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IN PURSUIT OF 1 SRI LANKA: LESSONS FROM A MALAYSIAN COUNTERPART[1]

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Abstract:

The quest for national unity has become a leadership challenge for successive leaders of both Malaysia and Sri Lanka. While the two countries record significant differences in contexts and background, the similarities are equally striking. The following is an article that is based on a two-country study undertaken by the author to unpackage and explore the "1Malaysia" Programme that was launched in 2009 following the election of Malaysian Prime Minister's, Tun Najib Razak into his first term in office. The author spent a two week resident attachment at the 1Malayisa Foundation in Malaysia in the summer of 2012 to study further the facets of the governance programme that had been formulated with the intention of resolving the ethnic tensions that have plagued Malaysia since it gained independence, or Merdeka. The purpose of the endeavour was three-fold: First, to identify and extract aspects of the 1Malaysia Programme as relevant to the Sri Lankan context so as to formulate a potential 1Sri Lanka programme that is cognizant of the variables at stake. Secondly, the article seeks to critique the already existent framework of the 1Malaysia Programme by providing recommendations for improvement where necessary. Third, to begin dialogue and deliberations on the rich learning and exchange that can be cultivated between the two countries by providing a framework for bilateral cooperation between the Governments of Malaysia and Sri Lanka.

Keywords: Programme "1 Malaysia", Malaysia, Sri Lanka, Ethnic Conflict.

Resumen:

La búsqueda de la unidad nacional se ha convertido en un desafío para el liderazgo de sucesivos gobernantes tanto en Malasia como en Sri Lanka. Mientras ambos países presentan notables diferencias tanto en sus contextos como en sus orígenes históricos, existen igualmente grandes parecidos. Lo que sigue es un artículo basado en el estudio de dos países llevado a cabo por el autor con el fin de analizar y explorar el Programa "1 Malasia" lanzado en el 2009 tras la elección del primer ministro de Malasia, Tun Najib Razak durante su primer mandato. La autora pasó dos semanas en la Fundación "1 Malasia" en Malasia durante el verano del 2012 para estudiar las facetas del programa que había sido formulado con la intención de resolver las tensiones étnicas que llevan afectando a Malasia desde su acceso a la independencia (Merdeka). El propósito de esta búsqueda es triple: primero, identificar y extraer aquellos aspectos del Programa "1 Malasia" relevantes para el contexto de Sri Lanka para poder así formular un potencial Programa "1 Sri Lanka" que tenga en cuenta las variables en juego. Segundo, el artículo busca criticar el marco ya existente del Programa "1 Malasia" ofreciendo recomendaciones para las mejoras pertinentes. Tercero, iniciar un diálogo y deliberaciones sobre el rico aprendizaje y el intercambio que se pueden cultivar entre los dos países ofreciendo un marco para la cooperación bilateral entre los gobiernos de Malasia y Sri Lanka.

Palabras clave: Programa "1 Malasia", Malasia, Sri Lanka, conflicto étnico.

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[1] An earlier version of the article has been presented to the 1Malaysia Foundation in Selangor, the Offices of the Malaysian Prime Minister, the Deputy Prime Minister, the Minister in Charge of National Unity in Malaysia, the then High Commissioner of Sri Lanka in Kuala Lampur and the High Commissioner of Malaysia in Colombo.

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I. MALAYSIA

1. The Context

Upon ascending to Malaysia's highest public office in April 2009, the Prime Minister of Malaysia, Dato' Sri Najib Tun Razak introduced a vision that he hoped would bring about inter-ethnic harmony and national unity to his country, once and for all.[3] It is not the only, but definitely the latest, expression of resolve by the Malaysian government to foster peaceful ethnic relations between the communities living in the country since it gained independence from British colonial rule. It also serves as an unwitting acknowledgement of the necessity for inter-ethnic amity that has thus far eluded the country.[4]

The "1 Malaysia concept",[5] as it is called, espouses a culture of excellence, perseverance, acceptance, education, integrity, meritocracy, humility and loyalty.[6] It also encompasses National Key Results Areas (NKRIs) and Key Performance Indicators (KPIs) on six major issues. [7]

Since independence, national unity has been made top priority involving unity in education, culture, socio-economy, political and regional affairs. "1 Malaysia" seeks to improve the relations of all Malaysians, regardless of racial, religious or cultural backgrounds.[8]

Despite the commitment to foster ethnic harmony between communities since Independence, there remain certain major concerns that need to be addressed in order to seriously engage the "1 Malaysia concept". Without addressing the major concerns, all efforts towards national unity will be in vain. [9]

The "1 Malaysia concept" essentially unveiled the guiding principle to build a united and progressive nation, and to inculcate the spirit and values of togetherness and sense of belonging, regardless of race, religion and creed.[10] A caveat however is that "1 Malaysia" does not seek to abrogate affirmative action and privileges granted to the Malay and Bhumiputra communities; rather it looks to improve implementation of such policies in a fair manner and to keep intact the spirit of 1955-1957 which has been agreed upon during the drafting of the Malaysian Federal Constitution on the eve of Independence. Being a concept

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[3] Wong, Steven C.M.: "Avoid the paths of mutual recrimination, Higher Ground: It is essential to depersonalize politics", *New Straits Times*, 22 May 2012.

[4] Kessler, C.S. (2008): 'Islam, the State and Desecularization: The Islamist Trajectory During the Badawi Years', in Noraini, Othman; Puthucheary, M.C. and C.S. Kessler (2008): *Sharing the Nation: Faith, Difference, Power and the State 50 years after Merdeka*. Petaling Jaya, Strategic Information and Research Development Centre.

[5] Mohamed Salleh, Hasnul: "1Malaysia – Concept and Values", at
http://www.kettha.gov.my/sites/default/files/uploads/1Malaysia%20-%20Concept%20and%20Values.pdf.

[6] *Ibid.*

[7] Rosli, Firdaos and Ning, Hwa En: "Working Group Meeting on "Sharing the Experiences of Inclusive Growth – Malaysia's perspective", Co-Chaired by NEAT Singapore and NEAT Indonesia, *Network of East Asian Think-Tanks* (*NEAT*), 28 June 2012.

[8] Muzaffar, Chandra: "1 Malaysia: The twin challenges", *1 Malaysia Foundation*.

[9] Reid, Anthony: Understanding Melayu (Malay) as a Source of Diverse Modern Identities, *Journal of Southeast Asian Studies*, vol. 32, no. 3, (October 2001), pp 295-313.

[10] Aziz, T.A. (2009): "1Malaysia: A Blurred Vision", *Transparency for a Democratic Malaysia*. 2 May 2009, at http://tunku-aziz.org/2009/05/02/1-malaysia-a-blurred-vision/.

of national governance, "1 Malaysia" becomes relevant not only to the ruling elite but also to the people of the country.[11]

2. The Background

Prior to the 1970s, Malays were deemed rural in lifestyle as well as livelihood. The Chinese were seen as the tycoons, pillaging away the rich bounty of the land. The Indians were restricted to thrive between the shades of rubber trees.[12]

Needless to say, the aforementioned segregations and economic disparity was a recipe for doom. In 1969, the infamous bloody riot of May 13 occurred. This was the ultimate display of intolerance and was sadly and eternally recorded in the annals of the country's history. The tragic event of May 13 had made the government of the day realize that the matter of racial harmony ought to be the foremost of all priorities. [13]

Accordingly, respective measures were drawn up so as to find an equilibrium which would work for all communities. For instance, the New Economic Policy (NEP) was introduced as a means to tackle the great economic disparity between races in Malaysia and to eradicate poverty regardless of race.[14] Money, and general wealth by extension, was indeed a sore point. Affirmative action, which is what NEP is all about, was seen as a mechanism to counter such problems. It however, came under fire with growing discontent among certain groups who felt that the fruits of development were being enjoyed by selected groups only. The redistribution of wealth was deemed as a "Robin Hood-like manoeuvre" which would hamper the nation's growth. Unfazed by critics, the NEP continued and managed to bring Malaysia out of the hostile era of the late 1960s into the more peaceful period of the 1980s.[15]

Flash forward, and now, many years later, the issue of achieving racial harmony is still top priority.[16] This is where "1 Malaysia" fits into the current discourse on national governance. According to the Prime Minister's personal website, "1 Malaysia" is described as intending to "…provide a free and open forum to discuss the things that matter deeply to us as a Nation. It provides a chance to express and explore the many perspectives of our fellow citizens. What makes Malaysia unique is the diversity of our peoples. "1 Malaysia"'s goal is to preserve and enhance this unity in diversity which has always been our strength and remains our best hope for the future. I hope this Website will initiate an open and vital dialogue exploring our Malaysian identity, purpose, and direction. I encourage each of you to join me in defining our Malaysia and the role we must play in its future. Each of us — despite our differences — shares a desire for a better tomorrow. Each of us wants opportunity, respect, friendship, and understanding."

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[11] Hasnul, *op. cit.*

[12] Barr, M.D. (2002): *Cultural Politics and Asian Values: The Tepid War*, London, Routledge.

[13] *Berita Nasional (BERNAMA)* (2007): "Abdullah chides Opposition for spinning out issues", 27 August 2007, at http://www.bernama.com/bernama/v3/news.php?id=281491.

[14] Bin Mohamad, Mahathir: "Malaysian: The Way Forward (Vision2020)", at http://www.epu.jpm.my/ 02/28/1991; Victor, Wee: VISION 2020 AND ENHANCING COMPETITIVENESS, PRIME LEADERSHIP AND MANAGEMENT COURSE (JUSA) SERIES 28 NO. 2/2003 INTAN, BUKIT KIARA ON 11 JULY 2003

[15] *Berita Nasional (BERNAMA)*: "Be Truthful to the People, PM tells Leaders", 7 May 2009, at http://www.bernama.com.my/bernama/v5/newsindex.php?id=409363.

[16] *Berita Nasional (BERNAMA)*: "Public feedback will determine ministers' KPI", 30 April 2009, at http://www.bernama.com/bernama//v3/news_lite.php?id=408105.

