THE POWER-SHARING EXPERIENCE IN NORTHERN IRELAND AND SRI LANKA

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ABSTRACT

This article seeks to identify the lessons that can be learnt by Sri Lankan policymakers from the experience of power-sharing in Northern Ireland since the establishment of the Northern Ireland Assembly and Executive as part of the 1998 Belfast Agreement. By comparing the power-sharing mechanisms created by both the Northern Irish and Sri Lankan governments in recent years, the author argues that the institutional devices created under the Belfast Agreement are paving the way for the successful transformation of a deep-seated conflict in Northern Ireland because of their adherence to the principles of consociationalist theory. In contrast, the Sri Lankan government have not been able to achieve their intended goals primarily because the essence and spirit of power-sharing have been largely ignored by the country’s policymakers. Consequently, the author argues that Sri Lankan policymakers should put forward an alternative choice based on the Draft Constitution of 1997 as a solution to the current shortcomings in governance—one which incorporates elements of consociationalism and federalism, creating a consensual decision-making process and genuine autonomy for ethnic groups over issues directly relevant to themselves.

Keywords: Conflict Resolution; Consociationalism; Northern Ireland; Sri Lanka

INTRODUCTION

As the armed conflict in Sri Lanka snakes its way into its twenty-fifth year, the All Party Representative Committee tasked by the Government of Sri Lanka to formulate power-sharing proposals is due to visit Northern Ireland to learn from the much acclaimed power-sharing arrangement there. Among the key questions the Sri Lankan delegation will seek answers for are: (a) what institutional factors lead to the successful process of conflict transformation in Northern Ireland, and (b) what policy lessons can Sri Lanka draw from Northern Ireland?

In this paper, I examine the pertinent experiences of these two deeply divided democratic societies, and present answers to the above-mentioned questions by considering the themes of consociationalism – of which power-sharing is a key component. In presenting my argument, I evaluate the key institution created by the Belfast Agreement of 1998, namely the Northern Ireland Assembly and Executive, as
well as two efforts at power-sharing in Sri Lanka through the establishment of Provincial Councils under the Indo-Lanka Peace Accords of 1987 and the proposed Draft Constitution of 1997.

I argue that one of the primary reasons for the failure of power-sharing efforts in Sri Lanka is because principles of consociationalism have not been adequately invoked. Although not all the favourable conditions for full-blown consociationalism to work holds true for Sri Lanka, its key principles of executive power-sharing and group autonomy can still be used to mitigate ethnic violence and restore stability. Addressing the genuine aspirations of marginalised ethnic groups, and giving them adequate power to determine their destinies by incorporating important elements of consociationalism would help charter ethnic relations in Sri Lanka toward more placid waters.

**Why Consociationalism?**

Leaving aside the Northern Irish experience, one needs to answer preliminarily why consociational approaches have the potential of managing identity driven conflicts. Consociationalism is widely regarded as a viable solution for stabilising societies that are divided along ethnic, religious or sectarian lines. As Lijphart,\(^1\) the foremost consociational theorist, avers “...consociational democracy is not only the most optimal form of democracy for deeply divided societies but also, for the most deeply divided countries, the only feasible solution.”

A consociation is “an association of communities”\(^2\) and it is generally the result of bargains between leaders of conflicting ethnic or religious groups. According to McGarry and O’Leary,\(^3\), consociational theory “is one of the most influential theories in comparative political science. Its key contention is that divided territories, be they regions or states, with historically antagonistic ethnically, religiously, or linguistically divided peoples, are effectively, prudently, and sometimes optimally governed according to consociational principles.”

This approach, however, has been criticised for its centrifugal tendencies. As Horowitz suggests,\(^4\) consociational practice – in contrast to consociational theory – has provided groups with explicit recognition and made their representatives the bearers of group

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guarantees. In addition, scholars like Chandra⁵ point out that the politicisation of ethnic differences is considered a major threat to democratic stability, and this concern is not completely unfounded.

But for those working within the consociational prism, ethnic cleavages are an inescapable reality, and therefore it is only prudent to design the system of government and public policy to deal with that reality⁶. Moreover, consociational mechanisms can facilitate cooperation and compromise among political elites in states that have deep ethnic, religious, cultural or linguistic cleavages by maximising the number of winners in the system – thereby promoting peaceful coexistence.⁷

As Vivien Hart⁸ aptly reminds us, “The issues of recent conflicts are concerned with the recognition of identities as well as with provisions for the legitimate exercise of power.” What becomes crucial to bear in mind is that ethnic violence is the result of (real or perceived) historical injustices and marginalisation of communities. It is the group identity that acts as the mobilising trigger, not individual identity.

