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**GOVERNANCE ISSUES IN SRI LANKA:
A CYBERNETIC DIAGNOSIS
AND
SOLUTION 'PROCESS' PROPOSAL**

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**A thesis submitted in partial fulfilment of the
requirements of the University of Sunderland
for the degree of Doctor of Philosophy**

School of Computing and Technology

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***“Your very nature will drive you to fight,
the only choice is what to fight against.”***

***Lord Krishna counsels Prince Arjuna
during the Great Mahabharata War,
in Kurukshetra, India, 3100 B.C.***

Dedication

This work is dedicated to

The memory of my parents, Buddy and Mirwil Solomons

The memory of Professor Dr. Stafford Beer

and

Island-wide Harmony in Sri Lanka

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This was the prelude to Professor Stafford Beer later being my PhD supervisor and influencing me to take on the challenge of applying my research to the field of Sri Lankan peace. After all these years the research is documented.

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Abstract

The intensity of negotiations, including war and Peace Talks, are driven by the threat of identity disintegration. Sri Lanka negotiates to preserve territorial integrity. Tamils argue for secession to preserve their identity. How is each to adapt their identity so that they can peacefully co-exist within the island?

The current peace process began in 2002. The principles of Organizational Cybernetics show distinction is warranted between External Self-Determination (secession) and Internal Self-Determination (a single sovereignty recognised by the international community) as the negotiating systems occupy different recursive positions relative to each other. In each context, the systems gravitate differently towards cohesion and autonomy. Equally vital is to distinguish between systems, their embedments and their representatives. Diagnosis of the peace process seeking an internal self-determination solution does not display these distinctions. At the 2002 Peace Talks the only system permitted to negotiate with Sri Lanka (the encompassing system) was confined to one of the embedded systems (the Tamils as represented by the LTTE). Structurally this risked the encompassing system collapsing to represent its missing embedded systems. To rectify this Team Syntegrity is proposed, whose sequence of design in its multiple cascades enables representation issues to be resolved without it being confined to political parties.

Content solutions are matters for Sri Lankans to design. However, they are considered in order to design and propose a 'process' solution. The journey this thesis takes is to arrive at designing the 'how' of negotiations so that it can accommodate the myriad of 'what' needs to be negotiated.

A meta-level logic is required to resolve the undecidable proposition of preserving territorial integrity or secession. Working with the levels of recursion - the UN, the State and its embedded systems, this thesis proposes a way to absorb residual variety to gain agreement to negotiate internal self-determination based on interlocking negotiations

involving those seeking cohesion and those seeking autonomy. This process also opens the way to address the solution design of the other interacting crises afflicting Sri Lanka.

The uniqueness and contribution of this research is that it is the first time Organizational Cybernetics has been conceptually applied to diagnose and design a peace process involving a sovereign State.

List of Abbreviations and Acronyms

ADB	Asia Development Bank
a.k.a.	also known as
AIS	All Island Service
APRC	All Party Representative Committee
ARC	Administrative Reforms Committee
BC	Before Christ (before the Christian era)
BOI	Board of Investment
CC	Constitutional Council
CGC	Commonwealth Grants Commission
CIABOC	Commission to Investigate Allegations of Bribery or Corruption
COPA	Committee for Public Accounts (also known as PAC)
COPE	Committee for Public Enterprises (standing Parliamentary committee)
CORFO	Corporation de Fomento de la Production
CWC	Ceylon Workers' Congress
EC	European Commission
EEZ	Exclusive Economic Zone
ESD	External Self-Determination
ESD-N	External Self-Determination Negotiations
EU	European Union
FIA	Freedom of Information Act
GDP	Gross Domestic Product
GoSL	Government of Sri Lanka
IDPs	Internally Displaced Persons
IMF	International Monetary Fund
ISD	Internal Self-Determination
ISD-N	Internal Self-Determination Negotiations
ISGA	Interim Self Governing Authority
ISO	International Organization for Standardization (a.k.a. International Standards Organization)
ITU	International Telecommunications Union
JBIC	Japan Bank for International Cooperation
JSC	Judicial Services Commission
JVP	Janatha Vimukthi Peramuna
MOU	Memorandum of Understanding
LMD	Lanka Monthly Digest (business journal)
LTTE	Liberation Tigers of Tamil Eelam
LoS	United Nations Convention on the Law of the Sea (1994)
mn	Million
MOU	Memorandum of Understanding
MP	Member of Parliament
NARA	National Aquatic Resource Research & Development Agency
NGO	Non-Government Organization
n.d.	No date
NPC	National Pole Commission
PA	People's Alliance (coalition of political parties)

PAC	Public Accounts Committee (also known as COPA)
PAFFREL	People's Action for Free and Fair Elections
PERC	Public Enterprise Reforms Commission
PM	Prime Minister
PSC	Public Service Commission
PSM	Peace Secretariat for Muslims
PSTN	Public Switched Telephone Network
P-TOMS	Post-tsunami Operational Management Structure
PTWC	Pacific tsunami Warning Center
RAW	Research and Analysis Wing (India's foreign intelligence agency)
Rs	Rupees
R+1	Recursion Level plus One (meta-level system)
R0	Recursion Level Zero (System-in-Focus)
R-1	Recursion Level minus One (embedded system)
R-2	Recursion Level minus Two (lower level embedded system)
R2P	Responsibility to Protect
SAARC	South Asian Association for Regional Cooperation
SCOPP	Sri Lankan Secretariat for Co-ordinating the Peace Process
SIHRN	Secretariat for Immediate Humanitarian and Rehabilitation Needs
SL	Sri Lanka
SLFP	Sri Lanka Freedom Party (political party)
SLMM	Sri Lanka Monitoring Mission
SSM	Soft Systems Methodology
SWOT	Strengths, Weaknesses, Opportunities and Threats
S1	System One
S2	System Two
S3	System Three
S3*	System Three*
S4	System Four
S5	System Five
TULF	Tamil Union Liberation Front
UDI	Unilateral Declaration of Independence
UK	United Kingdom
UN	United Nations
UNF	United National Party (coalition of political parties)
UNMIK	United Nations Mission in Kosovo
UNP	United National Party (political party)
USA	United States of America
VSM	Viable Systems Model
WTO	World Trade Organization
WWII	World War II (a.k.a. Second World War)
WSIS	World Summit on the Information Society

Chapter One

Scoping the Boundaries

The ultimate criteria of viability
must indeed be the capability to survive.
This is both a physiological and ecological criterion
- and certainly not a logical one.
- Stafford Beer

Tropical islands are projected as idyllic places. Yet, such accolade has to be won back in Sri Lanka for it is steeped in crises where the tip that protrudes is the two decades of sporadic war and tension, which keeps many a local and tourist overseas. I am one such person and have long wondered of the path that may imbibe hope to solve what so far has presented as intractable.

This chapter is presented in three parts:

- Part I – To gain a juxtaposition of perspectives and issues, Sri Lanka is viewed from different angles.
- Part II – Scoping of the boundaries of research and its objective and uniqueness.
- Part III – Outline of dissertation from a chapter perspective.

Part I – Juxtaposition of Perspectives

Cursorily to the foreigner Sri Lanka is associated with Ceylon Tea, tropical beaches, international cricket and on a much sadder note the ethnically labelled war where the death toll is reported at over 65,000 persons. The Asian Tsunami of December 2004 cost Sri Lanka 28,000 lives. To the astute international business community, the major attraction is Sri Lanka's pent-up demand for re-construction of its infrastructure, occasioned by war and the tsunami. To the Sri Lankan masses, the reality is that they are sinking under the weight of a multitude of crises.

In the absence of prescriptive international law to address competing claims concerning self-determination in post-colonised times, self help measures reign in Sri Lanka. Claims and counter claims expressed in war have prevailed for over two decades in parts of the country¹ and a de facto State has emerged. The threat of secession sits poised to strike at the very core of survival of Sri Lanka's identity.

By this is meant, if what fuels secessionist demands is left unquenched, the sovereign State identified as Sri Lanka, runs the very real risk of being partitioned into two separate sovereign States. In this regard, the counter contention by those opting for secession, an embedded system within the encompassing umbrella of the State, is that it is their survival that is threatened. With each perceiving its survival jeopardized the crescendo of war and guerrilla/terrorist² attacks rather than Peace Talks have so far won the day.

The downward spiral that snares Sri Lanka has been attributed to the wars, which besides the prevailing ethnically labelled war included the 'Southern Insurrection' which flared in 1971 and 1987-1989 and is estimated to have cost 60,000 lives – mainly educated Sinhalese youth from the rural areas. Over the decades, the manoeuvrings of politics and much of the published literature has been consumed by 'what led to these wars' and the

¹ Country is colloquially used to mean State or nation. In this thesis, nation means a large group of people united by common descent, culture, or language, and living in a particular location. State (note the capital S) is a politically governed territory recognized by international law and usually a member of the United Nations. There are exceptions however, like Taiwan which is not a member of the United Nations or The State of Palestine which is usually not considered to have gained State recognition - although approx 100 State governments have recognized it.

² The use of the term guerrilla or terrorist attack is a matter of perspective. Today, the non-government aggressor is generically referred to as terrorist. In contrast, the non-government aggressor usually refers to itself as freedom fighters engaged in guerrilla type attacks. Another view, expressed is "Fighting for the lofty objective of national liberation does not automatically remove the terrorist tag if terror tactics are adopted. Likewise, the adoption of terrorist tactics does not automatically disqualify a national liberation movement. One can be both a terrorist and freedom fighter. It is not a case of one or the other. There is a lot of hypocrisy and double standards here. A state is allowed to adopt all sorts of underhand methods amounting to state terrorism but it is not labelled terrorist. An air force plane can kill innocent civilians by dropping a bomb from the air and get away with it by calling it 'collateral damage.' But woe unto a non-state actor planting a bomb that kills civilians intentionally or unintentionally – it will be automatically labelled terrorism and very often does deserve that label. But dropping bombs from an altitude allows greater latitude in getting away from the terrorist label. All states gang up in refusing to admit state terrorism." ... It has the attributes of a conventional militia when it adopts positional warfare. The LTTE fights like an army when it captures or defends territory. The Tigers function as a guerrilla force when launching attacks against security force installations or convoys. It is a terrorist outfit whenever it kills innocent civilians through bombs or massacres and assassinates political leaders and other civilians." (Jeyaraj, 2007)

war waves themselves. This has bred the tenor that if peace could be restored Sri Lanka would emerge out of its crises which detrimentally affects its economic prosperity and cultural harmony.

Yet the critical point I want to call attention to in this thesis is that these crises are interacting multifariously with each other. Therefore, design remedies in the absence of recognition of such interacting crises are (risk) bound to fail because the interactions in the longer term will erode the temporary relief gained from redressing partial problems. In using the term crisis, I mean to say it is more than a problem.

As Beer states:

What counts as crisis is the expectation of loss of control: in other words cybernetic breakdown in the institution. This does not refer to an inability to impose decisions; it means that the institution is out of control itself. (Beer, 1994b)

Since 2002, another crisis has begun to emerge, albeit less recognised. It is that the public debt repayment schedule has begun to outstrip government revenue³. This meant the government was required to debt finance its operational expenditure having opted to contain its taxation options although continued sale of public owned assets alleviates some of the burden. When this was officially declared by the then new government in its 2002 Budget speech, it was also sensibly projected that this trend would continue if the war was not ended. The assertion being, the financial crisis and ‘debt outstripping’ are a tributary (effect and sub-cause if you like) consequence of the war. This has bred a conviction that cessation of war would stem Sri Lanka’s debt burden as the war’s massive capital and operational expenditure will cease.

Whilst perfunctorily this tacit assertion makes sense what went unexpressed was the capital expenditure programme that would be required to reconstruct the infrastructure (e.g.

³ The point here is not about the usual budget deficit. Rather, the deficit arises upon payment of the first expense item – debt repayment. Thus all other expenses, like operational expenditure of paying public servants, have to be debt financed. The need to ensure future borrowing capacity means debt repayments take priority. This is because if repayments falter, opportunities will narrow for accessing concessionary World Bank, ADB low interest rate soft loans. Thus, cost of borrowing will increase as the State will need to access more expensive funding sources. Another emerging trend is the tightening of bi-lateral aid by some countries in response to Sri Lanka’s human rights violations.

network of roads, rail, water supply, electricity stations, schools, administrative buildings, hospitals, etc) in the war torn areas. Even more unexpressed is that this reconstruction programme which will inevitably employ newer technology (i.e. follow a replacement policy which in insurance terms is described as ‘new for old’) would earn a clamour from the non-war torn areas to have their old infrastructure, much starved of maintenance due to financial and cultural reasons, replaced. Bearing in mind, the longevity of infrastructure and the need to establish future orientated parity of status between the war torn and non-war torn communities, makes this expected clamour both a financial and social issue - and is discussed further in Chapter Four.

Therefore, the important point is that the capital expenditure debt projection evidences no sign of abatement due to the end of war and there is the added debt occasioned by the tsunami reconstruction capital expenditure programme. What can be expected is that the prevalence of peace will provide the underpinning environment for a stable business climate and thus attract new ventures which will lead to increased employment and revenue, which for the government translates to an increased pool to structure its taxation streams. However, it appears no serious study has been published either academically or by the government including its bankers and planners, to verify the popularly held ‘peace-debt reduction’ view or for that matter the scenario that has been portrayed above. Undoubtedly, the critical parameters to watch will be the serviceability ratios, meaning the government revenue to debt repayments ratio, plus the profile of interest rates, repayment schedules and debt longevity. As an insight into foreign debt implications it is pertinent to point out that the parity value of the Sri Lanka rupee to the US\$ moved from SL Rs55.27 in 1996 to SL Rs103.96 in 2006⁴. What this means is that foreign loans existing in 1996 and being repaid in 2006, the bulk of which is expressed in US\$, required an 87%⁵ increase in Sri Lankan rupees just to keep up with the loan repayment programme.

⁴ Source: Table 4 of the Special Statistical Appendix – Central Bank of Sri Lanka, Annual Report 2006.

⁵ This is calculated on a base of SL Rs55.27.
 $SLRs103.96 - SLRs55.27 = SLRs48.69$
 $(SLRs48.69 / SLRs55.27) * 100 = 87\%$

For the masses, solace from the spiralling cost of living and tensions of war is largely found by working overseas, mostly in labouring positions like house maids, vehicle drivers and fruit pickers, in the oil rich Middle Eastern countries who have opened their labour market to employment of Asians.

Whilst economically the absence of persons to 'work visa' based immigration is contributing to a 'post box' economy where the island's third largest export earner is remittances to family at home, the sociological impact is mounting. Children are increasingly being reared without one or both of their parents (mostly mothers) and spreading is the trend of the resident parent (mostly fathers) indulging in gambling, liquor consumption and extra-marital sexual relations. Additionally, there is the psychological scarring of those maimed, traumatised and families left behind by the two wars and the tsunami and they do so devoid of professionally provided therapeutic care.

Economically, the country has moved from its 1960's pursuit of self-sufficiency to its production capacity being employed to satisfy foreign demand where the chief attractor is Sri Lanka's relatively low cost of labour. Additionally, the brain drain of professionals to the developed world is mounting and significantly, unlike the labouring class, little of their income is filtering back to Sri Lanka for most utilize their savings to invest in assets overseas where many gain residential/citizenship status. Furthermore, the erosion of the parity value of the Sri Lankan rupee makes some local investments an inflation infested proposition.

In politics the mire is just as entangled in instability, corruption and assassinations. Since independence in 1948, Sri Lanka has promulgated three constitutions which have transitioned the country from a bi-cameral Parliament under British dominion status (in 1948) to a unicameral Parliament as a Republic (in 1972) to Presidential-Parliamentary rule (in 1978). It seems almost inevitable that a fourth Constitution is needed to address at the very minimum meaningful devolution, as foreshadowed in the 2002 Peace Talks, and minimally bridling the power the Executive Presidential system has over the Cabinet and the Public Service. As Dr. N. M. Perera stated, "The whole administration will be under his control. ... The Cabinet is his creature." (Perera, 1979:12) The consequence of this

power is explored in Chapter Four but it is impressive to point out here Perera's depth of understanding of constitutional matters.

It is conceivable that the executive and the legislature can develop an unbridgeable antagonism. ... The country might well face a situation where a left majority legislature has to confront a right-inclined President or vice versa. (Perera 1979:13)

In 2004 such eventuated, when the Executive President dissolved Parliament in a bid to end the power struggle with the Prime Minister – on the vital issue of Peace Negotiations.

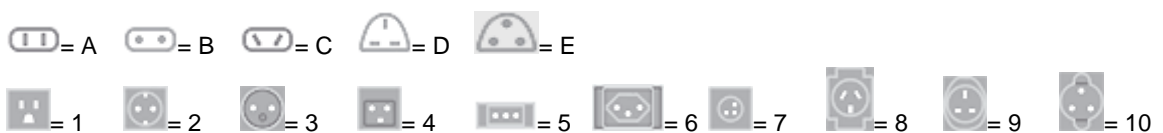
If the above be the better recognised issues facing Sri Lanka, albeit rarely perceived in their interactive role, the crises which sail less unrecognised are:

- The position of the vernacular languages in an economy hinged on globalisation which is employing a dwindling pattern of harnessing its production capacity to achieve self-sufficiency. The contention here is that globalisation promotes the use of international languages (like English) whereas vernacular languages adequately and comfortably cater for trading environments built on self-sufficiency. This language gets even more complex in multiracial, multilingual environments.
- An ineffective public administration corroded by 'constitutionally approved' political manipulations, seriously deficient in providing a client orientated service (particularly to the poor) and oblivious of its strategic importance towards regulating the burgeoning private sector which is emerging out of the nationalisation era of the 1970's.
- Rampant corruption which leaks foreign exchange and feeds the debt spiral. Additionally, it erodes the spirit of the people as, unlike in the developed nations where corruption prevails in the upper echelons of the business community, most people in developing countries encounter corruption in their day to day living – example, paying a monthly handout to the garbage collector, paying a bribe to gain admission to the better schools, etc.

- Lack of a maintenance culture (of roads, buildings, etc) which not only feeds the debt spiral and corruption but reduces the longevity of the asset. The nature of this issue is discussed in Chapter Four in the context of parity of status given internal self-determination.
- The dearth of national standards thus requiring a diverse build up of material inventory, skill sets and consequential investment. For example, cooking gas is sold in branded portable gas cylinders only. Therefore, to take advantage of price movements in this homogenous product, new cylinders must be purchased, which in the capital city of Colombo, is even more questionable given that it once had a healthy underground gas pipeline network. Another simple everyday example is non-standardization of electrical plugs and sockets for domestic use. In use are a plethora of plugs and sockets based on the UK, USA, European, Australian standards⁶ which therefore mean adaptors are an added requirement. All this tied-up diversity of inventory in a country with a massive public debt portfolio.

If this deluge of steeped negatives presents as too onerous, it is all the same a picture of the atmosphere that drenches those living in Sri Lanka. The flip side is that there are small segments of society who thrive because of it. A classic example would be funeral directors, armament dealers, and equipment (like medical and engineering) suppliers for whom the war and ‘post box’ economy is a bonanza. The important point of this realisation is that if the objective is to alter the results being experienced in Sri Lanka, then the proposed solution needs to phase in alternative prosperity avenues for those who currently benefit from the prevailing status, for otherwise they will inevitably sabotage the implementation of the solution. Whilst ‘spoiler’ recognition is well known, what needs attention is designing systems which phase in alternative prosperity avenues, particularly

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Available at: http://www.iec.ch/zone/plugsocket/ps_asia.htm [accessed 18 October 2006]

recognising the long lag times with such a transition – namely involving change of skills sets and network of business contacts.

Overall, these are thumbnail sketches to which, in the ensuing chapters, variety and in-depth explorations will be added. What is however important to declare is that by this line of thinking, I am deliberating on the appropriateness of the traditional boundaries of the crises under consideration in the context of Sri Lanka's socio-political-economic-judicial-administrative environment.

What I am seeking to declare is not just an increased list of what are the crises in such a huge system, but to understand as Beer would say 'why things happen as they do'. In other words, I am seeking to diagnose the nature of the systemic interactions of these crises and the strength of their multifarious connectivity to each other. Also where relevant to make the distinction between systemic crisis and regulatory collapse (Beer 1990:316). Beer describes regulation as the delimitation of acceptable variety (Beer, 1994e:70).

Part II – Scoping the Boundaries & Research Aspects

This backdrop marks the opening point for my thesis, extending the boundaries of consideration to discern other crises in addition to the threatened secession, war and its drain on the country's debt structure. To borrow a perspective from Fuenmayor, it is both the starting point and what we want to see by moving away from it so that the manner and strength of crisis interactions can be apprehended.

Let us now return to appreciate the permutations embedded within the statement 'crises are interacting multifariously with each other'. Firstly, there is a logic that could consider the broad spectrum sketched above as an amalgam and consider it to be one crisis comprising interacting components. On the other hand, there is value in realising the nature of the rise and fall of the various crises. For example, a crisis may have developed as a consequence of another crisis and will subside when the crisis that gave birth to it is over. Another permutation is that the embedded crisis could abate and in doing so also abate the crises that encompasses it. Still another permutation, is that a crisis may have been a tributary of

another crisis but may have taken on a life of its own and continue despite the crisis which gave birth to it being over. The State's massive debt is such an example. Additionally, there are also crises (either in the singular or plural) that arise independent of another crisis, but with which it interacts and thus in that sense they reciprocally affect each other. The Asian Tsunami was such an example. The principle involved in these considerations is what is known as homeostasis and physiological limits. Chapter Two discusses these cybernetic concepts.

The paradox that presents is that given the individual pattern of the rise and fall of the various crises there is value in considering them in their own right but they need to be situated in the context of their multifarious interactions which in that sense makes for one crisis. The paramount importance of this type of deliberations and systemic diagnosis is that it is the precursor to gaining a sense of the type of interventions that need to be designed and applied. In particular, it guides the way for concurrent design of remedies.

To propose concurrent remedies due to the interacting nature of the crises, however, is to admit of variety explosion and that probably explains the traditional attractiveness to keep the crises separate so as not to be overwhelmed by variety and to keep control. Yet, I propose that such control is illusionary due to the systemic interaction of the crises. Therefore, intrinsic to this dissertation is a proposal, discussed in Chapter Five, of a way of absorbing the variety explosion and giving a better chance to design solutions for implementation based on systemic considerations or at least based on a wider spectrum of interacting crises. In this regard, it will be relevant to recall this introduction, especially the spectrum that reaches beyond what has climaxed to war and yet which gets addressed because of the carnage and expense of war.

1.2.1 Research Objective

Clearly, an option existed for this thesis to explore an aspect of Sri Lanka – like its threat of secession, its debt-intensive economy, its weak constitutional framework or corruption. Rather chosen is a broad mental awareness, with sometimes fuzzy boundaries, so as to bring into perspective the interplay of crises and appreciate why linear paths (frequently aptly described as ‘one step at a time’) of crisis solution are doomed to failure.

Accordingly, narrow segmentation is consciously avoided in order to not only question the singularity of crisis and the tributaries of that crisis (e.g. war, rehabilitation, high security zones) but to glean the nature of the interactions of the crises once crisis is detected in its plurality.

Whilst ‘interacting crises’ may seem like a motherhood statement – we know crises interact so what is new - the objective sought is to declare what these crises are and gain an understanding of the ways in which these crises interact for otherwise we risk ineffective solutions. Indeed, when we look at the way Sri Lanka handles its interventions it rarely exhibits this behaviour and consequently frequently it solves a crisis by propelling another aspect into crisis. The legislative declaration of the Sinhala Only Act is such an example from the 1950’s era. An example in the 2000’s is the MOU (Memorandum of Understanding) pertaining to the Cessation of Hostilities resolution being limited to the GoSL (Government of Sri Lanka) and the LTTE (Liberation Tigers of Tamil Eelam). Evidence for these assertions is provided in Chapters Three and Four.

To quote Bhaskar,

The skills of an applied and a pure scientist are characteristically different. The applied scientist must be adept at analysing a situation as a whole, of thinking at several different levels at once, recognizing clues, piecing together diverse bits of information and assessing the likely outcomes of various courses of action. The pure scientist, on the other hand, deliberately excludes, whereas the applied scientist seeks always to accommodate, the effects of intervening levels of reality. (Bhaskar, 1997:120)

It is from this space of applied research where the inter-connectivity of crises is recognised that this dissertation is deliberated. In this regard, particular emphasis is given to gaining clarity of understanding in the context of different compositions of embedded systems. This embedment concept is presented in Chapter Two and extensively applied in Chapter Three, Four and Five.

With this challenge, research was undertaken with the objective of:

- Systemically diagnosing some key aspects of what seriously ails Sri Lanka, and
- Providing design intervention ‘processes’ that could assist/enable the country to be viable and move out of its gnawing crises ridden state.

Faced with the threat of secession, an important consideration was whether the research for this thesis would consider secession, amongst its array of solutions. Given that the design proposed is an ‘intervention process’ and not a content solution, this question is partially circumvented because secession per se is a content solution. This partial addressing of content from a process perspective is evidenced in the diagnosis provided in Chapter Three and the intervention process proposal presented in Chapter Five.

Concerning matters of sovereignty threats, Blay states,

In the framework of conflict resolution, the degree of legitimacy of a claim for a particular form of remedy is considerably enhanced by the absence of alternative forms of remedy (Blay, 1984:410).

This implies secession is a remedy of last resort in the face of exhaustion of domestic remedies. Indeed, Blay states

Paragraph 4(b) of Resolution 1 (XXIV) provides that a communication is inadmissible “if remedies have not been exhausted unless it appears that such remedies would be ineffective or unnecessarily prolonged”. Where the authors allege that domestic remedies have been exhausted or were ineffective they have to establish this satisfactorily. (Blay, 1994:405)

In chapter Four however, content does form part of the deliberation and in this sense secession is considered particularly from the perspective of the contingency of what if a devolved form of governance does not work out. A scenario considered by some is that devolution is a precursor to secession. In this important sense, employing Ashby’s Law of Requisite Variety secession forms part of the consideration of devolution both in terms of power sharing and geographical allocation of landmass and its entailments as covered by the United Nations Convention on the Law of the Sea (LoS)⁷. This significantly changed the geographic coverage of Sri Lanka such that the land to water ratio is now 1:7.5

A point of clarity is worthy as this early stage of this thesis concerning what is currently referred to as ‘Sri Lankan Peace Talks’. It pertains to reaching agreement on the design

⁷ LoS is particularly important to islands with wide stretches of uninterrupted oceans. LoS specifies the type of ownership rights pertaining to the use of the ocean and its resources. Different rights pertain to different stretches of water – namely Internal Waters by the shore line (e.g. bays), Territorial Sea covering the ocean space up to 12 nautical miles, Contiguous Zone covering up to 24 nautical miles and Exclusive Economic Zone covering up to a distance of 200 nautical miles. (source – Atlas of Sri Lanka)

and implementation of non-secession in the meaning of international law as it pertains to the legal recognition of sovereign countries. Thus, in this context peace which results from secession is not what is called ‘successful Peace Talks’. So in this sense, ‘Peace Talks’ has a narrow meaning and if it results in secession, then the talks themselves would be labelled a failure. Having said this, such failure is a GoSL label and a label used by those who do not want secession. On the other hand, secession would not be considered a failure by the LTTE since that is an outcome they are happy with if they cannot reach agreement on what they consider is meaningful autonomy. It is important we understand the meaning of the terminology, as it is perspective dependent. For this thesis, the perspective is non-secessionist and thus the diagnosis and its design charter is autonomy within a context of a cohesive Sri Lanka that maintains its territorial boundaries as currently recognised by international sovereign law. However, as will be discussed in Chapter Five, non-secession (also called internal self-determination) is done in the context of Meta-Level Negotiations chartering its course in the context of the option of external self-determination and the criteria of its acceptance, or otherwise, from an international perspective.

