is elected for a period of six years and has the authority to dissolve parliament 12 months after a legislative election. Sri Lanka also has a unicameral legislature composed of 225 members who are directly elected for six years under a system of modified proportional representation.

Sri Lanka has been a traditionally diverse society, but over time some legislation and amendments to the constitution have produced an essentially majoritarian democracy. The 1956 "Sinhala Only" bill and the 1972 constitution that guaranteed "the foremost place" for the Buddhist religions (which mostly had Sinhalese adherents) both alienated the Tamil community. The 1972 constitution also abolished the Senate and established a National State Assembly. This assembly was to embody the power of the state and the judiciary was denied the authority to challenge its enactments. The executive was also given a range of emergency and special powers that were protected from the judiciary.

The third Constitution, introduced in 1978, provided for a strong presidency but did not define the separation of powers between the executive, legislative and

judicial branches. The president can declare war and peace, grant pardons and carry out actions approved by the legislature or ordered by the Supreme Court. The president is the head of state, head of government and commander in chief of the armed forces. The president may be removed from office by a two-thirds vote of Parliament and the consent of the Supreme Court. The president appoints all judges of the Supreme Court, if the appointment is approved by the Constitutional Council. According to Article 41A, the Constitutional Council is comprised of the following members: the prime minister; the speaker; the leader of the opposition in parliament; a nominee of the president; five persons appointed by the president on the nomination of both the prime minister and the leader of the opposition and one person appointed by the president upon agreement by the majority of the members of parliament belonging to political parties or independent groups other than the parties/groups to which the prime minster or the leader of the opposition belongs. The president appoints the prime minister and the cabinet with the approval of the parliament. The prime minister functions as the president's deputy. Furthermore, it is the president rather than the prime minister who presides over the cabinet and the president could hold any ministerial portfolio.

The 1978 constitution extended the life of the Parliament for another six years, although this was contested an "illegitimate manipulation of the legal political process" to give the ruling party (UNP) a monopoly of power. Nonetheless the president could call for new elections at any time. Tamil was also declared a "national" language while Sinhala remained the "official" language.

In August 1983, a constitutional amendment outlawed the advocacy of separatism by a political party, which then resulted in the expulsion of Tamil United Liberation Front (TULF) members from the legislature and Sri Lankan Tamils lost their political representation. This change contributed significantly to separatist violence and consequently in 1987, the 13th amendment to the constitution was introduced. This is consistent with the assertion that "when democratic elections produce ethnic exclusion, undemocratic reactions to it can be expected" (Horowitz 1993, 28).Under the amendment local governments – specifically nine directly elected provincial councils - were given more extensive powers in order to meet Tamil demands for greater autonomy.

The adoption of yet another constitution would either open or shut down opportunities to alter arrangements in the mean time. In other words, it is difficult to know, for example, whether secured property rights would result in reluctance toward political reform and therefore whether or not it is appropriate to resolve other issues first before political reform. Under Lijphart's model, some consociational arrangements take some issues off the agenda. On the other hand, political reform often changes the existing power balance and thus may unravel any agreements reached.

In the Sri Lankan case, it is clear that political reform must take priority over other issues, because the current expansive presidential powers are perpetuating certain problems including that of internally displaced persons. Moves toward addressing other issues can only be made if there is sufficient representation of all

stakeholders.

Electoral System

In democracies, representation is guaranteed via voting. However, the nature of this representation can change, depending on the state's electoral system, or the manner in which votes are taken and calculated. There are numerous types of electoral systems, but the ones most relevant to Sri Lanka are the first-past-the-post (FPP) and the proportional representation (PR) models. Initially, Sri Lanka solely used the FPP system for its elections, but the 1978 Constitution also saw the introduction of a PR system for parliamentary elections. In this system, 196 members are elected under the FPP model in multi-seat constituencies - which have quotas for each district – and 29 seats are elected under the PR model.

Neither model is perfect, and there are mixed reactions to Sri Lanka's attempt at combining the two. The FPP model is based on majoritarianism. It works best when there are two main parties. If there are three or more strong parties, then the winner may not have the support of the masses since the fraction of votes required to win the election is below 50 percent. Nevertheless, the FPP model is perceived to be more democratic. On the other hand, the PR model provides maximum equity. It is based on the premise that fair representation should be accorded to those who lose in the electoral process as well. It was implemented in Sri Lanka via the preferential vote system at the local government level. This means that voters rank candidates by order of preference. Each voter casts four votes: the first is cast to the party of the

voter's choice; the remaining three are allotted to the voter's candidate preferences. After the winner, the "best loser" is also represented in the legislature. In addition, the PR model at the district level distributes bonus seats for the leading party to be filled at the party's discretion, and the balance of seats are determined based on the proportion of votes obtained by the remaining parties. Arguably this model diminishes representation because Sri Lankan candidates compete for whole districts, rather than electorates (each district is comprised of a few electorates, which are local governance units). The presidential elections use a different form, the contingent vote system, but for a single seat vacancy.