3. Malaysia: The Vision

As the above quote from the Prime Minister's website makes clear, it is the intention of the Malaysian government that the people of Malaysia be given ownership of the "1 Malaysia" project. The vision is expressed by the leadership, but the implementation is left to the people and hence allows a degree of flexibility and inclusiveness for fresh and innovative thinking and initiatives.[17]

The "1Malaysia concept" is grounded in and guided by the Malaysian Constitution. The proponent of the concept, Prime Minister Razak has made this clarification very clear.[18] "1 Malaysia" acknowledges that there are certain underlying socio-political ideas in the Constitution which will shape the journey towards a nation that is truly united in diversity. "1 Malaysia"'s lineage is not confined to the Malaysian Constitution. It is also guided by what are commonly referred to as Malaysia's "Documents of Destiny"[19] together with the Malaysian Constitution, namely, the Rukunegara with its commitment to national unity, among other goals, and the NEP that had pledged to eradicate poverty irrespective of ethnicity and restructure society in order to reduce the identification of ethnicity with economic function. The third document is Wawasan 2020 or Vision 2020 which aims to bring Malaysia to a 'middle-income' status country by the year 2020.[20]

Accordingly, "1 Malaysia" is the latest in a series of ideas and visions which seek to promote unity among diverse communities in Malaysia. It is significant that such ideas and visions have emerged at regular intervals in the history of the nation – the Rukunegara and the New Economic Policy (NEP) 13 years after the 1957 Constitution; Wawasan 2020, 21 years after the Rukunegara and then the NEP; and now "1 Malaysia", 18 years after Wawasan 2020.[21] They represent renewal and rededication to an ideal which continues to elude the nation.[22] It has been considered that one of the reasons why Malaysia is nowhere near its goal of a united nation is because of the absence of real efforts to inculcate in its people a profound understanding and appreciation of the three "Documents of Destiny."[23] It is believed that this is one of the reasons that even 51 years after independence, or Merdeka, a huge segment of the non-Malay population refuses to acknowledge the Malay root of the nation's identity. Conversely, a sizeable section of the Malay population is reluctant to recognize the legitimacy of the non-Malay yearning for equality inherent in their status as long domiciled citizens of the land. Of course, developing a deeper understanding of the nation's "Documents of Destiny" is not a solution. Additionally, there needs to be constant efforts to bridge the gulf between Constitutional principles and the goals of the Rukunegara, on the one hand, and the realities that confront the lives of the people, on the other, especially in relation to national

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[17] Chong, T. (2006): "The Emerging Politics of Islam Hadhari", in Saw, Swee-Hock and K. Kesavapany (eds.): *Malaysia: Recent Trends and Challenges*, Singapore, Institute of Southeast Asian Studies.

[18] Rosli, Firdaos and Ning, Hwa En: Working Group Meeting on "Sharing the Experiences of Inclusive Growth – Malaysia's perspective", Co-Chaired by NEAT Singapore and NEAT Indonesia, *Network of East Asian Think-Tanks* (*NEAT)*, Thursday, 28 June 2012.

[19] Bin Mohamad, Mahathir, Malaysian : "The Way Forward (Vision2020)", at http://www.epu.jpm.my/ 02/28/1991; Victor, Wee: VISION 2020 AND ENHANCING COMPETITIVENESS, PRIME LEADERSHIP AND MANAGEMENT COURSE (JUSA) SERIES 28 NO. 2/2003 INTAN, BUKIT KIARA ON 11 JULY 2003.

[20] Dupont, A.: "Is there an 'Asian Way'?", *Survival*, vol. 38, no. 2 (1996), pp. 14-26.

[21] Rosli and Ning, *op.cit.*

[22] Mahathir, Malaysian , "The Way Forward (Vision2020)", *op. cit.*; Wee, *op. cit.*

[23] Ghazali, K.: "The first keynote address of Abdullah Ahmad Badawi at the UMNO general assembly", *Multilingua – Journal of Cross-Cultural and Interlanguage Communication*, vol. 25, no. 1 (2006), pp. 129–142.

unity. More importantly, there is a growing need for Government and other actors to address the causes behind the failure to live up to such national goals.[24]

The "1 Malaysia" concept requires behavioural changes in society from Tolerance to Acceptance and finally to Celebration of the diverse ethnicities of the country. The Principles expounded in the "1 Malaysia concept" are as follows – Unity in Diversity: Accepting diversity, embracing unique qualities and celebrating diversity as a competitive asset for the nation; Fairness for All: No single group should be marginalized on account of any element of their background be it ethnic, religious, political or socio-economic.[25] Government is to provide support solely on the basis of individual need and merit in an attempt to balance the imperatives of meritocracy with social justice; Constitutional: Article 8 (1) which provides for equality of all Malaysians; Article 12 (1) which prohibits discrimination based on religion, race, descent or birthplace; Article 152 which safeguards reservations for the Bhumiputra in four specific areas – land, recruitment into public service; issuing permits or licenses for certain businesses; and scholarships and other forms of educational aid.

Both the Rukunegara and Vision 2020 have common aspirations for "1 Malaysia":[26] Rukunegara – Greater unity; democratic way of life; Just society; Liberal approach to rich and diverse cultural traditions; progressive society. Vision 2020 – 1 Bangsa Malaysia; a liberated, secured and developed Malaysia; democratic society; ethical society; liberal and tolerant society; progressive society; a fully caring society; an economically just society; a prosperous society. The objective of the vision is that the values of "1 Malaysia" find manifestation in the everyday lives of the Malaysian people, namely in their study, work and play.[27]

The key to this concept is the catchphrase 'unity in diversity'. It is not a government-sponsored programme in which to dilute the multi-cultural and multi-ethnic variations and create a singular hegemonic society, but rather to appreciate the plurality that is Malaysia and work together as one nation that can come to terms with and progress with diversity as its hallmark and strength.[28]

The "1 Malaysia concept" embodies the following key values in all its initiatives, activities, aims, objectives and goals: Tolerance; Integrity; a spirit of Moderation; widening Access to quality and affordable education; culture of excellence; raising the living standard of low income earners; waging a war against corruption; upgrading infrastructure in the rural and interior regions; improving public transportation in a modern period time; strengthening a system of meritocracy; reducing crimes; espousing qualities of perseverance and humility in all endeavors.[29]

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[24] Inoguchi, T and Newman, E. (1997): "Introduction: 'Asian Values' and Democracy in Asia", in *'Asian Values' and Democracy in Asia*. 27 Mac. Shizouka: Shizuoka Prefectural Government, at http: //www.unu.edu/hq/unupress/asian-values.html.
[25] Kessler, C.S., *op. cit.*
[26] Mahathir, Malaysian , "The Way Forward (Vision2020)", *op. cit.* and Wee, *op. cit.*
[27] Rosli, Firdaos and Ning, Hwa En, Working Group Meeting on "Sharing the Experiences of Inclusive Growth – Malaysia's perspective" Co-Chaired by NEAT Singapore and NEAT Indonesia, *Network of East Asian Think-Tanks* (*NEAT*), Thursday, 28 June 2012.
[28] Muzaffar, Chandra: "1 MALAYSIA: THE WAY AHEAD", *1Malaysia Foundation* (16 June 2009).
[29] Khoo B.T. (1995): *Paradoxes of Mahathirism: an intellectual biography of Mahathir Mohamad*, Kuala Lumpur, Oxford University Press.

The values of "1 Malaysia" are most certainly idealistic.[30] An understanding of those values would depict an emphasis on hard work and virtues. But one value, i.e. integrity is considered to stand tall above the rest, in which without it, the rest will be mere rhetoric. The core of any project or task undertaken is the integrity of the parties involved.[31] Should the moral compass of one side be skewed to fit whatever interests there may be, success would remain elusive. Integrity as described by the Prime Minister of Malaysia is all about government relations with the people. The government is expected to perform honourably and be honest to the people. In turn, the people are also to reciprocate by reposing trust and confidence in the government and acting in a manner that demonstrates trust in the fact that the government will act in the best interest of all the peoples of the country.

Human rights and equality before the law, another great concern of the people must also be respected. The people need assurance that no one is beyond reproach or above the law. They must be granted with the laws that respects and protects their rights. Only then they may accord the government similar courtesy and respect.[32]

It should be added that integrity in the concept of "1 Malaysia" is not intended to be just between the government in power with the people who puts them in power, but also between the government sector and that of the private enterprises. This is, as a matter of fact, the cornerstone of 'Malaysia Incorporated' as was proposed and executed by the former Prime Minister, Tun Dr. Mahathir Mohammad in 1983.

The present Prime Minister himself, in order to realize and measure progress on the "1 Malaysia concept", has introduced mechanisms such as NKRAs and KPIs.[33] The NKRA is the government's target in six major issues. For each one area, KPI has been set to gauge the progress of the proposed changes. Six lead ministers have been appointed to head each of the NKRAs. Furthermore, KPIs have also been set for all the other ministries to include the ministers as well. Their performances and progress will be checked every six months by the Prime Minister himself.[34]

The NKRAs will serve as a benchmark or a yardstick by which the government could continually assess itself and make improvements if and when necessary. Together with the KPIs, it is hoped that all bureaucratic procedures will be streamlined and all resources will be fully utilized in the public sector to achieve the targeted results within an acceptable time frame.[35]

The 6 NKRAs are i. Reducing crimes. ii. War against corruption. iii. Widening the access to affordable and quality of education. iv. Raising living standard of the low income earners. v. Upgrading infrastructure in the rural areas and the interior region. vi. Improving public transportation in a moderate period of time.

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[30] Mohd Azizuddin , Mohd Sani; Yusof, Norhafezah and Kasim, Azahar: "Malaysia in Transition: A Comparative Analysis of Asian Values, *Islam Hadhari* and 1Malaysia", *Journal of Politics and Law*, vol.2, no.3 (September 2009).

[31] *Ibid.*

[32] Muzaffar, *op. cit.*

[33] Lee B.C. (2008): *Bagaimana Keris diganti dengan Merpati?*, Kuala Lumpur, Oriengroup Sdn. Bhd.

[34] Muzaffar, *op. cit.*

[35] Mohd Azizuddin , Yusof, and Kasim, *op. cit.*

4. "1 Malaysia": The Achievements and Challenges

It is believed that the "1 Malaysia concept" has helped foster a sense of 'togetherness' amongst a lot of young Malaysians. "1 Malaysia" has been associated with government upon extending assistance to the poor and needy, regardless of ethnicity. That social justice is more important than ethnic or religious affiliation is a key message of the "1 Malaysia" vision. For the first time the government of Malaysia is seen to be rewarding ability and excellence irrespective of ethnicity. The School Certificate Examination in 2010 which awarded scholarships to 9A plus scorers was testimony to this.[36] Through "1 Malaysia", efforts are being made to increase the intake of non-Malays into the Civil Service, Police and Armed Forces and to ensure greater mobility in the public institutions.[37]

Regarding the challenges, the first to be mentioned is the ethnically and linguistically polarized primary school system. The separate language streams at primary school level remain a key challenge for "1 Malaysia". Ninety per cent of Chinese children and fifty per cent of Indian children, at the most critical phase of their lives in terms of the formation of fundamental values and attitudes, do not have the opportunity to interact with Malays in the same age category.[38]

Second, certain state policies in the sectors of education, civil and public services, and the economy are not conducive to fostering the vision of "1 Malaysia".

