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**FEDERATION AS PEACE STRUCTURE:  
THE CASE OF SRI LANKA**

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## FEDERATION AS PEACE STRUCTURE: THE CASE OF SRI LANKA

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## 1. On federalism in general: An overview of the cases

The excellent Handbook of Federal Countries<sup>1</sup> covers 25 countries, about 1/8 of the countries in the world, 192 of which are United Nations members. They can be grouped as follows:

A. Former British possessions, "white" (3)	B. Former British possessions, "Non-white" (7)	C. Others (15), by continents
Australia Canada United States	India Malaysia Nigeria Pakistan St Kitts and Nevis South Africa United Arab Emirates	Argentina Brazil Mexico <u>Venezuela</u> Austria Belgium Bosnia-Herzegovina Germany Russia Spain Switzerland <u>Yugoslavia</u> Comoros <u>Ethiopia</u> Micronesia

In column A we have vast territories the British considered basically empty. The new rulers ruled with rules and rulers. The straight, mechanical lines, not respecting any organic territorial divisions carried by indigenous cultures, are still there.<sup>2</sup> Federalism was clearly a measure of decentralization to make vast territories governable, all parts according to similar blueprints, and to avoid too heavy concentration of power in the center. Lots to settlers were often defined the same neat, square/rectangular way.<sup>3</sup>

In column B we see the same arrangement in territories that were heavily populated, but often by very diverse groups and with dividing lines that are more organic. With some exceptions these are also vast territories in need of some center-parts power-sharing. Of course, "British India" was only 2/5 of the territory; the rest was subject to "indirect rule". Sri Lanka is not on this list.

In column C the countries have different historical backgrounds:

In Latin America we also find some very large countries (except for Venezuela) where direct, effective rule from only one power point to put out social brushfires (revolts) might have been difficult. Spanish/Portuguese colonialism left behind some of the same legacy as British colonialism, using devolution through subdivision to reduce control distance .

The European countries are familiar to any student of federalism. Here is the Mother of

Federalism, Switzerland, clearly not because of vastness but because of national diversity - three of the nations also being the nationalities of bordering countries often at war with each other.<sup>4</sup> The latter problem was solved with neutrality, the former with territorial subdivisions, down to the 20 full+6 half = 26 cantons by and large with national homogeneity within and heterogeneity without. Belgium later on followed suit, after much prevarication.

The case of Russia, let alone its tsarist and Soviet Union (SU) empires<sup>5</sup>, can certainly be seen in terms of both vastness and diversity. That also applied to former Yugoslavia, but not to "rump" Yugoslavia; after the Handbook was published not even existing in name, only as the fragile "Serbia and Montenegro". But on the list is former Yugoslavia en miniature, Bosnia and Herzegovina, obviously owing its double, even triple level federal structure to diversity.<sup>6</sup>

Germany, Austria and Spain decentralized recently. In Germany centralization was seen as one of the causes of its belligerence; a fallacious argument as control of the politics of war and peace is reserved for the federal center (US, SU) anyhow. Austria followed suit, maybe also seeing federalism as therapy for autocracy. This may also be the case for Spain with 17 regions, "autonomías", but very different from Germany and Austria. In Spain diversity was a factor.

Looking at the Table again a striking point is how Britain left behind a trail of federations, and a theory of state Britain did not practice at home. The United Kingdom of Great Britain and Ireland of 1800 might have avoided severe problems had it been a federation of England, Wales, Scotland and Ireland, with the islands - Hebrides, Orkneys, Shetland, Man and Wight (the Channel Islands being somewhat special). Today Northern Ireland or Ulster<sup>7</sup> would have to be added.<sup>8</sup>

Why didn't they practice that kind of wisdom at home? Probably because there was some glory in vastness even if built on the sand of fissiparous diversity. In the "possessions" that did not matter; they were under military control like Ireland. London thought that was sufficient, and wrong they were. Today they are all independent, replete with internal centrifugal forces like Ulster in the UK itself.

We notice that out of the vast French colonial empire came only one (precarious) federation, Comoros. Both vastness and diversity would have made Algeria and Morocco obvious candidates. Why not? Probably because in the French Jacobin tradition, so strongly favoring a unitary state, promoting federalism elsewhere is taboo as it may come home to France. The Napoleonic département subdivision handles size in a way unitary countries do: the same uniform formula for all, avoiding in the geographism of the names any national identification.

We have identified two strands in the evolution of federal structures: vastness and diversity. We note that a century of tremendous growth in effective control based on communication and transportation makes the first factor less, and the second more important because of ever more identity-threatening closeness. We also note a third argument favoring federalism: diversity within the same country, with symbiosis, can be very developmental.<sup>9</sup>

## 2. Enters national diversity: the problem

The focus here is on federalism as a peacebuilding structure to master national diversity, not to master territorial vastness.

A nation is a human group with four characteristics:

[1] Language, where even small differences, more like dialects within one language, matter for Self- or Other-identification.

[2] Religion, where even small differences, more like sects within one religion, matter for self- and other-identification.

[3] History, meaning the reading of the past and also the present and future. Truths to Self may be myths to Other, and vice versa.

History also defines sacred times, points in time to be celebrated.

[4] Geography, an attachment to territory, "these hills are ours, this is where our ancestors lived and are buried". Geography also defines sacred places, points, areas, in space to be celebrated.

Not all four are needed to define a nation. The Basques in Spain and France<sup>10</sup> have their separate national language but not religion, being Catholic like Spain and France. They have a history intertwined with that of their neighbors, over a relatively well defined territory. What percentage of Basques talk Basque and live there, and how many non-Basques live there, are seen by Madrid and Paris as weighing against higher autonomy, and by Basques as due to centuries of domination. History is decisive, percentages are incidental.

In Sri Lanka language is a key factor drawing a wedge between the Sinhala and Tamil communities<sup>11</sup>. Religion is less important in a rich tradition of peaceful coexistence among Buddhists, Hindus, Muslims and Christians. The history shows heavy asymmetries, and Christians were closer to colonizing European powers. Geography is crucial. The Tamils designate their own land, the Tamil Eelam. But many who live there are not Tamil, and many Tamils live outside.<sup>12</sup>

The Muslims differ in religion and history, but not language, speaking Tamil. They live all over and in 3 districts in the East<sup>13</sup>, in the "Tamil Eelam", they are the majority. Inconvenient reality.<sup>14</sup>

Ask a person "Who are you?" and the answer may be a proper name. Ask a person "what are you?" and the answer is more likely to be social position, in the narrow sense of occupation or the broader sense of caste or class; or an answer that taps into the nation syndrome. Geographical location, country, region, may be an answer. Age and gender rarely come up, partly because they are visible. The answers are expressions of identity. Some may reveal double identity. "Soy vasca, soy española" (a woman saying "I am Basque, and I am Spanish"), is frequently heard; like "I am Tamil and Christian".

The answers matter because of the short step from identity to identification. That is why colonizers so often tried to tamper with identity by giving their "subjects" names from the nation of the colonizers. Japan forced Japanese names upon Koreans. Spain and Portugal also gave "their" subjects biblical first names for Christian identity, in addition to

the Spanish and Portuguese family names. The English often stopped at the first name, maybe afraid that full names would blur the boundary to themselves and serve them as a vehicle to invoke full rights. The individual name approach served both to switch identity to the colonizer, obscuring their own, and of individualizing identity, subverting collective foci. No doubt it worked to some extent. And the pattern is still there, like in Hong Kong.

What follows is based on an hypothesis close to a natural law:

All nations want to be ruled by people of their own kind, even if they are unkind; and prefer their own to a kind majority of Other.

With roughly 2000 nations according to the definition above we would get 2000 nation-states instead of today about 200 countries, of which only about 20 are nation-states. Or, potentially 1,980 violent struggles, like in Sri Lanka. We had some of them from 1990 onward. More are coming. And status quo is not the answer.

Independence as a new nation-state may, however, not be the answer either; neither sufficient, nor necessary.

