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Communities – Civil Society and Conflict

Management

(Work Sessions 7 and 19)

The Federal Experience in Sri Lanka, India and Nigeria: Unity in Diversity or Diversity as Unity?

1. Introduction

Peace is not the absence of war; it is the product of justice. Respect for plurality and accommodation of diverse demands create a sense of justice among the people as well as inspiring confidence in institutions. Federal states appear to provide better frameworks to articulate the aspirations of diverse religious, cultural and linguistic groups within a nation state. However, for a federal system to succeed, a climate of tolerance, compromise, and the recognition and respect for diversities is imperative. The experience of India suggests that a federal democratic structure has the wherewithal to withstand better the stresses and strains arising out of diverse and competing demands often bordering on secessionism. But federalism is not cast in stone. It grows differently on different soils. In fact, federalism was viewed initially by many as the precursor to the physical dismemberment of the nation state. In Sri Lanka it came to be identified as separatism itself or as a form of organisation which inevitably led to separatism. Hence Sri Lanka opted for a unitary constitution.

The success of federalism also depends on civil society and the political culture. India seems to have managed its diversities well, while Sri Lanka has had difficulties in doing so primarily because of its unitary constitution. The Nigerian case is very different again: it did adopt a federal constitution, but political instability and the military rule undermined federalism and its principles. The country is still struggling to come to terms with its ethnic, religious and linguistic diversities.

The main challenge that Sri Lanka has had to contend with since its independence in 1948 is how to reconcile its ethnic and cultural diversity with the concept of mature and cohesive nationhood. This problem is by no means confined to Sri Lanka. Nearly all South Asian states are wrestling with this central policy dilemma. South Asia is a mosaic of multiethnic, multilingual and multicultural societies. This diversity is manifested in different languages, religions and diverse cultural backgrounds. Ethnic, linguistic and cultural conflicts are largely absent in some countries, latent in others and prominent in some others. Ethnic conflict is a significant factor in Sri Lanka but not in India. The unitarist ideal which dominated Sinhala politics did not allow any patch-up formula to succeed. In contrast, India, with greater and more complex diversities, opted for a federal solution. It achieved national unity not by military might, but through devolution of power and empowerment of smaller, minority groups. Today, both the Sinhalas and Tamils are exploring a lasting political solution founded on internal self-determination based on a federal structure within a united Sri Lanka. Sri Lanka's search for a federal option is a manifestation of its need to invest the state with legitimacy.

Many societies are still devising a formula to accommodate linguistic demands, but India found it way back in the 1960s. The critical challenge that all states in South Asia and elsewhere began to face from day one of their independent life was how to build a development model which would enable all segments of society to feel one, without inferiority or any element of exclusion from the decision-making process, and how to construct political and economic institutions which would preserve this diversity without compromising the unity and integrity of the country.

2. Paradigm shift

Sri Lanka is one of the few examples of a post-conflict independent state making a success of its democracy. It has one of the longest democratic traditions in Asia. Regular free democratic elections and absence of a military coup give a high degree of legitimacy to its political system. At the same time, it has faced serious problems in managing separatist and ethnically inspired violence which has taken a toll of over 60,000 lives. Sri Lanka rejected a federal system of government and instead opted for a Unitarian system. The dominant view among the majority of the Sri Lankan community was that federalism would lead to disintegration of the country because of its small size. Smaller federal units, it was then argued, would not be geographically homogeneous, economically viable or environmentally sustainable. But Sri Lanka's unitary constitution became incompatible with its multiethnic society; it led to an absurd contradiction where a monoethnic state was imposed on a multiethnic polity.

The demand made by the Tamils for regional autonomy was rejected out of hand. Even their language rights were undermined. In the 1950s, while India sought to resolve linguistic demands by devising a three-language formula, ultimately recognising 18 languages as national, Sri Lanka introduced Sinhala as the national language, which restricted the access of the Tamil youths to the labour market. The political, economic and cultural claims of the minority groups were neglected. As one analyst rightly says, “what could have been solved with the help of a federal state structure failed because of ideological prejudices” (Wagner, 1997). In other words, decentralisation was given a short shrift and federalism became suspect.

Sri Lanka has now reached a watershed. With the Liberation Tigers of Tamil Eelam (LTTE)’s clear articulation that it does not back a separate Tamil state, Sri Lanka seems well on road to a negotiated end to two decades of war. The LTTE’s stance marks a refreshing change from its earlier pursuit of violence for political ends. The Sri Lankan government’s desire to seek a negotiated settlement is equally positive and encouraging.