1.2.2 Research Framework

The next obvious step is to determine upon what criteria will such diagnosis and intervention be based?

Will it be based upon a comparative study of countries embroiled in crisis (like the Northern Ireland conflict, or Israel-Palestine, etc). Or even a comparative study of countries of similar context (being multilingual, multi-ethnic, multi-religious, Asian, colonial, etc) but which have governed themselves in a manner that managed to avoid being trapped in crises. Countries like Singapore, Malaysia and India were obvious contenders here. Or, will the criteria be principles based - like the philosophy of statehood and national governance, or principles of organization or justice, or ethics, etc.

The option was taken to not pursue the line of comparative country studies because exhaustive detail about other countries would present too many difficulties with respect to filtering appropriate information and transferring across. In comparison a principles based approach provides its own filter – namely the principles. It would have been time

consuming to get to ‘understand the nuances that made the difference that made the difference’ in those countries. An underlying question would be why compare Sri Lanka to those countries and not some other, including that none are glowing examples of governance. Furthermore, the permutations of their situation may explain their situation, but permutations in Sri Lanka being different may explain why Sri Lanka could not have traversed the path to the type of solution that the other country did. Additionally, for the study to be a quality comparison it would require a discovery of underlining principles that informed the situations in those countries. Significantly too, these principles would be what are required to inform the design of the intervention processes (and content solutions).

Thus, the choice was clearly in favour of studying Sri Lanka based on matters of guiding principles. This not only contained the study to the country itself but time wise it allowed in-depth exploration so that nuances of perspectives had a better chance of being understood. This opened the question to what set of guiding principles would be the choice.

Given the context of country and crises, clearly the minimum requirement was that the framework of principles selected needed to be capable of handling the degree of complexity associated with large systems (like that of a country as compared to a business or family) and on-going survival where survival itself was threatened, as compared to growth or maintenance needs. This search led to Beer’s remarkable work in Chile in the 1970’s and his use of the principles of Organizational Cybernetics to address Chile’s transition to a socialist State which at the time was plagued by inflation and subsequently was detrimentally affected by a US led trade embargo of its export sector.

Here found was not only a framework capable of coping with the complexity at the level of country and crises, but it had the benefit of having been actually applied, albeit for a few years and fewer long term results. The Chilean experiment came to an abrupt halt when a military coup toppled the government and claimed the life of President Salvador Allende. Even so, Beer published invaluable detailed writings, in his book *Brain of the Firm*, of his Chilean application wherein he explains the principles of cybernetics and his Viable Systems Model (VSM) and the reasoning and the way it was applied in the Chilean context.

In selecting this framework, also evaluated were Jay W. Forrester's Systems Dynamics and Peter Checkland's Soft Systems Methodology (SSM). However, neither was selected.

Whilst Systems Dynamics focuses on the how the components in a system interact with each other and the use of causal loop diagrams would have been very useful, the mathematical heart of Systems Dynamics was found unsuitable as war-peace negotiations did not readily lend itself to quantitative cardinal measurement, the preferred mode for Systems Dynamics. It is recognised that Systems Dynamics may however be suitable at a later stage of research when the parameters involved are better defined. For example, it would be very useful for the economic modelling in the context of public debt-revenue structures mentioned earlier. With SSM's whose strength is its qualitative strain and dialogue with people to gain differences in perspectives on the limitations and hidden assumptions of desired ends, it however presented as too unstructured to apply to the complexity at the level of a country especially given the layers of government and variables that needed to be contended with. It is considered, however, that SSM would be a very useful adjunct for gaining perspectives from a diversity of players influencing the Peace Negotiations.

Organizational Cybernetics and in specific Beer's VSM, however, provided structure to cope with the variety of variables and layers of government and yet provided the fluidity to keep the qualitative considerations in focus. Thus, using Organizational Cybernetics, which Beer aptly calls the 'science of effective organization' I seek to discern how the way Sri Lanka is organised (may have) contributed to produce the kind of content crises that embroil Sri Lanka. In particular, attention is focused to discover what was lacking or what existed that prevented Sri Lanka from finding a stable state of functioning. Where did its 'check and counter-check' systems fail, where was its planning constellation and what prevented it from preparing to meet the trends? In doing so, I adopt Maturana's view which recognises that content is influenced by the nature of an organisation and how it is structured. In particular, I hope that the organisational insights gained in this thesis will serve as valuable input to the thinking that is currently been applied to designing a fresh Constitution for Sri Lanka.

Chapter Two of this thesis discusses the framework in more depth along with the supporting underpinning of Ashby's Law of Requisite Variety. Other framework

considerations including philosophical matters pertaining to matters of proof as it pertains to the notion of hypothesis is also addressed in Chapter Two.

1.2.3 Research Hypothesis

It would be succinct to state my hypothesis (a proposition intended to explain) at the very beginning of this section. However, let me commence by commenting on validation. In academia not only are we solution orientated, like in the business world, but central to solution is explanation which implies understanding how things work.

In conventional terms, there is pure research and applied research. In pure research the quest is to come up with meta-level laws that explain the generative mechanisms that explains phenomenon. In applied research, the objective is to heed the meta-level laws and to ascertain if those generative mechanisms as specified in the laws produce the outcome intended in the context of the case under consideration. Thus applied research serves to test whether those laws apply in the particular domain used and therefore contribute to verifying (or not) the applicability of that law in that particular domain.

As Bhaskar says “Thus meteorology, like engineering, stands to physics and chemistry as an applied to a pure science, using the experimentally-established results of the latter.” (Bhasker, 1997:119)

In the meanwhile, with hypothesis, where the objective is to validate or falsify a proposed statement (called a hypothesis), Maturana makes a useful distinction between a scientist and philosopher’ stance, when Maturana says,

Philosophical theories arise when we try to preserve certain explanatory principles that we consider valid a priori. This interest in the preservation of principles and their coherence justifies disregarding what may be experience. Scientific theories, on the contrary, arise when we want to preserve the coherences in relation to what we are capable of experiencing. The scientist can, therefore, ignore principles, dissolve them – and design a scientific theory. (Maturana & Poerksen, 2004)

My interpretation of this statement is that the scientist follows inductive logic whilst the philosopher follows deductive logic. Logic (a branch of philosophy), is the rules by which reasoning supporting a conclusion are methodologically validated.

In deductive logic, a main premise is stated wherein it contains a generalised statement/general rule, followed by a minor premise which is a statement about what could be called a special (or particular) case. From there based on the reasoning adduced a conclusion is reached which states whether the special case conforms to the main premise propounded. It is for this reason, that I contend that this matches Maturana's view of a philosopher's approach.

In inductive logic, the objective is to infer a general rule based on a variety of special cases, which special cases in themselves may be tested one at a time. It is in this sense that Maturana refers to the scientist being more concerned about understanding the special case than having it adhere to the major premise – as used in deductive logic.

Now, when stating a hypothesis within the vein of deductive logic, the main premise takes on the character of the hypothesis whilst the researched context is the special case – minor premise. The conclusion is about whether the researched context (special case) validates or invalidates the major premise. Note, in the instance of invalidation, this would equally be a case not of invalidating the major premise, but of proving that the minor premise does not belong within the set covered by the major premise.

Now the question that begs, in a sociological subject area as covered in this thesis is whether there is a major premise of the status of a general rule/generalised law which is applicable in the social sciences, under which Sri Lanka falls.? In Chapter Two the theme is developed that the only generalised law of this calibre is Ashby's Law of Requisite Variety.

I will however equivalently state here that in the realm of the social sciences, there are three outstanding features that do not lend themselves to the deductive form of hypothesis proof. This is because the social sciences, particularly when dealing with grossly encompassing systems, like a country, carry:

(a) A plethora of variables that do not lend themselves to isolation so that their causal effects can be determined. Furthermore, the variables being human driven, run the risk that when studied and if known to the human as being studied can occasion the human to exercise their free will and (paradoxically) validly not follow their usual pattern of behaviour which impacts the study of the variable. Note, with the natural sciences, like meteorology, this deliberate manipulation of variables does not occur, despite meteorology containing a surfeit of variables as exhibited in the social sciences.

(b) As Bhaskar observes,

It is characteristic of open systems that two or more mechanisms, perhaps of radically different kinds, combine to produce effects: so that because we do not know *ex ante* which mechanisms will actually be at work (and perhaps have no knowledge of their mode of articulation) events are not deductively predictable. Most events in open systems must thus be regarded as ‘conjunctures’. It is only because of this that it makes sense to talk of a stray bullet or an unhappy childhood affecting ‘the course of history’. And it is only in virtue of this that laboratory closures can come to be established. ... For in the generation of an open-systemic event several of these predicates may be simultaneously applicable. (Bhaskar 1997:120)

(c) As Bhaskar says,

The importance of experimental activity in natural science, conceived as a specific kind of conjunctural occurrence, allows us to stress that the predicates ‘natural’, ‘social’, ‘human’, ‘physical’, ‘chemical’, ‘aerodynamical’, ‘biological’, ‘economic’, etc ought not to be regarded as differentiating distinct kinds of events, but as differentiating distinct kinds of mechanisms. (op. cit.)

Bhaskar then marries points (b) and (c) to state ‘For in the generation of an open-systemic event several of these predicates may be simultaneously applicable. (op. cit.)’

What this means is a hypothesis based on deductive proof is beyond the reach of the context of this dissertation.

This leaves us with developing a hypothesis on inductive lines. However, as the basis of induction is to infer a general rule based on a variety of special cases, this too is beyond the reach of this dissertation as it does not extend to addressing conflicts as encountered in various countries. Furthermore, there are those considerations pertaining to the social sciences which have been mentioned above.

Given that the aim of this thesis is to cybernetically diagnose the crises in Sri Lanka and propose design considerations to absorb critical variety parameters, the way forward is to develop a hypothesis based on Peirce's abductive reasoning, which is the process of inference to the best explanation. Peirce initially called this type of reasoning 'hypothesis' and later moved to calling it abduction. On this point, Peirce states "Hypothesis, that is, propositions which are assumed with probability, in order to explain or prove something else which cannot otherwise be explained or proved." (Peirce, 1868)

To get a sense of the distinctions Peirce, (in Hoffman, 1997) states,

... there are but three elementary kinds of reasoning. The first, which I call *abduction* ... consists in examining a mass of facts and in allowing these facts to suggest a theory. In this way we gain new ideas; but there is no force in the reasoning. The second kind of reasoning is *deduction*, or necessary reasoning. It is applicable only to an ideal state of things, or to a state of things in so far as it may conform to an ideal. It merely gives a new aspect to the premisses. ... The third way of reasoning is *induction*, or experimental research. Its procedure is this. Abduction having suggested a theory, we employ *deduction* to deduce from that ideal theory a promiscuous variety of consequences to the effect that if we perform certain acts, we shall find ourselves confronted with certain experiences. We then proceed to try these experiments, and if the predictions of the theory are verified, we have a proportionate confidence that the experiments that remain to be tried will confirm the theory. I say that these three are the only elementary modes of reasoning there are.

In research there is relationship between hypothesis and purpose. Accordingly, the hypothesis based on abductive reasoning is:-

Using Ashby's Law of Requisite Variety will help Sri Lanka avert secession. To do this it must minimally address:

- a) the emergent properties of the structurally coupled non-LTTE ethnically based parties,
- b) the viability of devolved (provincial) units
- c) the protocols of cohesive counter balance that lead to the investment mix in the war torn and non-war torn areas.

In abductive reasoning terms the hypothesis is that the conclusion stated a matter of probability not certainty and thus Popper's falsification test is inapplicable here. Thus the main premise pertains to Ashby's Law of Requisite Variety, the special case is Sri Lanka's

circumstance of the threat of secession, and the conclusion is the best explanation of what needs to be addressed which is the purpose that guides this thesis.

1.2.4 Research Uniqueness & Contribution

To date, as far as I know no research has been published on Sri Lanka which addresses the content and organisational composition Sri Lanka from the broad landscape as chosen in this thesis. Neither has a cybernetic framework been applied to study any aspect of Sri Lanka.

However, given that this research is in the context of a country, as mentioned earlier the outstanding example of employing a cybernetic framework was Professor Dr. Stafford Beer's application in the 1970's to Chile's socialist economy. Since then, cybernetics continued to be employed by Beer during his consultancies with various governments but most of this material is unpublished.

Using the published literature on the Chilean application, the difference with Sri Lanka is that in Chile the means of production were nationalised by the government. In Chile, CORFO had already established many state run enterprises before President Salvador Allende's reign. They formed the base on which later nationalizations (e.g. copper) were done. In Sri Lanka it is the reverse process (privatization) that is going on. Consequently, the issues of cohesion and autonomy belong to different camps. In Sri Lanka, private enterprise (that seeks autonomy) does not fall under the ownership of the government (which seeks cohesion to ensure national needs are met). Whereas, in Chile both cohesion and autonomy streams were owned by the government and it was in an era where self-sufficiency was not only in vogue but essential due to the embargoes imposed by many foreign countries.

In contrast, Sri Lanka has embraced globalisation (i.e. an export oriented economy driven to meeting foreign demands) and is governed by two distinct governments - one, the democratically elected Parliament and the other the clandestine dictatorial regime of the LTTE. Such duality did not exist in Chile.

Thus the uniqueness of my research is that it is exploring the applicability of VSM in the context of an economy that is speedily moving into globalisation and embedded in a revived private sector that since 1977 (when the economy was opened) is being nurtured under the guidance of multilateral ‘soft lenders’ like the IMF, World Bank and the Asia Development Bank (ADB). Whilst this may seem tame (since merely the ownership of production has changed hands), the compelling strain is that it is being done in an atmosphere of two antagonistic rulers, a much maligned public administration system and a nascent private sector that is yet to understand let alone activate industry regulatory measures whether it be imposed or voluntary.

Having acknowledged the outstanding Chilean example, it is pertinent to table four vital differences between the context of Chile and Sri Lanka and to pose the question whether at the lower levels of recursion we will find the manner of regulation, to promote a balance between cohesion and autonomy, exercised differently.

Table 1 - Differences between the Chilean and Sri Lankan Context

Context	Sri Lanka	Chile
Governed by	A democratically elected government and A clandestine-autocratic leader/regime	Democratically elected government
Production Capacity employed to satisfy	Global (export) needs nurtured under the guidance of multilateral lenders - IMF, World Bank and ADB (Globalisation)	Local needs due to international trade embargoes. (Self-sufficiency was also the favoured trend amongst ‘developing countries’ at that time)
Means of Production owned by	Private sector (moving from nationalisation to privatisation)	Government sector (moved from private ownership to nationalisation)
Focus from the lens of	Peace Process	Economy

Equivalently, it must be acknowledged that, besides both Chile and Sri Lanka being steeped in crises, the vexing question for both is its ability to absorb the variety emanating from the level of recursion above national government.

To my knowledge there have been two PhD researchers⁸ who used cybernetics to diagnose their economies – namely Ukraine (pertaining to its virtual economy) and Switzerland (pertaining to its taxation structures). There is also a very informed cybernetic (unpublished) writing on Mexico (pertaining to Economics, Law and Political Science⁹). Additionally, in recent decades various cyberneticians like Espejo, Espinosa, and Schwaninger have published writings on the cybernetic based consultancies they have undertaken in Latin American government departments/offices on major projects.

My thesis being in the field of application research is unique in that it focuses on a war- to-peace transition. Additionally it is hoped it will form a valuable contribution given the cybernetic insights that this thesis discusses, particularly as a wider boundary has been deliberately drawn so that it encompasses other interacting crises as it pertains to the study of Sri Lanka.

The contribution of this thesis is twofold. Firstly, from a Sri Lankan perspective Organizational Cybernetics has been employed in a quest to find out ways in which the peace process, situated in a much broader landscape, can be assisted. Having employed a principle based enquiry, the mode of deliberations can be translated to other countries.

1.2.5 Thesis Perspective and Audience

Whilst reality is independent of one's awareness (this onto-epistemology issue is discussed in Chapter Two) one's cognition informs one of reality and it is from this subset of reality that one cogitates based on relevance of purpose. The acquisition of such knowledge is a dynamically iterative process which therefore in the context of this thesis minimally poses at least two questions - namely,

⁸ Dr Marteen Willemsen of Switzerland and Dr Andrey Sergeev of Ukraine.

⁹ The Cybernetic State by Javier Livas (unpublished, provided by the author).

1. what is the objective of this thesis, and
2. from what perspective do I observe?

Having earlier stated the objectives of this thesis let me now address the matter of perspective. As an observer, I select and write based on addressing those objectives which means it is the filter I have applied.

Concerning my observations and deliberations thereof, it is pertinent to point out that my personal experiences are of a southern Sri Lankan, a Diaspora person, and informed by readings of a variety of Sri Lanka protagonist belonging to the various communities. Thereby in VSM terms (which selected framework is explained in Chapter Two), I experience and cogitate as a concerned resident belonging to a low level of recursion and as informed by my readings, travels and interviews with a wide variety of people and institutions. This combination is then exercised volitionally to think from a meta-level perspective and bring to awareness the different autonomous and cohesive ethnic considerations that arise based on what level of recursion one chooses to focus upon.

During my years of research and learning I asked myself who is to benefit from this thesis in a practical way beyond its academic findings. Is it the GoSL and/or the Tamils who perceive themselves as aggrieved in principle and sometimes in practice or is it Sri Lanka in all its hues? As the research grew to disclose a complexity of interacting crises beyond the ethnic conflict it became obvious that the benefit of research needed to extend to the latter. It also became apparent that contextualising the framework of Organizational Cybernetics to the Sri Lankan situation holds the potential to beneficially serve other countries faced with the progressive breakdown of the governance of government and facing the rare opportunity to re-design its Constitution and thus the principles upon which it rests.

Maturana the well know Chilean biologist says

observing is both the ultimate starting point and the most fundamental question in any attempt to understand reality and reason as phenomena of the human domain. Indeed, everything said is said by an observer to another observer that could be him or herself. (Maturana, 1988:27)

In writing this thesis I have been cognizant of addressing three categories of audiences.

- Those who are cyberneticians and have a peripheral knowledge of Sri Lanka. They therefore require a healthy overview of various Sri Lankan matters as considered pertinent to this thesis besides the cybernetic reasoning of the finding.
- Advisers who are called upon to design ways to address and resolve Sri Lanka's quagmire of crises. I consider the GoSL's and the LTTE's invite to the Royal Norwegian Government to facilitate Peace Talks as such an example.

If this thesis is to serve design strategist (most of whom are non-cyberneticians) it requires that they come to understand the essentials of Organizational Cybernetics so that they are offered the opportunity to employ such thinking and move beyond manoeuvring around the personalities that shape the outcomes that beset the island. I agree such manoeuvring around the personalities is essential but I contend it is insufficient and needs to extend to addressing structural and process issues.

- Concerned Sri Lankans who ask themselves the bewildering question what are the ways to resolve the crises besides meeting it head-on in war and/or side stepping it by migrating overseas or learning how to survive, and in some instances thrive, within the situation that prevails. In this sense, these concerned Sri Lankans are like a patient who joins the doctor to understand the problem (which in itself requires the patient to tell the doctor what is being experienced), to find a modality of therapy to heel the ailment and then as Beer would say be the patient who 'holds the nose and gulps the medicine'.

Whilst each may come from a different observation the common thread is how to resolve the crises. I have delved deep across interrelated issues so as to explain the reasoning that supports the perspectives I have chosen given the context of Sri Lanka. In this sense, this thesis is very much about discussing the way of applying the principles of Organizational Cybernetics to diagnose and propose solution processes.

With cyberneticians the evaluation of the thesis hinges on the extent of variety absorption demonstrated in the diagnosis and solution proposed. For the concerned Sri Lankan the question is - do the disclosures of this thesis find a resonance sufficient to invite design premised upon the lines proposed? Such resonance is difficult to find, for many argue the solution needs to be simple if it is to be implemented. Yet Sri Lanka's crises are mired in complexity and what is proposed needs to match that complexity. For advisers the question for their evaluation is the strength of the model of Organizational Cybernetics and insights gained compared to the framework that they use. Here there is an entire meta-level conversation to be had which moves beyond discussing solution strategies to discussing the premises upon which solution strategies are designed. Using the instance of Peace Talks, it is this type of discussion that is worthy of 'pre-talks' negotiations amongst the 'process design' architects belonging to the various protagonist parties.

Part III – Outline of Ensuing Chapters

A synopsis is provided to help readers orientate themselves for the detailed territory that is covered in the ensuing chapters.

Chapter Two

This chapter opens by addressing the matter of validation. Given that the fundamental content of this thesis belongs to the social sciences where variables proliferate and do not lend themselves to isolation where their specific performance can be studied, traditional forms of proof, like laboratory testing as used in the hard sciences, is not applicable here. Having found that it was too premature if not impossible, to use computer simulation on the surfeit of variables, and survey techniques too were inadequate to the task of proof, neither of these were employed.

Yet the question of validation remains. Research shows proof and truth are long established lines of philosophical enquiry and fall within the ambit of 'what is reality'? Coming from a perspective of biology and philosophy two views on the answer to this ontological question are provided. The epistemological views of Maturana (1988) and

Bhaskar (1998) arrive at the conclusion that a ‘single reality’ whilst it might, and according to Bhaskar, does exist, is not accessible to us in its entirety and thus proof in that sense is elusive. This is even more so in the natural sciences given, for example, that the laws or generative mechanisms could have exercised themselves but are unperceived as we do not recognize them because we do not know them yet or they are absorbed by the counter-action of other generative mechanisms.

This leads me to propose that usefulness rather than validity is the basis for evaluating the findings of this thesis. This is what Peirce (1878) was getting at when he proposed the logic of Abduction - that of best explanation. It is proposed that usefulness (best explanation) be assessed in terms of Ashby’s Law of Requisite Variety.

Part II of this chapter is devoted to introducing the reader to Sri Lanka by providing a sketch of its history and current state of governance. In subsequent chapters, as the need arises based on the focus at hand, a more detailed account of relevant aspects of Sri Lanka is provided.

Part III provides a literature review and the reasoning that supports the choice of Organizational Cybernetics as the framework employed to diagnose and propose solutions. An outline of the VSM is also provided in this section. In the later chapters, a more focused discussion takes place on facets of the framework as required to come to terms with what is addressed in those chapters.

Chapter Three

This chapter commences with a joint introduction of the International Meta Level System and System-In-Focus, Sri Lanka. It distinguishes the difference between de-colonization and the quest for self-determination occurring in the post-colonization era of today. The general principle of self-determination was established with de-colonization. Today, it is balanced against the principle of preservation of territorial integrity.

The significant point found by the research of this thesis is that today’s era of international interchange systems requires recognition of a sovereign State to be recognised by a creditable international authority. Such an entity turns out to be the UN, who is the sole

authority able to grant the listing of countries in ISO 3166, which is the mandatory entrée to gain membership of many international interoperability institutions. Chapter Five will utilize this seemingly insignificant procedural process to invoke the critical variety absorbing power of the meta-level logic that the UN Charter affords. It is this practical requirement of international interoperability that makes unilateral and bi-lateral recognition of Statehood inadequate.

Post-colonization has no definitive international law that regulates claims and counter-claims. Thus the opposing protagonists make their own variety absorbing rules. International expectation is that a claimant for secession needs to prove that other avenues of resolution have been exhausted. Therefore a counter-claimant option, besides defending the status quo, is to devolve power. The sting is that failure of devolution, or failure at attempts to reach agreement on power sharing, are both precursors to secession. Thus the claimant seeking external self-determination can sabotage the internal self-determination process. It is this complexity of claim and counter-claim that the UN is called upon to evaluate with secession claims.

With that prelude Part I of Chapter Three then positions to diagnose the 2002-2006 Peace Process based on Organizational Cybernetics employing such concepts as identity, Law of Requisite Variety, homeostasis and Law of Cohesion. The argument is also made for a concept of Principle based Negotiations of the calibre that lend themselves for use by others thereby evidencing equality/fairness.

Recognising Ashby's Law of Requisite Variety, the search in this thesis is not about designing the solution content of negotiations. Such content requisite variety is expected to be supplied by the various conflicting protagonists by absorbing each others' variety. Rather, the objective is to design processes capable of accommodating and withstanding the content that the negotiating parties wish to address. These 'negotiation processes' need to be built underpinned by principles. The processes themselves are matters for acceptance by the negotiating parties, and Chapter Five proposes a process for doing such.

Recognizing the principle of systems being embedded in systems, in the context of peace initiatives the systems are identified and their VSM recursive position considered relative

to other systems. In VSM terms, whether a system gravitates to seeking cohesion or autonomy depends on the position the system occupies within a level of recursion. Thus clarity is needed as to who the systems are, the composition of their presence at the negotiating table and the recursion level to which they belong given that it will influence their position on cohesion and autonomy. The nesting also means the autonomous S1s of the system-in-focus become the cohesive system-in-focus for its embedded systems. It is this interlocking attribute that is designed into the ‘process design’ for negotiations – presented in Chapter Five.

In the Peace Talks to date none of this has been recognised. Pattern recognition, taking into account the participants at the 2002-2003 Peace Talks and parties referred to in the P-TOMS and ISGA documents, suggest that the Sinhalese have been left out of the negotiation. Or, worse still that the GoSL is being reduced to representing the Sinhalese rather than the clarity of representing Sri Lanka in its capacity as a supervening encompassing system.

Part III recognizes there is a fundamental difference in the negotiations that pertains to internal self-determination and external self-determination. With internal self-determination the identity of the Parent State is being re-architected. As “corrective action cannot in fact be taken in one place without regard to its effect on their proximate activities” (Beer, 1994a:105) peer systems must also be included. It also means the next lower level of recursion needs to participate in the negotiations so that the design of the negotiations process has a way of overcoming the risk of non-contestable positions posited by higher levels of recursion.