Independence may not be sufficient to guarantee rule by one's own kind, except in total isolation.<sup>15</sup> The links in a globalizing world, through governments, non-governments, transnational corporations (IGOs, INGOs and TNCs), or directly through bilateral links between states, companies, cities or peoples and people, are today so strong that Other enters and may even be in command, often in a very unkind, if less transparent way than the old colonizers. The state from which they broke loose may have offered a protective shield, however paternalistic. Like the UK against the USA.

One solution might be inclusion in a community, union, region, confederation with tight cooperation yet retaining independence in foreign, security and financial affairs. If the neighbors are from the same nation or mega-nation (civilization), like the EU, this may provide an equilibrium, unless some are more equal than others.

Independence may not be necessary because of the spectrum of options between the unitary state and independence. Confederation is one of them, at a very high level of autonomy. The generic term is federation, with confederation as an extreme case. We then exclude territorial subdivisions as convenient arrangements for the shared execution of centrally decided policies, and focus on levels of autonomy above zero. Where there is autonomy there will also be some diversity as it is highly unlikely that all autonomous units will come up with the same answer to political problems.

If the world were one state, with one government, the world would have to be governed through the nations. Nations are as old as humanity; the states are only a passing stage. The name United Nations (with "members are nations") would then become meaningful.

### 3. Enter democracy and human rights: not the solutions

Democracy, meaning "rule with the consent of the ruled", is not the problem, only a good definition. The problem is how that consent is established. If "by dialogue till consensus" is reached, which is the way many families, neighborhoods, work places operate in practice, then again no problem. But if "by debate leading to a vote leading to majority rule" then there are serious problems with "dictatorship by 51%" (Gandhi). A majority nation may overrule the concerns of other nations; a majority class, lower or middle-upper, may overrule the concerns of other classes. A majority of voting men have for ages overruled the concerns of women; and a majority of middle-aged the concerns of children and aged. The elections may be nonviolent, but the structures may be violent and legitimized by using democracy = elections as cultural violence.

Electoral democracy is at its best in countries atomized by individualism, with little or no identification with anything, projecting the individual Self on the concerns of that country. This means individualist cultures<sup>16</sup> and homogeneous structures and not to a house divided against itself by the fault-lines of gender and generation, race and class, clan and nation, territory.<sup>17</sup>

The major instrument to protect minorities against majority dictatorship is today known as human rights, including the right to self-determination. However, in the theory of rights the duty-bearer is the state, and in a democracy the majority is temporary owner of the state, landing the majority in a conflict between human rights and collective goals of minorities and their own goals. Thus, in Norway--a facilitator of the Sri Lanka process--in the Samis are not content with individual rights to land and schools; they want collective rights. And human rights are individualist.<sup>18</sup>

There is no doubt that an electoral, majoritarian democracy under the conditions mentioned is often a nonviolent solution to the problem of regime change. Nor is there any doubt that dialogues toward consensus not only trains people in seeing Other, not only Self, as a source of insight, but in addition in going beyond original positions, inventing new realities together.

But if the country is heavily divided by fault-lines, democracy may reinforce them because parties will tend to be organized along fault-lines to provide foci of identification in conflicts. Majorities may be obtained with such unfair means as carrots = money, unrealistic promises (populism) or hatred/fear of minorities; let alone by reducing the number of voters on the other side with sticks = killing them off, in internal wars.<sup>19</sup>

From the outside it may seem so simple: why can't you just be Iraqis, Bosniaherzegovinians, Srilankans, and construct identity somewhere on a classical left-right spectrum of political parties? But on the inside these may not be the major issues. The major issue may be precisely to have a House for one's own kind, to be its Master, and not to be overruled in major matters by any Other.

The United Kingdom never created an overriding UK identity. And the Norwegians dissolved the union with Sweden in 1905 mainly because Swedes were Swedes and not Norwegians. Identity mattered relative to Third parties, foreign countries. A key issue was actually how consulates should be run, which flags displayed etc., just as today for the País Vasco in Spain, wanting not only not to be ruled, but also not to be represented, by Other. That Other is a democratic majority is no answer. Self is the answer, like for Hong Kong with its own consulates even without asking Beijing for permission. A formula for Tibet? Taiwan? Xinjiang? Inner Mongolia?

#### 4. Dimensions of federalism

Federalism is a Center-Parts (states, provinces, districts) power-sharing compact by dividing the functions of governance. This is not Center-Periphery. Caesar turned Rome into an Empire with the Center in Rome outposting his own people to govern the barbarians in the provinces. Today they are independent. Had Rome federated with autonomy to the barbarians it might have survived.

Above we indicated a simple typology, in fact only two types, for "democracy", depending on how "consent" is obtained:

Debate democracy, leading to vote and majority rule

Dialogue democracy, leading to consensus and joint rule

More dimensions can be introduced, and many more democracy types.

The same applies to "federation". The list of dimensions given below is not exhaustive, but covers many important problems.

A dimension often has three, four points and there are two extreme positions: "unitary state" under Center control, and "independence" from that unitary state, usually as two or more unitary states.

We have anchored the dimensions in the extreme positions taken by the status quo powers and by the separatists in order to cover the range between the extremes, facilitating rational choices on all dimensions, depending on circumstances. Like a menu in a restaurant with dimensions like "entries", "seafood", "meat", "desert", and for each dimension several options, facilitating rational choices on all dimensions, depending on circumstances. The choice is a menu, in our case a political menu. A restaurant serving only two menus, "unitary state" and "independence", like in so many inter-nation conflicts, is a poor restaurant indeed.

The goal of federalism is to divide unitary state into Parts that are so unitary that people may be ruled by their own kind.

##### 4.1 Division of functions between Center and Periphery

And that begs the key question of federalism: which functions of governance should be on the Center list, and which should be devolved to the Parts? The answer has obvious implications for the division of power to raise and allocate revenue, and for the deployment of the ultima ratio regis, the power of force. We are dealing with basic questions in the theory of the state.

The best key to the functions of governance is often the list of ministries/departments/directorates in the executive power, reflected in the list of ministers in the government, adding the legislative and judicial power. The list varies from one country to another. But the pattern that developed in the earliest states, like those that emerged around the big river systems (the Nile, Tigris-Euphrates, Indus-Ganges, Yangtze), reflected in the early states in Europe (Spain-France-England) via Greek-Roman Antiquity, has been remarkably resilient. The number today is often around 25.

If the country is subdivided territorially these functions can be executed locally according to the procedures developed by the Center (devolution, executive subsidiarity). Or by their own procedures, depending on the level of autonomy (federalism).

Certain functions are usually considered **Center** prerogatives:

Inter-state: foreign, security and financial/central bank currency policy, meaning political, military and economic power; and rail, road, ship, aviation, PTT-IT traffic and communication.

Intra-state: ultimate judicial power through central judiciary bodies stipulated by the Constitution; ultimate military power through state surveillance, central police power and the use of military forces internally; and ultimate economic power through central bank fiscal/financial/monetary policy.

Others devolve to the **Parts**: economy, employment, education, youth, sports, health, etc.<sup>20</sup>

Still others are **Shared**: justice, police, religion/culture, transportation/communication, energy/water, some lands, forests.

Such lists must be flexible. Foreign relations have evolved from envoy bilateral to institutionalized multilateral diplomacy, in inter-Center government organizations like the UN, or the World Bank/IMF/WTO for basic decisions. Today substates like Catalonia want their own consulates and delegations run by their own "kind".<sup>21</sup> Catalonia, Quebec etc are not alone.

A central security policy means an army with a high level of mobility against external, but also against internal enemies, as opposed to such defensive strategies as local militias based on defense of the homeland and nonmilitary defense. The parts may want their own, fearing Center intervention (India). Central currencies rule out local currencies to stimulate local economies. Interesting alternatives on collision course with classical Center monopolies.

But if some foreign, security and financial policies also devolve to the Parts, then what is left for the Center? Answer: the list of shared powers, like for everything where a grid for the whole country is needed. Autonomy to the parts is the essence.