Work Session 7, entitled “Autonomy and Collective Rights”, and the Work Session 19, “Religious and Linguistic Diversities”, discussed, analysed and reflected on the various aspects of the Sri Lankan conflict and also on how India and Nigeria had tackled their amazing religious and linguistic diversities. No single model emerged, and it was maintained that what worked in India may not be replicable elsewhere. The participants discussed a whole gamut of issues which have a bearing on the Sri Lankan conflict, including ethnic, socio-economic and party dynamics, development, human rights, external

actors etc. The report seeks to analyse the key points that emerged from the discussion.

The participants felt that Sri Lanka has undertaken a course which, if it succeeds, will provide a useful reference point for other societies struggling to preserve their diversities and unity. But violence has a habit of acquiring its own autonomy and momentum. Tremendous and sustained efforts would be needed by all the sides to work for what is needed most: reconciliation, and reconstruction of the country while rebuilding trust. Two decades of violence and four decades of increasing ethnic polarisation have left deep wounds that require sensitive handling. While international players can help, solutions to ethnic violence can come only from within. A change of mindset within Sri Lankan society with regard to cooperative majority-minority relations would be the key. The more immediate task is to keep the peace process moving without loss of momentum. It could be derailed by hardliners that inevitably exist on both sides, and the vested interests that tend to perpetuate confrontation and violence.

Sri Lanka has a highly articulate minority. Much of the ethnic violence in the country is confined to the northern and the eastern regions where Tamils constitute the majority of the population. But Tamils are also scattered over other parts of the country. Past experiments in power sharing failed because these half-hearted attempts sought to resolve the issue on the cheap. Now that a serious process of peace and reconciliation is under way and the LTTE has renounced armed struggle, it is necessary to work out extensive power sharing within the framework of one nation.

The consensus emerged that the following parameters must be borne in mind. First, any power-sharing arrangement must empower the minorities. Adequate powers must be devolved to those regions where the minorities are concentrated. Secondly, there must be a power-sharing mechanism at the centre. Thirdly, there should be a clear demarcation of functions between the centre and the provinces. The power sharing at the centre must be accompanied by appropriate mechanisms to accomplish that goal.

The following four factors are critical to the success of the peace process. First, there is need for clarity about the delineation of functions between the centre and the provinces. Second, for such an arrangement to be effective, the balance between the two is essential. The centre should retain powers with regard to defence, foreign policy and the national budget, and other powers should be devolved to the provinces. It is equally important to ensure that the provinces are given resources and the wherewithal to discharge these functions. Otherwise, the arrangement may appear to be near perfect in theory but will be unworkable in reality. Third, there is also need for pragmatism in working out such arrangements: haphazard devolution of powers must be avoided. Finally, regional structures must be buttressed by a degree of confidence.

Political polarisation has been the bane of politics in South Asia. Sri Lanka particularly has suffered from this affliction. Disappearance of the middle ground and the unwillingness to compromise and to rule by consensus have exacerbated the problems. Sri Lanka has therefore done well to make provision in the constitutional arrangements for the regional governments to accommodate the parties in opposition in the decision making. It has departed

from the principle of “winner takes all”. While the effort to give the opposition a voice in making and implementing policies is laudable, the arrangement can yield the desired results only when there is a change in the political culture.

What Sri Lanka needs is to focus on the vigour and vitality of civil society – a vigorous trade union, a vigilant press, political parties that are internally democratic, an ombudsman, a human rights commission. Pluralism and diversity are the strengths, not the weaknesses, of a democratic polity. Whatever democratic structure one may create or recreate, it will be successful only when the ethos of a society is taken into account.

3. The Indian model

Federalism is the bedrock of India’s democratic edifice. In a country of India’s size and bewildering diversity, federalism has come to be identified with national identity and national aspirations. It is a key to the preservation of multiplicity and also peculiarity of a diverse society. India has developed a paradigm which many nascent democracies may find worth emulating. It has followed a principle of “unity in diversity”. India exemplifies a society in which the celebration of diversity strengthens the bonds of the modern nation.

India’s diversities are not merely numerous, but also alive and assertive. This unity in diversity is based on democracy, federalism, tolerance, and the secular character of the state. The key to India’s success as a federal democracy is the recognition of its diversities.