In reality, traditional majoritarian democracies propel a winner-takes-all system and ethnic minorities are usually excluded from political power. As a result, conflicts involving minorities are easily channelled into extra-parliamentary and violent forms. Although certain liberal thinkers such as Horowitz⁹ and Barry¹⁰ reject the idea of giving ethnic groups a permanent political identity or constitutional status, it is becoming increasingly clear that minority rights cannot be subsumed under the category of human rights¹¹. Where friction is fuelled by decades of mistrust and violence is used as a vehicle to attain group goals, it is practically inconceivable to address those grievances without politically recognising groups.

Hence, the risk of furthering ethnic consciousness is a less costly alternative to continued armed hostilities. Indeed, “attempting to erase ethnic cleavages will not simply make them go away. Rather, successful state structures must acknowledge and address their divided house dilemmas.”¹². And as the case of Northern Ireland would attest, consociational structures are capable of fostering cross-community cooperation. Equally, it is probable that in the long-run if institutional guarantees are able to make

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groups - minority groups in particular - feel less insecure about their societal status, centrifugal tendencies will give way to the more desirable centripetal forces.

**Theoretical Aspects of Consociationalism**

The two primary characteristics of consociationalism as propounded by Lijphart\(^{13}\), namely, (1) sharing of executive power, and (2) group autonomy, have been accepted broadly as the key ingredients for successful democracy in divided societies. To strengthen power-sharing and group autonomy, Lijphart\(^ {14}\) recommends two additional ingredients: (3) proportionality and (4) mutual veto. Some attention will be paid in this paper to the two supplementary elements of consociationalism but greater emphasis will be placed on the primary elements.

Lijphart also goes on to list as many as fourteen different favourable conditions, but only four of them are present in all the overviews\(^ {15}\). These four are variations of: *distinct lines of cleavage among segments of the community, a balance of power among the sub-groups, external threats to a country’s existence* and *small size*, since small states are usually more manageable than large ones\(^ {16}\).

**Power-sharing**

The central theme in power-sharing is that two or more ethnic groups jointly rule the common polity and make decisions by consensus. In such a set-up, all groups are ensured access to political power on the basis of informal or formal rules\(^ {17}\). As Lijphart\(^ {18}\) puts it, “power-sharing means the participation of the representatives of all significant groups in political decision-making, especially at the executive level.” To elaborate, power-sharing encompasses:

“constitutional norms calling for the inclusion of minority parties and major ethnic and religious groups in the legislature, government, and administrative positions of the country, as well as to the laws or constitutional arrangements providing for territorial or functional decentralisation or electoral systems.”\(^ {19}\)

**Group Autonomy**

Autonomy or ‘self-rule’ is defined as “the granting of internal self-government to a region or group of persons, thus recognising a partial independence from the influence

\(^{13}\) Lijphart (2002), p. 38

\(^{14}\) Ibid.


\(^{16}\) Ibid, p. 478


\(^{18}\) Lijphart (2002), p. 39

of national or central government.”20 As defined by Lijphart, “...group autonomy means that these groups have authority to run their own internal affairs, especially in the areas of education and culture.”21 Gurr22, on the basis of a global empirical study, confirms that autonomy agreements can be an effective means for managing regional conflicts. He concludes that there is nothing inherently destabilising about autonomy as alleged by critics.

Northern Ireland and Sri Lanka

A plethora of geographical, cultural, and economic factors set Sri Lanka apart from Northern Ireland. Her strategic location in the Indian Ocean, population of 20.1 million,23 65,610 square kilometres of land mass24 are but a few of the many respects in which Sri Lanka differs from Northern Ireland, a constituent country of her former colonial ruler. Comparatively, Sri Lanka’s population is more than 10 times the size of Northern Ireland, and is five times larger in land area25.

Despite differences, there are many parallels between the two situations which make a comparative study meaningful. Politically, they are electoral democracies which have witnessed extreme polarisation leading to violent, identity-driven conflict. Both conflicts have their roots in socio-economic discrimination based on ethnic, religious and historical differences. Crucially, in both situations, the monopoly of power in the hands of one group formed the basis of the conflict.

The conflict in Northern Ireland is between the Unionists or Loyalists, comprised mainly of the Protestant majority who have sought to preserve the union with Great Britain, and the Nationalists or Republicans, comprised mainly of the Catholic minority who have traditionally wanted to unify the island of Ireland. For much of the twentieth century, the Catholics accounted for one third of the total population26, and they currently represent 43.76 percent27. After the British Government’s partitioning of the six counties of the North - which had built-in Protestant majorities - from the rest of Ireland in 1921, tensions between the two groups grew intense.