Is a Center necessary in a federation? If the Parts achieve autonomy also in foreign, security and financial affairs they may still be tightly woven together at all levels, highly cooperative, making decisions essentially by consensus, after dialogue. As Center power decreases and Parts' power increases the federation turns into a confederation. The Nordic Community comes close, the European Community less so<sup>22</sup>. And USA not, as the Confederacy experienced in the Civil War with the Unionists: there was no exit.

#### 4.2 Level of autonomy

There is autonomy at the level of the Parts to the extent their decisions cannot be overruled by the Center, except if they violate a Constitution fairly and openly arrived at.<sup>23</sup> Prior consultation and dialogue may be both acceptable and indeed advisable. But autonomy means that the ultimate decision is with the Parts, and that the decision-makers--if in addition to being federal the country is also a democracy--are accountable to the people in their Part of the country only. To their own kind.

Autonomy for all governance functions means independence; autonomy for no governance function means administrative subdivision for the execution of unitary state policies controlled by Center authorities.<sup>24</sup> The range between independence and

integration into a unitary state depends on how many functions at what level of autonomy, making fine-tuning possible and negotiable.

Deep dialogues with many militants, activists, independence movements, over many years, usually bring up the same point: they want functional independence for some/many key functions, but rarely total "nineteenth century" independence. When asked they give answers like "local policing has to be controlled by us, but the Supreme Court judiciary may remain as it is". "Consular functions for us, but the UN 'they' may handle, with us in the delegation". Dialogues are needed to explore the extent of autonomy demanded, agreeing on a package which can then be subject to a review clause after X years ( $5 < X < 20$ ).

Thus, there are many federalisms to choose from, for a start and for revisions over time, bringing up the fear that over time the Parts will demand total independence, or the Center will demand total reintegration. Or they use this fear as pretext for inaction.<sup>25</sup>

#### 4.3 Territorial vs nonterritorial federalism

Territorial federalism divides the country territorially into Parts; non-territorial federalism divides the population into Parts like nations. Subdivisions like corporations are also conceivable.

Under national federalism the nonterritorial Parts are nations, like the four parts of Switzerland. The country is divided into 20 (full) + 6 (half) = 26 territorial canton Parts, not into four national regions. But Switzerland is atypical. The national and territorial divisions largely coincide because the population is "orderly", divided into Germans in the East, French in the West, Italians in the South and Rhetoromanians in the South-East.<sup>26</sup>

Nations may also be dispersed and live around each other. With people not sorted at all any territorial part would have the same percentage profile for the nations, meaning high entropy; with full sorting any territorial part would have 100 percent for one nation and 0 for the other(s), meaning low entropy.<sup>27</sup>

In the case of low entropy people register territorially, regardless of nation, and voting takes place in each territorial unit. In the case of high entropy people register nationally regardless of where they live, and voting takes place inside each nation, like among Republicans and Democrats in US primaries. The same could apply to men and women, or to the young, middle-aged and old within a three parts system. But today nation is on the agenda. Thus, Samis--a nation--are empowered to vote for Sami Parliaments in Norway, Sweden and Finland, regardless of where they live.

The two perspectives could be combined if the federation has both territorial and nonterritorial aspects, with the First Chamber territorial and the Second Chamber non-territorial with veto rights in some well-defined issues. To be developed in the next section.

#### 4.4 Monocameral vs bicameral federalism

A unitary state can be monocameral if the structure is sufficiently atomized and the culture sufficiently individualist, leaving little space for other collective foci of identification than the country itself. (There may be a second chamber for some residual "estates",

like for clergy and aristocracy from feudal times, but that is outside the federalism discourse).

In the first, territorial chamber the representatives are already supposed to think and vote territorially in addition to their party identity if the election districts are territorial. In the second, national chamber the representatives are supposed to think and act nationally. In both cases they are supposed to think of the country as whole. What would the second chamber do?

Negatively they would put down their foot, even with a veto, if basic national rights are trampled upon, like the right to speak their own language in public, including in the national assembly, or to practice their religion including in public space, or to have their children raised to the linguistic, religious and historical competence of their nation, knowing their own nation's perspective, and its sacred times and sacred places.

Positively they would reach beyond one's own nation to the others inhabiting the same territory, in the name of reciprocity and mutual respect, fighting any intolerance, demanding and offering tolerance, dialogue and mutual learning to build harmony.

These are tasks that cannot be entrusted to a first chamber because of the danger of majority dictatorship. Hence, the second chamber of nations should not only be given watchdog functions, but also positive tasks of inter-nation integration and harmony. They could work as a Committee of the Whole and by consensus, with veto.

#### 4.5 Symmetric vs asymmetric federalism

Under symmetric federalism the whole country is divided into Parts with (roughly speaking) the same rights and duties and levels of autonomy relative to the Center. Symmetry, universalism, is attractive because all parts, like all citizens, become equal for the law. The counter-argument, for asymmetry, particularism, is that all parts of the country may not have the same concerns.

Under asymmetric federalism some parts of the country are given more autonomy and some other parts less, in the extreme case none at all. Only a part of the country is federalized. A counter-argument is that particularism makes the country difficult to govern. The counter-counter-argument is that without some particularism addressing special, deep-rooted concerns the country may become ungovernable because of violent or nonviolent struggle.

This is the problem of Spain. Not wanting too asymmetric accommodation of the wishes of Catalans and Basques, the Spanish political class, so good at transition from Franco dictatorship to Western democracy, decided in favor of a more symmetric devolution, dividing Spain into 17 autonomías, giving those two less than they wanted, and most others more autonomy than they ever dreamt of. Administrative, universalist orderliness was served; particularist appetites were not satisfied, probably rather whetted.<sup>28</sup>

Chaos could come with inattention to particularist concerns. Thus, Ladakh (Buddhist) and Jammu (Hindu) could be states in the Indian Union and at the same time in Kashmir, together with Azad-Kashmir and The Valley. If the solution to Kashmir is some kind of confederation of the four parts, then the two Indian parts must have special status permitting membership in both, ie. asymmetry. Shoes of size 40 for all is symmetric, but not a footwear solution.

#### 4.6 Vertical vs horizontal federalism

We are talking about the organogram of a federal country. Vertical federalism is what we have when all traffic concerning decisions is between the Center and each single Part. The more the traffic is among the constituent Parts, consulting with each other, learning from each other (including about how to handle the Center), the more horizontal the federalism.<sup>29</sup>

Typical examples would be the Governors' Conference in the USA and the conference of Chief Ministers in India.<sup>30</sup> These are vertical ways of horizontalizing, however, from and at the top, like meetings of Heads of State, or Heads of Government in the EU inter-state system, of the big, veto powers in the UN Security Council, or the rich veto powers in the IMF/World Bank/WTO system.

But the world today also horizontalizes deeper down, with opposite number cooperation between ministries across borders, with TNCs linking companies, the international civil society linking NGOs, and with zillions of person-person links. A federal inter-Parts system can do the same, horizontalizing at all levels.

The ultimate in verticality has no horizontal links at all; the Center coordinating them all, which does not necessarily mean low autonomy. They may be diverse. The ultimate in horizontality would be a network of equal Parts, like the Nordic Community, the European Community, ASEAN, and the UN, served by Secretariats.

This does not necessarily mean high autonomy because all decisions may be subject to consensus or majority vote. It is more like a confederation where the Parts have separate but coordinated foreign, security and financial policies and may exit. A federation has joint policies and no exit, but may be very high on horizontality and almost Center free. Switzerland comes close.

#### 4.7 Single level vs multilevel federalism

A national movement, a front, a NFL, is fighting for liberation and becomes independent only to discover, often to its surprise, even shock, a similar movement taking shape inside that new state; like East Timor (and others) in Indonesia, Eritrea (and others) in Ethiopia, the Berbers/Kabyls in Morocco/Algeria, the Tamils and more recently also the Muslims in Sri Lanka, etc.

As mentioned, the nation system is not generally neatly laid out with borders dividing the world in territorially mutually exclusive nations that exhaust the land available. Thus, in South Caucasus there are 3 states and 28 nations, not sorted in valleys, but with nation inside nation inside nation up to six layers deep. Like in the Chinese boxes metaphor, or in a Russian matrushka doll.