Octavio Paz has rightly noted that “The most remarkable aspect of India and the one that defines it, is neither political nor economic, but religious: the existence of Hinduism and Islam” (Paz, 2000, 37).Paz further says “Are they

two civilisations occupying a single territory, or are they two religions nurtured by a single civilisation? It is impossible to say” (Paz, 2000, 38). The success of Indian democracy and federalism is due to a paradox: India is both an old civilisation and a young nation. The reference to the millennium-old Indian civilisation is not just a nostalgic memory of past glory. It is the very foundation of the Indian mind. In this prestigious history, enriched by the long anti-colonial freedom struggle, Gandhi’s moral leadership and ambitious post-independence years, lie the roots and the sap of present-day India.

How the Indian political system was inaugurated apparently had something important to do with how it drew strength and sustenance from its ancient civilisations and its great philosophies. The evolution of India’s identity over the centuries was based on the recognition of its linguistic, cultural, religious and socio-economic diversities. India moved ahead in stages. A relative success at each stage reinforced the need to sustain and review the vitality of the institution. The free press, fiercely independent judiciary, the strong civil society and its institutional depths, have given Indian democracy an edge over many countries in the region. As Bernard Levin, the eminent British columnist says, the single most important achievement of India has been “to keep the flame of democracy alight despite the darkness in the surrounding world” (Levin, 1993).

India is a federation. But India is also a pluralistic society. But there is a difference between being pluralistic and being a federation. Even a unitary state can have a pluralistic society. Devolution, decentralisation of power and the guarantees of fundamental rights to all citizens alone can sustain a federation. The case statement makers and discussants all agreed that the

reason India was considered a success lay in the institutionalisation of aspects of its federal polity and plural society. To reinforce religious, linguistic and cultural diversities, the Indian constitution laid down a framework of constitutional safeguards to protect citizens' fundamental rights, including the right to freedom of religion. This right is guaranteed under fundamental rights whereby Indians of all religious persuasions have the freedom to practise and propagate their religion. Preferential treatment to minorities is not a privilege but an entitlement flowing from the mandate of equality. The Indian constitution makers laid a solid base for Indian federalism.

4. Secularism

India is host to all conceivable religious faiths: Hindus, Muslims, Christians, Sikhs, Buddhists, Jains, Jews, Zoroastrians, four of which were born there, while the others were brought in by the successive political and cultural invasions, and assimilated by the people. It is this tradition of tolerance and assimilation which makes India a mosaic and not a melting pot. As they say, "India first beckons you, then it slowly seduces, assimilates and transforms you". Secularism suits the genius of a multi-religious, multi-caste and multilingual country like India best. A democracy works best in an environment of pluralism, and respect for and tolerance towards others, where there is freedom to practice one's beliefs. The secular ethos, furrowed deep by Gandhi in the minds of Indians, nurtured a sense of tolerance that has kept Indian society together, and democratic. As Gandhi said, "I do not want my house to be walled in on all sides and my windows to be stuffed. I want the

cultures of all lands to blow about my house as freely as possible. But I refuse to be blown off my feet by any”.¹

India’s freedom movement provides insights into how the main pillars of the Indian constitution – democracy, secularism, social justice and fundamental rights – were forged in over a period of time. The underlying message of the freedom struggle under Gandhi, was that no group was privileged even if it happened to be in huge majority, and that minority groups would be protected against majoritarian agendas. These principles were enshrined in the Indian constitution. India is secular because the people, its culture and national ethos are secular. Secularism is India’s manifest destiny. This is not to say there are no conflicts between the majority and the minority groups. There are periodic outbursts of inter-religious violence, known commonly in India as “communal riots”. In early 2002, Gujarat, a prosperous western state, passed through the worst Hindu-Muslim riots in decades. Hindu fundamentalists have sought to recast Indian politics in a dangerous “communal” mould. But the Indian state remains secular to the core, as do state institutions, the judiciary, the press and civil society.

The most pertinent question in the fast-changing national and international contexts, is whether India can preserve its secular character amidst all the new threats, both internal and external. Few can claim that India has lived up to its commitment of the state’s neutrality in all religious matters. Yet, in the face of great odds, most governments in India have sought to follow it in letter if not in spirit. The question of whether the secular ideal is viable or not in practice, as some social scientists wonder, is irrelevant in the case of a

pluralist society like India's since there is no other way for it to maintain its cohesion.

5. Linguistic diversity

India's linguistic diversity is even more bewildering. As many as 1,652 languages and dialects are spoken. India has 18 officially recognised languages. Within a decade of India's independence in 1947, the language issue threatened to tear apart the national fabric. Linguistic movements in various parts of the country posed a serious threat to India's unity and integrity. However, the political leadership showed exemplary political wisdom and foresight by not only recognising all major languages as national languages, but also creating linguistic states. Many analysts in the West feared that the emotive language movements would lead to India's disintegration. But the results were just the opposite: they strengthened Indian nationhood. The socio-linguistic map of India was radically altered. India created political units that became coterminous with large linguistic identities.