With external self-determination, the negotiation is whether the aspiring secessionist fits within the identity of the UN which deliberations includes consideration of the Parent State. The identity per se of the UN is not open for negotiation. Rather, each claimant and counter-claimant to secession positions itself to show that its identity adheres to the principles of the UN Charter.

The critical contribution of this chapter is that by untangling this amalgam we see that to date what applies to external self-determination has been applied to internal self-

determination negotiations. This process flaw needs to be corrected. From a process design perspective it calls for a multi-party negotiations protocol. Also it needs to address what can be done to stimulate sufficient variety so that these multiple systems agree on multiparty negotiations. This poses the question - who has the variety absorbing power to influence these multiple systems to participate in multi-party negotiations? That variety absorption power has to apply to both the secessionist seeker and Parent State who in each case may entail sub groups. This matter is addressed in Chapter Five.

Chapter Four

Steeped in so many crises from warfare, corruption, a debilitated public service and centralised governance structures vested with immense concentration of power, Sri Lanka faces the prospect of redesigning its systems of governance. This expansive need for re-design, however, appears to travel on the slip stream of the peace initiatives.

The gradual build-up of crises on so many fronts indicates a weak regulatory system and the need for re-design prompts an enquiry that extends beyond fixing the known signals of crisis. Here the reference is to addressing a) weak incipient signals, b) signals that may not have evidenced themselves but which can be conceptually discerned, and c) signals which are beyond the awareness of the designers of the system. Re-expressed, such design considerations concern those evidenced in reality, those conceptually recognized and in that sense not materially manifest, and unknown issues. The latter is undoubtedly the most perplexing as it resides outside the system's design and probably outside of the consciousness of the designer of the system. It concerns stability under unknown conditions and is known as Ultrastability.

From an epistemological point of view Part II of this chapter addresses ultrastability as a way of designing systems which self-organize themselves rather than limit themselves to self-regulation capabilities. Here Beer's (1994e) concept of connecting the 'Feedback Adjuster' process to an 'Organization Adjuster' process (refer Figure 12) which is connected and standing ready to be informed by a meta-level system, is discussed. So too is McCulloch's Redundancy of Potential Command which is further expanded in Chapter Five.

Using the example of devolution, this chapter addresses each of the three types of signals in the context of Sri Lanka. Within the ‘known’ category of signals is addressed the matter of the unit of devolution. So too is the conceptually recognized signal in terms of the consequences of the different criteria upon which devolved units are designated.

Part III considers the important aspect of what it takes to build ultrastability in the context of the Constitution of Sri Lanka. Three examples are used to gain an appreciation of how ultrastability capability has been built in the forms of governance of the British, the Australians and the Swiss. As Sri Lanka is likely to continue with a republican (non-monarchy based) type Constitution, building an ultrastability capability into the Sri Lankan system of governance is likely to be via a procedure similar to the Swiss ‘citizen-initiated referendum’. Whilst the relationship between the Executive President and the Parliament is a matter for design, if Sri Lanka was to seek to design an ultrastability capability the question in the context of the State is - who or what are these entities that function with the objective of seeking to modify the Feedback Adjuster? This cascades to enquire - who or what entities perform Feedback Adjuster functionality - the role of adjusting the way the Muddy Box works? It is to these entities that the communication channels need to be established between the system-in-focus and the meta-level of recursion.

Chapter Five

This penultimate chapter addresses what in many ways has been the governing question of this thesis - what needs to be done to let requisite variety exercise itself so that the peace process is sustained to the point of resolving the conflict and other crises that beset Sri Lanka?

Part I - Working with the levels of recursion pertaining to the UN, the State and its embedded systems, a proposal is made for a way of absorbing residual variety so as to address what has so far proved in practice to be an undecidable proposition – preserving territorial integrity compared to the right of secession when inequality prevails on substantive issues.

The UN level of recursion is selected for two inextricably linked variety absorbing capacity reasons. Firstly, the cohesive policy of the UN based on the ‘respect for the principle of

equal rights and self-determination' is a homeostat which carries equal weight with the aspiring secessionist and Parent State. This is usefully contrasted to the principle of 'responsibility to protect' which although ethically commendable, does not carry equal weight due to the way it applies at the level of a set. Secondly, to the aspiring secessionist, if its objective is to participate in its own right (not via proxy) as a Sovereign State in the international interchange system, the UN is the only authority that offers the mandatory requirement of having a country listed in ISO 3166. Thus to the aspiring secessionist an invaluable reason for UN membership arises which means the UN's meta-level logic becomes attractive to abide by, at least in the lead up to being granted UN membership.

The UN's cohesive policy however needs to apply to all parties affected by the undecidable proposition if its meta-level logic is to exercise its power. This variety requirement is absorbed once the designers of the aspiring secessionist system realize the significance of the monopoly that the UN holds on being the source from which ISO 3166 populates its listing of countries. Once this incentive has been recognized by the aspiring secessionist it acts as a compelling force to draw in the Parent State to vie for greater compliance with the UN's principle of equal rights so as to preserve its territorial integrity. Note, this does not necessarily mean self-determination as a form of governance. But it does mean equality on substantive matters.

Cybernetically, the critical realization of this exploration of content is that when looking for meta-level logic with the capacity to absorb residual variety, you know you have found a nugget when the requirement is mandatory and the way of achieving it is via a monopoly. The question then becomes - do the compliance conditions of the monopoly have the requisite variety to absorb the particular residual variety that feeds the crisis?

Also addressed is what appears as the UN's minimum criteria for assessing claims for secession. For the secessionist, the UN principle of equality is minimally three pronged (a) evidence of on-going absence of equality, (b) failure of negotiations to resolve the inequality (c) the aspiring secessionist needs to demonstrate that in its manner of governance it applies the principle of equal rights in its relationship with its embedded systems.

Given that to date the peace initiatives and negotiations have not broached the second point, the stance taken in this thesis is the UN would direct that option be seriously pursued. This poses the question - can the five permanent members of the UN be involved in the dispute resolution given the absence of a formal secession claim? Also what happens if the Parent State and/or secessionist superficially participate and thus effectively sabotage internal self-determination negotiations?

Both these matters are addressed. Paired sets of negotiations involving participation from a triadic set of recursion levels are suggested. Three kinds of negotiations are proposed and the recursive levels and systems involved are:-

- a) Meta-Level Negotiations - The objective is to agree on the starting position of the broad parameters of internal self-determination negotiations. The systems represented at these negotiations are (a) representation from the aspiring secessionist Tamils (R-1), (b) the GoSL representing Sri Lanka the Parent State (R0), and (c) representation by the 5 permanent members of the UN Security Council (R+1).
- b) Pre-Talks Negotiations - Design of the Process of Negotiations - The objective is to negotiate and agree upon the design of the processes that will be employed for Peace Talks Negotiations.
- c) Peace Talks Negotiations - There are two interrelated parts to these negotiations and it is vital the two parts be exercised and that they interrelate. The objective of this set of negotiation series pertains to content issues and matters of governance – particularly addressing the concurrent matters of cohesion and autonomy. This design plan is helped by the inter-linkage of the recursive levels in the context of the systems that are positioned to participate in the portfolio of Syntegrations proposed.

Part III proposes a portfolio of Syntegrations for the third type of negotiations – Peace Talks. Whilst there are many permutations that could comprise this portfolio, Figure 21 is an informative example which shows the power of linkage of people and in-depth topic explorations that the Team Syntegrity protocol affords.

Chapter Six

This final chapter ties together the various strands of this thesis to show the manner in which the content coheres and to substantiate the conceptual contribution of the findings.

This is particularly important as this thesis weaves in and out of introducing a working understanding of Organizational Cybernetics principles and then applying them to the Sri Lankan situation, which itself called for background Sri Lankan material to be conveyed. Building the thesis in this manner, which also touched on matters of philosophy, international law, finance and politics, was required in order to cater for a knowledgeable cybernetic readership or an audience conversant with Sri Lankan matters, but not both. By doing so, it also opens the thesis for those who are conversant with neither, but who are interested in addressing sovereignty based conflicts.

What can be said in conclusion is that this thesis which began with addressing Sri Lanka's crises ends up with opening to insights useful for sovereignty based conflicts where secession is threatened.

Lastly, following in the steps of Beer's Chilean experience, this thesis has moved away from systematic thinking to systemic thinking. To this widened interconnected system is applied Systems Thinking principles, in specific Organizational Cybernetics, to produce not only a diagnosis, but a 'process design' solution for Sri Lankan internal self-determination Peace Talks.

Next Chapter

To achieve the required rigour and discipline to set this thesis in motion, a framework needs to be developed or selected under which the diagnosis will be performed. The next chapter is devoted to explaining the selected frameworks what will be used in this thesis. This is prefaced by a discussion of some fundamental philosophical issues pertaining to reality and proof with specific reference to its application in the social sciences where open systems prevail.

Chapter Two

Ontological & Epistemological Considerations

Sapere aude!
- Kant

Research objectives are not set by nature. They are delineated by humans. This raises various questions which are addressed in this thesis. The first question is - on what basis will the research findings be evaluated? It is this query that is initially addressed.

Let us first recall, the objective of this thesis is to (a) systemically diagnose key aspects of what seriously ails Sri Lanka and (b) provide design intervention ‘processes’ that could enable the country to be viable and move out of its crisis ridden state. The crisis facing Sri Lanka is no longer in the singular - meaning the threat of secession. The State is beset by a host of crises that span widespread corruption, relentless brain drain, a massive and maladroit public service compounded by the emerging trend of a rapid turnaround of governments in power and the government’s negative operational cash flow. While some may argue that these crises are born of the war (tributary) or what caused the war (source), the important point is that the research framework be able to withstand the onslaught of variety. The framework needs to be capable of disclosing the systemic interactions which in turn need to be respected by the architecture of the ‘process’ solutions proposed.

This chapter is thus presented in three parts:-

- Part I – addresses the matter of proof from the perspective of philosophy and the Law of Requisite Variety,
- Part II – sketches a background and profile of Sri Lanka, and
- Part III – discusses the relevance of modelling, the frameworks evaluated and a discussion of the chosen methodology - Organization Cybernetics.

Part I – Validation & Ashby’s Law of Requisite Variety

Returning to the validation question (referenced in 1.2.3) and as part of the ontology exposition, there is need to discuss what reality is considered to be. It is an age old and continuing debate in philosophy as to what exists in terms of ‘real’ when contrasted to ‘apparent’. There are various philosophical schools which hold vastly different positions on what reality is. For example, Maturana the Chilean biologist initially known for this discovery of autopoiesis¹⁰ says,

I claim that the most central question that humanity faces today is the question of reality. And I claim that this is so, regardless of whether we are aware of it or not, because everything that we do as modern human beings, either as individuals, as social entities, or as members of some non-social human community, entails an explicit or implicit answer to this question as a foundation for the rational arguments that we use to justify our actions. Even nature, as we bring it forth in the course of our lives as human beings, depends on our explicit or implicit answer to this question. Indeed I claim that the explicit or implicit answer that each one of us gives to the question of reality determines how he or she lives life, as well as his or her acceptance or rejection of other human beings in the network of social and non-social systems that he or she integrates. (Maturana, 1988:25)

From amongst the many schools of thought concerning reality such as empiricism¹¹, idealism¹², vitalism¹³ I want to focus on Bhaskar whose theory has come to be known as Critical Realism and Maturana who addresses the question of reality from the perspective of the biology of language. Central to both these views is the consideration of whether

¹⁰ The essence of autopoiesis is a process whereby an organization produces itself. Maturana describes it as “A closed network of molecular productions that recursively produces the same network of molecular productions that produced it and specifies its boundaries, while remaining open to the flow of matter through it is an autopoietic system, and a molecular autopoietic system is a living system.” (Maturana, 2002:8)

¹¹ Empiricism - the doctrine that all knowledge of matters derives from experience and that the mind is not furnished with a set of concepts in advance of experience (source: Collins English Dictionary, 1994, Harper Collins Publication, UK)

¹² “Idealism – Any of a group of philosophical doctrines that share the monistic view that material object and the external world do not exist in reality independently of the human mind but are variously creations of the mind or constructs of ideas. (source: Collins English Dictionary, 1994, Harper Collins Publication, UK)

¹³ Vitalism - The philosophical doctrine that the phenomena of life cannot be explained in purely mechanical terms because there is something immaterial which distinguishes living from inanimate matter. (source: Collins English Dictionary, 1994, Harper Collins Publication, UK)

reality is a singular or plural concept. It is valuable here to point out a distinction between reality and truth made by Peirce, the American philosopher well known for his theory of Abductive logic.

Truth is the understanding of reality through a self-corrective inquiry process by the whole intellectual community across time. On the other hand, reality is the existence independent of human inquiry (Wiener, 1969). In terms of ontology, there is one reality. In regard to methodology and epistemology, there is more than one approach and one source of knowledge. (Yu, 1994)

Ontology is about being, which I understand is about - what is it that we know? This begs the question - how do we know what we know? That is what epistemology is about. Like so much else that is reciprocal, so are ontology and epistemology. Applying the epistemological theories of Bhaskar and Maturana, the question then addressed is - what ramifications do these two theories of reality hold from the perspective of validation of what is diagnosed and proposed in this thesis? As a response to the ramifications, Ashby's Law of Requisite Variety is proposed as the basis upon which to evaluate the findings of this thesis.

2.1.1 Reality from the Perspective of Linguaging

Maturana contends that to have an adequate understanding of social and non-social phenomena in human life requires observing, cognition and languaging to be understood in biological terms. Considering the question of reality Maturana arrives at the conclusion that the explanatory path of reality takes two forms. It is either what he calls 'objectivity-without-parenthesis' where a single domain of reality prevails and thus is the ultimate source of validation. Or reality is dependent on the observer's cognition and thus there are as many realities as there are observers. Maturana calls this type of reality 'objectivity-in-parenthesis' or the path of constitutive objectivity.

Maturana builds his argument for these distinctions of reality based on:

- Compelling explanation, when we do not use brutal force, being premised on objective rational argument. In such instance, validity rests on reference to the real which reality

is claimed explicitly or implicitly to be universal and independent. However, the question is – is that claim to validity, based on a privileged access to reality, valid?

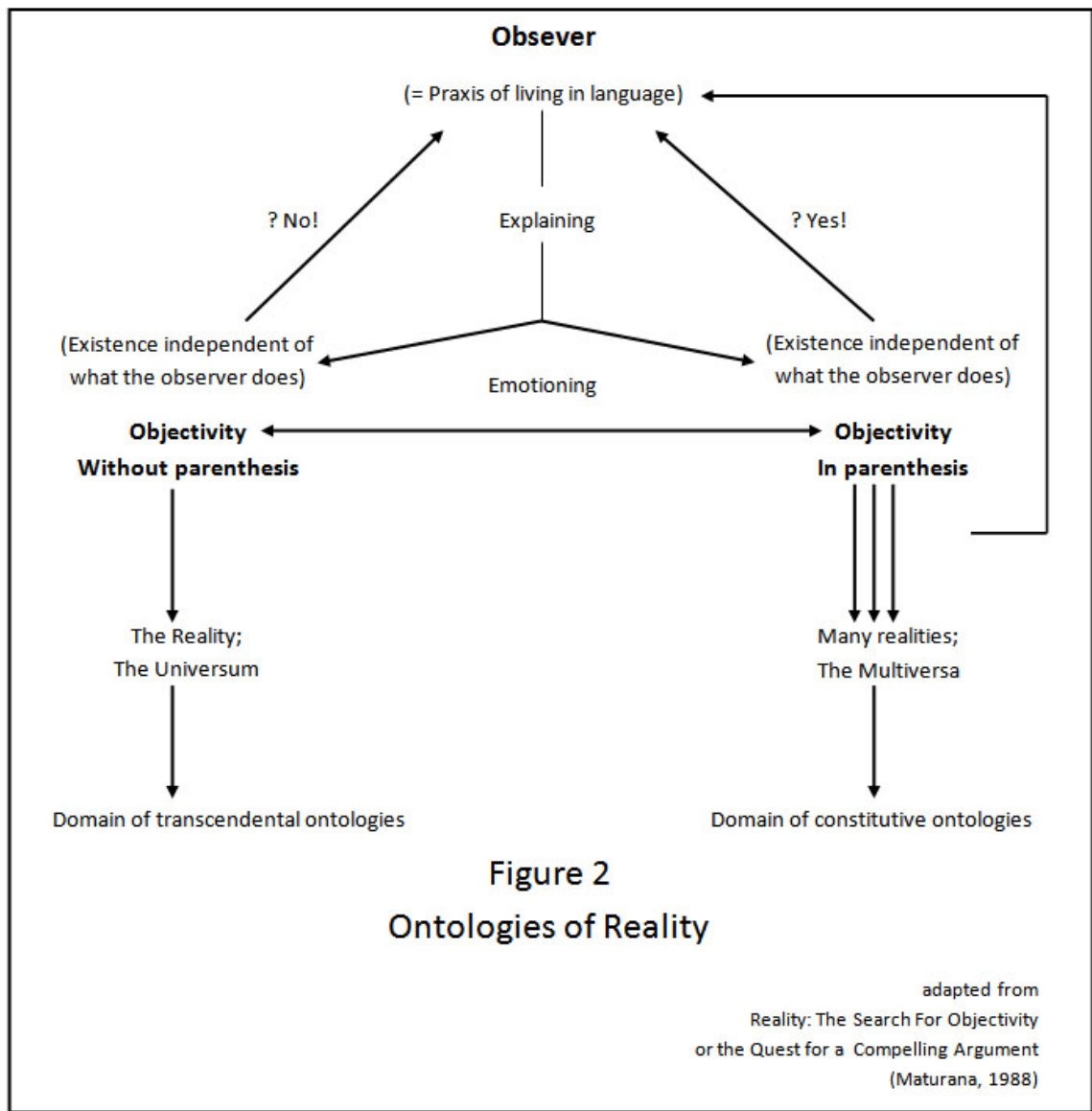
This is a significant question for as Maturana says,

is this attitude about reason and the rational rationally valid?; can we in fact claim that it is its connection with reality that gives reason the compelling power that we claim it has or should have? Or, conversely, does reason give us a partial or total access to the real so that we can claim for reason the compelling and universal validity that we pretend it has when we attempt to force somebody else with a rational argument? (Maturana, 1988:26)

- Observers making distinctions in language explaining their experiences. This is a deceptive process as “we normally collapse the experience upon the explanation of the experience in the explanation of the experience.” (Maturana, 1988:27) So in this sense the explanation is secondary to the experience.
- Explanations being reformulations of a reality which the listener may or may not accept based on whether the criterion of acceptability, from the perspective of the listener, is satisfied.

The distinction between these two realities is captured in Figure 2.

My interpretation of what Maturana conveys and as pertinent to validation is the way filtering works. In both explanatory paths the listener, because s/he never listens in a vacuum, applies some preconceived criteria to evaluate what is being conveyed. Filtering occurs to the extent to which the criteria do not match. The extent to which the preconceived criteria do not match, either implicitly or explicitly, with the criteria put forward in the argument, is the extent to which what is conveyed is filtered out. The effect of this filtering is evidenced in the extent to which the argument fails with the listener.



The difference between the two paths of explanation lies in whether the listener subscribes to a singular or multiple view of reality. My understanding of what Maturana conveys is that when a listener listens from the perspective of ‘objectivity-without-parenthesis’ and finds mismatched criteria s/he not only rejects the argument but takes no responsibility for the negation which results. This is because the listener applies rationality based on their privileged access to an objective reality. This rejection can be stated just as well from the perspective of the person proposing the argument, which is to say the negation of the listener’s response. For the rest of this discussion, I shall however only address validation issues from the perspective of the listener with the caveat that more permutations arise if

both proposer and listener are considered. Argument gains in effectiveness when it is dynamic rather than a monologue.

'Objectivity-in-parenthesis' is premised on the recognition of many realities. When arguments are rejected it does not result in the rejection of the other's reality. This 'multiversa' arises in recognition that "cognitive abilities as an observer are biological phenomenon because they are altered when his or her biology is altered" (Maturana, 1988:29). From the perspective of validity, it seems to me that a distinction needs to be made between rejection of an argument due to difference in criteria compared to a flaw in logic in the way in which mutually agreed upon criteria has been applied. In other words, in this instance rejection of the argument is not due to differences in the criteria used to evaluate the argument, but due to a flaw in the logic of the argument. Such an example is easy to see in an accounts bill, where something has been incorrectly added (e.g. $5+3=7$ rather than 8).

The distinction that arises from these two views of reality is significant where hostilities prevail. A way of describing this distinction in the context of Sri Lanka's hostilities is that when each protagonist argues their point from the perspective of 'objectivity-without-parenthesis' each is consumed by not only portraying their reality as objective (e.g. referring to documented history as the authoritative account) but by definition of the 'universum' rejects the other's reality and consequently their argument. On the other hand, when the opposing protagonists operate from a perspective of 'objectivity-in-parenthesis' the other's reality does not get rejected even if the other's argument fails to find agreement. In my view this is a valuable point to remember concerning Peace Negotiations and validates for me why Maturana says the question of reality is so central.

It follows that, in this (objectivity-in-parenthesis) explanatory path, explanations are constitutively not reductionist and not transcendental because in it there is no search for a single ultimate explanation of anything. Accordingly, when one observer accepts this explanatory path, he or she becomes aware that two observers, who bring forth two explanations that exclude each other in front what, for a third observer seems to be the same situation, are not giving different explanations for the same situation, but that all three are operating in different yet equally legitimate domains of reality, and are explaining different aspects of their respective praxes of living. The observer that follows this explanatory path realises that he or she lives in a multiversa, that is, in many different, equally legitimate, but not equally desirable, explanatory realities, and

that in it an explanatory disagreement is an invitation to a responsible reflection of coexistence, and not an irresponsible negation of the other. (Maturana, 188:31)

Let us now apply Maturana's lens to enquire of its relevance to validating this thesis.

My understanding is that one of the primary questions that arise for the reader evaluating this thesis is whether they agree with the criteria upon which the arguments have been built. Such criteria are ubiquitous in this thesis ranging from a formal methodology (disclosed in various sections devoted to epistemological discussions) to interpretations of history.

Where the reader agrees with the criteria then validation has been achieved with the writer and we are at one in our reality.

Where our criteria differ and consequently we disagree, the reader who operates from 'objectivity-without-parenthesis' has reached the end of the road on that particular point. The gravity of the validation consequence/s will depend on the gravity of the point upon which disagreement occurs.

With the reader who operates from the perspective of 'objectivity-in-parenthesis', evaluation of the thesis can still continue. The reader can suspend their objectivity, and be in congruence with their notion of reality, while continuing to evaluate the thesis based on the criteria upon which the arguments are premised. Harnden (1990) refers to this as "it (objectivity-in-parenthesis) might be loosely described as a methodological technique which suspends consideration of Objectivity for the task at hand."

As researcher, and writer, I reflect upon the 'process design solution' proposed in Chapter Five. I consider it caters to 'objectivity-in-parenthesis'. Thus, even if there are points where my interpretations of history do not evoke agreement, the 'process design' proposed is designed to cater for these different realities whether it be in matters of interpretation of history or designing 'content' solutions.

The other question in terms of evaluation of the thesis is whether what flows from the criteria has been logically argued given the criteria discussed in the various epistemological

sections of this thesis. To get a grip on this, there is value in turning to Bhaskar's Critical Realism to gain an appreciation of unrealised and unexercised realities as it pertains to validation.

2.1.2 Reality from the Perspective of Critical Realism

As humans we apprehend reality through the filter of our physiology. Science over the passage of time has extended this reach by the use of various devices like microscopes, and telescopes, which has led us to realise there is more to reality than we physiologically encounter. Consequently, whilst we may conceptually accept there is more to reality than we experience, as some schools of philosophy do, the question is - how much more is there and what can we find out about the workings of that reality? What is interesting about Bhaskar's philosophical position is that not only does he address the logic of progressive revelation of reality, but Bhaskar provides an insight into a world of reality that exists but has not exercised itself and a reality that may have exercised itself but may not have been realised due to the counteracting effect of something else. Bhaskar names this greater reality the 'intransitive dimension' and what we are aware of the 'transitive dimension'. Bhaskar says, "once we constitute an intransitive dimension we can see how changing knowledge or unchanging objects is possible." (Bhaskar, 1998:11)

It is interesting to ask ourselves – why the quest for wanting to know about the workings of reality? Besides curiosity, what purpose does this probe for knowledge serve? Collier, using a political context, explains an answer to this question well. He says,

If history is just 'one damned thing after another' then all the politics we need is a resolve to do better damned things than were done before. If, on the other hand, societies and their institutions have inner structures which generate and by the same token constrain their powers, then we can ask, first of all, what sort of thing can be done given existing structures and what cannot; second, what different sort of things could be done given different structures; and third, how one sort of structure can be transformed into another (Collier, 1994:10).

For those already aware of the severity of the predicament facing Sri Lanka, this quote holds great relevance. However, the task at hand here is to understand why we want to

know more about the workings of reality. This is what Collier has explained. What we are seeking to come to grips with is an understanding of the inner structure of the ways of reality. Yet detecting the workings of that inner structure is hard to discover. This is because what we encounter under non-experimental conditions is the sum total of the way the components of reality worked in conjunction with each other.

Building the argument and commencing with experiments, the initial question is - why experiment? It stands to reason we would not do them if the information required could be got without them. What experiment does however is isolate one mechanism of nature from the effects of others, which sets the conditions to find out - what does that mechanism do on its own. Closure is an experimental concept that does not occur generally or naturally. This implies that experimentation is based on the ability to relatively isolate a mechanism so that it can operate unimpeded in a closed system. This however is not possible with open systems, so called because the generative mechanisms do not lend themselves to be isolated; “when triggered, they operate, but in conjunction with other generative mechanisms, producing a complexly codetermined outcome.” (Collier, 1994:62)

Bhaskar distinguishes three layers of reality – experience, events and mechanisms. ‘Experience’ as the name implies is what we humans sense (are aware of). ‘Events’ is the rest of what happens but of which we are unaware. Their existence, however, can be inferred from the effects which are experienced. These effects could be inferred from the capability of the structure of its working parts and how it is organized.

Collier explains,

Things have the powers that they do because of their structure, then, and we can investigate the structures that generate the powers, and to an extent predict the powers from the structures. Structures cause powers to be exercised given some inputs, some ‘efficient cause’, e.g. the match lights when you strike it. In asking about structure generating some power of some entity, we are asking about a mechanism generating an event. ... A *mechanism*, in Bhaskar’s sense, is that to which a law refers. (Collier, 1994:43, italics in quote)

Nature’s laws operate concurrently and conjointly bringing about a series of events which could not have been brought about by a subset of those mechanisms. Bhaskar distinguishes

the activity of what happens as belonging to the three domains of reality as shown in Table 2 below.