A unitary state may federate with high level of autonomy to, say, Tamils or Basques who for decades have been complaining about inequality/inequity due to their minority status.

When asked "How about the Sinhalese or Spanish minorities inside your territory", some answer: "They can leave". "Would you have accepted that answer from your majority?" "Of course not, this is our land!". "Well, they may also feel that way after generations of residence".

A newly independent country may be faced with a choice similar to the country from

which it detached itself: federalize, or face an independence movement till the bitter end. A newly federalized country may have Parts facing the same choice. In short, they come up against a basic point in peace theory: whatever you want for your Self you must be willing to give to Other, also when it hurts. That Other may not be your old majority, but some new minority. And the process may have to continue to the ultimate end with very autonomous local authorities. In an IT world quite possible.

#### 4.8 Hard vs soft borders

The nature of a border is defined by the restrictions placed on whatever passes that border. This is a man-made problem of the homosphere. The cosmosphere, atmosphere, hydrosphere, lithosphere, and to a large extent the biosphere, respect no man-made borders. Cosmic rays, and an occasional meteorite, hit straight on; the air moves, quickly or slowly, with or without clouds; the hydraulic system moves water; tectonic plates move, so do animals, plants (or at least their seeds) and micro-organisms. We say all this to underline one point: a borderless world is normal, indeed natural.

The ultimate hard border isolates, with no passage of persons, products or ideas. The ultimate soft border is a non-border. They are both unnatural. Nature has flows, but also niches, turfs.

The hard border controls the passage of persons by such means as passports and visas, goods using tariff and non-tariff barriers, and ideas with censorship, like internet control.

The soft border permits free passage of persons, goods and ideas, but controls what happens afterwards. Thus, persons may stay for a limited period (like three months) as "tourists", but there may be limitations on settlement; products, including financial products like capital, may pass, but there may be limitations on investment, on the use of capital to make more capital; and carriers of certain ideas may be subject to surveillance.

"Globalization" aims at a borderless world. But among the free flows in the EU for labor, capital, resources and products, globalization is not borderless for labor. Hence, repatriated capital accumulates in the rich countries and impoverished workers accumulate in the poor countries, creating ever steeper rich-poor gradients. Such anomalies are impermissible in a true federation.

## 5. A typology of federations

With eight dimensions there are many possibilities between one unitary state before and more unitary states after independence:

	Multinational unitary state	Multinational federation	Independent nation-states
1. Division of functions	All functions to the Center	Divided between Center and Parts	All functions to the Centers
2. Level of autonomy	Total control by the Center	From 0 to 100 on 1 to N functions	Total control by the Centers
3. Territorial/ non-territorial	Territorial subdivisions	Territorial and/or national	Territorial subdivisions
4. Monocameral vs bicameral	Monocameral territorial	Bicameral national and territorial	Monocameral territorial
5. Symmetric vs asymmetric	Symmetric, universalist	From symmetric, to asymmetric	Symmetric, universalist
6. Vertical vs horizontal	Vertical	From vertical to horizontal	Vertical
7. Single-level vs multi-level	Single-level	Multi-level if needed	Single-level
8. Hard borders vs soft	Hard without, none within	Soft borders	Hard without, none within

To the left there is one unitary state, with the Center controlling territory and society, often legitimized by "majority democracy", and with national fault-line(s) eating at its heart.

To the right, after a successful struggle for independence, are two or more unitary nation-states with the Centers in full control. In-between are eight agonizing decisions. More unitary states give more Centers full control, more federations give them less. The urge to be Master in one's own House, and the lives sacrificed in the struggle, point to separation and independence. All they have lived and worked together, inter-married, shared of history of love and hatred, with so much Other in Self and Self in Other, point to continued togetherness. But status quo is not viable. There must be some compromise. A federation is that compromise.<sup>31</sup>

Let us now use this typology to explore some of the federal systems in the introductory Table for their Sri Lanka relevance:

Australia, Canada, United States: classical territorial division of functions with no reflection of national diversity. In the USA that would imply Inuit, Hawaiian, First Nations, Chicano, African-American states; in Canada some of that; and in Australia states for the Aborigines. With basic fault-lines unaddressed, bicameralism is of minor significance. The federalism is symmetric, horizontal, single level, with soft borders.

## Federalism in Sri

Lanka must reflect national diversity so they are not very relevant.

Argentina, Brazil, Mexico, Venezuela, Austria, Germany: again no reflection of national diversity (in Austria and Germany very low anyhow, except, possibly, for Kärnten in Austria and Bavaria in Germany). Again irrelevant, being territorial and conventional.

Switzerland: multi-national, hence relevant, but less so being at the same time territorial. Most cantons look like small nation-states with mono-cultural food, lifestyles, street-names and publicity; but with quadrilingual, federal, money bills.

Spain: relevant as it is multi-national, but then less so since the regions are treated as if they all had the same need for autonomy, not addressing the special needs of Catalans and Basques for higher level autonomy (with Galicia, the Canarias and the Balears waiting in the shadows). So far mainly single level.

India, Bosnia-Herzegovina and Yugoslavia, Ethiopia: highly relevant since they are all addressing national diversity, with positive and negative experiences. Thus, Federated Ethiopia, after the Dergue, has border skirmishes but they do not challenge the basis of the State. The Indian Union is still challenged by some, so was indeed Yugoslavia, and Bosnia and Herzegovina, BiH, is unstable.

Nevertheless, using the Handbook of Federal Countries and own observations, the BiH federation<sup>32</sup> may have interesting features even if they do not work well for BiH, and probably never will.<sup>33</sup> BiH is a federation of two entities" (a useful term when "country" or "state" are inappropriate), Republika Srpska (RS) and the Bosniak-Croat entity (BC) which is itself a federation - in other words double level. The general formula is 1:2 for the two entities, and 1:1 within the latter, meaning often 1:1:1.

The BiH legislature has a House of Representatives and a House of Peoples, and so does the Bosniak-Croat entity (Nations instead of Peoples). The federal House of Representatives has 42 members, and the House of Peoples at the BiH level 15 delegates; 5:5:5.

The federal institutions are responsible for foreign policy, trade, customs, monetary policy, finances of BiH institutions and international obligations, immigration, refugee and asylum policy, international and inter-entity criminal law enforcement, communication and transportation. Interestingly, "the entities can establish relationships with neighboring states, and enter agreements with foreign states and international organizations, with the consent of the federal Parliamentary Assembly."<sup>34</sup>

There is a Constitutional Court consisting of 9 members, but this time BC 4, RS 2, and 3 selected by the European Court of Human Rights. Similarly, there is a Human Rights Commission with 15 members, six from BiH and 9 appointed by European institutions.

Highly promising and interesting for Sri Lanka is the following:

"A proposed decision of the Parliamentary Assembly may be declared "destructive to the vital interest of the Bosniak, Croat, or Serb people". This provision allows members of the ethnic groups to block the enactment of contested legislation. In such instances, a joint committee including three members of each ethnic group reviews the legislation; if it fails to reach agreement the matter is forwarded to the Constitutional Court. A similar veto exists in the Presidency"

How about the European Union as a model? Very dynamic, moving toward both a

federation and a super-state. The level of autonomy of the Member States Parts is already low in financial affairs with a single currency and a European Central Bank, but remains very high in foreign and security affairs. "Subsidiary federalism" makes even the local level of autonomy in principle high, but only insofar as Center (Commission) directives are followed. This is executive subsidiarity.

The EU is territorial, based on the 15 constituent Member States (25 from May 2004). There is an element of nation-based federalism in the Europe of regions which probably will become more important over time, giving the non-dominant, non-represented nations of Europe more visibility and more of a say, and a horizontal forum of their own.