India has thus provided an exemplary model for resolving the language problem. There is a lot that the newly independent states can learn from the Indian experience. India certainly had the advantage of a well-functioning federal, democratic polity when the language issue threatened to snowball into a major challenge. But it also had the advantage of a strong civil society.

6. Can the Indian example be replicated?

The biggest challenge to any society is the challenge of survival. India's unique nonchalance and a grand strategy of drift have produced a culture of

sheer survival. India has learnt to live with uncertainty, chaos and decay. No wonder India, a land of “million mutinees” has been described as a “functioning anarchy”. Great nations are the end product of political Darwinism. Neither the savage communal onslaught on secularism, nor the language movement, nor for that matter, the separatist movements in some of the peripheral states have brought India anywhere near fragmentation. It is a testimony to India’s both democratic and civilisational resilience. Whereas nations are often torn asunder by internal contradictions, civilisations have sufficient resilience to overcome forbidding challenges. In this sense, India’s success can’t be easily replicated.

The role of society has been a crucial factor in India’s success in managing its diversities. India became a society long before it became a state. Society in India evolved through accommodation and compromise. The party system in India is an extension of civil society. India has evolved from social coalition to political coalition.

Federalism provides an institutional solution to intra-societal conflicts and tensions in pluralistic and multicultural societies. Federalism also accommodates multiple identities and loyalties within a state. Federalism has given a measure of strength and stability to the Indian polity. As Susanne Rudolph and Lloyd Rudolph maintain:

“Forty years ago, there seemed good reason to fear that Selig Harrison was right to warn that India’s ‘fissiparous tendencies’, particularly its linguistic differences, would soon lead to Balkanisation or dictatorship. Today such

worries seem unpersuasive. The federal system has helped India to live peacefully with its marked difference” (Rudolph and Rudolph, 2002, 54).

India’s survival rests, and will rest in decades to come, on plurality and not uniformity, on secularism and not majoritarianism, on heterodoxy and not orthodoxy.

7. Nigeria on test

Nigeria and India have many things in common. Both are multiethnic, multilingual, multi-religious and multicultural societies. The two also have common a colonial heritage. If India chose federal solutions to its complexity of problems, Nigeria adopted a federal constitution. And yet the two countries have had contrasting experiences in managing their diversities. Even though India encompasses a large number of ethnic groups and communities, it is difficult to identify any dominant ethnic group that has a large share in power. To a great extent the ethnic heterogeneity of the Indian institutions of power, alongside its multiple strategies of incorporation and accommodation, have helped the Indian state to deal with its multi-layered identities effectively.

Despite being an archetypal plural society, the colonial government of Nigeria chose a unitary framework. While federalism was retained on paper, Nigeria under the military dispensation moved towards Unitarian rule.

The way in which Nigeria inaugurated its federal institutions led to a lop-sided development. The northern region of the country emerged as a larger player and the eastern and western regions began to nurse a feeling of exclusion and marginalization. Power-sharing arrangements failed to address the grievances of small entities and communities. In the end power sharing

became a quest for hegemony. Even though the three main ethnic groups – the Hausa-Fulani, Yoruba and Igbo – prospered in the struggle for the share in the national cake, to the exclusion of other smaller ethnic groups who became minorities, the Hausa-Fulani group emerged as victor and the two other dominant groups themselves became marginalized. The federal power structure became an instrument in the hands of the Hausa-Fulani. The three-year civil war in the late 1960s brought Nigeria to the brink of disintegration.

Nigeria is a very complex and diverse country comprising over 400 ethnic groups. The geographical divide along religious lines has added a disturbing element of tension and confrontation. Nigeria, with a population of 126 million people, has 36 states and 774 local governments. The three tiers of government and their specific powers have been well defined by the federal constitution. On paper, Nigerian federalism looks good. But in practice, it has a lot of structural vulnerabilities. While the three regions of the country were brought together under federal arrangement, no effort was made to integrate them through national institutions. The military not only intervened from time to time thereby undermining democracy, it also played footsie with the federal institutions.