Since then, a number of factors including political and economic discrimination against the Catholics (denied by some Unionists even today), the population balance between the two religious communities, the launch of the Civil Rights Movement by the Catholics, and the rise of a violent campaign against British rule lead to the ‘Troubles’ which commenced in 1960 and led to some of the most horrific events in Irish history.\textsuperscript{28}

In Sri Lanka, political disagreements between the Sinhala-speaking, largely Buddhist majority and the Tamil-speaking, largely Hindu minority surfaced after the island gained independence from British-colonial rule in 1948. According to the last island-wide census conducted in 1981, Sinhalese made-up 74 percent of the population while Tamils accounted for 18 percent.\textsuperscript{29} During the post-independence era, the Sinhalese who resented what they saw as British-favouritism towards the Tamils during their rule, disenfranchised Tamil migrants who had been brought by the colonial rulers to work in the tea and rubber plantations, made Sinhala the sole official language of the country, and promulgated a new Constitution which accorded Buddhism the foremost position among the country’s religions.

The Liberation Tigers of Tamil Eelam (LTTE), whose key goal is to establish a separate state for Tamils in the North-East, was born in this context. Following the LTTE’s ambush of thirteen soldiers in the North of the country in 1983, ethnic pogroms targeting the Tamils in the country’s South resulted in the deaths of at least 1,000 Tamils and caused severe destruction of their property.\textsuperscript{30} It was this episode which sparked the civil conflict that has claimed as many as 70,000 lives and displaced 200,000 persons.\textsuperscript{31}

Northern Ireland has been able to successfully design a political and constitutional agreement for power-sharing. Although it took eight years for its full implementation, the Northern Irish Agreement is laying the foundation for a more inclusive and stable society. Sri Lanka, however, has so far merely unsuccessfully flirted with the concept of power-sharing and a political arrangement to contend with the country's ethnic divisions appears to be a distant dream. These factors make a comparison worthwhile and it is the Northern Irish success that ignites a curiosity as to whether Sri Lanka’s solutions also lie in consociational approaches.

**Evaluating Northern Ireland’s Power-sharing Arrangement**

The Northern Ireland Act of 1998 established a single-chamber Assembly and Executive with full legislative powers and executive competence for economic development, education, health and social services, agriculture, environment and finance. While a
substantial degree of autonomy was devolved to Northern Ireland, Westminster continues to retain control of policy areas such as defence, taxation, immigration and the monarchy.

What makes Northern Ireland a consociational democracy is (a) its permanent grand coalition vis-à-vis the power-sharing Assembly and Executive; (b) the considerable degree of autonomy particularly in the areas of education and culture enjoyed by the two main ethno-national groups; (c) the extensive use of evidence of proportional representation; and (d) the introduction of the principle of mutual consent.

All the main parties in Northern Ireland are – in effect – members of a permanent coalition government where decisions are taken on a joint basis. The cross-community executive power-sharing is manifested in the election of First Minister and Deputy First Minister on a joint ticket by the Assembly, with the mandate of presiding over the grand coalition of the ten-member executive Council of Ministers. To facilitate cross-community decision-making, elected members are required to declare themselves ‘nationalist’, ‘unionist’ or ‘other’. The concept of group autonomy can be seen in the explicit recognition of the political identities of unionists, nationalists, and others as well the decision to leave alone the existing forms of the equally-funded Catholic and Protestant schools.

Norms of proportionality are evident in the electoral system used to elect the Assembly; the procedure used to determine the composition of the Cabinet; the procedure used to allocate assembly members to Committees with powers of oversight and legislative initiative; and the existing and additional legislative provisions to ensure fair and representative employment, throughout the public sector, and including the police service. To strengthen the power-sharing mechanism, a powerful minority veto has been imposed in order to ensure that decisions on issues of concern to both communities are taken only with broad consent of representatives of the two communities. This refers to the doctrine of parallel consent: a majority of unionist and loyalist representatives have to vote in favour of the proposed legislation. This requires a weighted majority where 60 percent of all members have to vote, including at least 40 percent of each of the delegations.