Third, the Special Position of Malays and Bhumiputras in the Constitution and in particular the way they have been implemented is continuing to be an obstacle to achieving national unity.

Fourth, perceptions: Chinese perceive the Chinese school system as a protection of their identity. The Malays perceive the Special Position in the Constitution for themselves and the Bhumiputras as protection of their rights in a competitive capitalist economy where the real power lies with the Chinese elite.[39]

Fifth, there exist from time immemorial, persons with vested interests with a stake in perpetuating ethnic dichotomies: Among Malays and Bhumiputras, there are groups who abuse the Special Provision embodied in the Malaysian Constitution to advance their own interests. [40] Conversely, the Chinese community continues to actively propagate Chinese primary and secondary education within the Chinese community. A related challenge is that some groups within the political opposition view "1 Malaysia" as a propaganda tool of the ruling party, Barisan National. [41]

It is believed that this negative attitude has had its impact on sections of the Malaysian population preventing the concept from taking root in the hearts and minds of the citizenry. [42]

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[36] Muzaffar, *op. cit.*

[37] Saad, Suhana: "Re-building the Concept of Nation Building in Malaysia", *Asian Social Science*, vol. 8, no. 4 (April 2012).

[38] Liew C. T.: Najib's Plots. *The Malaysian Insider*, 13 July 2009, at http://themalaysianinsider.com/index.php/opinion/liew-chin-tong/32146-najibs-plots.

[39] Lopez, L. (2006): "Race rhetoric is part of Umno politics", *The Straits Times*. 17 November 2009, at http://malaysia-today.net/blog2006/newsncom.php?itemid=792.

[40] Muzaffar, *op.cit.*

[41] Mahathir M. and Ishihara, S. (1995): *The Voice of Asia: Two Leaders Discuss the Coming Century*, Tokyo, Kodansha International.

[42] Muzaffar, *op. cit.*

What needs to be emphasized is that "1 Malaysia" is anchored in the Malaysian Constitution and linked to the Rukunegara and Wawasan 2020 which are instruments of nation-building and not political party manifestos.

Sixth, a challenge is the unhelpful religious sentiments which undermine the practices and institutions of other religions ignoring the spirit of tolerance taught in all religions.[43]

A seventh challenge are communal pronouncements and ethnic distortions and misconceptions which are vented more than before in the public sphere. These mainly include those of the non-Malay intelligentsia to question the Malay position.[44]

Eighth, it is irrefutably true that the expansion and enhancement of the Special Position in the Constitution through the NEP in 1970 was a major factor in the economic and social transformation of the Malays. It is this massive transformation that has brought stability and relative peace and inter-ethnic harmony to the country. However, the implementation of Special Position and the NEP has its downside. The wealth gap within the Malay community has widened considerably partly because some individuals have exploited and manipulated the NEP to further their own interests. The NEP has also had a negative impact upon sections of the non-Malay communities as it has curbed and constrained educational opportunities and social mobility for some of them.[45]

5. "1 Malaysia": The Way Forward

In order to address these shortcomings, the government should give greater emphasis to social justice in the policies and programmes emanating from the Special Position. Only those who deserve assistance, from the perspective of justice, should be helped. Likewise, justice demands that the non-Malay is given a helping hand or that accomplishment is recognized and rewarded' when a need arises. The State should not hesitate to respond, in accordance with the constitutional provision on "the legitimate interests of the other communities."[46]

But justice itself should not be viewed through a communal lens. This is the bane of many a multi-ethnic society, Malaysia included.[47] If national unity is to be achieved, if "1 Malaysia" is to become a reality, justice should be approached from a more holistic and balanced perspective.

It is also believed that a needs-based approach – rather than the present emphasis on ethnicity in areas related to socio-economic justice could help to narrow the ethnic gap, which will in turn help to further the "1 Malaysia" vision.[48]

Avenues for interaction of students in the different language streams must be explored, including the setting up of sports teams or extra-curricular activities and clubs that draw on students from the different streams; monthly school assemblies, shared sports day and annual

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[43] Saad, *op. cit.*

[44] Muzaffar, *op. cit.*

[45] O'Shannassy, Michael: "Malaysia in 2010: Between a Rock and a Hard Place", *Asian Survey*, vol. 51, no. 1 (January/February 2011).

[46] Abdullah A.B. (2006). *Islam Hadhari: A Model Approach for Development and Progress*, Petaling Jaya: MPH Publishing.

[47] Muzaffar, *op. cit.*

[48] O'Shannassy, *op. cit.*

concerts; A related strategy must endeavor to make the Bahasa Malaysia based primary school system attractive to all communities, the parents are the critical group to target in these efforts.

Yayasan "1 Malaysia" in fact submitted a 10 point proposal to the government in February 2010 aimed at improving the quality and image of national schools. Among the recommendations were the rebranding of the national school so that it is perceived as "multi-religious and inclusive"; the recruitment and employment of quality teachers; teacher training programmes that strengthen awareness of what national unity entails; improving the standard of English; effective teaching of Chinese, Tamil and other vernacular languages; emphasizing shared moral values; reducing bureaucratization in the administration of schools; and ensuring that education departments and the Ministry of Education become more representative of the multi-ethnic population mix. [49]

What regards the Special Position of Malays, it is imperative for Malaysians to understand its roots, its evolution and the real reasons for its institutionalization. Not many people know that the constituent elements of the Special Position of the Malays: land reservations; public services positions; educational scholarships; and trade licenses were spawned during British rule as a way of protecting the people of the land who were being marginalized by the colonial economy. They were integrated into the Constitution of independent Malaya in 1957 mainly because the conferment of citizenship upon a huge segment of the non-Malay populace on incredibly liberal terms made the majority community abysmally vulnerable. Accordingly, raising public awareness in a systematic and organized manner to rectify inter-ethnic misunderstandings is critical to further 1Malaysia project.

6. The Issues

6.1. The Constitution

Misunderstandings and misconceptions about the Malaysian Constitution have had their impact on ethnic relations in the country. [50] The issues have been the following: "Equality" as stated in Article 8 (1) prohibits discrimination except when expressly authorized in the Constitution such as the "special provision"[51] of Malays and natives of Sabah and Sarawak which was incorporated into the Constitution to protect the well-being of the abysmally poor indigenous Malays in the wake of conferment of citizenship upon more than a million recently domiciled Chinese and Indians on the eve of Independence.[52] The special provisions which were brought in, address gross ethnic inequalities.[53] It has been argued that if the original intention of the Special Provision is properly understood, it would not be seen as an affront to the principle of equality.[54] The expansion of the scope for citizenship which continued for at least 13 years after Independence brought into stark relief the gross inequalities between the communities.[55] Special Provision was therefore a form of affirmative

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[49] *Agence France-Presse* (AFP): "Malaysian government playing Islamic card ahead of vote: Anwar", 8 January 2008, at http://news.my.msn.com/regional/article.aspx?cp-documentid=1179732.

[50] Muzaffar, Chandra: Malaysia and Citizenship, *1Malaysia Foundation*, 17 August 2009.

[51] Muzaffar, Chandra: Misconstruing the Constitution, *1Malaysia Foundation,* October 2010.

[52] *Ibid.*

[53] *Ibid.*

[54] Muzaffar, "Malaysia and Citizenship", *op. cit.*

[55] Muzaffar, "Misconstruing the Constitution", *op. cit.*

action that sought to redress socio-economic inequalities through the equalization of opportunities for hitherto marginalized groups.[56]

Article 153 of the Constitution is seldom highlighted as critical to inter-ethnic relations. The provision whilst calling to ensure special position of Malays and natives of Sabah and Sarawak, calls for the safeguarding of the legitimate interests of other communities.[57]

However this is a provision that might be criticized as not being practical. Even in theory it is not easy to balance competing interests on the same resources, and hence what becomes necessary is a framework or set of guidelines for assistance in implementing the provision.[58] Such will ensure that priorities are made clear and factors that guide the balancing of interests of the communities are laid out to avoid potential conflicts from arising during implementation of the provision. [59]

Much political rhetoric and media commentary has argued for the continuation of Chinese schools in the national education system but there is no such provision in either Article 12 which deals with rights in respect of education or in Article 152 which deals with national language.[60] It is reiterated that Chinese, Tamil, or any other language can be legally taught within the national school system and that Chinese and Tamil primary schools are part of the national education system and their status is protected in law and policy. Article 152 (1) reads "no person shall be prohibited or prevented from using (other than for official purposes) or from teaching or learning any other language."[61] Such a provision makes it clear that while other languages are protected under the law, it does not include mandatory usage in official contexts. This can be problematic as it immediately relegates the status of languages of non-Malay ethnic groups.[62] It has been argued that both ignorance and intensification of communal politics continues to impinge upon the fundamental character of the nation and the structure of the Constitution.[63]

6.2. History and Identity

The Malay pre-eminence and dominance in all spheres of public life has been attributed to the historic contribution of Malay peasantry to the progress of the country since pre-Independence. [64] Historic Malay political entities, distinguished by Malay Sultans since 1136, have been characterized by the Malay language and Islam as fundamental elements which determined Malaysia's identity.[65]

It has been asserted that accepting historical realities in no way relegates a citizen to 'second class'. Conversely, there are non-Malays who espouse a view of history which

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[56] *Malaysiakini*. (2005): "Keris-waving: Hishamuddin must apologise", *Journal of Politics and Law* vol. 2, no. 3 (1 September 2005), at
http://www.malaysiakini.com/letters/39812.
[57] O'Shannassy, *op. cit.*
[58] O'Shannassy, *op. cit.*
[59] Muzaffar, "1 Malaysia and Citizenship", *op. cit.*
[60] Muzaffar, "Misconstruing the Constitution", *op. cit.*
[61] Muzaffar, "1 Malaysia: Looking Within: Reaching Without", *op. cit.*
[62] Mendes, E.P. (1994): *Asian Values and Human Rights: Letting The Tigers Free*, Ottawa: Human Rights Research and Education Centre, University of Ottawa, at
http://www.uottawa.ca/hrrec/publicat/asian_values.html.
[63] Muzaffar, "1 Malaysia - 20 Months after", *op. cit.*
[64] Muzaffar, "History and Ethnic Sentiments", *op. cit.*
[65] Muzaffar, "1 Malaysia: Looking Within, Reaching Without", *op. cit.*

ignores or downplays the role of other communities in shaping current Malaysia.[66] It is argued that the way how Chinese and Indians have become part of the Malay society is a theme that needs to be emphasized in the current Malay-centric text books. [67]