The EU is quickly becoming bicameral with the increasing power of the Parliament, and is symmetric in the sense of the equality of all Members even if some may be "more equal than the others" in decision-making power. There are high volumes of direct bilateral and multilateral interaction. And EU is multi-level with members (Austria, Belgium, Germany, Spain) that themselves are federations. Others (UK? Italy?) may be moving in that direction, and one day, in a fit of anti-jacobin rationality, even *Republique Fédérale Française?*

When foreign and security policies also have become aligned as a monopoly of the Center, then EU will become a giant territorial federation, and for all purposes also a super-state, even a super-power.<sup>35</sup> The levels of autonomy for other functions, the element of national criss-crossing, the two chambers (Parliament and Council), symmetry, high level of horizontality, multi-level structure and free flow across very soft borders will do little to change that. So the interlude from 1991 with a single superpower, the USA, may be short unless the EU submits to international law and the UN, unlike the USA.

## 6. What types of federations are peacebuilding?

We are talking about two types of peace, within and without; within the federation, and relative to other countries. Federations are created for within-peace, but there may be without dividends.

"Peace" is more than the negative absence of direct violence, of the structural violence of exploitation, oppression and alienation that often lead to direct violence, and of the cultural violence used to legitimize direct and structural violence.

Positive peace is also direct peace, cooperative acts for mutual benefit; structural peace in the sense of equity, freedom and identity; and cultural peace as a culture promoting that peace.

What we find empirically is more absence than presence of direct and structural violence, but also more absence than presence of the three types of peace. Typically relations are bland, tepid.

Positive peace means equality/equity, equal rights, symmetry. Using the dimensions as a check-list, where do federations stand?

### 6.1 Division of functions.

The conventional division allocates the key instruments of political, military and economic action abroad to the Center so there is no "peace dividend". The country is as peaceful as the Center, which may be even less than in a unitary state where the rest of the country may have some restraining influence. During the Cold War, both superpowers being federations, all major decisions in foreign affairs were taken by "Moscow" and "Washington", by the Kremlin and the White House, with the Supreme Soviet and the US Congress as rubber stamp institutions as evidenced by the (close to) unanimity if they voted at all. That would apply to foreign policy in general, to world economic policy, and to research, development and deployment of arms: "foreign/security affairs is none of your business; yours is economy, youth, sports, culture, education -."

Unitary states may in practice act the same way, though. The foreign policy elite may present foreign policy as a done deal, by-passing debates in the national assembly. There is a structural reason for this in the contemporary world. Governments interact multilaterally more than ever, as mentioned. Their political inputs and outputs are at that level, leaving much less window for a dialogue with their own people than earlier. People, on the other hand, will search for that dialogue in the international civil society. There is some kind of double global horizontalization, among governments, and among non-governments, replacing separate, quarrelsome, national vertical debate/dialogue. The point is that the conventional federal division of labor reinforces this pattern.

Imagine then, for the sake of the argument, that we turn the conventional division upside down and devolve much of foreign policy, security policy, and fiscal/financial policy to the Parts.

The Parts would establish consulates abroad, and delegations to IGOs. They would have their own defense for their homeland, more defensive, meaning less capable of operations outside their own territory, with militia/guerrilla and nonmilitary components.

They would have their own local currency in addition to the common currency of the country (which would then be a common rather than a single currency), to stimulate local economic cycles.

Prognosis: there will be moves in these three directions.

If smaller is more beautiful, then smaller should also be more peaceful. However, former Yugoslavia's military was devolved and far from peaceful. Their territorial defense was defensive defense, and Yugoslavia was neither attacked nor attacked others. But that devolution gave nationalist movements the local military force they wanted, and used for massacres. So the record is mixed.<sup>36</sup>

## 6.2 Level of autonomy

Political, economic and cultural autonomy of the Parts reduces exploitation, violence/oppression and alienation between Center and Parts. To the extent these three factors were operative, federalism reduces the violence within the country.

The higher the autonomy any direct, structural and cultural violence will be within the Parts, their problem, for them to solve. There is no longer the Center to blame, or the other Parts.

But how about the situation without, to other countries? There is something to learn from Switzerland. Being a federation from 1874 (and a confederation till 1848) there was no way a German-speaking majority could enlist Switzerland on Germany's side in wars, let alone a French- or Italian-speaking minority. The formula used was "neutrality". Today, given the density of inter-state interaction, "non-alignment" makes more sense, neutrality being too isolationist. Moreover, abstention from war is only negative peace, for oneself, far from being an active factor for the cause of positive peace, helping build equitable structures and peace cultures all over.

Any hypothesis that federations are more peaceful without the higher the autonomy is of course wrong. It depends on the relevance of the autonomy. Much higher state autonomy in health, education and welfare (the old HEF) would not make the USA a more, or less, interventionist country. But if higher autonomy for the Parts makes the country less easily aligned, then it may end up as non-aligned. Autonomy for the US Deep South, however, would not help.

Generally speaking, a democracy is as peaceful without as its people, or their leaders if "foreign policy is above politics". And federations are as peaceful without as the Parts, or the Center if the Center controls foreign affairs. Democratic federations may be less aligned, however, more paralyzed, leading to negative peace.

## 6.3 Territorial vs national

Diverging alignments are more likely in a nation-based than in a territory-based federation. Nation is culture, territory is geography and less likely to produce strong views unless different Parts border on very different realities.

A nation may, however, seek alignment with the same nation in other countries, like Spanish Basques and Catalans with France, and Tamils with India. Whether this is peace or war productive depends. Tamils may serve as a criss-crossing, violence-dampening tie if India and Sri Lanka have a serious conflict; and as the opposite if they work for a pan-Tamil state across the Palk straits. In that case, however, a confederation of the Tamil parts of the present Indian and a future Sri Lankan federation might be a solution, like a confederation of Azad-Kashmir, the Valley, Jammu and Ladakh, with the first as a part of Pakistan and the latter two of India. Both Pakistan and India, let

alone Kashmir, would do better under that deal<sup>37</sup>. And federations offer more flexibility than unitary states.

#### 6.4 Monocameral vs bicameral

If consensus is needed for war, then two chambers may be less aligned. But that also holds for peace.

#### 6.5 Symmetric vs asymmetric

Hardly significant for peace.

#### 6.6 Vertical vs horizontal

The same reasoning applies: the federal structure is as peaceful as its Parts, and its Center. The more horizontal, the less aligned for a war. But then also for peace.

6.7 Single level vs multi-level The same point: the more complex the structure, and the more explicit the demand for consensus, the higher the probability against alignment, for war as also for peace.

#### 6.8 Hard vs soft borders.

Hard borders within is not in the federation spirit, and not peace productive. Nor is no borders at all. Identity needs some markers. Borders, but soft, are recommended. Federalism is a major peace factor within, and sometimes without.

## 7. A federal formula for Sri Lanka

Sri Lanka will become a federation, for several reasons:

The violent struggle ended with a draw, the LTTE unable to force its demands on the Government of Sri Lanka, and the latter unable to enforce defeat, possibly also because of not very motivated soldiers.

Given this, and the limited size of the island, two unitary states as the outcome is generally not seen as viable.<sup>38</sup>

And the status quo as one unitary state is also not viable.

The outcome was a Norway-brokered ceasefire process to undo the effects of war, and ultimately the Ceasefire Agreement of 22 February 2002. But this is not a peace process to transform the conflict. A ceasefire with no peace may make new generations denounce the ceasefire generation as traitors, and the violence curse returns.<sup>39</sup>

With separatism, status quo and prevarication unviable, federation is the only alternative, also under international law.<sup>40</sup> But what kind?

Here is one federal formula, flowing from the above 8 dimensions:

1. The Center is in charge of all external, and the Parts of most internal, functions, subject to review after N years,
2. with very high autonomy for the devolved functions; to
3. Territorial Parts that are Provinces (States) or Districts, and Nonterritorial Communities Sinhalese, Tamil, Muslim
4. The federation is bicameral, with a House of Representatives for territorial constituencies **and** a House of Communities for Sinhalese, Tamils, Muslims
5. The federation may be asymmetric with autonomy only to Tamil and Muslim Parts, **or** symmetric with autonomy to Parts all over the country.
6. The federation should be horizontal with direct links between territorial Parts;
7. The federation should be Multi-level, with House of Representatives **and** House of Communities both in the Center and in the Parts.
8. The internal boundaries between the Parts should be Soft borders, with some control of settlement/investment.