What the above implies is that a cross-community consensus is required for agreement on issues related to both communities. So evidently, the agreement is abundant with

32 A degree of cultural autonomy in education and language has existed even prior to 1998. For example, Catholic schools have been subsidised by the British Government to the same level as Protestant schools since 1992.
33 The system used in Northern Ireland is called the Single Transferable Vote. Every voter has only one vote, but they can ask for it to be transferred from one candidate to another to make sure it is not wasted. This is done by numbering the candidates 1, 2, 3, 4, 5 and so on instead of just putting an “X” against one of them - Electoral Office for Northern Ireland (2006), PR/STV Voting System, http://www.eoni.org.uk.
34 Northern Ireland uses the D’Hondt system, also known as the highest average method. Under this system, seats are won singly and successively on the basis of the highest average – Northern Ireland Assembly (2007), Allocation of seats in the Assembly Executive and Chairs and Deputy Chairs of Committees, http://www.niassembly.gov.uk.
35 O’Leary, p. 55.
group guarantees as propounded by consociational theorists. It also becomes apparent that the arrangement has been designed to ensure that politicians engage in a continuing balancing process on issues of concern. In this context, McGarry and O'Leary's\textsuperscript{36} assertion becomes centrally valid: “What makes consociations feasible and work is joint consent across the significant communities, with the emphasis on jointness.”

Furthermore, Northern Ireland features the conditions that are favourable for consociational structures to work: distinct lines of cleavage (sharp divisions between the two main communities, balance of power (Protestants who comprise much of the unionist population at 53.24 percent, and Catholics who make-up most of the nationalist population at 43.76 percent), external threats (scare tactic whereby Great Britain and Ireland threatened Northern Ireland with partition), and small size (5,456 square miles).

Due to the mutually acceptable political arrangement currently in place, Northern Ireland is overcoming its volatile past and emerging as a stable society. Some of the figures speak volumes about the progress made: 102 cross-border roads closed by the army during the Troubles have reopened; 32 security bases have been closed; and 3,500 troops have left since the peace process began bringing troop levels to the lowest level since 1970.\textsuperscript{37} Among the many economic dividends are the creation of 31,000 new jobs since the signing of the Belfast Agreement and the present unemployment level of 3.8 percent, a historically low level.\textsuperscript{38}

Consociational theory was first applied to Northern Ireland by Lijphart himself in 1975. Although consociational thinking was implicit in the Sunningdale Agreement of 1973, Lijphart was unconvinced about the prospects for consociational democracy and the key problem in his view was the absence of support for it among Protestants. Northern Ireland had a majority that was “capable of exercising hegemonic power” and was normatively attracted to the Westminster majoritarian tradition of democracy. Democracy by consensus was deemed unacceptable. Sri Lanka, today, is where Northern Ireland was then.

The Sri Lankan Power-Sharing Experience

In the last few decades, the Sri Lankan government has tried several approaches to resolve the ethnic conflict but these measures were either too little or too late. The most salient among the string of unsuccessful efforts are the establishment of the Provincial Councils and the proposed Draft Constitution of 1997.

\textsuperscript{36} McGarry, J. and O'Leary, p. 15.
Evaluating the 13th Amendment to the Constitution

The 13th Amendment enacted on 14 November 1987 sought to devolve power to the regions and provided for the establishment of Provincial Councils with legislative powers and the appointment of a Governor with executive powers for the respective provinces. It created three lists; the first contained powers that were retained by the central government (reserved list); the second listed the powers devolved to the provinces, and the third detailed shared powers between the government and provinces (concurrent list).

Members to the respective regional bodies are elected under the proportional representation electoral system, introduced by the Second Republican Constitution of 1978. The imprecise division of power between the centre and peripheries and the latter's inability to exercise exclusive competence or jurisdiction in any policy area are some of the significant shortcomings of the 13th Amendment. Authority in two crucial spheres – land settlement and maintenance of law and order – was left entirely to the prerogative of the central government, with serious implications for Tamil security in the North-East. The Councils also had no independent fiscal powers – it could neither borrow nor tax – and was completely dependent on finances from central government.

Thus, it is no surprise that despite the 13th Amendment, Sri Lanka remains a heavily centralised state with no real autonomy ceded to the Tamils. As Edrisinha notes, “Continued centralisation was strikingly symbolised by the conspicuous strength of the executive presidency, although in some areas, such as health and education, devolved powers could be reclaimed by simple ministerial directive”. Edrisinha also points out that the greatest obstacle to practical devolution was the first phrase of the Reserved List which provided for ‘National Policy on all Subjects and Functions’ to be determined by Parliament; this totally undermined powers apparently devolved to the provinces. As the conflict escalation patterns have shown, the experiment with devolution vis-à-vis the 13th Amendment to the Constitution has been wholly inadequate.

Evaluating the proposed Draft Constitution of 1997

In many ways, the Draft Constitution presented by the People’s Alliance Government on 03 August 1997, represented a huge leap forward for power-sharing in Sri Lanka. The full constitutional reforms presented to Parliament in October offered substantial concessions on representational, juridical, and financial matters and envisaged a sweeping restructuring of the existing system, introduced by the 13th Amendment.