Ethnic biases on all sides together with other biases such as class and ideology and personal interests have all influenced the writing of Malaysian history. What is suggested is that there be a reappraisal and reduction of the element of subjectivity in the recording and writing of history. [68]

There have been calls for the establishment of a truly multi-ethnic panel of historians and other academics which would be tasked with conducting a thorough review of history syllabi, history books, and teaching methodologies employed in schools.[69] Local universities and Malaysian Historical Society should be consulted for the composition of such a panel. It is contended that while the country's history is the immediate concern, the panel should also emphasize the importance of World History.[70] In an increasingly globalized and borderless world, such becomes paramount. It has even been proposed that based upon its evaluation of the teaching and learning of History in school, the proposed panel can then recommend whether it is necessary to make a pass in History a requirement for the secondary school examination.[71]

6.3. A Quest for Identity

Usually identities express themselves in different ways and at different levels and do not conflict with one another.[72] But there are extraordinary circumstances that may lead to a clash of identities. In such situations the articulation of ethnic identity can sometimes be inimical to the quest for a national identity.[73] The Malaysian case is no exception.[74]

A monumental challenge in the country has been the evolution of a shared Malaysian identity that all communities can be comfortable with. The quest for identity is linked very close to the acceptance of a common undisputed historical narrative.[75] In the case of Malaysia, there is an intimate nexus between Malay identity and Malaysian identity.[76] Article 160(2) of the Malay Constitution defines Malay as those who profess Islam, habitually speak Malay and conform to Malay customs.[77] Two of these characteristics actually define the identity of the Malaysian nation. Hence, the intimate nexus between Malay and Malaysian is obvious.[78]

It is argued that if all citizens are loyal to the Constitution, there will not be room for a clash of identities. The critical factor here then becomes empathy for the "other" and

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[66] Muzaffar, "History and Ethnic Sentiments", *op. cit.*

[67] O'Shannassy, *op. cit.*

[68] Muzaffar, "History and Ethnic Sentiments", *op. cit.*

[69] *Ibid.*

[70] Muzaffar, "History and Ethnic Sentiments", *op. cit.*

[71] Muzaffar, Chandra, "1 Malaysia - 20 Months After", *1Malaysia Foundation,* 3 January 2011.

[72] Muzaffar, Chandra, "Malay or Malaysian", *1Malaysia Foundation,* April, 2010.

[73] *Ibid.*

[74] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*

[75] O'Shannassy, *op. cit.*

[76] Muzaffar, "Malay or Malaysian", *op. cit.*

[77] *Ibid.*

[78] "Once again, what is 1Malaysia?", *The Malaysian Insider*, 16 April 2009. at http://www.themalaysianinsider.com/index.php/opinion/breaking-views/23484-once-again-what-is-1malaysia--the-malaysian-insider.

understanding the position of the other ethnic communities whilst safeguarding and defending one's own. This then becomes a prerequisite for the growth and development of a shared Malaysian identity.[79]

6.4. Religion

For a decade and a half since Independence, religion was not a hindrance to national unity.[80] Islam was recognized as the religion of the country and continued to be featured both in ceremony and substance in the expression of Malaysia's identity.[81] From the eighties onwards strains began to appear with rapid Malay urbanization which began in the seventies and created a situation in which Muslims today share physical and cultural space with people of other faiths as never before.[82] Together with this has been a rise of negative ethnic sentiments and because ethnicity is intimately intertwined with religion, ethnic antagonisms are often expressed as religious animosities and vice-versa.[83]

To overcome this challenge, the religious establishment, religious teachers at all levels and the media will have to develop a more enlightened outlook and meaning on the practice of faith in a multi-religious society.[84] The growing presence of Evangelical Christians resulting in "unethical conversations" has also been a recent phenomenon in Malaysia as it has the world over.[85] A number of Christian groups in Malaysia and other countries are opposed to such movements.[86] These Christians emphasize the universal values of their religion which they know are shared by Islam and other faiths.[87] It is these shared values that need to be highlighted as the country seeks to further a "1 Malaysia" vision and should be the foundation of unity in a multi-religious society.[88]

6.5. Education

A segregated system of schooling was inherited from the British colonial government in Malaysia. Efforts have been many to integrate the various school systems into one National System that would be acceptable to all while preserving the languages and cultures of all communities. The Barnes Report (1951), the Educational Ordinance (1952) and Ho SengOng (1952), all recommended the need for one single-type school system to cater to the needs of all ethnic groups. Hence, the Barnes and Ho SengOng proposed the gradual termination of all vernacular schools and proposed that ultimately no government funds would be expended on communal institutions.[89]

The Razak Report which is the educational charter of the nation has spelt out the main thrusts of achieving unity through education. These include a common content syllabus, common examination system and implementation of Bahasa Melayu as the main medium of

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[79] Muzaffar, "Malay or Malaysian", *op. cit.*

[80] Muzaffar, Chandra: "Forging Unity through Religion", *1Malaysia Foundation,*August 2011.

[81] *Ibid.*

[82] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*

[83] "Liberalisation will not affect Bumiputra interests", *The Malaysian Insider,* 12 July 2009, at http://www.malaysianinsider.com/index.php/malaysia/32112-liberalisation-will-not-affect-bumiputra-interests.

[84] Muzaffar, "Forging Unity through Religion", *op. cit.*

[85] *Ibid.*

[86] *Ibid.*

[87] Muzaffar, "Malay or Malaysian", *op. cit.*

[88] Muzaffar, "Forging Unity through Religion", *op. cit.*

[89]"Anwar trains his sights on 1 Malaysia", *The Malaysian Insider*, 30 April 2009, at http://www.themalaysianinsider.com/index.php/malaysia/25013-anwar-trains-his-sights-on-1malaysia.

instruction in all schools.[90] However, the Razak Report as a political compromise seeks to maintain in the short term, the multilingual streams in the education system.[91]

Despite the many achievements of the national education system, it has failed to unite the different communities, while polarization and prejudices are on the rise: Chinese schools are increasing their enrolment, so too are the Tamil schools, whereas the National schools are dominated by Malay children with a small percentage of Chinese and Indians. Thus, in effect, what exists at the primary level – the level that is most important in moulding values and attitudes of children in their formative years - are three mono-ethnic streams.

The reason has been that despite the several noble policies and missions, political compromises and bartering has over the years flawed the implementation process. Noteworthy is the extreme political pressure to which the government eventually succumbed regarding the controversial clause included in the 1996 Education Act which contained the faculties of the minister to convert vernacular schools and changes to the faculties of the Chinese Management Committees in the Education Act of 1961.

Malaysia remains unusual, even compared with its neighbor Singapore, in allowing multilingual government – funded school streams - to operate side by side with the national stream. This remains a critical stumbling block to the realization of ideals enshrined in the ethos of "1 Malaysia".

What remains is therefore the need for strong political will from the government of the day to reverse the process and make education a unifying factor towards achieving national integration.[92] It has been suggested that interim measures to improve the situation until the long-term goal is achieved must be put in place. This mainly includes undertaking initiatives that improve the quality and image of national schools which are currently perceived as 'Malay schools' and with a poor standard of English education.[93]

Accordingly, a series of measures have been proposed and include rebranding, together with provision of best facilities and infrastructure, instituting quality teachers from all communities who are trained in inter-ethnic issues and sensitivities, quality English language teaching, greater number of extra-curricular activities and opportunities for exposure and personality development and more importantly, increasing the attention to the teaching of vernacular languages. While measures above and other measures will help to foster a multi-ethnic image where every citizen feels a stakeholder in the national system of education, it is imperative that the teaching profession, Ministry of Education, government departments become more representative of ethnic distribution of the country and state variation.

It is strongly believed that the interim measures proposed above must be associated with and closely accompanied by a parallel strategy that will actively work towards evolving a single system of education for the country.[94]

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[90] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*
[91] O'Shannassy, Michael: "Malaysia in 2011: The More Things Stay the Same, the More Things Change?" *Asian Survey*, vol. 52, no. 1 (January/February 2012).
[92] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*
[93] "Strengthening Confidence – Venturing into a New Era", *The Star Online* 7 November 2007, at http://thestar.com.my/services/printerfriendly.asp?file=/2007/11/7/nation/20071107132119.asp&sec=nation.
[94] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*

6.6. The Economy

The Malaysian economy has been "ethnicized"[95] since Independence when the economic vulnerability of the majority Malay population had led to the Special Provision being incorporated into the Federal Constitution of the country.[96]

The subsequent New Economic Policy led to the rapid social and economic transformation of one community in a single generation. For all its achievements, the ethnic approach to the economy had also negative consequences.[97] First, it has constricted educational and economic opportunities for important sections of the non-Malay communities and has constrained their social mobility.[98] Two, politically well-connected elements especially in middle and upper strata of the Malay community have benefitted much more from contracts, licenses, shares and dictatorships disbursed in the name of helping the community than ordinary Malays who continue to struggle to make a living. Three, the ethnic approach has increased ethnic polarization at various levels of society. [99]

It is believed that in the quest for "1 Malaysia", there is a burning need to reverse the adverse impact of the ethnic approach:[100] For this, the equilibrium established in the Constitution between 'Special Position' and 'the legitimate interests of other communities' should be faithfully observed in policy and implementation;[101] the concept behind the first prong of the National Economic Policy, 'the eradication of poverty irrespective of ethnicity' should be expanded to embrace the needy and the disadvantaged,[102] whatever their cultural and religious background.[103] That is, "need" and not "ethnicity" should be the guiding principle in providing assistance in areas such as education and housing. Hence, the challenge that remains is to make "de-ethnicizing" the economy and enhancing justice for all, the agenda of each and every Malaysian.[104]

The challenge of low incomes and widening inequalities in Malaysian society is yet another issue that has been flagged. To ensure inclusiveness, it is imperative that not only "a living income" for the bottom 40% is ensured[105] but also that there is a reduction in the increasing economic and social disparities that are an affront to human dignity.[106]

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[95] Muzaffar, Chandra, "1 Malaysia, Ethnicity and the Economy" , *1Malaysia Foundation,* 17 December 2009.
[96] O'Shannassy, "Malaysia in 2011...", *op. cit.*
[97] Muzaffar, "1 Malaysia, Ethnicity and the Economy" , *op. cit.*
[98] *Ibid.*
[99] Zahiid, S.J. (2009): 'Najib's 1Malaysia in Smithereens, charges Kit Siang', *The Malaysian Insider*. 7 May 2009, at http://www.themalaysiainsider.com/lite/articles.php?id=25737.
[100] Muzaffar, Chandra: "Widening Income Inequality: A Challenge to 1 Malaysia", *1Malaysia Foundation,* August 2010.
[101] *Ibid.*
[102] *Ibid.*
[103] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.* and Muzaffar, "1 Malaysia, Ethnicity and the Economy" , *op. cit.*
[104] *Ibid.*
[105] Muzaffar, "Widening Income Inequality: A Challenge to 1 Malaysia", *op. cit.*
[106] Zahiid, *op. cit.*

II. SRI LANKA

7. The Background

The root causes of the three-decade conflict in Sri Lanka can be traced back to unequal treatment of the Tamil population and both real and perceived discrimination by the State.[107] Many Tamils believed the State and its structures favoured the interests of the majority community, and several changes in State practices were seen as discriminatory and unjust. The Tamil community's campaign was against State structures and policies considered discriminatory of the Tamils rather than against the Sinhalese. The failure of the dominant sections of the Sinhala polity to address these grievances, the failure to rigorously examine changes in policy and practice by successive governments, so as to take into account possible adverse impacts on minorities and avoid such impacts, the subsequent creation of a Tamil political leadership which permitted the growth of unrealistic expectations amongst the Tamil youth, all contributed to the birth of Tamil militancy. Finally, the democratic Tamil political leadership lost control and the Liberation Tigers of Tamil Eelam (LTTE) monopolized the Tamil struggle, with disastrous consequences for Tamils as well as for the country as a whole.