	Domain of Real	Domain of Actual	Domain of Empirical
Mechanism	√		
Events	√	√	
Experiences	√	√	√

Note: for transcendental realism $d_r \geq d_a \geq d_e \dots$ (i) where $d_r \geq d_a \geq$ and d_e are the domains of the real and the actual and the empirical respectively.
 For empirical (empirical) realism $d_r = d_a = d_e \dots$ (ii).
 Comment: (ii) is a special case of (i), which depends in general upon antecedent social activity, and in which
 (a) for $d_a = d_e$ the events are known under epistemically significant descriptions, which depends upon skilled perception (and thus a skilled perceiver);
 (b) for $d_r = d_a$ an antecedent closure has been obtained, which depends upon skilled experimentation (and thus the planned disruption of nature).

Source: A Realist Theory of Science (Bhaskar, 1997:56)

Bhaskar explains,

I have argued that the causal structures and generative mechanisms of nature must exist and act independently of the conditions that allow men access to them, so that they must be assumed to be structured and intransitive, i.e. relatively independent of the patterns of events and actions of men alike. Similarly, I have argued that events must occur independently of the experiences in which they are apprehended. Structures and mechanisms then are real and distinct from the patterns of events that they generate: just as events are real and distinct from the experiences in which they are apprehended. Mechanisms, events and experiences, thus constitute three overlapping domains of reality, viz. the domains of the real, the actual and the empirical. (Bhaskar, 1997:56)

We have now reached the point of understanding the gravity of working with open systems, like human sciences, where experimental activity is impossible. Applying this to the context of this thesis we are faced with not only a plethora of variables, but the activity of their mechanisms which may well be “unexercised, exercised unrealized and realized unperceived (or undetected).” (Bhaskar, 1997:18) Thus proof in that traditional experimental sense is outside of the reach of this thesis in terms of the diagnosis made and proposals offered.

Collier's phrase 'the methodological primacy of the pathological' lends support to the stance taken in this thesis where a comparative study of sovereign States that work well was not undertaken. Collier explains,

By seeing how something goes wrong, we find out more about the conditions of its working properly than we ever would by observing it working properly. ... Mechanisms which are normally disguised by their close interaction with other ones break loose and so are actualized, whereas they normally operate unactualized – just as the law of gravity operates unactualized in your house until one day the roof falls down on your head. (Collier, 1994:165)

What it conveys is the value of a diagnosis especially of what does not work, for the mechanisms that otherwise lie dormant have exercised themselves and are being perceived. Such a diagnosis of Sri Lanka is provided in the ensuing chapters, particularly Chapter Three. It however displays the difficulty of evaluating the 'process solution' proposals for whilst the framework applied to design the proposals (in Chapter Five) is declared (in Chapter Five) there is no assurance that otherwise dormant mechanisms may be activated.

To address this question and to enquire whether there is another way of evaluating the finding of this thesis given the absence of closure that afflicts the social sciences, let us turn to Ashby's Law of Requisite Variety. Beer explains,

"Variety is the cybernetic measure of complexity. It is explicitly the possible number of states of a system. The Law says that the variety of a given situation can be managed adequately only by control mechanisms having at least as great a capacity to generate variety themselves. (Beer, 1994f:231)

2.1.3 Ashby's Law of Requisite Variety and applying it to Evaluate Findings

Gradual build-up of problems which reach crisis proportions is a strong indicator that the regulatory systems are weak. Given the magnitude and interactive nature of the problems that afflict Sri Lanka, and consequently the focus of diagnosing and seeking to re-design such regulatory processes, one way of evaluating this thesis is from the premise of usefulness.

In other words, what is proposed is that usefulness of the thesis be evaluated based on the findings disclosed pertaining to regulation. This in turn implies the need to evaluate the variety generated and absorbed given the goal of improving intrinsic regulation of systems, particularly those operating in crisis. To do this it is proposed that Ashby's Law of Requisite Variety be applied. Ashby describing regulation states,

The subject of regulation is very wide in its applications, covering as it does most of the activities in physiology, sociology, ecology, economics, and much of the activities in almost every branch of science and life. Further, the types of regulator that exist are almost bewildering in their variety. (Ashby, 1999:202)

Variety is the number of possible states of a system. Ashby says "variety" is a concept inseparable from that of "information" (Ashby, 1999:140). If regulation is to be effective, meaning to achieve the purpose or goal it is seeking, then the regulator will require a greater variety than the system the regulator is seeking to control. This was succinctly expressed in the famous article titled 'Every Good Regulator of a System Must be a Model of that System' (Conant and Ashby, (1970). Beer equates the importance of Ashby's Law of Requisite Variety – variety absorbs variety - to be on par with Newtonian physics.

Beer describing regulation states,

To maintain regulation – equilibrium between antithetical sub-systems, or stability in the whole – there is a certain variety required in the regulator: and this cannot be less than the variety the black box of our concern itself proliferates. (Beer, 1994e:89)

As researcher, writer and observer the question I ask myself is - how much more variety have I found in my research and how has that contributed to absorbing variety which until now has exercised itself to keep Sri Lanka in its crisis ridden state? This combined sense of variety pertains to matching rather than counting the states of variety. For myself, this comparative 'variety match' was posed on many fronts, as it pertains to the modelling framework employed, interpretations of history and most importantly the 'process solution' proposed. The usefulness comparison was made against other conceptual alternatives and also compared to the path of history Sri Lanka has walked.

Part II – Background and Profile of Sri Lanka

Choosing a framework from which to diagnose a situation and propose solutions requires an appreciation of the context in which that framework is to be applied. Paradoxically, as may well be obvious, there is a bi-directional relationship between the preliminary awareness of the context and the choice of diagnostic framework selected which framework then acts as the lens to filter what is to be taken into consideration from the context and the interpretation it is to be given. Note the context to which the framework is applied may be more or less than the preliminary context which was used to select the framework.

As a prelude to Part III concerning the selection of a framework capable of generating a base from which diagnosis and solutions can be generated, this Part is devoted to outlining various facets of Sri Lanka that are pertinent to the research being undertaken in this thesis. It shows the preliminary filters I have used both in what I have selected and how I have interpreted them. In later chapters these facets will be synthesised under the aegis of the cybernetic framework to reveal their systemic relationships and their implications to the way the Sri Lankan system is arranged to regulate itself. It also serves as an introduction for those unfamiliar with Sri Lanka and its experiences.

2.2.1 Race Composition

Sri Lanka is a tropical island in the Indian Ocean whose population is estimated at 18.73 million people¹⁴. Its indigenous people, who number a few thousands, are called Veddha and they mostly live in the isolated depths of the forest regions of the island.

The rest of the people of Sri Lanka share an ancestry from other parts of the world – refer Figure 3. India being the island's closest neighbour (narrowest water crossing point being

¹⁴ The 2001 Census on Population and Housing estimates the population at 18.73 million. This is because the national census, previously carried out over 20 years ago, was unable to access people in some parts of the North and Eastern Provinces. The actual enumerated count on the 17 July 2001 was 17.56 million people. Source: Preliminary Findings of the Census – 2001 and uses of Census data in Development Planning, presented by A.G.W. Nanayakkara, Director General, Department of Census and Statistics.

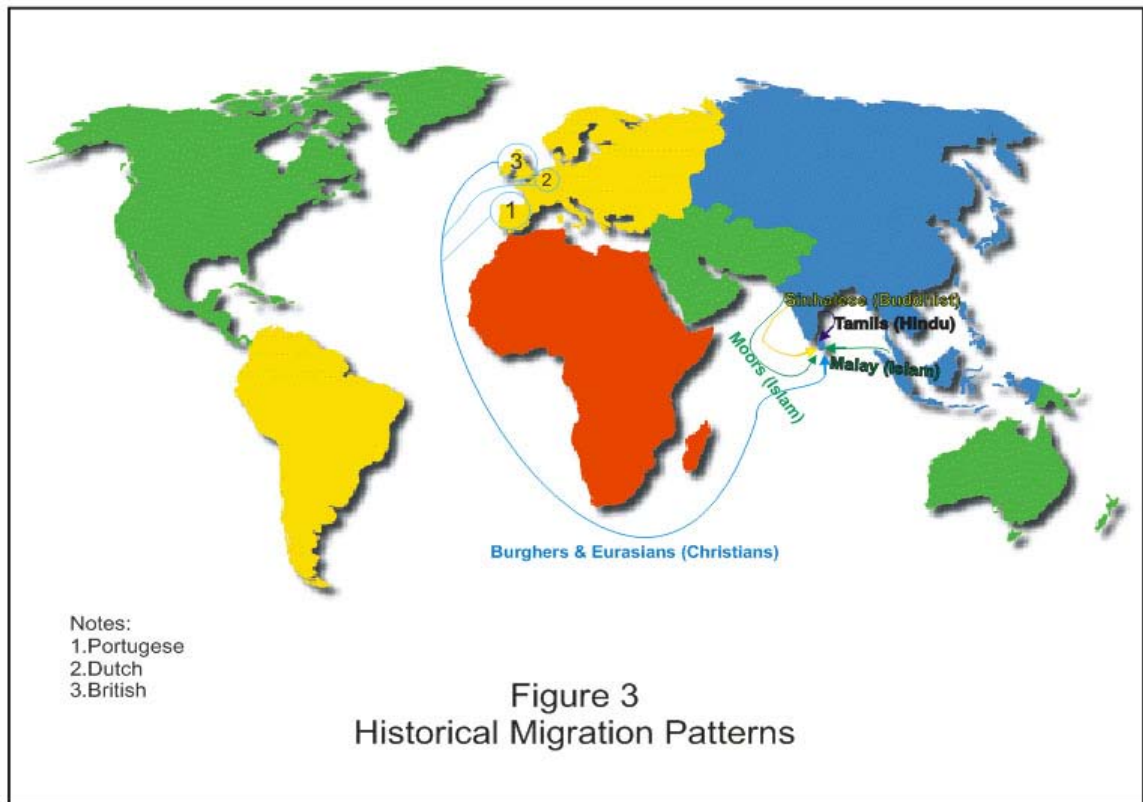
14 nautical miles), was naturally the predominant source of emigrants who crossed to the island in the centuries BC. Besides the immigrants of Indian heritage, other immigrants were the East Asian (known as Malays) and Arabic-Indian traders (known as Moors) who took up coastal residence. From 1505 there is the inter-marital progeny stemming from the island's three European colonising powers¹⁵ – viz. Portuguese, Dutch and British.

With this antiquity of multiracial ancestry, let us now look with more detail at each of the races as ethnicity is ascribed as being the major trigger affecting this island's people.

India being a large country with a diversity of races, her population can broadly be classified as originating from Indo-Aryan and Dravidian roots. Geographically this translates into an immigration pattern coming from north-western India and southern India respectively. In Sri Lankan terms, these migrants respectively translate into the two predominant races of people in Sri Lanka known as Sinhalese and Tamil.

History records the Sinhalese as descendants of Prince Vijaya of India who came to Sri Lanka around 483 BC and under whose later lineage of kingship substantially endorsed Buddhism. For the Tamils of India, the island, particularly its northern reaches, was a neighbouring trading territory and thus a natural settlement enclave for its people and associated royalty. Whilst the settlement date of Tamils is a matter of contention among historians, history records that the island was simultaneously ruled by Sinhalese and Tamil monarchs for many centuries. Another bone of contention is whether the island was ever ruled by a single monarch, pre-British colonization, and if so what jurisdictional power it carried in what context. Certainly, the island came under single rule in 1815 when the British defeated the last king in the island, who was the Sinhalese king Sri Wickrama Rajasinha, who although himself of South Indian heritage, reigned over the hill country.

¹⁵ The Portuguese arrived in 1505, the Dutch in the late 1660s and the British commenced island-wide rule in 1815.



Chronologically the next immigrants into the island were Moors who came from the Arabian direction and had a lineage of connection with India. They were Muslim in religion, spoke Tamil and were located primarily in the coastal areas running an export-import trade. Whilst the Portuguese and Dutch pre-dated the British as colonial powers in Ceylon they never ruled the whole island. During the British era came the Malays from Malaya who were mostly soldiers brought over by the British.

In Sri Lanka, race lineage follows the patriarchal pattern. Thus, the invasion of European powers which saw inter-marriage with the local people (i.e. Sinhalese, Tamil, Malay or Moors) carry the race name of Burgher for their progeny of the Portuguese and Dutch and are called Eurasian for progeny of British paternity.

The legacy of British colonisation was the civil service, infrastructure development of roads, railway and sewerage, and the plantation estates of tea and rubber. Needing a continual labour force for tea plucking and rubber tapping, the British found the island's inhabitants unwilling workers. Consequently, the British imported labourers from the

neighbouring colony (South India) and these people came to be known as Indian Tamils (sometimes also known as Estate Tamils). To make the distinction the existing Tamils came to be known as Ceylon Tamils.

With this patchwork of technically non-indigenous races (i.e. Sinhalese, Tamil, Sri Lankan Moors, Malay, Burgher and Eurasian) it is pertinent to realise that despite the passage of time the Tamils maintained an active connection with their South Indian relations. Undoubtedly, this was aided by the relative proximity geographically, a common language (albeit different dialects of Tamil), shared religious basis of Hinduism and to a lesser extent South Indian Christianity (since European colonisation).

In comparison, the Sinhalese people having a unique language, Sinhala (whose root appears to be Sanskrit¹⁶), and fostering Buddhism (which had faded in India) seems to have let its north-west Indian connection fade. Thus developing its race identity within the island, they arrived at a unique identity of their own which is primarily distinguished by its unique language, alphabetic script and Buddhist religion.

Interestingly, this combination of uniqueness complemented by their presence since antiquity, plus the island's consistently Sinhalese majority population has led to Sinhalese bearing the title of being the indigenous people of Sri Lanka. Of course, to the Ceylon Tamils this is an outrageous accolade for they too (maybe) share an antiquity on the island as old as the Sinhalese race.

The twist in this matter is that the Ceylon Tamils have (perceptually) lost, because their identity is closely intertwined with the Tamils of India, which over the aeons the Ceylon Tamils have nurtured. Whilst controversy and propaganda surround debates as to which race has precedence in antiquity, the uniqueness of race identity is probably an equal if not greater culprit in the ethnic conflict Sri Lanka is experiencing.

¹⁶ The Origin of Sinhala by Asgar Hussein, commenting on "Hela Havula movement's claim that Sinhala developed independently on Sri Lankan soil."

Returning to matters of the island's demographics, militant and sympathetic Tamils, aided by their (less than 12%¹⁷) minority community status and militarily inflicted deaths, have certainly won the sympathy of many in the international community. However, from a Sinhalese perspective the psychological fear is that the Sinhalese are a minute group in the demographics of world races. Thus concessions to Tamils are seen as erosions against what is already a tiny race of people which have no other home than Sri Lanka. Furthermore, Tamils have proved their capacity for venting their wrath by the guerrilla type warfare the LTTE have inflicted on the Sinhalese community. Of course, the Tamils argue that the recurring history of failed Pacts has given them little option but to take up arms and the government's military demonstrate their wrath too.

As is obvious by now, each side will assert its own defence from their own perspective and this is exactly the stalemate confronting Sri Lanka.

2.2.2 Island-wide Government

Sri Lanka (then Ceylon) came under island-wide governance by the British in 1815. 'Communal'¹⁸ representation' was introduced to the Legislative Council in 1833 based on nominations by the British governor. In 1931 universal suffrage (for those over 21 years) as proposed by the Donoughmore Commission was introduced thus replacing the system of (only English-educated) nominations with elections, and ending communal representation in favour of territorial constituencies.

The Sinhalese race occupied more territorial constituencies and usually was the majority population. The territorial electoral process continued on community preferences probably

¹⁷ The 2001 Census enumerated the Tamil population at 9.4% but an additional allowance is made to account for the people who could not be accessed in the districts of the North and Eastern Provinces where war conditions prevailed.

¹⁸ The communities represented were the low country Sinhalese, the up-country Kandyan Sinhalese, Ceylon Tamils, Muslims (from 1889), the Burghers and the local British. – Source: Sri Lankan Tamil Nationalism. (Wilson, 2000:2)

since ‘right wing type’ versus ‘left wing type’¹⁹, politics were yet to significantly evolve in Sri Lanka.

Communal tensions, which had begun to flicker since the 1910s became more vocal and entering into the independence era the Tamils recommended what is popularly known as the ‘fifty-fifty principle’. This is where half the seats are reserved for the minority communities in a bid to structurally ensure against Sinhalese domination. However, in February 1947 when the British granted independence to Ceylon, the Soulbury Constitution was based on the Parliamentary system of a Senate and House of Representatives which respectively comprised:

- 30 nominated members (15 each by the Governor General and the House of Representatives), and
- 101 members (95 elected from 89 electoral districts, and 6 nominated by the Governor General to represent minority interest).

The first Parliament came into being in September 1947 under the Prime Ministership of the Hon. Mr. D. S. Senanayake the leader of the winning United National Party (UNP). The second election returned the UNP but with many more ‘left wing type’ political candidates fielded and a drop in the number of independent candidates. Due to the 1949 Citizenship Law over 90% of the Indian Tamils were disenfranchised despite having been able to vote in the first Parliamentary elections and prior elections as universal suffrage had been introduced in 1931. The term of this Parliament saw language and religion emerge as issues and reportedly the UNP annual conference on 18 February 1956²⁰ resolved that Sinhala should be the State language. This triggered the early days of ethnic tension.

Today Sri Lankan politics is essentially a choice between the UNP and the Sri Lanka Freedom Party (SLFP). The former favours business and resource ownership by the private sector compared to the latter’s welfare driven orientation. Words like liberal, democratic, republican, labour are not used as such in Sri Lanka to describe political

¹⁹ The term ‘left wing type’ is used to cover both socialist and communist political parties which are welfare orientated rather than being capitalistic-private enterprise oriented as attributed to ‘right wing type’ political parties.

²⁰ Source: The Twelve Parliaments of Sri Lanka (Ranatunga, 2002).

parties. Like in many other countries the trend over recent decades is that the seat of power is won by the leading parties having gone into alliance with smaller political parties.

The third Parliamentary election of April 1956 was won by a coalition of left-wing type parties. They introduced significant legislation and foreign policy, amongst which were:-

- The Sinhala Only Act on the 15 June 1956 making Sinhala the official State language,
- The Employees Provident Fund Act (March 1958),
- The Transport Act nationalising the bus services on 20 September 1956,
- Paddy Lands Act, granting security of tenure to the cultivator, on 19 December 1958.
- Non-alignment policy replacing the pro-West policy, and
- Established diplomatic relations with the USSR and People's Republic of China.

The language issue seriously impacted on the Tamil speaking communities (i.e. Ceylon and Indian Tamils, Moors and Malays). The government sensed the folly, entered into a pact²¹ with the primary Tamil party (Federal Party) in 1957 but it proved unpalatable to the Sinhalese of the South. By 27 May 1958 mayhem had broken out and a State of Emergency was declared which continued for ten months. In March 1959 the Prime Minister was assassinated.

The fifth Parliament (1960-64) nationalized the schools, insurance, and petroleum imports and distribution. A second Tamil pact²² was signed and again it was rescinded lacking Southern consensus. The UNP went into the sixth Parliamentary elections having signed the third of the Tamil Pacts²³ to achieve communal harmony but once again Southern consensus was found lacking when the party formed a government.

²¹ This is known as the 1957 Bandaranaike – Chelvanayakam Pact.

²² This is known as the 1961 Bandaranaike – Chelvanayakam Pact. The first was with Prime Minister Mr. SWRD Bandaranaike. This was with his wife, the Prime Minister, who is also the first woman Prime Minister in the World, Mrs. Sirimavo Bandaranaike.

²³ This is known as the 1965 Senanayake – Chelvanayakam Pact.

The seventh Parliament, reflecting the nationalistic mood of the nation, abandoned the British Monarch as Head of State, abolished the Senate and migrated to a unicameral system of Parliament and a replacement Constitution. Enormous powers were vested in the Cabinet of Ministers who ran the ministries which managed the nationalised enterprises. Additionally, these Ministers were constitutionally granted the right to appoint, promote, transfer and dismiss employees of the public service. This was however preceded in March 1971 by the first Southern revolt by unemployed Sinhala youth. It was led by the Janatha Vimukthi Peramuna (JVP) party. The military forces were called out and many Sinhala youth lost their lives.

The reign of the eighth Parliament through a referendum extended its life for 11 years. It saw communal rioting and burnings aimed at Tamils. Additionally in 1981 the second Southern youth revolt flared and the military were called in to quell the riots. In the meanwhile, the Indian Peace Keeping Force (IPKF) was used to counteract the LTTE takeover of the northern reaches of the country. The eighth Parliament also replaced the May 1972 Constitution in September 1978. Some highlights of this new Constitution are:

- Giving the President (until then the titular head of government) extensive executive powers including the right to dissolve Parliament after one year of office,
- Extending the Parliamentary term from five to six years,
- Changing the electoral process from the 'individual candidate first past the post' to a 'party candidate proportional representation' basis and increasing parliamentary seats to 196 elected members and 25 nominated National List members,
- Devolving governance on certain subject areas to nine provinces and thus creating nine provincial governments, and
- Reinforcing the right of cabinet and the newly created position of non-cabinet Ministers to recruit, promote, transfer and dismiss employees of the public service.

In a bid to address Tamil grievances a provincial layer of governance was introduced in November 1987 under the 13th Amendment to the Constitution. Despite the provincial layer of government much of the public administration continues to be centrally driven as are the political parties. As an aside the private sector, including media channels like newspapers, TV and radio are also centrally driven, irrespective of whether it is state or privately owned. In 1989 the 16th Amendment of the Constitution elevated Tamil to be on

par with Sinhala as the official language with English serving as the link language. In October 2001 the 17th Amendment to the Constitution introduced the Constitutional Council (CC) and various Commissions in an endeavour to nurture impartiality in the operational conduct of public entities.

By the twelfth Parliament (2001-2003) for the first time the Executive President and political party holding government belonged to the two primary opposing political parties, co-habitation problems persisted and culminated with Executive President dissolving Parliament. The election of that government however saw the years of sporadic GoSL military and LTTE terrorist attacks replaced by a Memorandum of Understanding (MOU) bringing about a Ceasefire agreement. Peace Talks between the GoSL Lanka and the LTTE were initiated but the LTTE withdrew after six sessions.

2.2.3 Religion

Sri Lanka no longer has a secular Constitution – it enshrines Buddhism. The main religions practised in Sri Lanka, ranked in order of its population as captured by the 2001 Population Census are Buddhism (76.6%), Islam (8.5%), Hinduism (7.9%), and Christianity (6.9%).

For those with deeper understanding of Buddhism let me agree about the classification of Buddhism as a philosophy. However, for the purposes of this section, it will be considered a religion. It is relevant to note that many Buddhist temples have Hindu devalas²⁴. Buddhists in Sri Lanka worship Hindu Gods – amongst the notable being the Kataragama gods: which include Lord Ganesh, Vishnu and Krishna.

The majority of Muslims in Sri Lanka belong to the Sunni sect. Buddhist are almost exclusively Sinhalese, whilst Hindus are Tamils. Most Christians belong to the Catholic or Anglican denomination. At one stage the Catholic Church was considered by some to be in a position to have substantially influenced the prospects for peace given that the majority of

²⁴ A devala is a separate building on the premises of a Buddhist temple, which is devoted to Hindu gods. A Hindu temple is known as a Kovil.

their congregation is Sinhalese and Tamils. A sense of the island's demographics pertaining to race and religion are provided in Figure 4.

2.2.4 Language

In 1833 the British legislated that English was the language of administration which meant that the education system moved to English too in preference to the vernacular languages (Sinhala and Tamil) being the medium of instruction. Implementation of the 1833 language policy was carried out by Christian missionary schools, as their medium of instruction was English. This disenfranchised the vernacular speakers.

Consequently more Burghers and Tamils relative to their overall population numbers gained employment with the government.

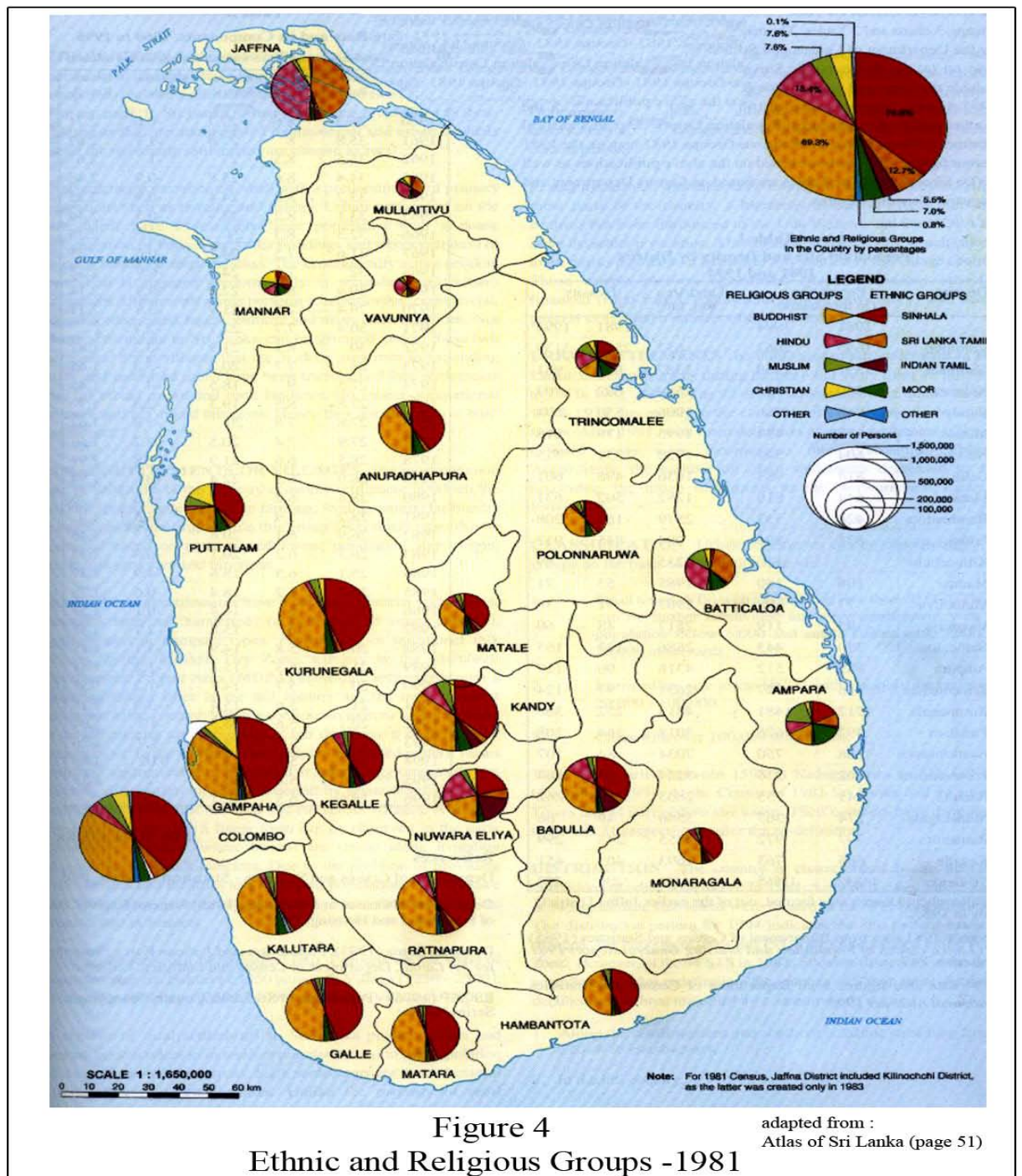
When Sinhala, which is the mother tongue of the Sinhalese, was made into the official language of Sri Lanka, massive disturbances unfolded as time passed. It disenfranchised the Tamils from their Sri Lankan (at that time Ceylonese) identity plus eroded their position particularly in the government service. Until then the status quo was that Sinhalese ruled (in Parliament) whilst the Tamils governed (via the civil service)²⁵.