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39 The proportional representation system was introduced with the new constitution so that a change to the constitution could be prevented, by rendering it virtually impossible for any one party to muster a two-thirds majority.


41 Ibid.
The powers of the centre and the regions were to be reconstituted, with greater autonomy granted to new “regional councils”. The existing list of concurrent powers was to be abolished and most powers on this list were to be transferred to the proposed regional councils. The draft also proposed to curb the excessive concentration of power vested in the executive presidency and distribute greater autonomy to the peripheries. However, there were no guarantees of equality as propounded by consociational theorists to reflect the plural nature of the country. In fact, the proposed draft very explicitly accorded Buddhism, the religion of the majority of the Sinhalese population, the “foremost place”. In addition, the draft did not require that recruitment to the public service and the police service should reflect ethnic diversity. In mixed ethnic regions, the lack of clarity can indeed be dangerous.42

But more centrally, a direct voice for the regional representatives in the central institutions was not provided for, although a considerable devolution of financial and administrative power was proposed. The essence of power-sharing where the common polity is jointly ruled was thus totally overlooked.

The Need for Consociational Thought

Throughout the early years of independence, Sri Lanka invited international admiration because of the leading position it commanded in Asia not just in terms of economic prosperity, but also for the peaceful co-existence of its diverse ethnic communities. However, the relative stability of the 1950s and 1960s was soon replaced by growing hostilities between the two principal ethnic communities. This has been correctly attributed to the shift to the increasing centralisation of power and the denial of autonomy to the Tamil-dominated provinces under the growing influence of Sinhala Buddhist nationalism.43 The classic majoritarian system handed over by the British was rapidly defined by the Sinhalese political elite in terms of dominance by an ethnic, linguistic and religious majority – the Sinhalese Buddhists.

The cosmetic transfer of administrative power through the 13th Amendment proved unsatisfactory not just to the Tamil rebels waging a guerrilla-style war, but also to the more moderate Tamil political leaders. Even the most radical constitutional reforms proposed by the Sri Lankan Government in 1997 which featured regional devolution of power as its centre-piece, did not transcend the majoritarian-style of governance, one of the root causes of the conflict. Where Lijphart’s favourable conditions for an elite commitment to cooperate are concerned, Sri Lanka does not meet all the required criteria. Although there are distinct cleavages and the country is relatively small in size,

43 Chadda, p.98
there are no external threats to unite the main communities and is there the balance of power requirement is absent for the Sinhalese make-up 74 percent of the population while the Tamils account for only 18 percent of Sri Lanka’s population of 20 million. But as Lijphart himself concedes, these conditions are neither necessary nor sufficient: “even when all of the conditions are unfavourable, consociationalism, though perhaps difficult, should not be considered impossible.”

Conclusion

Based on a comparative analysis, I have argued that the power-sharing devices established under the Belfast Agreement of 1998 is paving the way for the successful transformation of a deep-seated conflict in Northern Ireland, and is creating a considerably more stable society. Contrastingly, the various mechanisms designed to mitigate conflict in Sri Lanka have not able to achieve their intended goals. This is largely because the essence and spirit of power-sharing have been largely ignored by the country's policymakers.

As ethnic frictions in Northern Ireland are sedated by consociational prescriptions, hostilities continue to escalate in Sri Lanka despite the many attempts to formulate a mutually acceptable power-sharing formula. What Northern Ireland shows is that even in seemingly intractable civil conflicts, it is possible to create a break-through in negotiations if the parties are willing to rethink the framework for a settlement. In the Sri Lanka case, the principles of consociationalism and asymmetry may be necessary innovations of this kind.

Thus, Northern Ireland teaches Sri Lanka that consociationalism, despite its alleged deficiencies, is a viable method of resolving conflict in deeply divided societies. Consociational democracies feature a consensual decision-making process at the central level on issues of joint concern, and genuine autonomy for ethnic groups to decide on matters of particular relevance to them. To promote stability, Sri Lankan policymakers should put forward an alternative choice based on the Draft Constitution of 1997, preferably a system which has elements of consociationalism and federalism. Elements of consociationalism are necessary for settlement: consociational mechanisms don’t always polarise ethnic communities further as critics have alleged and can – and indeed does – promote cross-community cooperation as I have argued. When faced with a past of oppressive majority rule, simple plurality is not feasible. The reality is that in the face of few alternatives, consociationalism has become a prudent pathway for regions plagued with a history of communal differences.

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