The electoral system is aimed at supporting moderate political behavior. If politicians and parties need to obtain votes from members of out-groups in order to win an election, then they may be inclined to act in a more "ethnically conciliatory fashion" (Horowitz 2003, 15). Similarly, governments frequently portray the opposition as a "resistance to the popular will" (Horowitz 2003, 19) and if the opposition is ethnically varied, they are further susceptible to be deemed enemies of the state. Minorities generally favor the preferential vote system because it seems more equitable. However, it often results in intra-party clashes, particularly when coalitions of inter-ethnic parties form in order to gain leads in elections. At the same time, Horowitz argues, "Neither the presidential nor the legislative electoral provisions adopted in Sri Lanka aimed at multiethnic parties" (Horowitz 1985, 639). This is not surprising. Given that the population is distributed in the island such that the Tamil minority is heavily concentrated in the northern and eastern regions, Sinhala and Tamil politicians tended to form parties "almost entirely contained"

(Spencer 2008, 613) within their respective communities. Consequently, two key political zones formed: the north had a "zone of permanent opposition" dominated by Tamil parties, and the south had a "zone of competition" of primarily Sinhala politicians.

Nonetheless, recent elections have seen the growth of multi-ethnic coalitions. In the most recent parliamentary election in 2010, the winning group, the United People's Freedom Alliance (UPFA) was a coalition of mostly Sinhala but also a couple of Tamil parties – including one that used to share the secessionist ideology of the LTTE. It collected over 60 percent of the total votes. In contrast, the minority Tamil National Alliance coalition collected less than three percent of the total votes. Although this suggests that the average voter does see these coalitions to be viable, considering that only a small fraction of votes went to the minority coalition, voters would probably have voted for the larger coalitions and parties regardless, rather than voting for the minority coalitions as a means of reducing the margin by which the leading parties won. The Sri Lankan government has now resolved to dismantle the PR system henceforth in order to simplify the electoral system.

Sri Lanka's Experiment with Devolution

Devolution means the permanent transfer of political and administration decision-making authority to elected bodies at lower levels from the central government, unless there is a constitutional change – which is the difference between delegation and devolution. Still, in practice, a higher level of government can retract

authority via contingencies. The Sri Lankan government first proposed devolution as part of the Thirteenth Amendment to the Constitution in 1987 and the Provincial Councils Act No. 42 in the same year, and later as a means of ending the civil war in 2007. The Thirteenth Amendment established provincial councils, the post and powers of elected Governors of these provinces as well as the Board of Ministers, defined the membership, legislative powers and tenure of provincial councils, stipulated alternative arrangements in case of a failure in the administrative machinery, and created the High Court of the Province and Finance Commission. Act No. 42 made clear the expected conduct of business and financial procedures of the provincial councils. This arrangement is akin to a federal system, but not necessarily a strong one.

However, provincial councils have yet to be legally defined. The government instead has some general guidelines. Provincial councils were not intended to be government ministries or departments nor a local authority. Instead, they were set up as autonomous bodies not overseen by any ministry and derived their power and authority from the Constitution and Acts of Parliament. For the nine provinces in Sri Lanka, eight provincial councils were established, since the Northern and Eastern provinces were merged into one as per the terms of the Indo-Sri Lankan Accord. This merger itself is still controversial. Tamil nationalists see this region as part of Tamil Eelam, their homeland. Given that the east is significantly more ethnically diverse than the north, with a large population of Sinhalese, Muslims and Burghers, the 13th amendment indicated that the merger was subject to ratification by referendum. This referendum has yet to take place, so the constitutional status of the merger is still in

question. In fact, elections to nominate council members were only held in the Eastern Province, and not the Northern Province, even though the latter is the political center of Tamil nationalism; this profoundly diminished the legitimacy of the provincial council model. Predictably, Tamil political parties are opposed to any "de-merger" of the north-eastern province. The councils were established for five years from 1988 until their dissolution in 1993.[5] The council for the merged provinces only lasted until 1989 because the government viewed its administrative machinery as a failure.

Provincial councils are allowed to pass statutes as long as they do not violate the Constitution, and are consistent with laws passed by Parliament (which supersede statutes if and when they are contradictory). These statutes may address issues involving employment, education, health and language policies. Provincial councils are also encouraged to deal with economic inequalities within and between the provinces and work towards closing these gaps.