No other part of the world uses the Sinhala language (12 million users in SL). Tamil is used in India, South Africa, Fiji, Singapore etc by around 90 million users. Each language uses a very different alphabet script (imagine Japanese/Arabic, as compared to the essentially common script used by English, French, and German).

More importantly and rarely mentioned is that until 1957 the island's population was largely divided into the rich and the others. Some of the common attributes of the rich were that they all belonged to the upper class, be they Sinhalese, Tamils, Moors, Malays or Burghers. The critical aspect was also that they all spoke English as their everyday language – thus making it effectively their mother tongue. Accompanying this was the reality that all major commercial and government undertakings were transacted in the

²⁵ Wilson, A.J. (2000) Sri Lankan Tamil Nationalism.

English language. Thus to have an inadequate command of the English language was to be excluded from the positions of authority.



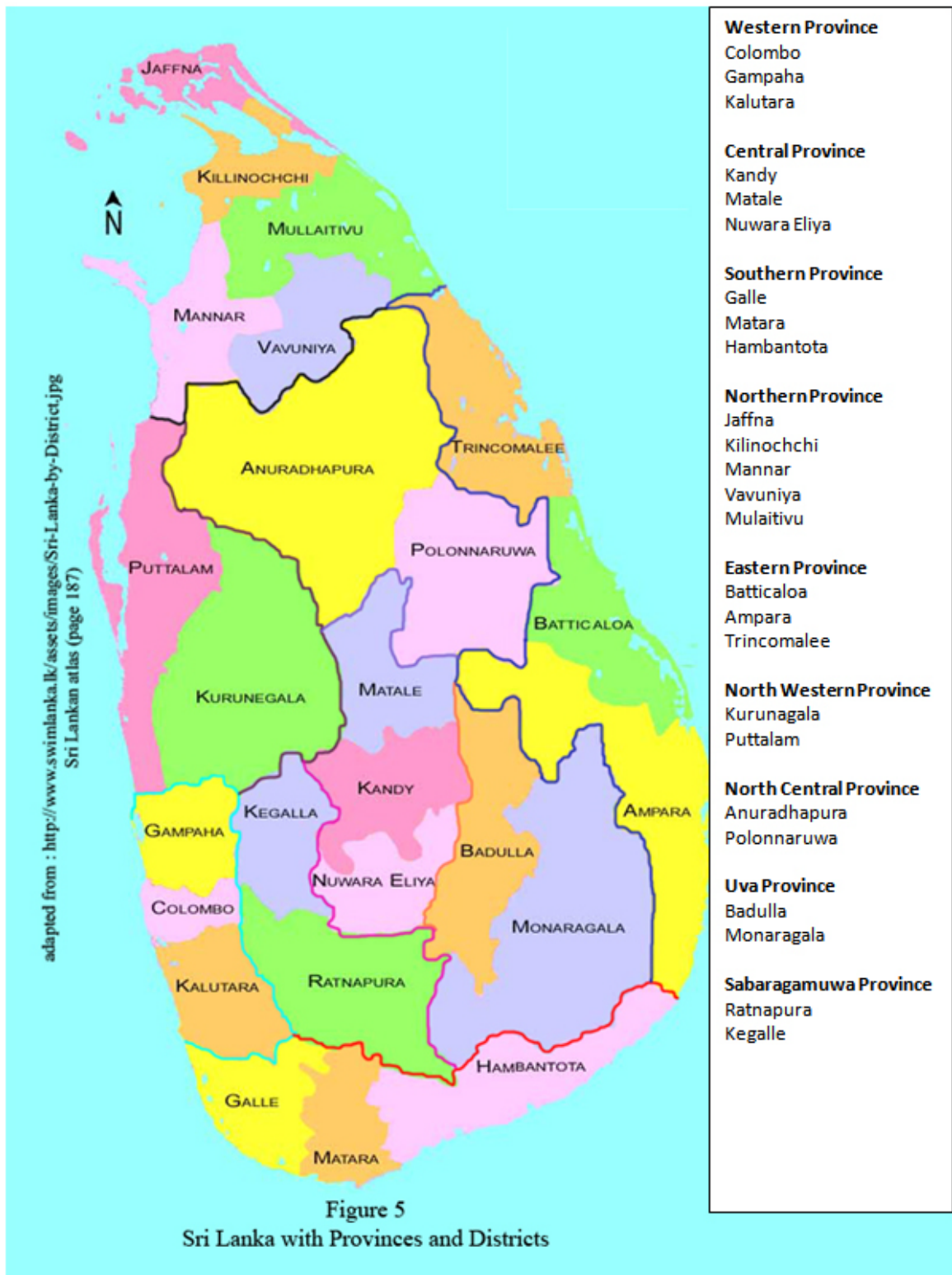
A disproportionate number of Tamils (compared to the Sinhalese and Muslims) had become proficient in the English language because proselytizing Christian missionaries had concentrated their activities in the Tamil heartland ... and set up a large number of English secondary schools (Wilson, 2000:4)

Once the Sinhala Only Act (in 1956) was introduced the island was divided on wealth and language grounds. This made it into an ethnic debacle whilst preserving the rich segment as evidenced by the JVP and the LTTE uprisings. The former was the lower class Sinhala educated youth revolting for they found themselves unable to occupy the managerial ranks of the commercial and government enterprises. The same was true for the Tamil educated and they were even further disadvantaged due to their lack of command of the Sinhala language, particularly compared to their Sinhalese colleagues.

This situation is magnified many fold as the current generation have parents who have had no exposure to English which is the life blood of commerce and required for almost any high-ranking government position. This situation is also true of the export workers handling jobs in the Middle East etc. For example, Sri Lankan domestic maids get paid less than their Filipino counterparts as they lack a command of the English language. Whilst English is declared in the Constitution as the link language (in the 16th Amendment), schools are not adequately staffed to teach the language. Furthermore children's parents are unable to support their learning because they come from a generation that missed out on English.

This position is further exacerbated when viewed at a provincial level (refer Figure 5 below in conjunction with Table 5 shown in Chapter Four). Besides Colombo and to a lesser extent Jaffna, English is a non-existent strength in the outstation provinces. Now add this deficiency to the devolution argument and we find seven of the nine provinces are uneconomic – maybe partially because they do not have the commercial language as used by commerce and the middle to upper ranks of the government service. This is discussed in Chapter Four.

The non-rich are aware of their disadvantage and whilst the ethnicity based accusations fly, the rich preserve their grip on the economy and enjoy high social status through their command of the English language. The low castes lose lives to uphold their race identity while their race is threatened by their very act of upholding their language which was the initial evidence of the controversy.



This is a case of a local controller gaining dominance (Sinhala language and to a lesser extent Tamil) at the expense of downgrading of English language which works as a systemic controller. Paradoxically, this argument favours employing the English language.

Yet this is certainly a death knell for the island's races as language is a signature variable that distinguishes the races. This is globalization playing out its cards at a different level of recursion by virtue of its economic imperative.

This indeed is about homeostatic balance of critical variables. How is identity to survive when a signature feature of it is to be seconded to a foreign language? A paper was written by Solomons and Moscardini titled 'Language Homeostasis in Race Relations' addressing this issue. It is this type of language quandary that that is expected to be voiced by the people and for which Chapter Five proposes a negotiation process for designing solutions.

2.2.5 Education

Since the 1980's Sri Lanka has seen the progressive import of foreign educational systems. The schooling system constructed by the island's Dept of Education is being leached away by the middle to upper class family need for their children to be educated in English.

This need for English is being driven by the employment requirements of the private sector where large companies conduct their business in English. Secondly the medium of instruction of many professional qualifications (like medicine, computing) is in English. Thirdly and probably the most important is that many parents prefer to see their children migrate or at least work overseas when they are professionally qualified. This way they earn a decent salary and are not exposed to corruption and the war-affected economic conditions of Sri Lanka. Consequently, since it is the English speaking overseas countries that have the better employment and migration opportunities, the preference is for children to be educated in English.

Due to the domestic policy of the teaching medium being limited to the vernacular languages (i.e. Sinhala and Tamil) Sri Lanka has spawned a plethora of teaching institutions catering for overseas qualification particularly of British, American, Australian and Canadian systems of education.

These foreign systems of education have set up schools in Sri Lanka, primarily in Colombo. These schools are positioned to feed into their matching foreign universities which sometimes have their commencing tertiary undergraduate years conducted in Sri Lanka. These schools are non-government funded. Being privately funded, they charge healthy fees which contrasts sharply to the free education provided in government schools. Financially, a mid way expense is the local private schools which were mostly established by the Christian missionaries during the British and early independence days of Sri Lanka.

The twofold attraction of foreign schools is that their medium of instruction is English and that their school leaving examinations have direct (without conversion needs) acceptance into associated foreign universities. For example, going to an American school opens the American university college system to the student.

The economic implications of the commercial reality have eventually made a policy change to allow the Sri Lanka schooling system to teach in English. Overall Sri Lanka is no longer self sufficient in its schooling system. Foreign exchange is being massively drained and worse of all there is no authority that is tracking this expense during a time of severe pressure on foreign funds as reflected in the escalating currency parity values²⁶.

2.2.6 Race & Geographic Spread

This is a sensitive issue in the civil war-ravaged recent history of Sri Lanka. Like in many countries, concentrations of races populate geographic territories, however in Sri Lanka over the last 100 years this has increasingly proven a sensitive issue to the well being of this island's people. Thus it pays us to be aware of the historical build-up of this dynamic.

Whilst the Sinhalese race populates the majority of the island, there is considerable opinion supporting the claim that dating back to the kings, the Tamil race was the major population group in the Jaffna peninsula and along the upper reaches of the seaboard of the north-west

²⁶ Example, US\$ 16.53, £38.46, ¥38.36 in 1980 compared to US\$103.96, £191.530, ¥.89 in 2006 (source: 2006 Central Bank Annual Report – Special Statistical Appendix, Table 4)

and north-east of the island. Tamils also had scattered enclaves along the eastern province reportedly penetrating as far as the south-eastern coastal regions.

Later the British who introduced the concept of province (a geographically based land demarcation) to aid them in their civil administrative processes established two Tamil provinces. The LTTE roughly use this as the demarcation for their territorial claim. However, it is important to point out that these two provinces were also home (and continue to be home) to Malays, Moors and Batticaloa Burghers, to whom the Tamil-language was their native tongue.

Thus, in my view there is room for doubt that the British province demarcation was race based for it certainly coincides with language contours, which the British regulators astutely realised. This duality would have thus given inclusivity to the Moors, Malays and Batticaloa Burghers and may further explain the lack of community agitation by these minor communities.

Indeed the LTTE's claim for their North and Eastern province homeland works off the reality that that contiguous territory is Tamil speaking as opposed to Tamil race populated. However, Sri Lankan politics of the 21st century has clearly shown the discontent of the Moors and Malays of falling within such a Tamil-language territorial amalgam understandably stemming from the essential differences of their culture and religion.

There are those (amongst the Sinhalese) who contend that the best way to overcome the demand for cessation is to ensure contiguous landmass is not occupied by any particular race. This is the obverse of the aim of the Tamils astutely realising that it is a facet of the UN convention supporting self-governance. However, it would appear the (Sinhalese) government authorities realised the same and when the major Gal Oya water scheme and resulting employment opportunities arose due to irrigation, the government encouraged Sinhalese farmers to settle in the region thus substantially altering the population demographics of the eastern region. The Sinhalese government argued that the re-settlement was not state-aided colonisation (as claimed by the Tamils) but was resettlement of poor farmers, the worst affected being from the South, who being of the Sinhalese population were the major beneficiaries of the resettlement.

The dynamics of territorial location continues for the prelude of the 1st Round of the 2002-2003 Peace Talks saw the LTTE pronounce that their capital city would be Trincomalee and not Jaffna.

The Estate Tamils also known as Indian Tamils who were the indentured labour came from South India to work in the plantation sector since the British found the Sinhalese race unwilling to do such work. Thus these Tamils occupy the upcountry tea lands and the low country rubber and tea plantations.

2.2.7 Employment

Women are the principal foreign exchange earners in this country. Dr. P Saravanamuttu is known to have astutely pointed out it is their labour as tea pluckers, house-maids (working primarily in Middle Eastern countries) and sewing girls in the garment/apparel industry that underpin this economy. To this I add they are all non-income taxpayers as their wage scale is paltry and it is their sheer numbers that fill the coffers based on the revenue their labour produces. Additionally career promotions for these women are almost zilch.

Indeed, there is something inherently ineffective in the industries promoted. Tea that has been the traditional leading export earner is structured for women to not work beyond the base level of its employment ranks (as ‘pluckers’ and ‘weederers’ but not as ‘kangani’²⁷ or ‘field conductor’ of a division). The garments industry which until recently were Sri Lanka’s leading export earner accommodates a sprinkling of senior women supervisors. Foreign employment, which is the current leading foreign exchange earner, whose majority are house-maids, have no promotions for they are mostly employed in households where they are the sole domestic help.

The largest single employer in Sri Lanka is the government under the multiple banners of national, provincial and local government plus government owned enterprises, institutions and authorities. Indeed Sri Lanka’s public administration is the largest in the world in relative terms to its population and every salary paid by the government is exempt from

²⁷ This is a supervisor of a team of estate workers like tea pluckers or rubber tappers.

income tax. Under the 1956 Sinhala Only Act all government employees had to be proficient in Sinhala. Consequently this brought about the progressive resignation of the Burghers and Tamils who filled the ranks of clerks and professionals like engineers, doctors, surveyors, etc. This made way for the fast recruitment of Sinhalese and speedily robbed the public service of its senior echelons of management for they belonged to the older generation of upper middle class families who were English-educated.

Under the 1972 Constitution “the administrative system came directly under the control and direction of the Cabinet of Ministers, in which was vested the authority for appointments, transfers dismissals and disciplinary control of all public officers” (Somasundaram, 1997). In short the public service became politicised, career progress was pegged to political patronage and swelling the ranks of the administrative system became the easy reward mechanism to fulfil the political favours owed for winning elections. Today (2007) in a national government that reportedly has the largest number of Ministers in the world; this constitutional practice continues (per the 1978 Constitution) to breed an administrative system that is incompetent and ill serves its Sri Lankan population who are forced to use its services. For many government employees’ ethical career satisfaction is a rarity. However, employment is secure and generous with its welfare privileges.

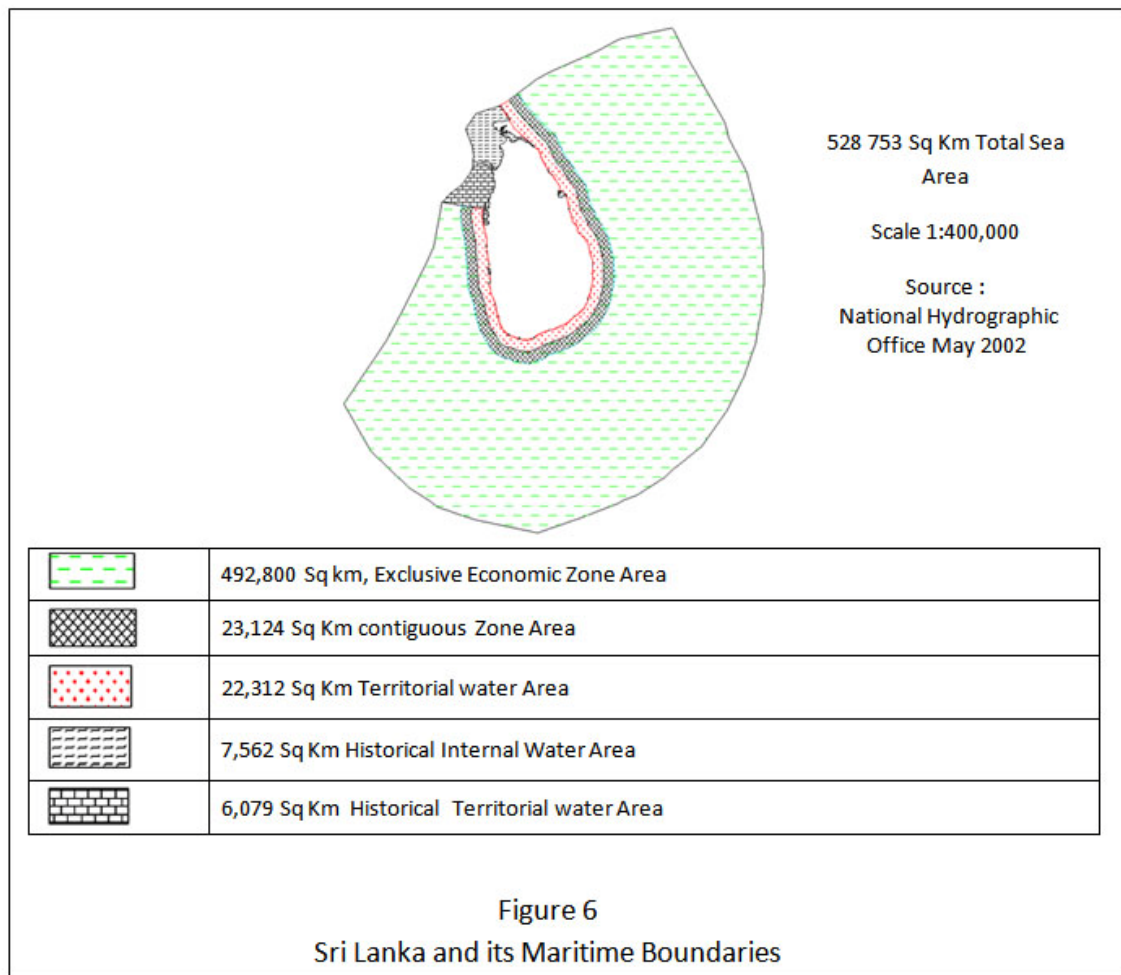
Today, the potential of meeting career aspirations and a rewarding career lives with the big companies of the private sector. E-commerce is the buzz word and thus computing and English are the entrée into this world making the Sri Lankan education system ill-equipped to cater for these prerequisites due to its vernacular medium of instruction. Thus for those who can afford the price, foreign based education in the English medium is the choice.

For the current generation who cannot financially afford the foreign-based education price tag, the youngsters yearn for foreign employment within the semi-skilled professions of carpentry, plumbing, electrician or unskilled labouring which in Sri Lanka due to the lack of dignity of labour are poorly respected and paid. Agricultural work falls within the same inadequately respected and ill-rewarded category, which in this lush climate of tropical vegetation is such a wasted resource and only surpassed by the island’s ocean fishing industry and the cultural status its employment is accorded.

2.2.8 Economic Resources

In many ways labour is the most utilized resource in Sri Lanka and its attractiveness is predicated on its cheapness. Ocean resources rank as the most under-utilized resource. Land, where ownership exceeded 50 acres, was acquired by the government in the early 1970's. This affected the Sinhalese community more since that community were more inclined to hold their assets in land ownership than Muslime and Tamils who were more business and rental house ownership orientated. Since 1980's much of the 1970's nationalised and government owned assets were sold. Faced with many unprofitable public enterprises and widening budget deficits, governments actively sold state owned enterprises under various ownership and management arrangements. The remaining State owned assets are prime assets like railways, water, and land.

Sri Lanka's island coast runs for 1100 miles and yet neither the kings of old nor the colonizing powers nor the various Sri Lankan Parliamentary governments have done much to utilize this resource beyond a couple of miles fishing. In 1994 under the United Nations Convention on the Law of the Sea (LoS) Sri Lanka gained jurisdiction over an additional 437,400 square kilometres of ocean, due to ocean coverage extending up to 200 nautical miles from the coast (refer Figure 6).



Yet neither the fishing industry nor any other industry²⁸ for that matter have positioned themselves to access this economic resource despite the world-wide prelude of international negotiations for this UN Convention being presided by a Sri Lankan (Mr. Shirley Amerasinghe) from 1973 to 1982.

Until the recent decades Sri Lankan fisher folk were limited to row & sail boats (called 'oruwa'). Now motor boats that go a few miles out into the sea and stay out for 2-3 nights are increasing the norm. Fishing in the extended league of ocean waters demands a technological leap and skill set involving engineering and navigational skills which in that context are minimal amongst the fisher folk and lack signs of cultivation by the educational authorities or business interest. Governments and bureaucrats contend that Sri Lanka cannot afford the capital expenditure for such high-sea fishing boats and its associated land

²⁸ An exception is prospecting for oil.

based infrastructure. Strangely (possibly affordable) options like leasing (as done for aircraft) appears rare and thus no plans are afoot to train people to master sophisticated engine run boats with refrigeration which can go out to sea for weeks on end. For the same capital financial reasons, monitoring is remiss. For example foreign craft that fish outside of Sri Lanka's Exclusive Economic Zone (EEZ) waters (i.e. beyond 200 nautical miles) who have secured landing rights in Sri Lanka could well be fishing as they legitimately pass through Sri Lanka's EEZ waters.

2.2.9 Product Mix

It is particularly important to examine the product mix of Sri Lanka for it spells some of the vital economic characteristics of the island as well as how its labour market is being employed.

Prior to colonial rule, the island was known for its food (agriculture, livestock and fisheries) self sufficiency and its exports were rice, spices and elephants. Its commendable infrastructure was irrigation systems and its resources were tropical vegetation drenched in the sun that made agriculture the predominant industry and occupation.

At the time of independence whilst food self sufficiency continued, growth in the agricultural sector was devoted to export revenue earners. Its revenue was convincing led by the tea, rubber and coconut export market, which had been owned, established and developed into commercial scale production by the British. These products were particularly attractive due to their long shelf life, which minimised post harvest losses during their long marine journey to the British auction markets.

Labour-wise, the British managers finding the Sinhalese labour unwilling to work the plantations, they imported South Indian Tamils (from their neighbouring British colony) and employed them on paltry wages. Other agricultural produce, like paddy, vegetable and spice cultivation was done by Sinhalese people who generally ran their own small acreage. The same was true also of the northern areas of the country where the Ceylon Tamils cultivated their own agricultural lands in the north.

After independence, the British plantation managers were rapidly replaced by Ceylonese managers and the British companies that owned the plantations were converted to Ceylonese run publicly listed companies which in the mid 1970's were nationalised during an era of nationalistic fervour. The significance of the change of ownership was that the nation began to develop its management ranks and financially Sri Lanka (then Ceylon) retained its profit. In contrast, during the British era profits were repatriated such that Ceylon retained its citizens' wages and salaries and the cost of infrastructure (e.g. transport administration). Of course, nationalisation meant that profit exclusively fed the government coffers. However, it was not long before losses arose and today this same estate sector is being managed by public listed companies where the land is leased (term 99 years) from the government with renewal every 5 years which was later extended to 50 year renewals²⁹.

Whilst this trend in non-colonial ownership and management was experienced by many a post colonial country it is only a very few that astutely changed its product mix – the most notable example being Singapore that made itself into the foremost South East Asian transport transit hub, financial capital and duty free shipping port.

Sri Lanka's product mix did however change as the fortunes of the tea, rubber and coconut export market ebbed and the island was faced with a growing demand for foreign exchange to fund the infrastructure and manufacturing needs of the country. Thus the employment intensive tourism sector was introduced in the 1970's and with it grew foreign exchange needs to fund the hotels building programme and improved transport facilities. The tourism labour market experienced substantially higher wages and employed school leavers with multiple languages (e.g. German, English) and creative skills (e.g. chefs). This however was at the cost of the lower waged agricultural sector. Feeding the tourist market during its heyday was the emergence of the semi-precious gem mining and polishing industry. Financially, both these sectors performed better than agriculture because both

²⁹ In 1992 under the UNP government estate management was leased for Rs500 per acre with 5 year renewal terms based on a 99 lease agreement. Later, under the PA government renewal was changed to 50 years and ownership was changed to the government retaining 19% ownership of estate shares, 51% available for sale to local and foreign companies, 20% floated on the open stock exchange and 10% distributed to estate workers. (Source: Sri Lanka plantation workers hit by declining wages and conditions after privatisation by W.A. Sunil on 13th December 1999 <http://www.wsws.org/articles/1999/dec1999/plan-d13.shtml>)

sold finished products (rather than raw material) and predominately used local resources (beach, sun, water, labour and minerals).

Unfortunately, by the mid 1980's the guerrilla based ethnic war took hold of the country, and as experienced world-wide, immediately hit the tourism industry. With tourism eroded and the continued pricing decline for the traditional agricultural exports, the nation was introduced to the open economy and Sri Lanka embraced the philosophy of devoting its production capacity to export.

The production capacity of Sri Lanka is today (2007) essentially geared towards the export sector. This is largely the consequence of the 'open economy' policy, which commenced its currency in 1983 under the J. R. Jayawardena era when the UNP government came into power under a landslide victory.

2.2.10 Corruption

It is well recognised that corruption is rife in Sri Lanka. Recent decades have seen newspapers flooded with reports of alleged corrupt practices, particularly relating to big ticket items. Yet it is an extreme rarity that any one gets caught and certainly no big-time corruption has ever been found guilty. One of the many studies³⁰ done on the corruption issue in Sri Lanka, categorised corruption into three categories:

- **Nepotism & Cronyism.** This was constitutionally able to flourish as Ministers of the government were vested with the authority to appoint, dismiss, promote and transfer public service employees. This privilege is significant given the government is the biggest employer in the country. Despite the 17th Amendment to the Constitution (promulgated in 2001) which reduced this power, its effect is yet to be felt as operationally little has changed.
- **Small value corruption.** Here the value is small and most people somehow have an encounter with it. It acts very much as a scheduling mechanism to get things done. For

³⁰ This was the National Integrity Systems, Country Study Report - Sri Lanka, 2003.

example, to get garbage collected, to get legal cases on top of the hearing list, to admit children to the better government schools.