Some comments are indeed needed, and in the same order.

[1] The conventional division of functions in recommended, with the external functions handled by the Center.

As mentioned above, this division may not be the final answer. But the strain on this

whole political process in Sri Lanka is so high<sup>41</sup> that the burden of something too unconventional in addition should be avoided.

And yet the issue of Tamil Eelam consulates could be open for discussion, neither taken for granted nor be ruled out of court.

The use of the LTTE for internal order is problematic. as is the use of the Government's Sri Lanka Army. One possibility is continuation of international monitoring. Another would be joint monitoring. Peace has to be based on symmetry. National self-assertion is about recognition as equal, and is incompatible with being stamped out as the only "troublemaker" to be monitored.

Any issue of local currency can wait.

[2] For the devolved functions maximum autonomy is recommended.

The LTTE made a major step in accepting to explore a framework for federal governance; this would be a quid pro quo. Muslims may then ride on the Tamil tiger and also demand maximum autonomy. For use, and income from, state lands, however, a sharing formula is needed.

[3] For the Parts there are two options, the Provinces (9) or the Districts (22).

Both are problematic. At present North and East are merged in a Northeast claimed as Tamil Eelam. North with 91% Tamils is unproblematic; East with Tamils in minority, 43%, is not. If the Northeast option is chosen for autonomy, then Muslims may demand the same autonomy in the East from the Tamils as the Tamils demand from the Sinhalese. Peace has reciprocity as a necessary condition: Whatever I demand for myself I must be willing to give to others. The result would be a federation with three levels.

If Northeast is demerged with North Tamil and autonomous, then there are again two options. East might be Mixed and autonomous, or East might be Divided with a Tamil part attached to the North, a Sinhala part attached to Uva province, and a Muslim Part. If borders are redrawn then the fine Danish-German Schleswig-Holstein plebiscite process from 1920 is a source of inspiration.<sup>42</sup> An image of a federal Sri Lanka with one Tamil, one Muslim (on the side of, not inside, the Tamil Part), and seven Sinhala Parts is attractive. Move borders rather than people. Generations of residence is a strong source of identity. Uprooting is violence even if it falls short of European levels of ethnic cleansing.<sup>43</sup>

A federal Sri Lanka could also be based on the districts; the number (22) being similar to the Swiss cantons (20 + 6). This might defuse some of the problems of the East, but not the problem of Trincomalee with an almost equal distribution of Tamils, Sinhalese and Muslims. However, maybe there is a solution hidden in that problem: Trinco as a federal capital, and district? Shared, not divided? Not to be traded off for oil and naval base potentials to anybody? With a super-highway to the metropolis in the South?

No doubt there are good arguments on both sides of the province vs district issue. But both-and should probably be avoided. There is virtue in simplicity. Everybody will understand that federal governance implies a sub-state level. There are good arguments for higher autonomy also at the village/municipality level, like in the CIMOGG model<sup>44</sup>, with more control of a higher percentage of the total economy, building on that

major Sri Lankan gift to the world, the Sarvodaya movement. But four levels of autonomy that cannot be overruled, as opposed to devolution, decentralization of implementation, would be too much.

[4] Given the settlement pattern in Sri Lanka bicameral federalism is a necessity.

A chamber for provinces or districts should not be necessary. The districts are already represented in the House of Representatives = the Parliament as generally conceived of, like in Sri Lanka. A seating arrangement in Parliament according to district rather than party (like in the Norwegian Storting) serves to underline that the MP district identity, in addition to party.

But a chamber based on communities comprising more than X% of the population (X>5?) is indispensable. Human rights are excellent for the protection of individual right to education, but less for the protection of a community's right to run its own school system in its own cultural idiom. Human rights are too individualistic.

There has to be an organ at all levels of power that can stop policies destructive to vital interests of a community. A veto right in a House of Communities would block or suspend an issue and bring it to the Constitutional Court or some other organ for adjudication, arbitration or mediation.

That organ should also work for improvement of inter-community relations, with dialogues celebrating Sri Lanka's great diversity. For this to happen the Christian community has to be represented.<sup>45</sup> The Buddhist sense of how everything hangs together; the Hindu sense of continuous creation, preservation, and destruction of what does not pass the test of time; the Muslim sense of solidarity with the poor and collective submission for peace; and the Christian sense of individual responsibility and distinction between sin and sinner, in no way exclude each other. They are all gems of wisdom. Sri Lanka would make a major contribution to the world if a Second Chamber also could become a source of inter-faith dialogue and mutual learning that could bring humanity to higher levels.

The number of representatives could be the same for all communities, and high enough to do the parliamentary work. The House of Communities would be based on veto/consensus, not voting.

A bicameral system calls for a mechanism to resolve divergent decision-making. In the UK one House overrides the other, in the USA there is a mechanism for compromise. In general the House of Representatives = Parliament has the upper hand. But a veto from a community in the House of Communities in matters of linguistic and religious sensitivities, the handling of history and sacred times and sacred places in general, would suspend any process till the issue has been settled in accordance with the Constitution of the land and the International Bill of Human Rights.

[5] The federation has to be asymmetric.

How high autonomy for which functions should be negotiated. Extreme symmetry would give the same autonomy to all Parts whether wanted or not. This would be too little for some, and a challenge beyond motivation and capacity for most. Extreme asymmetry would have Parts only in the North and (South) East, giving the other provinces

minimum autonomy. Shoe-sizes depending on how much or where they pinch, seems more rational.

The Communities have to be equal, symmetric, however. The Muslim demands follow in the wake of the Tamils, probably to be followed by Christian demands and by humanist, secular demands.

This symmetric element vested in the Second Chamber serves the important function of distributing better the burden of moving Sri Lanka forward, together with the people in general and the legislative, executive and judiciary branches of the state. With only one nation singled out for territorial consideration bipolar discourses easily dominate, with two this becomes somewhat better. A House of Communities would diversify debate and issues.

[6] The House of Communities would also serve the function of making politics between the Parts of Sri Lanka more horizontal.

The four communities are not only religious. They also have their economic, social and political interests, and the House might have to address them all even if that House cannot make binding decisions.

Street names etc. all over Sri Lanka, also in Tamil Eelam, will have to be bilingual, like the money bills. Bilingualism is much overdue and has to be promoted, at least as passive competence (understanding, reading) of the other language.

Passive knowledge of the other religions, understanding but not practice is already much higher than in many other countries, including sharing sacred spaces. But good can always become better.

[7] Given the pattern of settlement, the federal bicameral system would have to be multilevel,

for the country as a whole and for the provinces/districts.<sup>46</sup> Should a pattern emerge with a Muslim autonomy inside a Tamil autonomy it would have to be triple level. At the local level a House of Communities might be too much, but something like councilors from the communities present, with similar functions, might be appropriate. Different formulas should be available for the local authority to choose from. The basic point is that all minorities should feel safe, that they know they have a spokesperson of their own kind and not only a general human rights commissioner who might even be from another community.

[8] There have to be borders.

A territory as focus of identity, as "geographical attachment", has to be marked, and enclosed, even with a special coloring on the map. These are innocent symbols even if irritating to some. No border means no homeland, even if "sacred" is too dramatic. That land has its symbols, like colors and flags, letters and words; on top of a basis of bilingualism.

The borders have to be soft. A hard border symbolizes another and independent state. Citizens of the same federation cannot be treated like citizens of any other state. The internal borders always have to be softer than the external ones. In short, the border has to be a compromise between nothing and something.

Finally, a brief comment on the politics of this process.

Sri Lanka is today caught in the interface between the urgent need for some kind of federation, and the equally urgent need to respect democracy. What happens if the democratic majority is against federation? And if those who favor federation are less than democratic, a war-time organization favoring one party rule?