Despite the efforts of both the Indian and Sri Lankan governments to formulate a framework for provincial councils that would allow for effective decentralization, the line between the powers of the provincial council and the centre operating at the district level remained blurred due to the phrasings of the 13th amendment. The executive presidency remained visibly powerful, ministerial

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[5] In 1993, new elections put in place seven new provincial councils that continue to exist today.

directives could revoke the provincial councils' ability to oversee health and education and the parliament reserved the right to determine "national policy on all subjects and functions", thus undermining any powers devolved to the provincial councils. In effect, the central government could unilaterally control or reduce the powers of the provincial councils. Therefore, no provincial council could claim to exercise sole jurisdiction over any particular policy arena. Eventually, Tamil political parties rejected the 13th amendment and sought a greater – and more concrete – devolution of power.

The 2007 plans involved devolving power at the district level on the condition of rebel (namely LTTE) disarmament. In fact, along with the same proposals, the then ruling party – including President Rajapaksa – offered to abolish the executive presidency, adopt a bicameral parliamentary system, ensure that both the police and the armed forces are more ethnically diverse and that schools are multilingual. Still, the perpetuation of the 13th amendment without reconsideration suggested to the Tamils that these changes would not have their touted effect.

Horowitz argues that "where groups are territorially concentrated, devolution may have utility, not because it provides 'self-determination', but because, once power is devolved, it becomes somewhat more difficult to determine who the self is" (Horowitz 1985, 617). This rationale does not apply to Sri Lanka. Sinhalese overwhelmingly outnumber Tamils in Sri Lanka, but Tamils outnumber Sinhalese and Muslims in the Northern and Eastern provinces.

The Rationale for Tamil Autonomy

The reasoning for autonomy in the predominantly Tamil regions of northern and eastern Sri Lanka is clear, considering the problems with the existing electoral process and attempt at devolution in the country. Autonomy for Tamils in Sri Lanka would achieve four main objectives.

First, it would reduce the reliance on the national electoral process to ensure that all parties are represented. It is clear that the outcomes achieved from proportional representation have not been drastically different or, more importantly, *better* than a system of first-past-the-post. Sinhalese parties have rarely had to seek the support of Tamil parties, let alone consider a coalition that was dependent on interethnic cooperation.

Second, autonomy would result in political incentives to encourage interethnic moderation. To the extent that it is ingrained in the majority group's psyche that Sri Lankan is a fundamentally Sinhalese or Buddhist state, the *de facto* centralized state can neither be relied upon to exercise political moderation in its policies toward or regarding minority issues nor be expected to involve non-elected minority political groups in debates of national or regional policies.

Third, autonomy would result in devolution in a realized form. The current model offers the illusion of a decentralized government, but until there is some power designated to these decentralized units that is both exclusive to those units and focused on certain defined types and/or aspects of policy, existing legislation cannot be conducive to devolution.

Lastly, granting autonomy would still enable the national government to preserve the rights of regional minorities. The Burghers, Sinhalese and religious minorities (Muslims and Christians) can turn to the national government if they feel their rights are being restricted by the autonomous government, since they retain their Sri Lankan citizenship.

The Basque Model

A long-standing model of autonomy granted to a separatist region is the Basque Country in Spain, which became an autonomous region when the Statute of Autonomy was signed in 1979 and Spain approved the Basque democratic constitution soon afterwards. Within the statute, autonomy has a broad definition and scope. The Statute itself is deemed a "pact" between the Spanish government and the Basque peoples, constitutionally. Considering the complexity of issues with which the Statute deals, the deliberate vagueness provides some flexibility the absence of which would result in a protracted debate regarding provisions in the Statute.

The Basque model has experienced a number of key successes. The Statute resolved a linguistic issue as it allowed Euskera, the Basque peoples' language, "to share with Spanish the statues of official language in the Basque Country" under Article 6.1. This move reassured the Basque people that their language will not be superseded by the national language but instead retains parity within their region. The Basque administration can function using its regional language while maintaining a standardized means of communicating with the central, national government.

More importantly, once the Basque region attained autonomy, its politics became more moderate. The extremist secessionist Euskadi Ta Askatasuna (ETA) group no longer enjoys the same level of support it did 20 years ago. Political groups, whether nationalist or left-wing have begun to actively reject ETA and cut their political ties with the infamous organization. Since the political focus in Basque policymaking is now more inward-looking, a diversity of political views emerges and consequently the intensity of Basque nationalism in terms of the secessionist movement vastly decreases.