- Big ticket corruption. This primarily relates to capital expenditure items and the sale of one time nationalized assets.

Public Procurement is the ‘big-ticket’ item where corruption flourishes and will continue to do so as we move from the armament deals (which investment required national secrecy measures and was therefore rationalised as beyond the purview of the Auditor General) to reconstruction of major capital works as peace becomes a reality. ...Whilst tenders, once received, are opened in public, the guidelines are remiss in that thereafter the process is shrouded in opacity, meaning that the decisions arrived at in the technical tender evaluation and the tender-awarding process are not accessible to the public. Whilst there may be cogent arguments for having these processes held *in camera* (to minimise outside interference, a view suggested by JBIC), there is little rationale, short of protecting unjust decisions, for not having the documentation of criteria and evaluation accessible, questioned and if required litigated upon, after the tenders have been awarded. Current practice also suggests that rarely is the ‘award of tender’ advertised/announced in the newspapers, which is a standard requirement specified in the public procedure guidelines. (National Integrity Systems, Country Study Report - Sri Lanka, 2003)

Part III – Models & Organizational Cybernetics (Epistemology)

The objective here is to come to terms with the relevance of working with models and in that context choosing an appropriate modelling framework for the research undertaking at hand.

2.3.1 Models & Modelling

Better than a model is reality itself. Yet in diagnosing and designing systems it is models that are used, as accessing the whole of reality is plagued by a surfeit of variables and the rest of what was discussed in Part I of this chapter. Models are built to reflect aspects of reality in which we are particularly interested.

In this regard, Beer (1994a:84) refers to four features of models. These are that a model compared to reality is 'scaled-down' in both size and complexity. Consequently, there is a 'transfer across' feature so that the scaled-down model has a way of being mapped across to reality. In turn, this requires 'workability' so that the scaled-down model has a way of in principle working like the real thing. Lastly, the model needs to be 'appropriate' for the task at hand. It is that appropriateness that selects the model and is what is reflected in the scaled-down version of the model.

Given the objective of this thesis, this appropriateness relates to control, in the sense of regulation rather than what may be referred to as 'do as you are told'. The search is to design a regulatory system capable of overcoming and avoiding the type of crises that beset Sri Lanka. Likewise, diagnosis pertains to understanding what are the regulatory features that have been missing or weak which have contributed to such crises.

Therefore, the search is for a regulatory model. Based on that regulatory model, the relevant variables that pertain to regulation or are affected by regulation are what will be filtered when diagnosing the Sri Lankan context. In other words the Sri Lankan model will be modelled using the criteria of the regulatory model.

To this I want to add a view expressed by Harnden concerning models which is premised on Maturana's distinction of objectivity-in-parenthesis.

The model might be described as enabling the orchestration of diverse viewpoints (as compared to an objective state of affairs), in a process that brings forth some consensually accepted version of reality for a community of observers. Depending on the explanatory rigor with respect to which the model is interpreted and understood, consensual reality will be brought forth conjointly with the experiencing of particular operational coherences in the course of the orienting of the observers who constitute such a community. Thus, the 'brute' domain of the objects we experience as we bump into (them) is braided into a coherent fabric with respect to our description and explanations of them. (Harnden 1990)

What this means is selecting the model which will be used to develop what will be taken into consideration in developing the model of Sri Lanka, is itself a consensual matter. Consensually that is initially with me as observer and (in effect) those that developed the models. That consensual territory then extends to the reader of these writings in terms of

whether they come into (co-ordinations of co-ordination) agreement with the selected model of Organizational Cybernetics.

Later, Chapter Five which proposes a ‘process solution’ adopts this very idea of ‘consensual reality will be brought forth conjointly with the experiencing of particular operational coherences in the course of the orienting of the observers who constitute such a community’. It seeks to achieve this by ‘enabling the orchestration of diverse viewpoints’ by bringing together in negotiation the various community representatives to diagnose and design their solution/s.

2.3.2 Models Evaluated

Given the scope of the study it was obvious that the framework for research needed to extend beyond the popular management tools used by management consultants. Thus tools like Strategic Planning, and SWOT Analysis were discounted early in the piece for they did not have the robustness to address complex issues spanning the many levels of a nation’s government in the context of its socio-economic-judicial-military-political system and environment.

The three frameworks considered were:

- Systems Dynamics as designed by J. W. Forrester
- Soft Systems Methodology designed by P. Checkland
- Cybernetics and more specifically Stafford Beer’s Managerial Cybernetics

2.3.2.1 System Dynamics

The essence of System Dynamics as invented in 1956 by Dr. Jay W. Forrester, hinges on modelling the systemic relationships amongst critical variables that multifariously interact to produce results that in turn could interact with those very results (feedback loop) and other variables within a specified complex system. Such systemic relationships are usually depicted diagrammatically showing the positive (where variables move in the same direction, either both increasing or both decreasing) and negative (where the variables

move in an inverse relationship, one increasing and the other decreasing) directional flow relationship amongst the variables.

This systemic modelling of a complex system needs to be quantified and formulated as mathematical equations. These equations are then applied to computer compilers such as DYNAMO or STELLA and fed with numerical data to ascertain results which enable the researcher to test the validity of the formulas based on the computed results. Once the formulas have been validated, these programmes make excellent simulators as the numerical data that feeds the variables can be changed and thus scenarios (including changes in variable relationships) can be simulated to determine their effects. Systems Dynamics therefore is a great experimental laboratory where the dynamics of policy effects can be computer-simulated involving a mass of variables, whose permutations of interactions would otherwise run the risk of myopic policies wrecking havoc in the real world.

Applying the System Dynamics framework was however not going to work for this research due to various reasons. Firstly, addressing multiple crises will involve a mass of variables, whose permutations of interactions will require formulation of equations representing the massive array of variable permutations which even if it could be handled by the computer, could not be done within the timeframe of this thesis. Secondly, the research would not have access to all the required numerical data. Thirdly, there was the risk that some of the required data may not even be collected by the government (the likely repository capturing a country's figures). In turn, this meant that the mathematical formulation of systemic interaction amongst the variables, which necessitates a finer degree of granularity than would be required for recognising the pattern of systemic relationships, would not be achievable thus making it impossible to use this framework. Lastly, it appeared that some of the Sri Lankan crises, like constitutional matters, did not lend themselves nor require the type of mathematics performed by System Dynamics.

Not employing System Dynamics however means that the research lost ease of proof of comparing proposals. Frequently people perceive that something mathematically proven is right. Indeed it is a convincing argument, albeit facile, when different proposals are compared and the arithmetical greater or lesser preference is chosen.

However, the more knowledgeable will delve into the assumptions underpinning the calculations to evaluate the degree to which (in their opinion) they reflect reality. This evaluation in turn is a decisive influence on the acceptability of calculated projections. Furthermore, there is more to quantification than numeration and comparative positions can be assessed based on qualitative and intuitive perception.

There is room here however to admit that at a later stage once the relationship between actors and topics are better acknowledged via the findings of Organizational Cybernetics, modelling based on ordinal ranking using Systems Dynamics may well be possible and indeed desirable. In other words, once a qualitative understanding has been achieved a quantitative understanding can be built. There is a reciprocal relationship between quantitative and qualitative understanding as the realisations of each can act to correct the other. An example of moving into the quantitative domain of simulation may well be the consideration of what are the implications of negotiations with a weakened LTTE? What I am referring to here is - what are the ramifications of dealing with a strong antagonist who has substantial influence over its embedded entities, as opposed to weak antagonists? In the later instance I am referring to the ramifications of having to negotiate with multiple antagonists who may be splintered when agreements are being negotiated?

This aspect is not addressed in this thesis, but certainly warrants research in terms of understanding the physiological limits that apply in the instance of military positioning as compared to Peace Talk negotiations. Using Systems Dynamics it may be possible to simulate different gradients of weakness/strengths of the various representatives and compare them in the context of different types of peace talk negotiation processes – e.g. two-party negotiations compared to (non-alliance) multi-party negotiations. There is a host of permutations here whose ramifications warrant research.

2.3.2.2 Soft Systems Methodology (SSM)

Here too the emphasis is on understanding the systemic relationships. However, unlike System Dynamics that is entrenched in mathematically modelling those relationships, Soft Systems Methodology is qualitative in nature and hinges on the revelations obtained from a vast array of questions. These are guided by the mnemonic **CATWOE**:

- Customers -- who are the victims or beneficiaries of Transformation Process,
- Actors -- who would perform the Transformation Process,
- Transformation process -- the process of conversion of input to output,
- Weltanschauung -- the worldview which makes **T** meaningful in a context,
- Owners -- those who have the power to stop Transformation Process, and
- Environment constraints -- elements outside the system which it takes as given.

The important value of this methodology, developed by Peter Checkland, is that it is designed to work with what are called soft problems where the ‘What’ and ‘How’ have a large social and political component. At first glance this makes it very suitable to address the Sri Lankan problem situation for it is built to accommodate interpretations and thus is highly consultative so that it can build the Weltanschauung. The problem however in the type of research undertaken in this thesis is that I would not have had the access to bring these people together to discuss these worldviews as the whole process requires a level of communication and collaboration which does not yet exist. Even if this constraint could have been overcome, a more structured way was deemed to be required so as to cope with the extent of the problem given its application at the level of a country and its embedments. A way was required to evaluate the solutions proposed – like is there something intrinsically missing with a solution as proposed. Certainly, from the perspective of Ashby’s Law of Requisite Variety it would be appropriate to propose that the variety of people consulted would fill the gaps. Yet, the VSM was found to offer this in-built capability within the model itself. Thus the solutions proposed by the consulted people, that the VSM can also employ, lends itself to be diagnosed using the VSM to look for essential adequacy in terms of such aspects as monitoring, channel connections, cohesion and autonomy.

2.3.2.3 Cybernetics

Here we find the rich framework required to conduct the research ambit as set for Sri Lanka. As a prelude to coming to grips with this framework, let us take a moment to indulge in history for cybernetics is a recent science and as Stafford Beer (circa 1989) remarked “it is not often that one gets the opportunity to identify the birth of a science”.

Cybernetics was named in 1947 following the book written by Norbert Wiener which was the product of meetings amongst a small group of renowned scientists. Besides the US mathematician Norbert Wiener, there was the Mexican physician Arturo Rosenbluth, the anthropologists Margaret Mead and Gregory Bateson, Warren McCulloch the US neurophysiologist, and Ross Ashby the British psychiatrist. They came together to discuss and learn from each other. As they learnt of each other's disciplines they began to realise that each of their sciences were concerned about matters of control or what could also be called regulation. As they explored this common territory they came to realise that communication (being aware of the other) underpinned this control.

At the time, given the perceived division between the animate and inanimate systems, Wiener's definition of Cybernetics was revolutionary for it bridged the divide and stated "It is the science of communication and control in the animal and the machine." (Beer, 1994b:254) Beer explains "That is to say that cybernetics studies the flow of information round a system, and the way in which that information is used by the system as a means of controlling itself; it does this for animate and inanimate systems indifferently." (Beer, 1994b:254)

Here revealed is the nexus between the cybernetic framework, which studies information flow and how it is used for the purpose of controlling itself. In this sense it relates to the research objective of this thesis of diagnosing the Sri Lankan situation, which plagued by crises reflects the areas and extent where Sri Lanka is losing (if not lost) its control. Therefore, applying such cybernetic thinking calls for the study of the pattern of informational flow and how it is used within the Sri Lankan system for that will reveal what jeopardises Sri Lanka's viability.

Indeed when we view the Sri Lankan Constitution we will find the viability of the Parliamentary system flawed. Whilst this constitutional discussion is delayed for Chapter Four, let me quote Beer to convey some of the essential characteristics of a viable system,

No rigorous classification has yet been developed, and certainly we are not here concerned with the problems of taxonomy. But the sort of capability involved may certainly be indicated, as for instance in the following list. Viable systems have the ability to make a response to a stimulus which was not included in the list of anticipated

stimuli when the system was designed. They can learn from repeated experience what is the optimal response to that stimulus. Viable systems grow. They renew themselves – by, for example, self-reproduction. They are robust against internal breakdown and error. Above all, they continuously adapt to a changing environment, and by this means survive – quite possibly in conditions which had not been entirely foreseen by their designer. (Beer, 1994b:256)

Here expressed is the kind of viable structural and functional design that nation building should aim for. Indeed, as we pause to ponder, the perspective of viability expressed is what biological systems exhibit. For example, the human body normally operates in prescribed ways (breathing in and out) yet at times it adapts breaking away from the prescriptive in order to adapt (holding one's breath) to a stimuli (face immersed under water) which lies outside of its normal physiological environment.

So convinced were some scientists of the importance of control (not of bullying or coercion, but arranging for the system to regulate itself) that they expansively studied nature. This led to scientific researchers like Ashby discovering the Law of Requisite Variety, McCulloch discovering the Redundancy of Potential Command, biologists discovering the principles of autopoiesis (by Maturana & Valera) and the coenetic variable (by Sommerhoff). Additionally, there is Organizational Cybernetics, also sometimes known as Managerial Cybernetics, as developed by Prof. Dr. Stafford Beer.

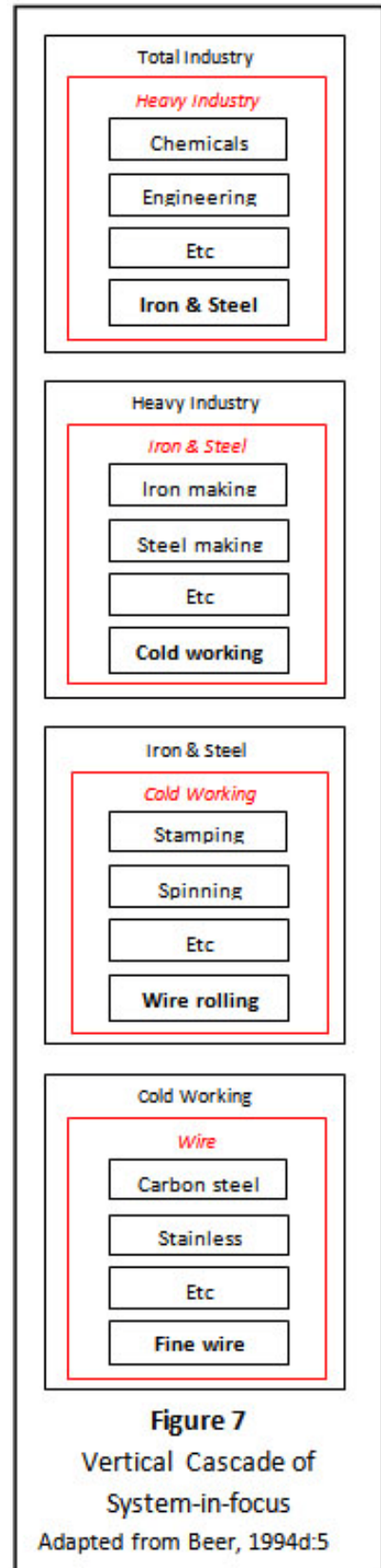
Next discussed is Beer's Viable Systems Model (VSM) which he based on his study of neurophysiology. Beer says "It suggested that the human nervous system stipulates the rules where an organisation is survival-worthy: is regulated, learns, adapts, evolves" (Beer, 1994e, xi). Beer also invented a large systems intervention process called Team Syntegrity® which is discussed in Chapter Five.

2.3.3 Perspectives of the Models Selected - Viable System Model (VSM)

What I seek to convey is the crux of the logic the VSM employs given the need to perform multiple diagnoses as Sri Lanka is afflicted by multiple crises interacting with multiple subject domains. This is of particular importance because the VSM is usually unfolded within a single cascade of VSM mappings. Viewed from that multiple perspective the objective is to traverse a territory of explanation so as to address the need for VSM diagnosis based on what could be described as a ‘multiple horizontal cascade at each level of recursion’.

First let me explain from a VSM perspective the issue at hand and then re-express it in non-VSM language. Then I will move to building a cursory outline of the VSM so that the non-VSM audience can join in the understanding of what has been described in VSM parlance and then return to explore the issue at hand in more detail.

Conceptually one would expect the multiple crises that warrant multiple diagnoses to aggregate themselves into a single theme at the highest level of recursion. The problem however is that the single theme splits when the VSM moves a level of recursion lower, resulting in whatever is the altered system-in-focus moving one or more of the (crises) systems into the environment as it does not fall within the purview of the identity of the selected system-in-focus for that particular level of recursion - (refer Figure 7).



Indeed, this was what Schwember alerts to.

The relevant environment of a given system at a given hierarchy intersects with the relevant environment of its metasystem but a) is not wholly contained in it, and b) it resolves much more thinly than the ‘meta-environment’. Some examples will make this point plain. His personal hobby – stamps say – might be very relevant for the worker (niveau³¹ 1) but it will be totally irrelevant for all upper niveaus (Schwember, 1977).

This being the case, it means that when one moves between levels of recursion, the loss of a (crisis) system to the environment due to the chosen purview of the system-in-focus could be overcome by mapping that “potentially lost crisis system” as an additional system-in-focus VSM mapping. It could also be mapped as homeostats operating in the environment.

Re-expressing this in lay terms the point I am seeking to make is that the multiple crises appear at the level of meta-level system. However, a part of that array of crises³² fades into the background when looked at individually from the perspective of embedded systems.

2.3.3.1 Workings of the VSM

Given that cybernetics is about regulation it implies the existence of a goal, which may be defined algorithmically or heuristically. Whatever that goal may entail, minimally an inherent component of that goal is that it includes survival until that goal is achieved. The term viability is used in this sense of survival. Fail this test of survival and viability is lost, the entity ceases to exist and other goals become immaterial. This goal of course could be on-going as is the case with many institutions and in other instances it could be short lived.

It is not the intention here to describe the VSM in detail. Beer has published many books on his invention - explaining it, the rationale upon which it is built and experiences of its usage. Still others have described it on a briefer scale and written of their experience of applying it.

³¹ niveau = recursion

³² In the context of Sri Lanka, amongst the crises warranting diagnosis are the War/stalemate Peace Talks and the ineffectiveness of the public service. Another is corruption and the detrimental ramifications arising from the inadequacy of national standards – like language.

Writing with Moscardini, I wrote -

It stands to reason, the more aggregated a system the more numerous its embedded component systems. Beer's VSM (Viable System Model) provides a rigour with which to distinguish the embedded component systems. The VSM built on the premise of 'every viable system contains and is contained in a viable system' (Beer, 1984) provides such distinction via the concept of recursion, which also specifies the necessary and sufficient internal functionality that an entity needs in order to be viable given the context of its environment.

Within each recursive entity are systems (S) which perform the following functions so that together the requisite variety is produced to interact with its environment in the pursuit of achieving the entity's goals.

- S1, supported by the other systems, produces what it takes for the system to be viable given its external environment.
- S2 monitors and dampens detrimental oscillatory movements between and within S1 production relationships.
- S3 functionality is devoted to addressing 'internal issues facing it now' – e.g. negotiating resource bargains between S1 production units and formulating policy directives and taking corrective action when not complied with.
- S3*, exercised by S3, conducts ad hoc audits of S1 production units.
- S4 is devoted to modelling and assessing 'the entity's capability to address future issues expected from the environment' so as to better its ability to survive in the future.
- S5 addresses [normative] meta-level issues (of the next higher level of recursion) and [moderates] the homeostatic relationship between the current (S3) and the future (S4) capability needs of the entity to absorb variety as the entity interacts with the environment.

The above is reflected in Figure 1 including bi-directional channels via which each of the systems within a recursion is internally connected, and the entity as a whole is connected to its environment. For these channels to be effective they must fully reach across to the point of boundary connection; the channel must be capable of transmitting the sent information between its points of connection; and the point of receipt at the boundary must have the variety at least equivalent to the variety of the information sent on the channel and all of this "must be cyclically maintained through time without hiatus or lags" (Beer, 1979). Note, while Maturana (2002) addresses structural coupling between entities, Beer gives us insights into the linkage device (channel and its attributes) between the entities and within an entity's own functionality, be it composite or simple unity.

Additionally, Beer drives at the tension between cohesion and autonomy. The former works on the vertical axis to unify the recursive levels of systems. Autonomy is invoked by each horizontal production entity and its support functions so as to maximise its ability to absorb the variety as it interacts with its environment.

Therefore, working horizontally and vertically are the nuances of identity which each system is seeking to conserve and therein lies the stress when the identity correlates do not cohere.

Maturana's composite unity³³ carries similarities to the recursion levels in the VSM while a non-decomposable simple unity is the lowest level of recursion in a VSM. Note the embedded entities within a composite unity can also exist in the VSM environment. The structural coupling is analogous to the relationship between what the VSM calls the system and the environment. Disintegration is equivalent to the vital loss of viability and adaptation is what S4 is seeking to minimally achieve so that S3 and other support functions are positioned to support the production requirements of S1. (Solomons & Moscardini, 2006a, brackets in quote)

To this needs to be added the concept of homeostasis given that systems are dynamic and seek to adapt as they seek to conserve their identity. Beer explains,

The point is that a truly viable system does not oscillate to ... extremes because it is under homeostatic Control in every dimension that is important to its survival. (Further he adds) Homeostasis is the tendency of a complex system to run towards an equilibril state. This happens because the many parts of the complex system absorb each other's capacity to disrupt the whole. Now the ultimate stable state to which a viable system may run (that state where entropy is unity) is finally rigid – and we call that death. If the system is to remain viable, if it is not to die, then we need that extra concept of an equilibrium that is not fixed, but is on the move. What causes the incipiently stable point to move is the total system's response to environmental change and this kind of adjustment we call adaptation. The third notion that we need to understand homeostasis is the idea of physiological limit. It is necessary for a viable system to keep moving its stable point but it cannot afford to move it so far or so fast that the system itself is blown apart. It must keep its degree and rate of change within a tolerance fixed by its own physiology. (Beer, 1994f:426)

Further exploration of the workings of the VSM is discussed in the later chapters in the context of what is being addressed in those chapters.

³³ As Maturana (1980) says “An entity, distinguished from a background by an observer through an operation of distinction that by specifying it as a whole specifies the background from which it is distinguished, constitutes a unity. The operation of distinction, by specifying the conditions of distinction, specifies the properties of the entity distinguished as a unity. An entity, in which an observer does not or cannot distinguish components, is a simple unity. An entity in which an observer describes parts, that he names components, by distinguishing them in reference to the entity that they conjointly integrate as a simple unity, is a composite unity.”

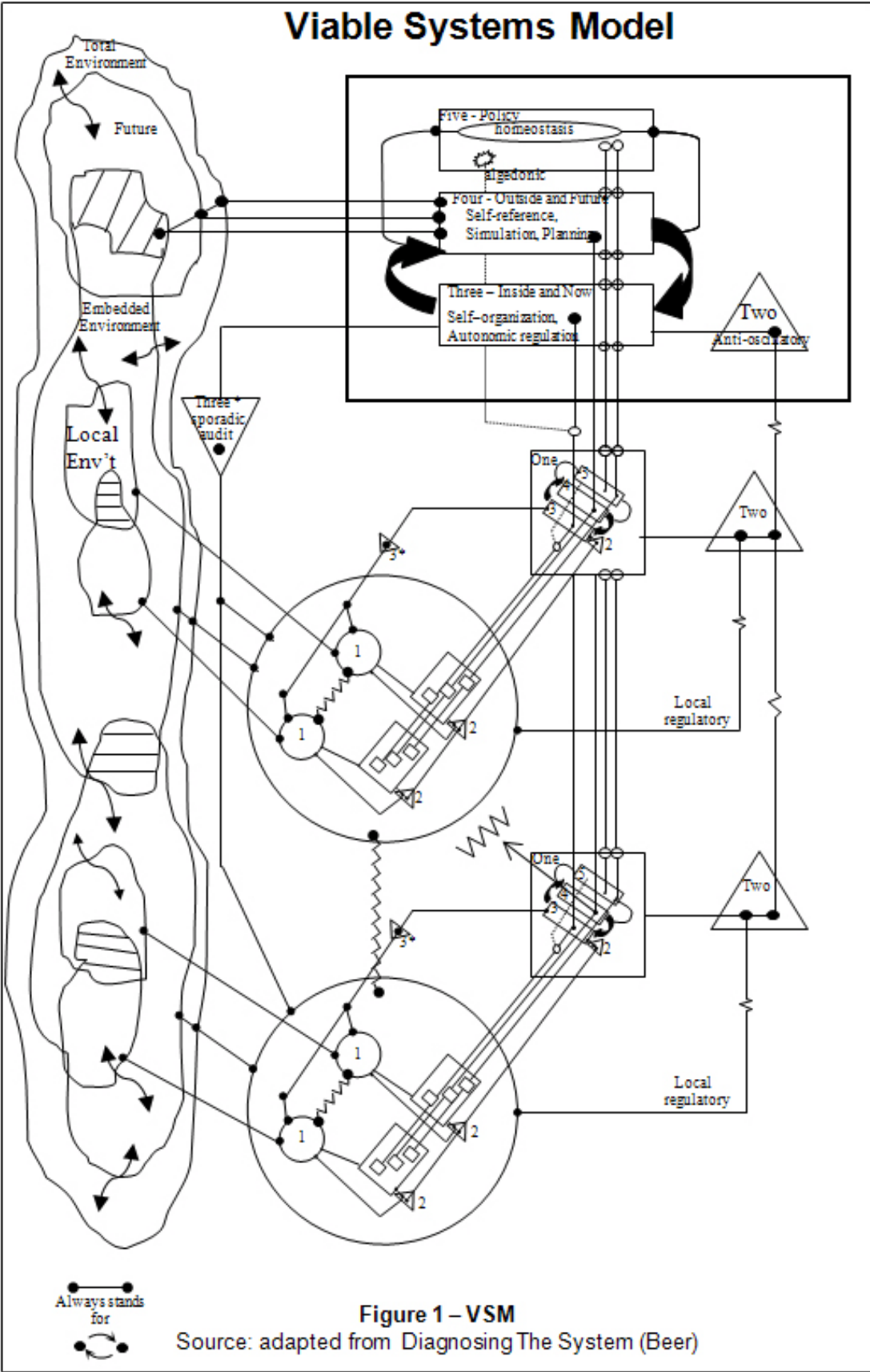
2.3.3.2 Unity of Intertwined Multiplicity

Let us return to explore in more detail the issue of multiple crises and the way it presents itself in the VSM in terms of the S1s and the environment from the perspective of recursion levels. The reason I have chosen to address the amalgam of crises, and therefore undertake multiple diagnosis which then leads to process design considerations, is because these crises are intimately interacting with each other³⁴. Consequently, the expectation is that if the crises are addressed in isolation or linearly, whilst it may in the short term provide relief, in the longer term the solutions are expected to be eroded by the interaction of the other crises. It is for this reason that it has been considered necessary to address the amalgam of crises for it is such solution in its ‘unity of intertwined multiplicity’ that delineates peace in Sri Lanka.

von Foerster generically encapsulates this concept of ‘intertwined multiplicity of unity’ when he enquired about,

Developing a system of compositions and indeed, a system of composition for systems. What is this problem about? I have System A, I have a System B, and now I’d like to integrate both of these into a System C. What do the rules consist of that allow a new System C to arise, the rules of integration, of composition? We’ve got all the best words for it, but what does the formalism for such problems look like? Today one could also provide the composition problem with another name: It’s about, for example, the problem of the Croats, the Bosnians, the Herzegovinians – one could call it the Vance-Owen Problem. These are the problems that we confront in social theory today. How can one solve this problem? Or in a different sense it is also the problem of autopoiesis: How can I bring an autopoietic System A into a relationship with another autopoietic System B in such a way that a new System C arises, itself an autopoietic system. (von Foerster, 2003)

³⁴ Take for example, war meant massive military expenditure and when guerrilla attacks succeeded, it imposed colossal clean-up and reconstruction expenses, both of which contribute to the bulged of public debt. Furthermore the threat, and at times the success, of guerrilla attacks, erodes business confidence which in turn lowers the nation’s revenue earning capacity and increases cost due to the imposition of risk premiums and risk prevention measures. In the meanwhile, an ineffective public service and corruption add not only to the financial cost but produces a low quality product or service which together saps the spirits of people to expect peace let alone work towards it.