In its assessment of relations between the different ethnic groups in Sri Lanka, the Soulbury Commission referred to a permanent Sinhalese majority of more than two thirds of the total population, with the next largest segment (Tamils exclusive of up-country Tamils) being around ten percent. The Commission argued that the character of majority-minority relations was shaped by these demographic realities and governed by deep-seated predispositions entrenched in the consciousness of both majority and minority which led to apprehension and distrust.[108]

Though some Tamil grievances were expressed early on, it was only after 1956, following the Official Languages Act, that the political agenda of the Tamil parties underwent a fundamental change. For the first time after independence, the statement of Tamil grievances is clearly presented in the Bandaranaike–Chelvanayakam Pact and explicitly linked to the need for political power at the regional level.

The Bandaranaike–Chelvanayakam Pact was unilaterally abrogated by Prime Minister Bandaranaike. Thereafter, broken pledges on the part of successive governments became a recurrent feature of the Sinhala–Tamil relationship and an overriding Tamil grievance. But the decisive rift in the inter-ethnic relationship came with the anti-Tamil riots of 1977 and 1981, the latter accompanied by a government motion of no-confidence in the leader of the democratic Tamil opposition. When this was followed by the Black July attacks of 1983, and the failure of the Government to provide adequate protection to Tamil citizens, while effectively driving the main Tamil political party out of parliament, militancy took over as the preferred option for many Tamil youngsters.[109]

With the emergence of armed groups in support of Tamil demands, the conflict took a different complexion with attacks and counterattacks resulting in the deaths of

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[107] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka, at slembassyusa.org/downloads/LLRC-REPORT.pdf.

[108] Economist Intelligence Unit releases latest Sri Lanka – Risk Briefing, at
http://www.ft.lk/2013/04/20/economist-intelligence-unit-releases-latest-sri-lanka-risk-briefing/

[109] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka, at slembassyusa.org/downloads/LLRC-REPORT.pdf.

large numbers of civilians. This allowed the Government to refer only to a terrorist problem and ignore root causes, thus contributing to the continuing political problem receiving less attention. Attitudes began to harden amongst many on both sides of the communal divide, making it difficult for moderates to push for a just solution through negotiations.[110]

Successive governments attempted negotiations with representatives of the Tamil people, but these broke down for multiple reasons. The LTTE took advantage of such negotiations at times in its campaign to establish dominance and decimate all other Tamil groups and persons advancing a Tamil voice in national politics. These developments led to what is inevitable in armed conflict, the loss of civilian life on both sides.[111]

With the defeat of the LTTE in May 2009, the armed conflict came to an end. However, the root causes of the conflict remain and have to be addressed in order to prevent the recurrence of the past in whatever form. Further, the war caused additional negative fallouts such as physical destruction of infrastructure, an amplification of socio-economic deprivation in the war-torn areas of the country, and loss of life of Tamil civilians caught up in the final phase of the war. It also led to increased suspicion and resentment amongst the three main ethnic communities in the country and widened the gap in trust and understanding.[112]

8. The Sinhala Community

The State must not lose sight of the need to allay the fears and anxieties of the Sinhalese who, though a majority, have their own share of concerns, both real and imagined. Many actions that discriminated against minorities sprang initially from a widespread perception amongst the Sinhalese that they had been discriminated against by the British.[113] Assertion of the need for government to function in the language of the majority, positive discrimination to compensate for real and perceived educational inequalities, land redistribution to make up for the expropriation of peasant lands for plantations with the concomitant importation of labour from India, all sprang from the need to make up for deprivations imposed by the colonial government. In the process, however, they led to deprivation of the minorities because of failure to explore comprehensively the implications of any actions. Similarly, any solution meant to resolve the problems of Tamils and Muslims now must not be at the expense of the Sinhalese. That is not only unfair and unjust, but it would make such a solution unsustainable in the long run.[114]

With regard to specific grievances of Sinhalese in villages adjacent to former conflict areas, the LLRC Commission notes that the Government has tended to overlook those who lived in villages such as Weli Oya, Moneragala and Kebethigollawa, who survived the terror perpetrated by the LTTE. The people in these villages continued to live under tremendous threats to their lives without migrating to safe areas in the South. They faced

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[110] Economist Intelligence Unit releases latest Sri Lanka – Risk Briefing, at
http://www.ft.lk/2013/04/20/economist-intelligence-unit-releases-latest-sri-lanka-risk-briefing/
[111] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka at, slembassyusa.org/downloads/LLRC-REPORT.pdf.
[112] Economist Intelligence Unit releases latest Sri Lanka – Risk Briefing, at
http://www.ft.lk/2013/04/20/economist-intelligence-unit-releases-latest-sri-lanka-risk-briefing/
[113] Ibid.
[114] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka, at slembassyusa.org/downloads/LLRC-REPORT.pdf

security risks, hardships in education, disrupted and fractured livelihoods, and paucity of healthcare and transport facilities. Moreover, the Sinhalese who resided in the Eastern Province faced inadequacies of the administrative system. For instance, Weli Oya is categorised under a number of districts, a section under the Mullaitivu district, a section under the Vavuniya district and another under the Trincomalee district. As a result, numerous difficulties were faced by people in the areas, where administration is carried out in Tamil, whereas people living in Weli Oya are predominantly Sinhalese.[115]

Communities across Sri Lanka have also suffered immensely as a result of the loss of family members who served in the armed forces. The severe psychological impact of the war on these communities often goes unacknowledged.[116]

9. The Tamil Community

The perception of discrimination and unequal treatment within the Tamil population arose from a series of administrative changes, such as discrimination against the use of the Tamil language in a context where education was segregated by language.[117] This contributed to deprivation in terms of jobs, which was exacerbated by the State being the predominant employer in the context of Statist economic policies. Discriminatory policies in education and in recruitment to the public services struck hardest at the well-educated Tamils in the North. The discrimination was seen as arising from the fact that central government and its decision making processes were far removed from the needs and aspirations of the Tamil people.[118] The many youth rebellions all over the country testify to the sense of alienation felt generally by the rural population, but in the North and East this sense was increased by the absence of representation at decision-making levels in government. In addition, State control of lands and colonization schemes were disproportionately beneficial to the majority community and were perceived by the Tamil communities as intended to effect demographic changes.[119]

Although the death and destruction caused by the war and the atrocities of the LTTE affected all communities, the suffering of the Tamil population in the war zones of the North and the East, particularly the people in the Vanni, were of an intensity and magnitude that far exceeded that of the population in the rest of the country.[120] The recognition of the special problems that have consequently arisen in the North and East must therefore guide and direct the National Policy on Reconciliation, at all times. The deprivations which this section of the population have undergone and the conditions that have been thereby created – the repeated

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[115] *Ibid.*
[116] Economist Intelligence Unit releases latest Sri Lanka – Risk Briefing, at http://www.ft.lk/2013/04/20/economist-intelligence-unit-releases-latest-sri-lanka-risk-briefing/.
[117] "Final text of TNA MP M.A. Sumanthiran's speech in Parliament opposing the 18th Amendment", at http://groundviews.org/2010/09/13/final-text-of-tna-mp-m-a-sumanthirans-speech-in-parliament-opposing-the-18th-amendment/; http://tnamediaoffice.blogspot.com/2012/06/speech-by-hon-m-sumanthiran-in.html.
[118] Final text of TNA MP M.A. Sumanthiran's speech in Parliament opposing the 18th Amendment, at http://groundviews.org/2010/09/13/final-text-of-tna-mp-m-a-sumanthirans-speech-in-parliament-opposing-the-18th-amendment/; http://tnamediaoffice.blogspot.com/2012/06/speech-by-hon-m-sumanthiran-in.html;
[119] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka, at slembassyusa.org/downloads/LLRC-REPORT.pdf.
[120] Final text of TNA MP M.A. Sumanthiran's speech in Parliament opposing the 18th Amendment, at http://groundviews.org/2010/09/13/final-text-of-tna-mp-m-a-sumanthirans-speech-in-parliament-opposing-the-18th-amendment/; http://tnamediaoffice.blogspot.com/2012/06/speech-by-hon-m-sumanthiran-in.html.

displacements, the destruction of homes, livelihood and infrastructure, the death and disappearance of loved ones –require affirmative processes for restoration and reparation, together with mechanisms for accountability and the protection of human rights that take full account of the special nature of their grievances.[121]

10. The Muslim Community

The Muslims, though not direct protagonists in the armed conflict between the LTTE and the Sri Lankan State, have undergone considerable suffering during the years of fighting in the North and East. The forcible eviction of the entire Muslim community from the Northern Province by the LTTE, the massacre of around two hundred Muslims while worshipping in mosques in Kattankudy and Eravur , the takeover of lands belonging to the Muslims in the Eastern Province, the deprivation of the livelihoods of Muslims in the conflict areas and the lack of adequate security to the Muslims were a few of the phenomena that contributed greatly to the sense of insecurity and unease that Muslims faced because of the conflict.