The protection of minorities within the Statute was implicit in Article 4, consistent with Article 2 of the Spanish Constitution, which defined the Basque People/Euskal-Herria as a nationality, but separating this term from citizenship. Article 7 of the Statute is also consistent with Article 139 of the Spanish Constitution, which states that all Spanish citizens have the same rights and obligations regardless of the part of Spain in which they reside. This suggests that there is no separate Basque citizenship that separates citizens who are Basque residents from citizens who are residents in other parts of Spain. Hence, minorities within the Basque Autonomous Region can still refer to Spain's state government for protections allotted to them by virtue of their citizenship if necessary.

The Basque model is a case study that exemplifies the potential benefits of autonomy for regions where the overall minority group is the majority group in that area, and hence is one that would be highly applicable to Sri Lanka.

The Impact of Autonomy on the Internally Displaced Persons Issue

If and when autonomy is granted to the North-Eastern Province in Sri Lanka, efforts to address the issue of internally displaced persons will be more effective than policies that have been attempted under the current system. There are a few reasons why existing legislation, such as the National Framework for Relief, Rehabilitation and Reconciliation (NFRRR) has not been effective. First of all, there is a continuing debate as to whether internally displaced persons should be accorded a special, separate legal status and a lack of definition in this respect makes associated legislation weak as it is unable to appropriately categorize and account for the total number of displaced persons within the country. In addition, there are multiple agencies – such as the Ministry of Resettlement and Disaster Relief Services and the Ministry of Disaster Management that could potentially facilitate the reintegration and re-installment of internally displaced people into their original communities; however, these agencies are rarely coordinated and their responsibilities often overlap. Another difficulty that the government and military face is that those who are internally displaced are often reluctant to return to their original homes, either due to safety concerns or because they are unsure about the permanency of their relocation.

Autonomy for the North-Eastern Province will directly impact some of these concerns. Regarding the security concerns, those who are internally displaced can have a choice either to relocate to the newly autonomous region or to remain in provinces controlled by the central government. Those most impacted by this choice are Muslim, Burgher and Sinhalese IDPs, all of whom are or will be minorities in the

northeastern region. It will then be the responsibility of either the central government or the autonomous government to ensure that the basic needs of the IDPs are met and to plan for a permanent solution to the problem. It is not necessary to define a separate legal status for internally displaced persons, because such a status may counterproductively imply an undesirable permanency in their situation. Rather, the basis of the NFRRR can be set as a standard, which both the central government and the autonomous government are required to implement. The focus should be on securing property rights for internally displaced persons and ensuring that they are not once again displaced by the state for economic development purposes in the future.

Chapter Five: Recommendations

Any effort at post-conflict reconstruction in Sri Lanka must focus on implementing long-term policies that change the structure of governance to grant greater autonomy to Sri Lankan Tamils. Even though a number of conflict-related issues must also be addressed, including electoral violence, selective development programs and the rehabilitation of internally displaced persons as well as refugees, developing a system of government that promotes rather than hinders the representation of any minority[6] takes priority.

There is a certain logic to according priority to the establishment of an autonomous north-east province. If, for example, the Sri Lankan government tries to resolve other issues highlighted prior to political reform, then it is possible that these arrangements may preclude the adoption of policies related to political reform. Minority groups may accept the resolution of other issues as an indication of the government's future acknowledgment of minority needs and rights and thus become reluctant to act further toward achieving political reform.

However, it is clear that political reform is necessary. In some senses, the extent of the IDP problem is in part a consequence of a Constitution that gives the president too much power. The president claims that a "threat" exists, and uses this

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[6] Regardless of whether their minority status is regional or national

unclear threat to defend the perpetuation of HSZs. This prolongs the limbo situation in which most current internally displaced persons find themselves.

Instead, if political reform – specifically granting autonomy to the region formerly defined as "Tamil Eelam" – occurs first, it will prevent Sri Lanka from following the Cyprus trajectory that culminated in a stalemate. It would also pave the road for more delegation of authority to the provinces, which can then manage their developmental and displacement issues within their respective areas. Finally, it would increase the likelihood that no pressing issue is ignored or set aside as part of a "grand bargain". While this is entirely plausible[7] when forming consociational arrangements, it is clear from the history of both Cyprus and Sri Lanka that engendering these sorts of arrangements is much more easily said than done.

Therefore, it is in the best interests of the Sri Lanka to grant autonomy so as to prevent future violent civil conflict and preserve its territorial integrity. It is unclear how likely the Sri Lankan legislature or executive is to do this. However, given the disastrous effects the civil war has had on its economy and civil society, and that autonomy does not specifically or directly target the extensive powers of the Sri Lankan presidency, it is fair to assume that this policy of autonomy is the best solution.

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[7] Lijphart states that In some cases, taking issues of the table may be a prerequisite for agreeing to a consociational arrangement.

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