2.3.3.3 Representing ‘Intertwined Multiplicity of Unity’ in the VSM

Whilst the VSM does not specify the rules for such integration, employing the concept of recursion certainly enables such integration mapping to take place. Given Sri Lanka’s need for integrated peace (across the cultural and business terrain which entails improvement of their internal support systems), an important component of the VSM mapping is to understand the environment in the context of the system-in-focus which together forms each of the recursion levels. What this means is that there is an interrelationship that has to be untangled generically and specifically and then ideally re-twined to convey a conceptual order that lends itself to the (preliminary) diagnosis – as suggested by the symptoms evidenced.

Table 3 - Situation Positioning of Crises between Levels of Recursion

	Generically	Specifically
a)	For each level of recursion what is the environment that its system-in-focus serves?	What system should each level of recursion portray and upon what criteria will that be determined?
b)	What is the relationship between levels of recursion – in the context of the environment and its embedded system-in-focus	What ‘crisis systems’ enter and leave the system-in-focus between levels of recursion?
c)	What is the logical composition of the system-in-focus where the (distinctly) autonomous systems are conceptually merged?	At which levels of recursion will we begin to see the crises as identified above?

2.3.3.4 VSM Environment

Whilst these are not questions for linear consideration, as they need to be concurrently addressed in their final form, to aid untangling let me first explain my realisations concerning that what happens in the environment relative to the recursion levels of the system. To gain a sense of the subtleties, traced is the history of my realisations.

- As the recursive level moves up a notch the relevant variety of the environment shrinks because more of the environment is occupied by the expanded system. By the same logic, it seemed that as we drop a level of recursion, the new system-in-focus reduces (less S1s) which means the environment increases.

Conceptually, I was working on the premise that any system (as identified) was a subset of the environment (the whole). Thus as we increased the terrain covered by the system-in-focus (i.e. encompassing more S1s) it meant less remained in the environment.

- In discussion³⁵ with the cybernetician Dr. Allenna Leonard, the distinction was made concerning the environment between the ‘contractual’ with which the system directly interacts and the ‘contextual’ which is the remaining part of the environment. Indeed, one could distinguish further into ‘peripheral’ environment and note the ‘contextual’ as that part which is strongly related to the ‘contractual’ environment. For example, ‘contractual’ could be the suppliers/customers of the system-in-focus, ‘contextual’ could be competitors/potentials, and ‘peripheral’ is the rest of the environment that is weakly coupled to the ‘contextual’ environment and (more weakly coupled to) the system-in-focus.

This led to realising that whilst the ‘contextual’ and ‘peripheral’ environment decreased as we roll up a notch in recursion, its relevant ‘contractual’ environment increased. Both these movements (one decreasing and the other increasing, respectively) arise as a consequence of more S1s compared to its previous lower level of recursion.

- Reading Schwember, realisation dawns that as we roll up a level of recursion, not all the lower S1’s are necessarily aggregated into the higher recursion level. This means, some elements of the S1s move into the environment and its associated (the S1 that went into the environment) contractual environment shrinks and moves into the ‘contextual’ or ‘peripheral’ environment.

³⁵ Personal communication at Sunderland University in summer of 2004. I understand the distinction of the environment as discussed is a standard in the socio-technical systems.

I am aware that the matter at stake with the nuances of what is happening in the environment as we move up and down recursion levels is not the differing sizes of the environment but the variety absorption capability of a recursion level's system-in-focus. However what I am driving at is the variety absorption that is going on within the environment and how the system-in-focus manoeuvres variety absorption in the environment and consequently how it affects the variety that the system-in-focus is called upon to absorb.

Having distinguished the environment in this way (contractual, contextual and peripheral) the question is what is the value in such distinction? What subtly does such sensitivity of the environment reveal?

2.3.4 Contextualising the Positional Movement Considerations to Sri Lanka

In the Sri Lanka context, the distinction between the system and environment become particularly important when trying to figure out where the LTTE fits in the 'Sri Lanka' VSM especially since the LTTE controlled terrain geographically is situated within the internationally recognised sovereign island called Sri Lanka and some of the infrastructure (e.g. roads, telephones, electricity, monetary currency) is provided and owned by the GoSL. However, it is the LTTE and not the GoSL's jurisdiction that prevails amongst the people in that location (partly through fear, plus language in which the service is provided and location accessibility) and increasingly the LTTE is running its own civil administration system.

The other aspect is to track where the crisis appears in the environment when it exits at a level of recursion. Expectation is that it will be in the contractual realm from where it exercises its variety on the system and the system being unable to absorb its variety experiences the crisis. What I am intuiting here, is that the crisis is less likely to enter into the contextual or peripheral environment.

Additionally, looking at the Sri Lanka situation there is much evidence to point to variety absorption within the environment. This is specifically so in the case of the way the LTTE

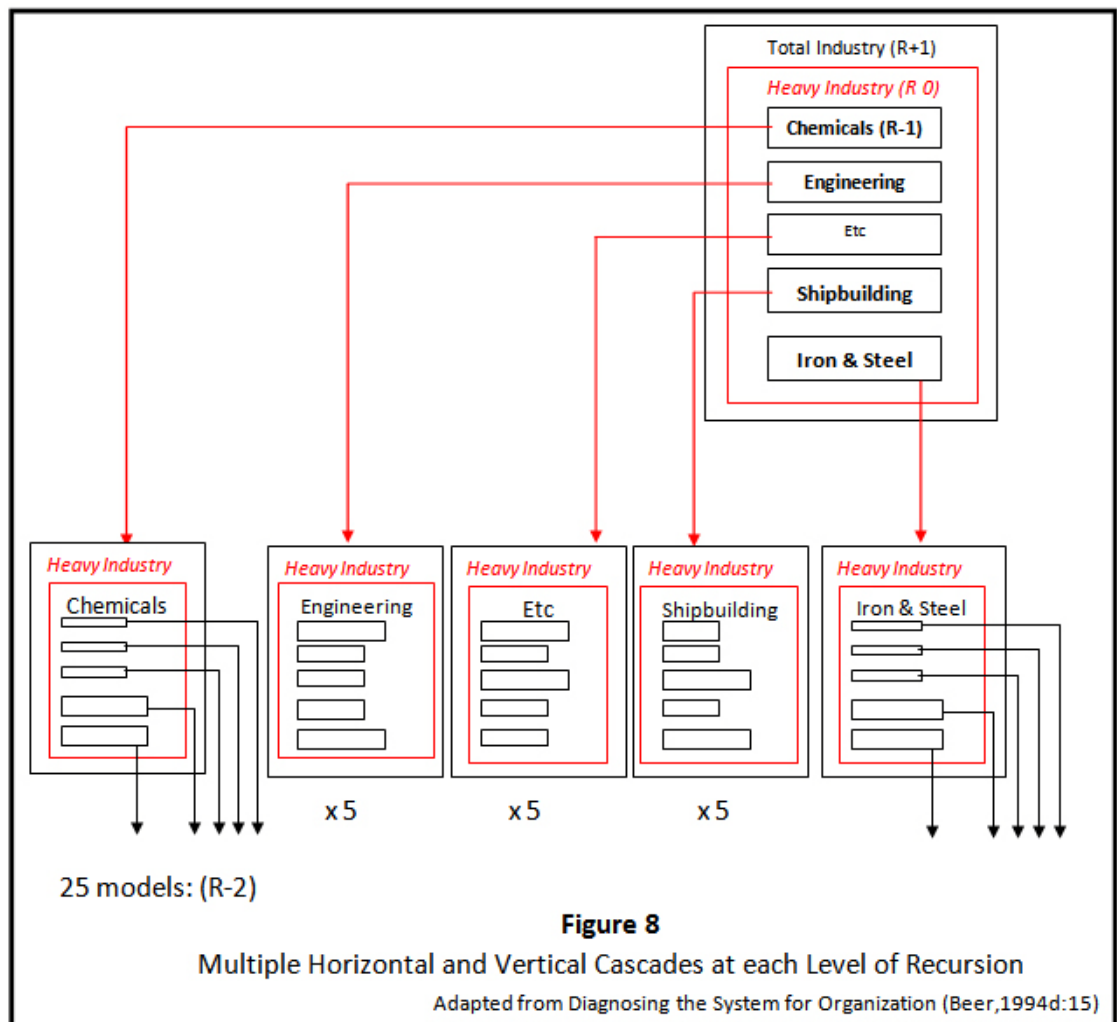
and the GoSL are dealing with each other via the international diplomatic and financial community. For example, the GoSL worked its foreign policy to encourage proscription of the LTTE in USA, UK etc. whilst the LTTE worked to gain 'freedom fighter' recognition (i.e. not terrorist) amongst some Northern European countries. In the lead up to the 2002-2003 Peace Talks, the LTTE's terms conveyed via the Norwegian facilitators were that the LTTE had to be de-proscribed within Sri Lanka before Peace Talks could commence. Later, during the Donor Funding Campaign hosted by the US, we see the LTTE sidelined via its US proscription status. In response, the LTTE initiates its proscription carriage into the Tokyo Donors' Conference by not attending.

In this sense, the variety manipulation is being orchestrated within and via the environment and not just by the GoSL and the LTTE.

In a nutshell what we have is:

- a) movement of crises between recursion levels and the environment,
- b) variety absorption within the environment,
- c) variety absorption via the environment.

Thus the question is - where is all of this to be spotted within the VSM as one moves through the levels of recursion? The answer is trackable when a 'multiple horizontal cascade at each level of recursion' is mapped. Whilst single unfolding of systems as they cascade through the recursion levels is the more popularly seen VSM, Beer, shows the multiple cascade in Diagnosing the System (refer Figure 8) where he indicates 25 models at R3. Working at an average of 5xS1s per model that is 125 VSM models at R-2! The point however is that usually we cascade downward by exploring only one stream of the S1's from each level of recursion. Of course, if we were working upward we could require the other 24 models of R-2 if we were to actually show how the S1s of R-1 and R0 were accumulated.



Beer achieves these in his consultancies and he mentions them when he referred to VSM mappings which were hung on the length and width of walls! The need for this and more is Schwember's point for otherwise it gets lost in the missed mappings of the recursion levels movement.

We conceptually understand the integrated logic of mapping the 'multiple horizontal cascade at each level of recursion' but rarely are called upon to show it. Yet this seems exactly what is needed if the 'Sri Lanka-VSM' cascade of lower levels of recursion is to span the required multiple diagnoses to address the crises. From the perspective of this thesis such mapping of the 'multiple horizontal cascade at each level of recursion' is too formidable a mapping to achieve. However, when reading Part III of Chapter Five, it will be realised that the logic employed to design the 'process for design negotiations'

pertaining to internal self determination is based on this concept of ‘multiple horizontal and vertical cascade at each level of recursion’ – as illustrated in Figure 8.

Potential exists for this ‘multiple horizontal cascade at each level of recursion’ to be mapped based on the outcomes of the portfolio of Syntegrations that is proposed in Chapter Five. The value of this mapping is that it lends itself to diagnosis of the negotiated proposals, including distinctions as they pertain to the recursive levels.

One final note worth mentioning concerns external self-determination, a matter discussed in Chapter Three where a distinction is made of the positioning in recursive terms of the systems involved, as it pertains to the Parent State and the aspiring secessionist system. Here an option is to do a VSM mapping of the aspiring secessionist and have it shown in conjunction with a VSM-Sri Lanka mapping. Realisation of this option arose in discussion with cybernetician and social scientist Dr. Paul Stokes³⁶. However, the LTTE being a clandestine organization makes this a difficult proposition especially entering into mapping of lower levels of recursion. However, the concept itself is splendid especially mapping the two VSM’s in the context of a shared environment. An even more adventurous learning would be getting the LTTE to map its perception of the Sri Lanka-VSM and vice versa. Yet a moment’s pause indicates this modelling shows that each of the S4’s of the two VSM’s has a choice to engage in an endeavour to better position itself to manage the effect of the other’s variety.

Conclusion

In closing this chapter it is useful to show the thread of connectivity that links this chapter to the others.

The discussion on the perspectives on reality is not only relevant to matters of validation, as discussed in Chapter One, it is pertinent to what is discussed throughout this thesis in terms of whether it is a solitary view of reality that is presented or whether it belongs to the explanatory path which Maturana describes as Objectivity-in-Parathesis and/or belongs to

³⁶ This was a discussion in Dublin with Dr Stokes in the summer of 2005.

Bhaskar's category of the 'intransitive dimension'. The nuances here will be returned to in Chapter Six, in the context of Team Syntegrity® and the cascading design that is proposed in Chapter Five.

In the meanwhile, a valuable point to note is the connection between Ashby's Law of Requisite Variety and Bhaskar's 'intransitive dimension'. My understanding of Bhaskar's insight is that in addition to what we realise, there exist/s mechanism/s that may not have exercised itself or that have been exercised but not realised due to countervailing effects, and that these are all different states of variety which need to be absorbed in the bid for Requisite Variety. In recognition of this, Chapter Four explores the territory of weak signals, in specific three types, in a bid to position Peace Talks to address a broader and longer term set of issues.

The continuing profile of Sri Lanka, which began in Chapter One, keeps being added to in the chapters that follow. Borrowing from Kant's thinking (in Critique of Pure Reason), its purpose is not to inspect the figure or its concepts and from this to read off its properties. Rather it is to bring out what is necessarily implied in the concepts which admittedly has been formed a priori by me. These implied concepts will be explored in the ensuing chapters in the context of the Organisational Cybernetic framework which this chapter has reasoned as the most appropriate for meeting the objectives of this thesis. In specific, it is the principles of Organizational Cybernetics, whose working understanding is deepened in the chapters ahead, that are used for diagnosis as covered in Chapter Three, interpreting signals, particularly those which are weak and conceptual, as addressed in Chapter Four, and designing a 'process' solution as proposed in Chapter Five.

Next Chapter

Flowing from Part III, epistemologically the importance of environment is that it provides the background from which the system is identified. In other words, it names the system having perceived and ascribed its purpose and in so doing brought into the foreground the system's components/elements. Indeed, the recognition is reciprocal rather than linear. Additionally, there is variety absorption that goes on within the system itself. The ensuing chapters are devoted to understanding these issues more fully.

Chapter Three

Diagnosis of Peace Talks and a Way Forward

It isn't that they can't see the solution.
It is that they cannot see the problem.
- G K Chesterton

This Chapter is presented in three parts prefaced by a double introduction – one addressing the International Meta Level and the other directed at the System-In-Focus, Sri Lanka.

- Part I discusses the principles upon which the diagnosis is premised.
- Part II³⁷ is devoted to diagnosing the 2002-2003 Peace Talks and aspects of their immediately preceding phase of solicitation that took place to get the parties to the negotiation table. Subsequent facets like the ISGA (Interim Self Governing Agreement) proposal and the P-TOMS (Post tsunami-Operational Management Structure) agreement are also diagnosed.
- Part III addresses the need for designing the 'process' of Peace Negotiation. A 'process design solution' is proposed later in Chapter Five.

Using the example of Peace Talks, the concept of extended involvement of ethnic groups is canvassed in the context of concurrently applying the principles of autonomy and cohesion, which Beer (1990) calls the Law of Cohesion. Diagnosis shows it is this balance between autonomy and cohesion that has been lacking in the solution design of content during Peace Talks. The important point here is that autonomy and cohesion co-exist and are not alternatives. It is also not synonymous with the much vocalised concepts of negotiating 'core' and 'interim' issues.

³⁷ There is a large tract in this Part which is quoted from an article written in 2005 by Solomons (myself) and Moscardini which was published in *Kybernetes* in 2006.

Introduction – International Meta Level System

Many view the granting of independence by the British to Ceylon as influenced by Mahatma Gandhi's inspired satyagraha³⁸ based Indian independence movement that began in the early 1900's. Whilst the separation of India and ensuing independence of Pakistan and India in 1947 was the significant regional precedent in the Asian context, the matter I draw attention to is the international significance of decolonization principles that were implemented after World War II in 1945 and the different form of self-determination that prevails in the post-colonization era of today.

Based on the cybernetic observation that systems are embedded in other systems, it is appropriate to introduce this Chapter from the perspective of external self-determination (secession) in the context of the international system, a meta-system which encompasses individual States. In a practical sense this international system, for the purpose of its international interchange systems³⁹, uses the UN (United Nations) State recognition system as reflected in ISO 3166⁴⁰ as the basis for recognising a State⁴¹. Therefore, unilateral declaration of Statehood is inadequate as it precludes entry into the 'international

³⁸ A Sanskrit word which means peaceful non-violent resistance.

³⁹ Zhao writes "Internet Governance is one of the two hot issues that emerged during the first phase of WSIS, requiring further work during the second phase. While Financial Mechanisms is (are) being handled by a Task Force (TFFM), Internet Governance is being addressed through a Working Group on Internet Governance (WGIG) established by Mr. Koffi Annan, UN Secretary-General." (Zhao, 2004:1)

⁴⁰ ISO 3166, in specific Part I contains the names of countries who are Member States of the UN.

⁴¹ The predominant form of State verification used by many of the international interchange systems, like the Telecommunication (ITU) and Postal (UPU) authorities, is based on whether the State holds UN State Membership. Certainly, these institutions have clauses that permit other means of gaining membership; yet exercising those means are a rarity. For example, both ITU and UPU constitutionally allow State membership if 75% of its membership approves. Yet it appears neither has permitted it to be exercised. In 2005 UNMIK organised for Kosovo to be recognised as an international postal destination. But this was done under a technical co-operation 'arrangement' rather than via the grant of membership to either Kosovo or UNMIK. There is also Taiwan who has appropriated to itself a 'reserved code' which has become the default accepted international dialling code for Taiwan, but it too has not gone the way of gaining ITU membership. It is for this reason that I conclude that in practice UN membership is a mandatory pre-requisite for entrée into participating as a fully fledged sovereign State in the international interchange systems. As ISO 3166 is a listing of countries which is based on countries that are UN Member States, ISO 3166 is a creditable source that can be used to verify whether a country is a country, as required for membership by the constitution of many of the specialised international organisations. Thus in this thesis, ISO 3166 is used as a shorthand way to refer to this monopoly which the UN enjoys.

interchange systems'⁴² and denies access to a State to directly participate as an equal partner in international processes of governance or interoperability.

Admittedly, in certain instances there is debate as to whether these international interchange systems need to work on a State basis. Such debate is currently taking place concerning Top Level Domain names in the context of internet governance⁴³. On the other hand, there are many significant international interchange systems where State recognition is well and truly entrenched in the manner of its workings. Amongst these are the international financial payments systems⁴⁴ and telecommunication systems. There is also for new States, faced with developing their core financial facilities and re-constructing their physical infrastructure, the attraction of access to multilateral agencies like the IMF (the lender of last resort to a State's banking system) and World Bank (which affords 'low income' sovereign States access to concessional lending rates and terms). The Articles of Agreement of the IMF have an implied reference to UN membership by requiring new membership to be consistent with those applied to existing members, which bears its root to its original members being those represented at the 1945 United Nations Monetary and Financial Conference⁴⁵.

⁴² This is also sometimes known as the 'international interoperability systems' or 'multilateral interchange systems'. Examples of such are the international telephone code of a country, a country's postal destination.

⁴³ Zhao says "During the debates on Internet governance, many issues and questions were raised that touched upon sovereignty, security, stability, privacy, international coordination, intellectual property rights (IPR), who does what, etc. In my opinion, the debates reflected the reality that Internet governance is not limited to technical issues, nor to policy issues only. It has increasingly included important social, economic, and national security issues. In addition, people were troubled by the fact that there is no consensus on areas of responsibility (who should do what)." (Zhao, 2004:2)

⁴⁴ International Bank Standards, which enable international financial transactions, issues each country with a unique code which is prefixed to the unique numbers allocated to each bank within a country.

⁴⁵ There are two sections pertaining to IMF membership in their Articles of Association which suggests a preference for its prospective member being a UN Member State.

- Article II Section 1 Original Members – Original Members are those who were represented at the United Nations Monetary and Financial Conference whose governments accepted IMF membership before 31st December 1945.
- Article II Section 2 Other Members - Membership shall be open to other countries at such times and in accordance with such terms as may be prescribed by the Board of Governors. These terms, including the terms for subscriptions, shall be based on principles consistent with those applied to other countries that are already members.

Source: <http://www.imf.org/external/pubs/ft/aa/aa02.htm>

The World Bank requires that its Sovereign State members be members of the IMF. The World Bank makes available 'soft lending' terms (like lower interest rates than the commercial market) to the less developed countries (source: Personal communication in October 2007 with Mr Claus Astrup, World Bank, Sri Lanka office).

If a State deems it necessary to directly participate in the international interchange systems (e.g. having a country code for its PSTN telecommunications and internet systems) then bilateral acceptance of declared statehood is also inadequate as it is insufficient in many instances to gain direct access to the international interchange systems. Such acceptance of declared statehood could however be influential in the bid for international acceptance, particularly if it is by a significant State, regional body or multilateral agency. Such was the influence that India brought to bear in the case of East Pakistan's (now Bangladesh) separation in 1971 from Pakistan who itself had gained independence from the British one day prior to India's independence.

At the meta-level of the international system, this means that acceptance of identity requires multilateral recognition. The international system tacitly requires, by virtue of the way the international interchange systems work, that such recognition be accorded by the UN. There are rare exceptions to this UN positioning but this is left for exploration in Chapter Five.

Today, evaluation of claims and counter claims for recognition and admittance of a new UN State by UN Member States is based on the merits of each case. This is in sharp contrast to the decolonization era following the end of World War II when the general principle of self-determination was established. At the international level the principle of 'restoring sovereign rights and self government to those forcibly deprived of them' was set in the Atlantic Charter⁴⁶ of 1941 (refer Appendix 1).

This decolonization era which saw the birth of many new States, amongst whom was Ceylon, meant that unlike today the exiting power had little reason to present counter claims in terms of retaining governing powers. The meta-level principle, the right of self-government of colonized people, had already been agreed upon as part of the peace principles that America negotiated with the British Empire in exchange for America's

⁴⁶ This agreement was reached as part of British negotiations which solicited American participation in World War II. This peace principle, negotiated by Roosevelt, in many ways signalled the end of empires as reflected in Churchill's quote that he was 'not going to be the First Minister of her Majesty's government to preside over the demise of the British Empire.'

participation in World War II. This principle of ‘colonial peoples having the right to govern themselves’ meant that in the prelude to separation the exiting power almost always automatically became the third party who facilitated and/or arbitrated in times of disagreements amongst the emerging local power groups. As part of the transition of handing over power to the newly independent States, sovereign borders and constitutional arrangements were overseen by the exiting colonial master.

In comparison, in today’s post-colonization era such principles and mechanisms are absent.

Particularly absent in the decolonization process was the need to evaluate counter claims from the exiting power as the principle of complete exit of the existing power and the forfeiture of territory was established by the meta-level international system. In today’s post-colonization era however, neither of these two aspects exists. As Blay points out it is fair to say that “existing states do not favour post-colonial self-determination demands generally and secession particularly.” (Blay 1984: *xix*) Furthermore, as the exiting power is not exiting in toto, a new meta-level system needs to be created both to oversee the transition negotiations and to replace existing meta-level structural arrangements, based on whether it is internal self-determination (e.g. sharing of power within a sovereign State) or external self-determination (i.e. secession) that drives the negotiation.

There are those who contend decolonization should have marked the end of calls for self-determination. To continue runs the risk of indefinite divisibility and instability particularly if cohesion amongst its constituent embedded systems is weak. However, to remedy the ills of inappropriate independence demarcations or rules of governance post-colonial⁴⁷ secession continues and more recently included some Balkan⁴⁸ and Soviet⁴⁹ countries.

⁴⁷ An example is the separation of East Timor (now known as Timor-Leste) from Indonesia in 2003.

⁴⁸ Example Yugoslavia separated into Serbia, Montenegro, Macedonia, Croatia, Slovenia, Bosnia and Herzegovina.

⁴⁹ The Soviet Union broke into Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

In the absence of internationally agreed principles for self-determination and its attendant mechanisms, each claimant and counter claimant resorts to its own self-help measures. This often climaxes to violence in the bid to establish a level playing field in preparation for Peace Talks. It is relevant to quote Jennings who in 1963 stated “it seems to me that one is driven to accept the position that conquest as a title to territorial acquisition has ceased to be part of the law.” (Blay, 1963:56⁵⁰) Such self-help also extends to creation of a de-facto state (as is currently the status in a part of Sri Lanka) which can be described as a contingency to lend weight to a prospective State’s viability in the event that internal self-determination proves a failure.

We find in the prevailing era of post-colonization, “the conflicts arise principally because there seems to be no definite international law that regulates claims and counter-claims. Thus claim-denial situations are characterized by self-help measures.” (Blay, 1984: *xix*) In the meanwhile, international expectation is that a claimant for secession needs to prove that other avenues of resolution have been exhausted. Thus an option for the counter-claimant, besides defending the status quo, is to devolve power. Such internal self-determination however carries the sting that failure of devolution or failure at attempts to reach agreement on power sharing are both precursors to secession. In other words the claimant seeking external self-determination can sabotage the internal self-determination process. Thus, it is this complexity, the UN could have to evaluate as part of the claim, counter-claim determination when evaluating secession claims.

The above is a sample of the variety that each claimant and counter-claimant needs to absorb given the appearance of the paucity of principles and mechanism by the meta-level international system for evaluating self-determination claims.