There is an answer, if not quite satisfactory: this is above all about self-determination. Self-determination is a human right, enshrined in the Universal Declaration, even if surrounded by ambiguities. If Tamils and Muslims demand self-determination, so be it - not because denying them their right might lead to violence, but because it is their non-negotiable right.

But a democratic/human rights regime is also a human right. Since rights are absolute one should not be traded against the other according to "you will get autonomy if you practice democracy/human rights inside your autonomy". These are two separate and parallel struggles, not one after the other. The autonomy has to come out of negotiations between Sri Lanka's government, meaning two uncoordinated executives, and a highly coordinated LTTE. Highly problematic.

But this may change. After much grassroots dialogue people may demand a Center speaking with one tongue and a Tamil side representing all Tamils, both with the flexibility and creativity the historical occasion demands, changing politicking into true politics, statecraft.

Sri Lankans can rise to that occasion. Sri Lanka is near.

1. Ann L. Griffiths, ed., Handbook of Federal Countries, 2002, Forum of Federations, Montreal: McGill-Queen's University Press. 2002. The Forum of Federations is probably the most expert body in the world on the subject of federalism, and the book is a goldmine.
2. The British were not alone in doing this; have a look at the map of Argentina, for instance.
3. Parts of the US Midwest look like a chessboard from the air, a triumph for Euclidean geometry, well prepared for straight furrows and combine tracks rather than for the intricacies of robust eco-systems.
4. German-, French- and Italian-speaking, about 70%, 25% and 4% respectively. The fourth is the Rhetoromanian group (1%), mainly in Graubünden in the South-East.
5. And its empire, the system, of satellite countries.
6. Complex topology, territories divided by high mountains, deep valleys and fjords and major river/lake systems could be added to vastness and diversity as reasons for federalism. Afghanistan has all three; Bosnia and Herzegovina comes close, only smaller; and Switzerland has topology and diversity. Norway has topology only. Once divided into many and small kingdoms Norway was "united" by force in the 9th century, but with considerable tensions.
7. Actually only 6 counties of the 9 in Ulster. But Northern Ireland is a word that like Western Germany has unification built into it.
8. Prediction: some time in the future there will be something like a Confederation of the British Isles, CBI, as federation would be too tight for the Irish. England may have to devolve further given the autonomy of Greater London. There is no reason to assume future history to be less discontinuous than the past, and federalism, like democracy, has great tension-reducing potential.
9. See the author's Peace By Peaceful Means, London: SAGE, 1996, Part III, Development Theory, chapter 5: An Approach Across Spaces, pp. 185-95, particularly p. 188.
10. The Basques refer to their homeland as Euskadi, to the Northern part in France (three provinces) as Iparalde and to the Southern part in Spain (four provinces) as Hegoalde. 3+4=7=Euskadi.
11. For Sri Lanka the term "Community" is more accommodating than People and Nation, but is not unproblematic given its connotation of local community, and of caste (India). Tense situations bring tense semantics in their wake.
12. In the words of Gamani Laksman Peiris, the Sri Lanka Minister of Justice and Constitutional affairs and a key person in the negotiations points out in an important article "SRI LANKA: New Directions in Federalism", Indian Journal of Federal Studies, No. 1, 2003:

"Now the situation is complicated in a country like my own where the minorities do not live exclusively in a particular part of the country. They do live in the northern and the eastern provinces, but then there are large numbers of Tamil-speaking people who live in the capital city and its environs".

13. Kalmunai, Sammanthurai and Pottuwil.

14. Euclidean geometry, so dominant in western conception of space, is strong on straight lines, also on curves, but not on space within space within space. One way of handling that problem, partly purely cognitive/epistemological, is to deny its existence, thereby aggravating the situation further.

15. Japan was closed in the Tokugawa period 1603-1868, China has been relatively closed, so is North Korea--maybe more as part of a Confucian than a communist tradition--so is Myanmar/Burma. All these cases are irritants to the West bent on open space, to be "discovered", explored, and exploited. Japan was pried open from 1853 (Commodore Perry), China from 1834 (Canton), and they are working hard on North Korea and Myanmar. Borderless globalization also brings nations closer together, not only states, sometimes beyond the tolerance threshold. Isolation provides protection against that closeness. Federalism facilitates some distance between nations without isolation of states.

16. Margaret Thatcher repeatedly insisted that there is no such thing as a society, but individual men and women.

17. This syndrome of factors applies quite well to the Nordic countries, their democracies, hence, being more an outcome of special structural/historical circumstances than of culture. Thus, it is considerably easier to extend compassion, solidarity, even partnership to lower classes when there is no national divide to bridge. Even so, to bridge the gender divide has been and is a long-lasting process. And even so, to bridge the generation divide to children and the aged has not even been started.

18. One root conflict in this syndrome is over land and natural resources in the northernmost part of Norway, Finmark. The Samis have status as indigenous population, which points to absolute rights, but are a small minority, that relativizes those rights. The conflict is over land use with issues such as traditional Sami reindeer-based pastoralism versus tourism and huts, water use with pastoralism and fishing versus electric power, coast use with reindeer passage to outer islands versus fishing, etc. Metal ores, or the suggestion that there may be, aggravates such conflict considerably, let alone oil; as do views of nature as sacred versus secular. Much land in Norway is neither private nor State property, but communal, "almenning", a tradition overridden by Roman law which facilitated privatization (from deprivare = deprive). Communal land has survived where Roman Law did not penetrate, transalpina in Northern Europe, and cisalpina high up in the Alps, the Apennines, etc. This matters for Sri Lanka because of the conflict over state owned land in Tamil Elam. The issue may or may not also indicate how difficult it is for a government with a stand, today seen as more pro-Norwegian and anti-Sami, on such very hot issues, to be a facilitator, and even more so because so many Tamils know Norway.

19. Electoral democracy is about numbers. War = killing is also about numbers. No reason to be surprised if somebody draws the obvious conclusion that this one factor behind la violencia in Colombia, and probably more places than we care to know about.

But electoral democracy is close to sacrosanct in contemporary political discourse, hence it is difficult to admit that it may carry not only bribery/corruption but major violence in its womb.

20. Theoretically the functions could be divided into three, for the Center, for the Parts and shared. But, as Gamani Peiris points out (op cit., p. 156):

"We have established a clear-cut distinction between the powers that are retained by the centre in the form of a reserve list, and the powers that are devolved to the periphery, namely the devolved list. We have done away with the concept of a concurrent list of shared competencies, because that leads to ambiguity, endless debate, which cannot be resolved in any satisfactory manner. So we do not have a no man's land".

Actually, not so much no man's land as shared territory. Both are problematic.

21. Johan Galtung, Transborder relations in the age of globalization. Ponencia marc: La Proyecció Exterior de Catalunya, (Keynote: The Projection Abroad of Catalonia), Barcelona 4-5/07 2001, available on <[www.transcend.org](http://www.transcend.org)>.

22. Interestingly, as the European Community (1967-92) they did not have an exit clause, as a European Union (1992-?) they are now about to introduce one. Marriages become increasingly dissolvable.

23. Which makes a Constitutional Court, above Center and the Parts, accountable only to the Constitution, an indispensable aspect of a federation.

24. Thus, if "subsidiarity" implies devolution to the lowest level possible, eg., down to the local authority, then a distinction must be made between decision subsidiarity, meaning autonomy, or executive subsidiarity, meaning only implementation of what has been decided at higher levels.

25. Any federal scheme is almost automatically rejected by the Center as a stepping stone for "them" to demand independence, and by the Periphery as a stepping stone for "them" to demand or continue the practices of a unitary state. The two extremes are so firmly anchored in people's minds and hardened by physical and verbal violence that a third, federal, option is left unexplored.

26. The numbers are similar, though: for Switzerland 71% German-speaking, 24% French-speaking, 4% Italian-speaking and 1% Rhetoromanian speaking; for Sri Lanka 74% Sinhala, 12% Sri Lanka Tamils + 5% hill/plantation/Indian Tamils, 8% Muslims. Sri Lanka has two classifications, language and religion. About 7% are Christians, from the Sinhala and Tamil communities; the total being well above 100%.