Religious and ethnic conflicts in Nigeria are also a result of elite manipulation. Mobilisation of religion and ethnicity for political gains has been a bane of Nigerian polity. Economic crisis and mass deprivation of the people are at the root of the gathering crisis. Long cycles of military rule have bred corruption. The civilian governments too have been tainted by corruption. Lack of transparency in government also contributed to the gradual loss of faith in

federalism. There was also an external factor. Military dictators were propped up by outside forces during the long years of Cold War.

Nigeria's constitution is far from perfect. The present constitution was promulgated by the military government only days before the civilian government took over power. There is a widespread feeling that even though it has reverted substantially to the 1979 Presidential Constitution, it does not sufficiently address the problems of a multiethnic, multi-religious and multicultural country. One suggestion has been made that Nigeria should revert to the regional form of federal government, which is what the founding fathers had negotiated with the colonial rulers at the time of independence. Except that Nigeria should have six regions in place of the existing three. The suggested regions would correspond to the present six zones of the country, which have not been recognised in the constitution but are recognised practically in Nigerian politics. These regions should have their own regional constitutions which must reflect their diversities through administrative structure. In some regions a solution could be found by way of creating a federation within a federation, in others it could be based "on layers of federations, one federation enclosing another, and that enclosing yet another like an onion bulb" (Ekwueme, 1999).

To some extent Nigeria's current problems emanate from presidential federalism, which accumulates rather than delegates powers. A parliamentary system of government is better suited for a federal country. It ensures accountability of the executive to the legislature. The power structure is more broken down. It plays a greater integrative role and its political base is far wider. Rotating presidency and other key power positions can go a long way

towards stabilising the polity and creating a sense of belonging among the stakeholders.

There is a lot that Nigeria can learn from Indian experience. Like India, Nigeria must ensure subordination of the military to civilian authority. In Nigeria the army is subservient to constitutional authority only on paper. In India the army is often called in to restore order when the state police and other forces fail to contain a given situation. But it functions under a democratically elected government. Nigeria would also require steps to facilitate greater democratisation.

8. Conclusion

Federalism today is experiencing a renaissance. There was a time when newly independent states viewed federalism as the precursor to the disintegration of the nation state. Even multicultural states preferred a highly centralised federal framework, and stressed unity and integrity of the nation state. The post-Cold War era and the present age of globalisation which has witnessed a plethora of ethnically inspired conflicts leading to the emergence of dozens of new states and the disintegration of others have given a new lease of life to federalism. Today the federal formula seems to be the most viable one to hold together nation states with disparate ethnic, religious and cultural groups. Many unitary states are introducing elements of federalism. It is being viewed as an attractive option. The Sri Lankan case is most instructive. Here is a country which has always been a unitary state. Having failed to resolve the Tamil question it is now contemplating a change in its unitary structure to admit a degree of power sharing.

India is a success story. India's success lies in the evolving and dynamic nature of federalism. India has sought new multilevel arrangements and new modes of adaptation to the pressures and demands created by democratic development in order to make its federal system more responsive. The way India has handled linguistic demands exemplifies a successful model for other multilingual societies to follow. India's experience with local self-government and the de facto recognition of local bodies at district, block and village levels as the third tier of governance can be equally relevant for other multicultural societies. Given the manifold dimensions of India's pluralistic society, the federal principle has been the only viable basis for the maintenance of a strong and united Indian state.

Nigeria is still struggling to preserve its federal character. The successive military rulers have sought to weaken the country's federal structures. For a major part of its independent existence, Nigeria has oscillated between the retention of a broad federal structure and the near abandonment of its guiding principles. In Nigeria the institutional links between the elite and the masses are weak. This has led to a highly personalised and often despotic rule.

Federalism does not provide a panacea for all the ills of a multiethnic, multi-religious and multicultural society. But it does offer greater capacity for solving problems. There is no single model to follow. Federalism's success in one state may not be replicable in another. Its success depends on how a given state copes with the group rights and cultural rights of its diverse people, and how it creates a feeling of security among them. India has made a success of its federal polity largely because of its impressive democratic record, the role of the civil society, its institutional strengths and its vibrant political culture. On

the other hand, Sri Lanka's unitary state failed to accommodate the aspirations of the minority groups despite its good democratic record. Minority rights and minority cultures should not only be safeguarded but should also be preserved by the state. Democracy is not merely a game of numbers. The majority must learn to rule by consensus. Group rights must be protected through constitution. The minority groups must also get fair representation in government institutions. All said, respect for diversity is the cornerstone of a democratic polity and society. Unity in diversity is slowly giving way to diversity as unity. Federalism is a big idea whose time has come.

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¹ Quoted in Copps, 1998.