Unlike the Tamil community which challenged State structures as a means of addressing grievances, the Muslims took a separate political path and preferred to engage with the State and work within the mainstream of Sri Lankan politics. This created a great deal of misunderstanding between the Tamil and Muslim communities and caused a strain in their relationship. There are also perceptions that lands are being taken over for occupation by the security forces without due consultation or process.[122]

11. Inter-Ethnic Conflict

Discrimination against the Tamil population which is seen to lie at the root of the three-decade conflict has been attributed to the struggle between a majority community and a minority community, where the latter seeks space to operate within a larger polity. The notion of democracy dictates that a balance must be achieved for this in a manner that is not at the expense of any community.[123]

The balance to be found must be premised upon the common need for national integration and peaceful coexistence. In negotiating such a balance, trust is a prerequisite. There currently exists a trust deficit which has contributed to the view that, as the minority moves towards advocating geographical separation, any concession by the State will

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[121] *Ibid.*

[122] Abdul Rauff, Salithamby: "Sri Lanka Muslim Congress: A Failed Leadership Of A Hapless Community", *Colombo Telegraph,* 4 May 2013, at http://www.colombotelegraph.com/index.php/sri-lanka-muslim-congress-a-failed-leadership-of-a-hapless-community/; Yusuf, Javid: "Developing a strong sense of nationhood: A Muslim perspective", *The Sunday Times,* 8 January 2012, at http://www.sundaytimes.lk/120108/News/nws_23.html.

[123] "Sweeping Reforms including Senate for Reconciliation", *The Sunday Times*, 11 March 2012, at http://www.sundaytimes.lk/120311/News/nws_04.html; "National Policy on Reconciliation, Final Draft"*, Peace in Sri Lanka*, August 2012, at http://www.peaceinsrilanka.lk/human-rights/national-policy-on-reconciliation-final-draft-august-2012.

be detrimental to the majority community. Conversely, the Tamil minority lacks confidence and trust as a result of failed aspirations and expectations.[124]

12. Challenges and Opportunities

As a result of the long-standing strife and struggle, two key challenges remain to be addressed so as to propel the country towards enduring and sustainable peace and prosperity. First, the root causes of the conflict need solutions that are satisfactory to all the communities and peoples of Sri Lanka. Second, there is a need to dispel suspicions and weld all communities into and within the fabric of one nation.

Sri Lanka is faced with a unique opportunity to foster sustainable peace, unity and national reconciliation. The present Government wields the broad support of the majority of the country and possesses the capacity to present a political solution that is acceptable to all peoples and communities. The present popularity of the President, in particular must be treated as an asset, which can be used to convince the majority community of the urgent need for national reconciliation whereby all communities could live in peace, dignity and equality.

A further opportunity has arisen in respect of the political representation of Tamil interests. With the demise of the LTTE, a moderate Tamil voice has been permitted to emerge and flourish. The present representatives of the Tamil people have expressed strong commitment to a political solution within a united Sri Lanka. This opportunity must be swiftly seized, as extremism within the Island and among the Diaspora can only be dealt with by empowering moderate and reasonable voices.

Finally, the end of the armed conflict has opened up space to address the task of nation building unhindered by preoccupation with a debilitating armed struggle, which was a drain on the nation's resources.[125] With the Sri Lankan Government's efforts to ensure large infrastructure development in the past two years, healthy growth rates have been achieved. There remains a need to take further steps so that economic achievements may be translated into meaningful and equitable benefits that will impact on the life of every Sri Lankan. In this context, there remains a need for political reforms that entrench empowerment and a willingness to bring closure for the suffering of individuals and communities as a whole.

13. The Context

The engagement of the Government and the Tamil National Alliance in talks aimed at a political settlement began with considerable interest following the end of the war in 2009, thereby awakening hope in the nation for a new era of peace. However, as it now stands, the talks have reached a stalemate. There is a need for the casting aside of political rivalries on both sides, to ensure that a framework of peace and understanding for both the majority Sinhalese community and the Tamil and Muslim minorities are arrived at and guaranteed through the early resumption of talks.

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[124] *Ibid.*
[125] *Ibid.*

Two national processes are worthy of consideration in this context. First, the Lessons Learnt and Reconciliation Commission (LLRC) report calls upon the Government, among others, to work towards a political solution acceptable to all communities. The home-grown mechanism, independent in nature though commissioned by the Government, was developed to reflect upon and recommend action, and drew on solicited and unsolicited submissions from the public in all areas of the country and hence has been hailed for its credibility and transparency.

Second, and pursuant to its pledges at the United Nations' Universal Periodic Review, the Government embarked on drafting a National Human Rights Action Plan in 2009.[126] The Action Plan has sought to address the objective of improving the human rights protection and promotion in all aspects, with targets to be achieved in five years. The Action Plan has subsequently been adopted by the Cabinet. The efforts that have been invested in formulating the Action Plan will sadly be lost if subsequent action is not taken in an expedient manner. Furthermore, there is the risk, as is being seen, of such measures being labeled as mere rhetoric, if not translated into concrete and concerted follow-up action.

III. FROM "1 MALAYSIA" TO "1 SRI LANKA"

When assessing and evaluating the prospect of adopting a potential "1Sri Lanka" project along the lines of its Malaysian counterpart, it becomes critical that the inter-ethnic relations and tensions of the two countries be compared. Such will in turn be valuable in informing the framework of cooperation and initiating dialogue between Sri Lanka and Malaysia. There is hope that the recommendations emanating from the foregoing and subsequent discussion will inform Track 1 diplomatic efforts between the two countries while providing a platform for building upon diplomatic efforts at all other levels comprising the enterprise of Multi-track diplomacy.

Both Sri Lanka and Malaysia were former British colonies which were transformed in plural societies. Sri Lanka: Sinhala and Tamil communities were linked to Kandyan and Jaffna kingdoms which predated colonial occupation. Muslims too were established as a community prior to British rule. It was only the plantation Tamils that were brought down by the British to work in the tea estates as plantation workers and labourers. The majority of Chinese and Indian communities in Malaysia were established during colonial rule. Consequently, British colonial policies relating to labour and economy created a gulf between Sinhalese and the Tamils in Sri Lanka, and between the Malays and Chinese and Indians in Malaysia.

While both countries inherited seeds of inter-ethnic strife from the times of colonial rule, successive governments in both countries have compounded the issues. The Language Policy, namely the Sinhala Only Act, of the late S.W.R.D. Bandaranaike regime inflamed much anger in the Tamil speaking populations. Similarly, the language policy of sections of the United Malays National Organization (UMNO) resulted in anger among the Chinese and Indian communities.

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[126] "National Human Rights Action Plan 2011-2016", Government of Sri Lanka, at http://www.hractionplan.gov.lk/posters/National_action_plan_for_the_protection_and_promotion_of_human_rights_2011_2016_English.pdf.

Scholars in both countries have agreed that the differences between the two countries regarding the inter-ethnic conflict are more important than the similarities: six key differences have been noted.[127]

First, unlike in Malaysia, both main parties to the conflict, Sinhalese and Tamil see themselves as indigenous to the land by way of linkages to ancient kingdoms in Kandy and Jaffna respectively that lived for centuries prior to British colonization. Hence, a higher language status, special economic assistance and dominant political position of either will not be acceptable to the other. In Malaysia, the Malay community is regarded as indigenous bonded by ties of history and culture to the land by both the Malay and non-Malay communities. Hence, special constitutional provisions regarding language, affirmative action and national politics have not been seriously contested or opposed.

Second, the economic model adopted in both countries is starkly different and has had an impact on ethnic relations. In Sri Lanka: a welfarist approach to subsidization of essential goods and services coupled with a dwindling capital base characterized by disinterest in foreign investment and capital. This in turn led to a rapidly shrinking resource base for redistribution amongst a growing Sinhalese working class. The parallel affluence of a small section of the Tamil community caused tensions between the communities. In contrast, Malaysia has emphasized economic growth with equity since independence. A key difference has been the industrialization programmes of both countries; Malaysia adopted an export based industrialization programme whereas Sri Lanka's import-focused industrialization programme failed to transform the economy. The continuing economic growth in Malaysia was cleverly used to address inequalities and redress imbalances existing within and between the communities at different points in its history.

Third, a lack of consensus on "ethnic fundamentals" in Sri Lanka exacerbated by economic stagnation has not been able to meet the needs of Tamil and Sinhala communities. In Malaysia, consensus has been achieved: on the eve of independence Malays agreed to accord full citizenship to non-Malays in return for the latter being given special provision in the form of affirmative action and political pre-eminence.

Fourth, Jaffna Tamils are associated with a certain geographical space making their struggle stronger. The Chinese and Indians are not associated with a specific geographic space in Malaysia.

Fifth, Jaffna Tamils also have the advantage of ethnic propinquity. They are in the vicinity of the Tamil heartland – Tamil Nadu in the South of India which has a population of 60 million. This has had a negative impact on inter-ethnic relations. In Malaysia, the Chinese and Indians do not have China and India as their immediate neighbours. Indonesia has maintained a policy of non-interference in Malaysian affairs for over 30 years.

Sixth, over the last 16 years, a small Tamil population has resorted to an armed struggled to address their grievances. The LTTE became synonymous with violence and terror. Malaysia, by way of comparison, has been free of political violence since Independence save for one or two violent eruptions which were contained immediately.

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[127] Muzaffar, Chandra: "Comparing Notes, Sri Lanka & Malaysia: A Quest for National Unity, A Tribute to Neelan Tiruchelvam", Neelan Tiruchelvam Commemoration Lecture, Sri Lanka, 6 January 2000.

14. Externalization of inter-Ethnic Conflict

A significant distinguishing factor worthy of separate consideration is that unlike the inter-ethnic tensions prevailing in Malaysia, the inter-ethnic conflict in Sri Lanka has over the years been "externalized" and "internationalized." Hence, any response to the inter-ethnic tensions will have to also be accorded an "international dimension" even if not being "externalized" to the same extent as the conflict itself.[128]

Further, it cannot be disputed that as a result of the "internationalization" of the inter-ethnic conflict in Sri Lanka, international politics has had a significant bearing on ethnic relations; international politics has and continues to factor in national considerations and domestic political battles.[129]

It is beyond dispute that Sri Lanka's three decade conflict was externalized due to a combination of factors, among others, ranging from the presence of an active expatriate community abroad; the involvement of foreign facilitators in the peace process; and the presence of foreign peacekeeping forces in 1987. By the end of the war, Sri Lanka was placed well within significant cynosure of the international radar. Such international attention has spilled over into the country's post-war phase as well, but this time taking on new meaning.

As it currently stands, Sri Lanka faces a number of challenges in its foreign relations. Six key challenges need to be addressed with priority.

First, distinction needs to be drawn between, on the one hand, voluntary participation in international mechanisms and the subsequent rules of procedure, obligations of implementation, and reporting that come with it, and, on the other hand, an encroachment of a nation's sovereignty and territorial integrity that are not as a result of a nation's undertaking. The true test of our sovereignty will be to follow the nation's interest, assume strong national positions and communicate such positions effectively to the local and international communities. We must understand that the opportunity to justify our policies is an exercise of sovereignty, and not an encroachment of it.