27. The higher the level of tolerance of Other, the higher the mix, the entropy, can be. And the lower the tolerance, also of ambiguity about identity, the lower the mix and the lower the entropy. If the nation idea arose in the West, and particularly in Germany, then we would expect the West to promote both unitary nation-states for one nation

only, or with one nation clearly dominant. And this became, indeed the model.

But, if the entropy is above the tolerance threshold we would expect efforts to bring the entropy down, through border revisions, or through "ethnic cleansing" with for instance French, Spanish, German and US history offering important and gruesome examples, as do Russian-Soviet and recent Yugoslav history. It took non-aristocratic Switzerland to introduce another model.

(Neo-)colonialism is the history of imposing this Western unitary nation-model on countries at a high level of entropy, the naivete being measured by the level of surprise when this did not work. And the model did not fit all parts of the West either as is evident from England, Spain and France. In fact, in Europe countries that do not need federalism have it, like Germany and Austria and countries badly in need of federalism, like England, Spain and France do not.

And (neo-)colonialism is also the history of imposing electoral democracy that works in countries with structural homogeneity and cultural individualism on countries with the opposite profile. Naivete can be measured as above.

28. Thus, Summer 2003 the opposition party, PSOE, has presented a proposal for a Second Chamber of Regions (autonomías) in the Spanish parliament. This might raise their level of autonomy, but it falls far short of addressing the concerns of Basques and Catalans.

29. A study of communication between the devolved parliaments in Belfast, Cardiff, Edinburgh among themselves and with Westminster- Whitehall in London would probably show rapid horizontalization.

30. Akhbar Majeed, in his "Conflict-Management in Federal-Plural Polities: Some Lessons From India", Paper presented at the 1st National Conference on Federalism, Conflict and Peace Building, Addis Ababa, May 5-7, 2003, mentions such mechanisms as Five Zonal Councils "each comprising of the Chief Ministers of States in that zone, development ministers and chief secretaries of those States, a member of the Planning Commission and each Council headed by the Union Home Minister". One sense a mix of the horizontal with the vertical, the fragmentation into five zones "and each council headed by the Union Home Minister". In the end "they came to be totally neglected". Much experimentation seems to be called for.

31. The micro level analogue, one party to a marriage struggling for divorce or at least separation to get out can teach us a lot.

Divorce is the analogue of independence, opening for the possibility of entering a new marriage = a new unitary state. In the person system a new marriage is the rule rather than the exception. In the state system we would be hard pressed to find examples. Independence is celebrated as the birth of a nation with no urge to climb back into the old or a new unitary state.

Separation is an in-between stage in the person system process. They are still parties to the same marriage, but not under the same roof, and with no love/sex. The analogue might be separatism with formal ties intact, but no compassion/solidarity, The state-system might pick up from the person-system the waiting period, like a year, to cool off, and reversibility of the decision. In the state system divorce is both too difficult, war often being the price (like extreme violence in a marriage), and too easy as there is no

mandatory waiting period.

The person system might pick up from the state system the idea of a federation as an in-between relation that gives much more autonomy to family members. All eight dimensions are meaningful at the family level, like borders = doors in an apartment: no door, free entry, entry only upon invitation, door locked with external exit only.

32. Negotiated at a US Air Base in Dayton Ohio November 1995 by one American, one Serb, one Croat and only one person from BiH, a Bosniak (Muslim).

33. The basic problem is that the Serbs essentially want an independent country, also of neighboring Serbia, and the Croats want their part to be integrated into neighboring Croatia, leaving a big, but viable city-state to the Bosniaks. BiH is currently under military control by foreigners, and under political control by a foreign High Representative. The centrifugal forces are so much stronger than such centripetal forces as identification with BiH that pressure from above is needed, like it was under the Ottomans, the Hapsburgs, the between wars Kingdom of the Serbs, Croats and Slovenes, the Germans, and Tito's Federal Socialist Republic of Yugoslavia.

34. Op. cit., p. 79.

35. The title of this author's first book on the European Community, in 1973, was *The European Community: A Superpower in the Making* (Allen & Unwin), in seven languages.

36. This never happened in Switzerland with a very high level of devolution of arms down to the individual soldier. The difference is that Switzerland had no major unsolved fault-line. Yugoslavia had, indeed; long-lasting and unprocessed, instrumentalized by cynical leaders, who in turn were instrumentalized by cynical foreign powers. And with the exception of Slovenia these fault-lines were still found inside all the other five republics of federal Yugoslavia. Had the republics been more homogeneous, yet with very soft borders, the outcome might have been more felicitous.

37. See Galtung, Jacobsen, op.cit. for more details about this perspective on the Kashmir conflict.

38. In Europe there are five mini-states with high autonomy, even independence: Monaco in France, with its own dynasty; Liechtenstein with its own complex history linked to Switzerland; San Marino in Italy with its own simple history; the Vatican City also in Italy, with its own religious function; and Andorra between Spain and France, with its own language (Catalan).

To various degree they are all states. But the word to stress is probably mini; they neither threaten, nor deprive anyone of major resources, may even attract some. Being neither provocative nor too attractive they are not attacked. The road to any of them, for reasons of tourism or economic convenience, passes through the "mother" country in whose womb (wombs for Andorra) they have presumably been gestating. Some of this may be interesting for Talim or Muslim autonomies in Sri Lanka, or for Basque autonomies in Spain and France. But not as mini-states, not being sufficiently mini.

39. As expressed by Rupak Chattopadhyay, in "A New Peace Initiative in Sri Lanka",

Indian Journal of Federal Studies, 1/2003: "The Norwegian government has played a key role in securing a ceasefire and getting the two parties to the negotiating table. But there are limits to what it is able or willing to do" (p. 160).

40. Generally speaking international law, which actually is interstate law, is more at the service of states than of nations and tends to privilege (state) territorial integrity over (national) self-determination. The possibilities of internal self-determination, meaning autonomy with or without explicit federalism have to be exhausted first. If genuine federalism has been offered and practiced the road to secession is closing rather than opening. The opposite may be the case with confederalism: exit after a waiting period remains an option, the analogue to divorce after separation.

41. In Pairs' words (op.cit, p. 155): "'a degree of emotional resistance if the majority feels that some kind of completely special and disparate treatment is meted out to a particular region".

42. The basic point is to fine-tune the plebiscite down to the small units, like municipalities, not for the area as a whole. A border maximizing homogeneity within and heterogeneity between can then be drawn. People who have come on the "wrong" side can be given X years to make up their mind, with two options: stay, with language/religion rights guaranteed for them and their offspring, or leave with financial support for moving and settlement expenses.

43. Like Spain (1492) driving out Muslims and Jews (many of whom settled in the much more tolerant Muslim Turkey), Nazi-Germany, Yugoslavia and by that meaning all parts, Slovene, Croat, Bosniak, Serb, Montenegrin, Albanian, Macedonian, using the violence by the others for justification.

44. Available from <elm144@sltnet.lk>, www.lamnkachronicle.com. The model, with its extensive subsidiarity, could accommodate another inconvenient fact: "The East, not to mention the North has too many non-Tamil Archeological sites to inherit the stamp of Tamil Eelam.--"The Ashes of the fathers and Temples of the Gods" of all the communities are all over the North and East as it is in the rest of the island." In the Hawaiian people's struggle for sovereignty the concept of "sacred times and sacred places" has played a role. Time and space are dotted with points sacred to the Hawaiians. The points in space constitute a non-contiguous archipelago to be respected. As an administrative unit, however, non-contiguity is problematic.

45. The decision, Christian vs Sinhala, or Christian vs Tamil, is up to the individual when registering to vote over delegates from his/her community to the Second Chamber, the House of Communities, in the Center and in the Part.

46. The present author has suggested the same for Spain, giving País Vasco federal status and then federalizing País Vasco. See Galtung and Jacobsen, Searching for Peace, London: PLUTO, 2002, section on Euskadi, the Basque Country.