Second, we live in an age of globalization and unprecedented connectivity that is characteristic of the twenty first century, permeating all aspects of governance including foreign and international relations. In an inter-dependent world the only way of maintaining sovereignty is not through hostility but through constructive engagement. Sovereignty is a relative concept. Accordingly, sovereignty in this era can only be maintained to the extent we learn to live in inter-dependence and not in hostility.

Third, the impact that the members of the heterogeneous expatriate community have on the politics and electoral campaigns of host governments must be given serious consideration in our foreign policy discourse. The best way to deal with it is to address the rights of minorities locally, both systematically and genuinely. Rights of minorities need to be coupled with assurances for the possibility of peaceful return and life in the country. This is once again illustrative of how domestic policy and foreign policy are inextricably linked.

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[128]Palihakkara, H.M.G.S., Former Sri Lankan Ambassador to the United Nations, delivering the Prof. J.E. Jayasuriya Memorial Lecture, 14 Feb 2011 on Post-Conflict Foreign Policy Challenges for Sri Lanka, at http://www.lankaweb.com/news/items/2011/02/19/post-conflict-foreign-policy-challenges-for-srri-lankaprof-j-e-jayasuriya-memorial-lecture-%E2%80%94-14-feb-2011/.
[129] Yusuf, Salma: "Domestic Policy and International Positioning: A True Test of Sovereignty", *International Affairs Review*, at http://www.iar-gwu.org/node/420.

Fourth, the fostering and maintenance of credibility of national positions should be the underlying objective of the conduct of our foreign relations. This will require that there is one interlocutor between the state and international community. The internal consensus will not only prevent confusion and contradiction but also help maintain credibility and reveal the strength of the establishment – this will be the true test of exercising sovereignty in the conduct of our foreign affairs.

Fifth, most of the country's bilateral and multilateral engagements are haunted by a specter of reconciliation and human rights concerns. We must remember that human rights and inter-communal harmony are not alien to our country, the values of which are enshrined in our shared history, cultures and legal frameworks. We need to capitalize and draw on these strengths to forge a robust system of governance that will be able to function with independence and credibility. Hence, for every allegation made, we will have the availability of structures and norms to deal with such allegations domestically. In this regard, the implementation of the outcomes of the two national processes, namely the Lessons Learnt and Reconciliation Commission and the National Human Rights Action Plan will demonstrate that homegrown mechanisms can credibly provide solutions, while improving our foreign relations and prospects. Here once again is a demonstration of the link between domestic and foreign policy.

Lastly, due to the conflict, we were largely inward-looking, preoccupied with internal considerations and taking up defensive positions in human rights and other international forays. With the end of the war, there is now a need to broaden our areas of engagement into areas such as trade, science, environment, human and arms trafficking, terrorism, and regional cooperation. With a shift to the post-war phase, an identification of priorities and a policy of engagement must be pursued to find common ground.

In the final analysis, it is the consolidation of peace, freedom, democracy and the domestic rule of law that will translate into the ability for us to project our nation as sovereign and credible in the international domain – the link between the protection of our national interests and international positioning cannot be clearer.

15. Recommendations for a 1Sri Lanka Concept

Since the end of the armed struggle in May 2009, natural processes of reconciliation are taking place in Sri Lanka.[130] While the path to moderation, tolerance and coexistence must be paved as prerequisites for genuine peace and reconciliation, so must an organized process of reconciliation be put in place to prevent a relapse or resurgence of past animosities that initially led to hostilities.[131]

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[130] Statement delivered by Ravinatha P. Aryasinha, Permanent Representative of Sri Lanka and leader of the Sri Lanka Delegation to the 23rd Session of the Human Rights Council on May 27, 2013, in response to the High Commissioner for Human Rights' update on her Annual Report to the Human Rights Council, at http://www.dailymirror.lk/opinion/172-opinion/30104-sl-has-made-significant-strides-in-reconciliation-process-.html.

[131] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.

Accordingly, a four-pronged strategy can be proposed: The first, second and third have already been completed with the rehabilitation of 11,500 LTTE cadres,[132] the reintegration of 280,000 displaced and the process of reconstruction of the north and east, particularly the Wanni. [133]

It is now time for the active initiation of programmes on reconciliation highlighting its role in realizing the fourth aspect -- the building of relationships between and within communities.[134] This must, however, be state-led to have any meaningful value and outcome.[135] While not discounting the need and value of all actors and stakeholders joining hands to contribute towards reconciliation, the need for the state-led process is critical given the nature of the conflict in the first place, namely - one where the Tamil community sought to restructure the State with a view to removing features discriminatory of the minorities as opposed to what has been usually described as a struggle between the Sinhala majority community and Tamil minority community per se.

While the Government's efforts in the rehabilitation and resettlement processes in the North-East have been commendable, it is imperative that the important next step is taken - reaching out to the Tamil community to address their concerns and grievances.[136]

The Muslim community has oft been caught in the crossfire and hence needs to be taken seriously and made stakeholders in any endeavour aimed at peace and stability. Accordingly, the minority communities too must be urged to reposition themselves - by not only demanding equality but also conducting themselves as equals. One way of doing this is for the minority communities not to speak on issues affecting their respective communities only but also to participate in national issues and lead national campaigns.[137]

The key purpose of reconciliation is to address the underlying suspicion, mistrust and discrimination that have been manifest and symptomatic of the three-decade conflict. Creating a sense of inter-dependence between all communities is crucial if minority communities are to feel a connection to the newly-rebuilt nation.

In this connection, two positive developments in the current political context are worthy of note - increasing acceptance that the conflict requires a political settlement as opposed to the view that it is only a terrorist problem; and rather than operating through a top-

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[132] Yusuf, Salma: "Transitional justice: Rehabilitation in review", *Daily Mirror*, 31 July 2012, at http://www.dailymirror.lk/opinion/172-opinion/20735-transitional-justice-rehabilitation-in-review.html.
[133] Statement delivered by Ravinatha P. Aryasinha, Permanent Representative of Sri Lanka and leader of the Sri Lanka Delegation to the 23rd Session of the Human Rights Council on May 27, 2013, in response to the High Commissioner for Human Rights' update on her Annual Report to the Human Rights Council, at http://www.dailymirror.lk/opinion/172-opinion/30104-sl-has-made-significant-strides-in-reconciliation-process-.html.
[134] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, available at: http://www.sundaytimes.lk/120513/News/nws_29.html.
[135] Yusuf, Salma: "Sri Lanka: A Nation Moves On: A Review of Sri Lanka's First National Reconciliation Conference titled "Reconciliation: The Way Forward for Post-Conflict Sri Lanka", *e-International Relations,* 3 January 2012, at http://www.e-ir.info/2012/01/03/sri-lanka-a-nation-moves-on/.
[136] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.
[137] Yusuf, Salma: "Sri Lanka: A Nation Moves On: A Review of Sri Lanka's First National Reconciliation Conference titled "Reconciliation: The Way Forward for Post-Conflict Sri Lanka", *e-International Relations,* 3 January 2012, at http://www.e-ir.info/2012/01/03/sri-lanka-a-nation-moves-on/.

down approach of political patronage and proxies there is now a recognition of the need to engage elected representatives of the Tamil community in the nation building endeavour.[138]

That said, it must be remembered that reconciliation is both a process and a goal. Hence, it will necessarily require time and space to bear fruit. Reconciliation cannot be imposed or forced on a nation as an event. It requires both a strategy and a systematized response mechanism by the state and other stakeholders to deal with the likely obstacles that will emerge along the way.[139]

Another aspect of nation-building that requires immediate attention in Sri Lanka is the promotion and protection of the rule of law. The Rule of Law should be considered as the bedrock for achieving a democratic and economically developed society. The political and administrative will has to be garnered, or else nation building efforts will be hindered.[140]

Four aspects which remain critical to Sri Lanka's nation-building enterprise are: First, the need for internal consensus within government of positions related to issues of national importance:[141]such will augur well not only for keeping citizens and stakeholders informed of national decisions and plans but also for the country's international relations; Second and closely related, is the need for an improvement in the state's visibility strategy which will not only serve as a barometer for measuring progress but also identify gaps to be filled by providing direction for taking the nation-building and peace-building agenda forward; Thirdly, there remains a need for greater and more active involvement of citizens and relevant groups in national processes of consultation particularly in decisions that have an impact on those particular groups and persons. Additionally, such involvement will reap the invaluable benefits of fostering increased buy-in for the processes and programmes, while improving implementation and ensuring sustainability of dividends.[142] Fourthly, any state action ought to be as a result of deliberation and a conscious decision making process, as opposed to being perceived as knee-jerk and ad hoc sporadicism.[143]

Ultimately, it is a home-grown political process addressing the economic, social and political grievances and aspirations, acceptable to all sections of society that will address the critical aspects of nation building - a nation that yearns to metamorphose into one that finds its strength in multiculturalism and diversity

Finally, most of the country's bilateral and multilateral engagements are haunted by a specter of reconciliation and human rights concerns. We must remember that human rights

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[138] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.

[139] Yusuf, Salma: "Sri Lanka: A Nation Moves On: A Review of Sri Lanka's First National Reconciliation Conference titled "Reconciliation: The Way Forward for Post-Conflict Sri Lanka", *e-International Relations,* 3 January 2012, at http://www.e-ir.info/2012/01/03/sri-lanka-a-nation-moves-on/.

[140] Conference Report, Inaugural National Conference on Reconciliation, Lakshman Kadirgamar Institution of International Relations and Strategic Studies, available at
http://www.kadirgamarinstitute.lk/pub/inaugural_national_onference_on_reconciliation_session_1.pdf;

[141] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.

[142] Yusuf, Salma, Sri Lanka: "Justice And Equity As Pathways To National Security – Analysis", *Eurasia Review*, 29 August 2012, at

http://www.eurasiareview.com/29082012-sri-lanka-justice-and-equity-as-pathways-to-national-security-analysis/

[143] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.

and inter-communal harmony are not alien to the country, the values of which are enshrined in our shared history, cultures and legal frameworks. We need to capitalize and draw on these strengths to forge a robust system of governance that will be able to function with independence and credibility.[144] Hence, for every allegation made, we will have the availability of structures and norms to deal with such allegations domestically. In this regard, the implementation of the outcomes of the two national processes, namely the Lessons Learnt and Reconciliation Commission and the National Human Rights Action Plan will demonstrate that homegrown mechanisms can credibly provide solutions, while improving our foreign relations and prospects. Here once again is a demonstration of the link between domestic and foreign policy.[145]

It is in such a context, that a potential "1 Sri Lanka" project based on a model similar to the "1 Malaysia" project must be considered. A caveat is in order. Given the differences in nature, form and extent of the inter-ethnic relations and related occurrences and consequences between the two countries, the Malaysian model cannot be seen to be relevant or applicable to Sri Lanka "in toto". What becomes important then is to formulate a project for Sri Lanka that embodies the overall ethos and notion of the "1 Malaysia" project, that is to foster inter-ethnic harmony and national unity, but one that is framed within the contours of local Sri Lankan realities.[146]

The next point to consider is whether there is a need for such a project in Sri Lanka. Since the conclusion of the armed struggle with the defeat of the Tamil tigers by the Government of Sri Lanka in May 2009, the latter have put in place a mechanism called the Lessons Learnt and Reconciliation Commission (LLRC) which was to be modeled on a Truth and Reconciliation Commission along the lines of that instituted in South Africa on the heels of the collapse of the Apartheid regime. However, despite the almost unanimous welcome that the LLRC Interim and Final Report received both nationally and internationally, the implementation of the recommendations is still to take place.

Hence, the need for such a project becomes relevant now more than ever in Sri Lanka. Given the need for a nationally adopted policy on reconciliation, there currently exists a lacuna in post-war efforts in Sri Lanka: a vision for reconciliation and fostering of a sense of togetherness between the communities is starkly and conspicuous in its absence. A vision and policy that is state-led and has the consensus and buy-in from all factions in government is the need of the hour.

Such will serve four key purposes: First, it will help the process of reconciliation, inter-ethnic amity and national unity, by increasing faith in the State by the minority communities and also demonstrate to the international community that Sri Lanka as a nation is keen and serious about achieving inter-ethnic unity. The latter becomes critical given the fact that the Sri Lankan conflict and post-conflict era has been under international scrutiny as described in

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[144] Conference Report, Inaugural National Conference on Reconciliation, Lakshman Kadirgamar Institution of International Relations and Strategic Studies, at
http://www.kadirgamarinstitute.lk/pub/inaugural_national_onference_on_reconciliation_session_1.pdf.
[145] Salma Yusuf: "Sri Lanka's tryst with Reconciliation: Where are we today?", *Groundviews,* 31 January 2013, at http://groundviews.org/2013/01/31/sri-lankas-tryst-with-reconciliation-where-are-we-today/.
[146] Yusuf, Salma: "Sri Lanka: Justice And Equity As Pathways To National Security – Analysis", *Eurasia Review*, 29 August 2012, at

http://www.eurasiareview.com/29082012-sri-lanka-justice-and-equity-as-pathways-to-national-security-analysis/.

an earlier part of this report. Third, such a project will provide vision and direction for post-war efforts in the country to the government, civil society, religious leaders, the business community, the media, the educationists and other stakeholders. Fourth, it will demonstrate commitment to reconciliation, inter-ethnic harmony and national unity by the State and the government.

Logically following from the conclusion reached in the foregoing discussion, that is, that there does in fact exist a need and relevance for a "1 Sri Lanka" project along the lines of its Malaysian counterpart, the next aspect to be considered is what such a project should entail. Though the details must be a result of further deliberation and multi-stakeholder participation and consensus, the following will be a springboard to catalyze and initiate dialogue towards such a discussion.

A "1Sri Lanka" concept must espouse, not unlike its Malaysian counterpart, a culture of excellence, perseverance, acceptance, education, integrity, meritocracy, humility and loyalty. It must also encompass National Key Results Areas (NKRIs) and Key Performance Indicators (KPIs) on issues that are seen as critical to generate inter-dependence between the majority and minority communities in the country with the aim of fostering inter-ethnic amity but also for an actual and perceived sense of justice and fairness and equality to all its peoples, the lack of which was one of the key drivers of violence and tensions between communities in the past.

As a prerequisite to instituting a "1 Sri Lanka" vision, the Government of Sri Lanka needs to engage major concerns that have haunted inter-ethnic relations in the country for over three decades. Without correcting them, all efforts towards a "1 Sri Lanka" notion will fail.

The policy recommendations that follow will also demonstrate how a "1 Sri Lanka" project, unlike the "1 Malaysia project", will need to challenge and generate consensus once and for all on the "ethnic fundamentals" of inter-ethnic relations in the country. This must be considered as much a challenge as an opportunity.

16. The Issues

16.1. Language

Perceptions of discrimination and inequitable treatment led to calls for separatism. Most upsetting among these was the introduction of a language policy that, whilst maintaining segregation in education on the basis of language, privileged those who knew Sinhala with regard to state employment as well as dealings with officials.[147] This extended later to restrictions on educational opportunities based on language distinctions. Though initially intended as a means of positive discrimination, implementation was callous, and in one instance the system was changed after unfair allegations with regard to Tamil language examiners, who were cleared following inquiry. Though measures have been taken to

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[147] "Sweeping Reforms including Senate for Reconciliation", *The Sunday Times*, 11 March 2012, at http://www.sundaytimes.lk/120311/News/nws_04.html; "National Policy on Reconciliation, Final Draft", *Peace in Sri Lanka*, August 2012, at http://www.peaceinsrilanka.lk/human-rights/national-policy-on-reconciliation-final-draft-august-2012.

promote equity in development and language policies have been revised, there is still need of greater committed concern to ensure equity.

16.2. Identity

In order to rectify the above scenario, it is necessary that the State works towards inculcating a culture where each citizen becomes an active participant in society and feels a sense of belonging and of being Sri Lankan. To this end, the State should make every effort to identify and address the social, economic and political structures which caused dissension between communities in the first place.

Further, the Government needs to ensure equitable resource allocation and development of villages, bearing in mind that the reverse could lead to frustration and communal tension in clusters of villages dominated by different ethnic communities, particularly in the Eastern province of the country.

Moreover, building ownership is critical to safeguard sustainability of initiatives and hence every effort should be made to ensure that future development activities are carried out in consultation and with the participation of the local people so as to build ownership to the development activities, as well as give them a sense of participation in nation building.[148]

Recognizing that the ensuing minority grievances stem from deficiencies in the system of administration and lack of good governance that affect all citizens regardless of ethnicity, will guarantee that every citizen who has a grievance out of any executive or administrative act, particularly those based on ethnicity or religion, should have the right to seek redress before an independent institution.

16.3. Public Service

Efforts should be made to make the public service and the police inclusive of all communities with special attention to ensuring adequate representation of the population in any area. Though this should not depart from the principle of merit based recruitment and promotion, positive discrimination may be necessary for a limited period to restore the balance with regard to services where currently such balance is lacking.

To this end, measures should be taken to take further current measures for recruitment of Tamil speaking police officers; Recruitment to the police and armed services of Tamils and Tamil speaking citizens, with particular attention to officer cadres, should be accelerated.[149]

Recognizing that an independent permanent Police Commission is a pre-requisite to guarantee the effective functioning of the Police and to generate public confidence, the Government must make every effort to empower such a Police Commission to monitor the performance of the Police Service and ensure that all police officers act independently and maintain a high degree of professional conduct. This will increase the confidence of the minorities in the impartiality of the Police.

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[148] Salma Yusuf: "Sri Lanka's tryst with Reconciliation: Where are we today?", *Groundviews,* 31 January 2013, at http://groundviews.org/2013/01/31/sri-lankas-tryst-with-reconciliation-where-are-we-today/.
[149] "Sweeping Reforms including Senate for Reconciliation", *The Sunday Times*, 11 March 2012, at http://www.sundaytimes.lk/120311/News/nws_04.html; National Policy on Reconciliation, Final Draft, *Peace in Sri Lanka*, August 2012, at http://www.peaceinsrilanka.lk/human-rights/national-policy-on-reconciliation-final-draft-august-2012.

16.4. Education

Bearing in mind the significant lapse of time since the introduction of standardization as a means of affirmative action by the State to mitigate the imbalance in educational opportunities afforded to different communities, it is time that the State, in the best interests of future generations undertakes a careful review of this quota system and works towards the introduction of a merit-based admissions system.

Coupled with the above, the Government must actively pursue a programme of equitable distribution of educational facilities and make a concerted effort to minimize any feeling of discrimination felt by the minorities. Further, the Government should make every effort to ensure that the inequality in the availability of educational facilities in different areas of the country is reduced and eventually eliminated.

More importantly, the Government must explicitly and unequivocally convey to the public that it strongly discourages disqualifying students on ethnic or religious grounds, in respect of admission to schools, as being a significant impediment to reconciliation. Additionally, the Government must reinforce its commitment to developing a pro-active policy to encourage mixed schools serving children from different ethnic and religious backgrounds. Such a policy must be implemented in such a manner so as to facilitate the admission of children from different ethnic and religious groups to these schools.

To make the above a reality, simple measures need to be worked out including assurance that at least bilingualism in the public service and other professions serving the public is required, whilst nationally the culture of tri-lingualism should be fostered by making passes in any two of the National Languages compulsory, along with Mathematics, at the GCE Ordinary Level Examination.[150]

16.5. The Constitution

It is acknowledged that grievances have been exacerbated by a sense of frustration that the political process has been hijacked by those in power. This contributed also to two youth insurrections in the South of the country, but this sense in the North has been reinforced by the absence of political leaders from that area contributing to decision making, with regard both to national questions as well as those affecting the regions.

In addition, it is generally accepted that decision making on many matters cannot be left to central government, which is often unaware of the ground situation, and has little political incentive to provide swift solutions to problems.[151] This makes both devolution with regard to policy decisions in certain matters and decentralization to ensure swift responses in most areas, a matter of urgency. The ideal therefore is three tiers of government with clear-cut

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[150] *Ibid.*
[151] Yusuf, Salma: "Sri Lanka's tryst with Reconciliation: Where are we today?", *Groundviews*, 31 January 2013, Available at http://groundviews.org/2013/01/31/sri-lankas-tryst-with-reconciliation-where-are-we-today/.

responsibilities and systems of accountability, to ensure the best possible service to the people.[152]

As a matter of urgency therefore, political negotiations should lead to a readjustment of the Constitution, to promote empowerment of the people. Whilst some matters, in particular those pertaining to national security, interpreted in the broadest sense to ensure financial and food and environmental security and so forth in addition to physical security, must be the preserve of the Centre, but it is therefore important that the regions too should have a voice in decision making in this regard.

To the end, it has been suggested that the Constitution be amended to provide for a Second Chamber of Parliament based on the principle of equal representation for all Provinces of the country.

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[152] Sweeping Reforms including Senate for Reconciliation, *The Sunday Times*, 11 March 2012, available at: http://www.sundaytimes.lk/120311/News/nws_04.html; National Policy on Reconciliation, Final Draft, *Peace in Sri Lanka*, August 2012, at http://www.peaceinsrilanka.lk/human-rights/national-policy-on-reconciliation-final-draft-august-2012.