Introduction – Sri Lanka, the System in Focus

The first order of resolution needs to be addressed within Sri Lanka. The presence of war indicates solutions have to date evaded this country. Today, the threat of secession has matured despite decades of ethnocentric negotiations which have traversed the paths of

⁵⁰ Quoting Jennings, *The Acquisition of Territory in International Law*.

'pre-election political party pacts', civil war, essential items embargoes, terrorist attacks, legislative measures, cessation of hostility agreements and Peace Talks. Consequently, crisis governs Sri Lanka. The crescendo compels one to enquire whether there is something that Sri Lanka does and/or does not do, that keeps Sri Lanka from entering a space where solutions can be agreed upon and successfully implemented.

One obvious aberration has been that this ethnically labelled crisis has been approached predominately from within the confines of ethnicity, yet the Muslims have been excluded from the negotiating table. I assert that the current three Peace Secretariats⁵¹ (run by GoSL, LTTE and Muslims), along with other evidence that will be presented in this Chapter, suggest that the Sinhalese have been left out of the negotiation. Or, worse still that the GoSL is being reduced to representing the Sinhalese rather than in its clarity of representing Sri Lanka in its capacity as a supervening encompassing system.

Another aberration is that the LTTE, who in the Peace Talks have positioned themselves as the sole representatives of the Tamils, argues for meaningful autonomy in its relations with the central government powers of Sri Lanka. Yet amongst the LTTE's proposals there is no evidence that meaningful autonomy is a principle of governance that applies to its embedded systems, be they race or geographically based sub-systems. By this absence the cohesive role of the LTTE is reduced to, or worse still is getting away with, a monopoly of exercising the command mode of governance.

⁵¹ Comprises 1) Sri Lankan Secretariat for Coordinating the Peace Process (SCOPP) 2) Peace Secretariat of Liberation Tigers of Tamil Eelam, 3) Peace Secretariat for Muslims (PSM).

Part I – Diagnosis of 2002-2003 Peace Talks

3.1.1 Introduction to Diagnosis

As was learnt from South Africa, the ‘talks about the talks’ which position the talks are as vital as the Peace Talks themselves for it sets the groundwork of principles, processes and tenor for the negotiations. Negotiation is intrinsically a part of these pre-talks.

In recent Sri Lanka history, the diplomatic initiatives which took place with political parties achieved the power of application when the opposition party won the December 2001 general elections and gained the power to pursue Peace Talks. In the same month the LTTE had declared a unilateral ceasefire following their devastating August 2001 strike on the co-located Sri Lankan international and military airport. They conveyed through the diplomatic channels that they would engage in Peace Talks if certain conditions were met. Amongst them was that the LTTE be formally de-proscribed within Sri Lanka, the talks centre on interim (humanitarian) issues, negotiations be exclusively between the GoSL and the LTTE, and the LTTE be the sole representative of the Tamils. The conditions were met and constrained actors negotiating prioritised subject domains, continues to hold sway in the return to Peace Talks. After six rounds of Peace Talks which started in Sept 2002, they stalled in April 2003. The Muslims want a formal place at the negotiation table and an Eastern Tamil faction (led by a previous LTTE colonel) has convincingly appeared.

Given the quest for peace the challenge for the systems which form the various levels of recursion is the manner and extent their identities need to adapt so as to survive. Let us first understand this matter of identity which includes, but is not confined to, race identity.

3.1.2 Identity Perspectives

The Tamils have squarely framed their grievances and aspirations based on survival of their race whilst suppressing nuances of its subcategories - example, caste or geographical terrain or religion, including Hindu sects. Furthermore, as Peiris (2006) notes

“majoritarian democracy established under the Westminster style Constitution, allowed the Sinhalese majority to strengthen its Sinhala-Buddhist politics, thereby arousing minority fears of discrimination and second class status.” Consequently, in Sri Lanka the issue of identity has become synonymous with race.

Yet in cybernetic terms, identity has a much broader meaning – it refers to systems and the basis for their recognition, their identity. As this thesis will show, survival of identity is threatened on many fronts in Sri Lanka. There is survival of language (the vernacular languages of Sinhala and Tamil), of race/s and of the State (discussed here and in the next Chapter) all of which this thesis explores using a cybernetic framework and more specifically Beer’s VSM.

As Stokes states,

Beer’s VSM is quintessentially a model of identity, the structure of identity and the control processes that go to sustain identity.” (Continuing Stokes says) identities are nested within identities within identities. This is how societies are structured: individuals are embedded within organizations, which are in turn recursively embedded within structures of the state. (Stokes, 2004)

In VSM terms, these are different layers of recursion.

This Chapter addresses the identity issues in terms of the survival of State in the context of the survival of some of its embedded systems, namely the Tamils. This result dynamically affects other embedded systems, namely other races and the territorial coverage demarcations known as Provinces. Using Stokes’ work (2004) Solomons and Moscardini (2006a:114) explain identity and accompany it with comments pertinent to Sri Lanka in the following fashion:

– **Managing sameness and differences**

“By means of identity discrete and separate elements are brought into common or shared arrangement one with the other. Identity is the pattern that connects. Another way to say this is that identity is the mode of integration of otherwise heterogeneous elements under the aegis of a single sign complex. A failure of integration means that the identity project has failed or has come unstuck.” [Stokes, 2004]

Certainly, this ‘failure of integration’ is descriptive of Sri Lanka’s schism of racially based conflict. Note the intention of integration is not that differences disappear, but

rather that the identity of the meta-level system encompasses the different identities of its sub-systems, and in this sense, such is what the Peace Negotiation need to address.

– **Nature of identity**

“Whereas many humans may have identity attributed to them [which raises the question of power] all humans have the potential to take on their own self-assigned identity by winning recognition from others (Hegel, 1910; Kojève and Queneau, 1980)” [Stokes, 2004].

Here lies the lens to understanding the tremendous importance of the internationalisation of the conflict and why self-declaration is insufficient for secession. Whilst identity can be bestowed upon oneself, it needs to be recognised by others, particularly in matters of sovereignty in terms of international diplomatic, finance and trading relations. The same holds true for conserving sovereign identity, for it needs to be internationally recognised in continuity, not merely just at the time of granting sovereignty.

It is suggestively posited that the Tamils see themselves as a distinct identity exercising their autonomy within Sri Lanka, albeit in war-torn territory. However, internationally they remain unrecognised in their sovereignty. Conversely, Sri Lanka (under its allegedly Sinhalese hegemony caption) is internationally recognised but its internal integrated identity is crumbling.

It is also pertinent to point out that international recognition can be de facto achieved if the LTTE can directly gain foreign lending from a bi-lateral or multilateral lender via the civil administration systems as established and run by the LTTE. This is particularly relevant to note during this time of tsunami reconstruction, for the argument could well be launched for direct foreign aid/funding based on humanitarian grounds if the GoSL is found to be unfairly discriminating against relief and reconstruction in the war-torn Tamil areas.

– **Levels of Identity**

“Separate identities can only be integrated by means of a supervening identity of higher logical typing.” [Stokes, 2004]

The question is what will that supervening identity of Sri Lanka be? By what characteristic will it be known and its coherence sustained? This is an absolutely critical question in terms of distinguishing whether and when the GoSL negotiates as a supervening identity (higher level of recursion) or as a peer identity (same level of recursion) alongside the LTTE.

If it is the former, then Sri Lanka’s negotiations have been based on asymmetrical considerations. This explains the consternations experienced by other peer systems (e.g. Muslim community) that have been excluded from the negotiations with their peer system (the LTTE) and to a lesser extent the supervening system (GoSL).

If it is the latter, then neither peer system, during this or any previous Peace Talks, has reached the stage of negotiating the design of the supervening identity. Also there has

been no mechanism set in place for the sub-systems to negotiate with their meta-level systems.

– **Identity and Control**

“Identity is not some once and for all status or trait of a person but is essentially an ongoing process of selection and mapping. As such, identity involves a process of control. ... Identity sets the standard for what kind of perceptions are expectable from us – both for ourselves and for others to whom we communicate with our behaviours. It is not behaviours as such that are important. Rather it is how they are constructed in narrative and perceived in understanding.” [Stokes, 2004]

In Sri Lanka despite the sensitivities of race relations there has never been a combined ministerial portfolio integrating race, language and religious issues. Rather the trend has been a separate minister in charge of each race, language and religious group.⁵²

These are some of the many facets of identity which guarantee no single answer. The question is - can the multiple answers accommodate each other to enable continued existence of the identity/identities?

Having said this, bear in mind that,

Any system is a subjective phenomenon, recognized and, in that process, changed by its observers – which include itself. It is embedded in an environment with which it interacts all the time, interchanges which we interpret as modes of learning, of adaptation, of evolution. (Beer, 1990)

3.1.3 Principle Based Negotiation

The history of the conflict dating from its embryonic colonial days sits on principles that systemically favoured one system over another. Yet to date no protagonist has articulated the principles upon which they seek a non-violent negotiated settlement, and which principles are of the calibre that lend themselves for use by others thereby evidencing equality/fairness. Indeed, it appears the concept of such ‘principle based negotiations’ is an idea yet to be popularised, if not conceived. The experience has been that Peace Negotiation have been content orientated (succinctly referred to by the labels ‘core issues’ and ‘interim issues’) and focused on who has the right to be represented at the Peace Talks including who has the right to be the representative of each participating community.

⁵² The norm has been one minister per main religion – Buddha Sanna (for Buddhism), Hindu Affairs (sometimes includes the Tamil language portfolio), Muslim Affairs, Christian Affairs.

I propose that principles of settlement which have the robustness of being used by others as well as oneself deserve to be identified and articulated. Acceptance of these principles can then be negotiated and used iteratively as input to guide the content negotiations. This should include rights and form of representation during the various phases and levels of negotiations. Just as importantly, these principles will be the criteria to diagnose content negotiations and the results of the diagnosis used to inform remedial input processes so that future outcomes are remedied. This concept, known in Beer's terms as a Feedback Adjuster, will be enhanced in Chapter Four to build in the concept of an Adjuster Organizer so that the principles themselves are exposed to correction.

Initially, let us identify the principles articulated by various representative champions in the Sri Lankan context. Accompanying what I have interpreted as principles are their evidence and a commentary which is aimed at coming to grips with the variety absorption that needs to take place in order to address the diversity of issues.

- **Give priority to resolution of humanitarian issues**

The ravages of war make a compelling case for the negotiations at the Peace Talks to give priority to interim resolution on matters of relief, reconstruction and rehabilitation - for example lifting trading embargoes, opening transport access routes, resettlement of war-displaced persons, return of military occupied land, etc. Yet a counter-argument by the GoSL has traditionally been that such relief needs to be considered in the context of core issues wherein the matter of power sharing is addressed. Until recently this was viewed as devolution of administrative powers rather than decision making powers by the GoSL. Under the more recent GoSL attitude to devolution of decision making powers, matters of Provinces having international borrowing powers and rights to running a military are major contentious issues. This was reflected in the debate that took place following the ISGA proposal.

- **Right to autonomy**

The Tamils have long campaigned for their right to autonomy. Given the built-in disadvantage occasioned by the Sinhala Only Act, state-aided colonization, etc.

Tamil protagonists argue for devolution of decision making so that Tamils have the power to protect and nurture their identity. Their cry has been for autonomy and if that fails then they argue ‘eelam’ must be the way out, meaning secession of their homeland. Such autonomy was expressed in the Thimpu Declaration (refer Appendix 2) which Peiris (2006) says “continues to retain their relevance and validity for conflict resolution in Sri Lanka.”

- **Sole representation of Tamils at Peace Talks**

LTTE officials of recent years have asserted they are the sole representatives of the Tamils and such was the condition of their negotiation talks with the GoSL. At the Thimpu Talks of 1985, the GoSL negotiated with six organisations⁵³ that represented the Tamils. Since then, most of those organizations have been decimated, reportedly by the LTTE. However, in 2004 the LTTE experienced a split, resulting in the emergence of an Eastern Tamil faction.

- **Representation of multiple races at formal Peace Talks**

Muslims increasingly state they need to be included as a distinct race at the negotiating table. The P-TOMS agreement (refer Appendix 3) at the level of the top tier committee provides an ad-hoc glimpse of Muslim and Tamil equality, with maybe the Sinhalese too, via the representation of the GoSL.

- **Monitoring of the implementation of agreements**

This was evidenced by the establishment of the Nordic comprised ‘Sri Lankan Monitoring Mission’ (SLMM) to monitor the Cessation of Hostilities Agreement signed in 2002.

⁵³ The organizations represented at the Thimpu Talks were Eelam Peoples Revolutionary Liberation Front (EPRLF), the Eelam Revolutionary Organisation (EROS), the Liberation Tigers of Tamil Eelam (LTTE), the Peoples Liberation Organisation of Tamil Eelam (PLOTE), the Tamil Eelam Liberation Organisation (TELO), and the Parliamentary Tamil United Liberation Front (TULF).

- **Negotiations being held at neutral venues and with mutually agreed upon facilitators**

All formal Peace Talks have been conducted at neutral venues. There was however, the questionable venue of the Washington located Donor Pledging Conference. As the LTTE is a proscribed terrorist organisation in the US, the LTTE was not invited and did not attend. This contributed to the LTTE boycotting the Tokyo based Donor Pledging Conference.

In the presence of such enacted principles, although sometimes erratically evidenced, an overarching question warrants asking - are there some overarching principles of effective organization that can be consistently applied whatever a systems' level of organizational embedment? For that after all is what the negotiations are seeking to agree upon so that principles which favour one group over another are renounced. From an organizational cybernetic viewpoint, the answer is yes and an example of that logic is demonstrated in the VSM. As Beer states, "the VSM attempts to give the necessary and sufficient conditions of viability for any system that recognizes its own identity and, in so doing, invites that recognition on the part of others." (1990) It is these principles which are grounded in Ashby's Law of Requisite Variety that I now want to identify and frame in the context of Sri Lanka's peace negotiations. They can be used to guide content negotiations, design the process of negotiations and diagnose the results of the negotiations including the processes employed.

3.1.4 Principles of Effective Organization

Recognising Ashby's Law of Requisite Variety, a position I have taken with my thesis is that my search is not about designing the content of negotiations. This is because no single person is likely to have the requisite variety to address the plethora of issues surrounding this conflict. Rather, requisite variety is expected to be supplied by the various conflicting protagonists by absorbing each others' variety. My focus is to design processes capable of accommodating and withstanding the content that the negotiating parties would wish to address. These processes need to be built and underpinned by principles, which as mentioned earlier are open to negotiation and form the criteria for diagnosis. One may

even go as far as recognising that the processes themselves are matters for acceptance by the negotiating parties. Certainly, it is a position I subscribe to and in this sense should form part of the prelude to talks – which some have aptly labelled ‘Talks about Talks’.

Returning to the matter of designing processes let me explain what I mean by way of an analogy. My objective is to design a road capable of carrying vehicular traffic rather than designing the vehicles themselves or driving the vehicles. It does however mean that one needs to be aware of the characteristics of the vehicles, (volume, load, usage frequency, etc) that will need to use the road or at least the principles under which those vehicles operate. This will indicate the type of road to be built (e.g. highway, arterial road, by-road) whilst taking into consideration the environment in which the road will be situated (e.g. rain, sun, slope). The choice of road (and not rail track or water way or electronic transmission lines) itself begins to imply the type of traffic the road will be required to convey. Of course, one could have opted to design a meta-transport system which would have entailed a wider array of vehicles as well as substitution and cross utilization considerations of the transport network.

Having decided against this thesis proposing content solutions the question becomes - under what principles will the content agreements generated have a better chance of sustainable solutions? These principles will act to specify what the peace negotiation process will/can be called upon to handle. It is the reasoning, identifying and understanding of these principles as informed by Organizational Cybernetics that is next presented.

We already know that “systems are nested within other systems” (Beer, 1994e:13) and that they dynamically interact with each other. Using the VSM these systems are represented as different levels of recursion and their accompanying environments. So in this sense, we have a plethora of homeostatic balances that need to be maintained within the system-in-focus and levels of recursion above and below it, as well as its corresponding contractual and contextual environments. Entailed within exercising such dynamic homeostasis is the need for channels of communication which (a) reach across to the point of connecting the systems, (b) can transmit what is being conveyed between the systems and (c) is capable of transduction (to lead across from one to another system and receive the communication

with meaning as close as possible to the sense as it was intended). With the plethora of homeostats, variety engineering must be applied to it to find out which carry a greater sphere of influence and the parameters under which they operate. In this regard Beer (1994f:445) states, “the first task is to identify the crucial parameters, which (because complex systems are richly interactive and internally reverberating) are not always the parameters assumed to be critical.” (Brackets in original)

Entailed within the bid for homeostasis is a need to have a process which monitors results so that future cycles of input can be adjusted when homeostasis is jeopardized. What this means is that monitoring requires acknowledged criteria, which can be specified as a heuristic or predefined algorithm, against which the monitoring function can compare results. The monitoring activity must be linked to a process which informs a system (e.g. someone) when results are not to standard. Importantly, that system or some other needs to have been invested with the responsibility to figure out and do what it takes to achieve homeostasis – that is influence the next cycle/s of input/s taking into consideration the lag time between monitoring results and intervening cycles of activity before implementation of rectification. That correction may also include amending the criteria upon which future monitoring is benchmarked. This monitoring and rectification process implies there must be channels of communication adequate to the task of linking these various processes. In the instance of Peace Talks, that monitoring activity needs to be done by a neutral body. As is the convention, let us call this amalgam of activities the Error Controlled Feedback Process.

We also understand that given that systems are embedded within systems, cohesion and autonomy co-exist. They are not alternatives as they establish the central tenets upon which the autonomous systems cohere. Cohesion is what brings the systems together, and that need to bring together arises due to the autonomy of the sub-systems. In other words, to the extent to which the identity of a sub-system shares commonality with its meta-level system there is nothing to bring together for it is already there. Thus, cohesion where it exercises itself and is evidenced (recall Bhaskar’s explanation of reality described in Chapter Two, Table 2) is an aspect that curtails autonomy of the sub-system.

This is the crucial balance which Beer calls the 'Law of Cohesion' that needs to be worked out in the Peace Negotiations and which the design of the 'process of the negotiation' needs to cater for. But Beer cautions, cohesion when it is exercised curtails autonomy and thus needs to be contained, as it erodes the sub-system's variety and thus the sub-system's ability to respond to its environment and be viable. There are two points being made here:

- a) At the level of content, the negotiation has to minimally address the integration of autonomy and cohesion that the Provinces and State exercise in the context of subject domains (e.g. defence, education, health, finance, etc) and functionality (e.g. planning, implementation, administration). In doing so, it needs to bear in mind perspectives of race, religion and language which to date have cast a sensitive sphere of influence in the portrayal of the identity of Sri Lanka.
- b) At the level of the process of negotiating content the question is who (in terms of stakeholders) gets to design that balance of autonomy and cohesion. The design framework needs to also be invested with a dynamic quality capable of meeting future needs. Undoubtedly, that balance of autonomy and cohesion will differ based on each context, meaning subject domains and levels of recursion.

What this means is that we need to be clear who the systems are, the composition of their presence at the negotiating table and the recursion level to which they belong given that it will influence their position on cohesion and autonomy. It also means in VSM parlance, that a system does not only belong to one classification. Thus the autonomous S1 of the system-in-focus becomes the cohesive system-in-focus for its embedded systems. This vital importance will be exercised in the search for gaining a change in the thinking that contributes towards the engagement process of the Peace Negotiation and is considered further in Part III of this Chapter.

Whilst it is clear that a Province is an embedded system within the system 'State' what is less clear is the embedment status of each of the races relative to the Provinces. From a requisite variety viewpoint, this is a particularly important consideration given that to date Peace Negotiations have been conducted on a race basis. However, in terms of the design of the balance of autonomy and cohesion it is likely to be expressed in the State's

Constitution in geographical Provincial terms where habitation of a Province is not the exclusive preserve of any race, even if it may be so now in certain instances. This is a particularly significant point if devolution of power is based on geographical terrain. The Sinhalese and Tamils have provincial enclaves where they overwhelmingly predominate compared to the Muslims who in citizenship numbers dominate no single Province. In contrast, there is the Johan Galtung proposal which shares common elements with the Belgian model, where devolution of power is based on race terms and entails non-contiguous land mass.

3.1.5 Distinction on Cohesion and Dominating Autonomy

I want now to consider more thoughtfully from a VSM perspective the workings of cohesion and autonomy given the principle of systems being embedded in systems. As is the convention, the system being worked upon is anchored and is called the system-in-focus or R0. The recursion levels above and below the R0 are called the meta-level systems (identified by R+x) and embedded systems (identified by R-x), respectively. The higher the x number the further removed is its relative recursive position from the system-in-focus (R0).

The system-in-focus ideally is the product of its embedded systems. I say ideally because sometimes the system-in-focus is skewed by the identity of a dominant embedded system. This is very much the case in Sri Lanka where the Sinhalese enacted and implemented legislation that favoured it and are perceived as dominating Sri Lanka's national identity. When the ideal is achieved however, we would say the system-in-focus evidences cohesive strength whilst respecting the autonomous powers of its embedded systems which keeps both the system-in-focus and its embedded systems viable.

Whatever the identity, which is an exhibition of the cohesion of its autonomous embedded systems, the question is - who is responsible to work out the manner in which such cohesion is to be achieved and what that cohesion is to be? As cohesion and autonomy co-exist the same set of questions concurrently applies to autonomy. Furthermore, recognising that viable systems are embedded within viable systems, an autonomous system is the same

system that is called upon to seek cohesion with its embedded autonomous systems. It is vital to realize this for it explains why any system cannot sustain longevity by autonomy or cohesion alone. So valuable and so strong is the applicability of the Law of Cohesion, that autonomy can be employed by a system to determine the degree and context of cohesion that a system seeks with its meta-level system. This perspective will be returned to in Part III of this Chapter. In the meanwhile let us remember that no system belongs exclusively to one system which is why context applies.

Now I want to more fully explore the question of determining the degree, context and content of cohesion. Naturally, this must involve coming to grips with autonomy - why a system needs autonomy - its relevance to identity and link to cohesion. This requires that we address the avenues for building cohesion and figure out the responsibility matrix which determines the manner in which variety will need to be amplified and attenuated in the bid to balance cohesion and autonomy.

Beer explains,

the components of S1, themselves viable systems, need all the variety they can generate in order to function effectively on their individual horizontal slices of the total organization. This is because the management does not deploy requisite variety in relation to the process it manages, nor does the process deploy requisite variety in relation to the environment in which it subsists. Thus much juggling (amplification and attenuation) of variety is needed – and any central intervention on the vertical axis inhibits the process. Ideally, then, the central axis would not absorb any component variety in S1 at all. If it does not, however, S1 might break apart. It follows that central intervention should absorb as much horizontal variety as is needed to supply requisite variety to the closure of the identity we recognize, and no more. (Beer, 1990)

The concept here is that a system needs all the autonomy it can get so that it is unconstrained in exercising its variety in the best way it knows how so as to survive in its environment. This autonomy is to be restrained by cohesive requirements only to the extent warranted for the closure of identity of the meta-level system to which it belongs and within which it is embedded.

Whilst the cohesion required for closure of identity can be imposed by centralised command, the VSM informs us that there are five other vertical variety absorbers through which such cohesion can be achieved. These are via S2 protocols, S3 resource bargains,

S1 squiggly line negotiations between S1 systems, S3* ad hoc audits and variety absorption within the environment. There is a distinction between responsibility for designing the terms of cohesion and applying it. In this regard, S2 and S3* do not design the terms of cohesion; rather they apply it according to the terms designed by S3.

Having identified the avenues via which cohesion can be implemented, the VSM automatically reveals the answer to the responsibility matrix question, viz:-

- S3 is the common system involved with four of the vertical variety absorbing channels, viz. addressing S2 protocols, S3* ad-hoc audits, for initiating commands and resource bargains with S1 systems. Here Beer cautions “hierarchical control, whereby instructions are passed down the line, is not the only dimension of control” (Beer, 1994a:105). Continuing, he states “corrective action cannot in fact be taken in one place without regard to its effect on their proximate activities” (Beer, 1994a:105).
- Squiggly line negotiations are S1 to S1 joint agreements although they may be initiated by a S1 system or even S3. These negotiations can be multilateral besides the more common bilateral negotiations.
- Absorption of vertical variety within the environment. Its effect is experienced via the S1 and S4 homeostats that connect with the environment.

Given the prevalence of S3’s role in matters of cohesion it behoves us to come to grips with the way it can employ its fulcrum position to integrate the working of the autonomous S1s to achieve internal stability of the organization. Firstly, let us realise that S3 has no direct connection with the environment. Rather it relies on S1 and S4 which have direct connection with the environment. Through the S1s it receives individual divisional perspectives and via S4 it receives a perspective of the organization as a whole including its future probability prospects. In this way, S3 is provided the opportunity to work out the status of homeostasis of the system’s coherence having additionally taken into consideration:

- filtered information provided by the corporate level S2 (based on established protocols),
- S3* (based on antithetical modes of control designed as required by S3 to absorb the heuristic variety unabsorbed by the pre-established S2 control protocols), and
- algedonic signals from S1 that pass through it.

This brings us to enquire who performs this S3 role, particularly when it pertains to matters of designing the principles (the what) and the mechanisms (the how) by which issues pertaining to autonomy and cohesion are balanced? Ideally it is logically performed by S1s when they come together to perform their function in their S3 role. This should be done having discussed and understood the issues facing each of the S1s and being informed by S4's input of matters of future orientation. As Beer says,

they (S1) may be regulators of *local* homeostasis, but S3 is the only competent regulator of *organic* homeostasis, since it alone has a S4 input. What we have so far (S1 and S2) created, it follows, is a way of handling divisional control, and a way of handling interdivisional interaction – on the assumption that the divisions between them know all there is to know about the adaptation and growth of the total organism. This they do not. (Beer, 1990a:178 – brackets and italics in source)

This lack of variety is reduced by the variety pumped in by S3* (audit ganglion) findings which are instigated by S3 and made available to it. Also, S3 is exposed to the variety contained in the S1's ascending algedonic signalling which is sent via S3.

It is this enriched systemic view of the enterprise that S3 affords to its S1s. In saying this, the important point is that a dual role is played by the S1 Management Unit in that they are called upon to perform S3 functionality. S3 should not be some add-on independent feature. Rather it is an intrinsic but different role played by the S1s who in their collective perform S3 functionality. The S1 Management Units exercise their individual autonomy to negotiate but decide in their amalgam the parameters upon which they will constrain their autonomy for the benefit of the whole. S1s through their Management Units decide upon the manner in which they will constrain their autonomy for the benefit of some other embedded system or for the benefit of its meta-level system. The meaning and exercise of cohesion and the constraints imposed will apply differently to each of the S1s based on their variety handling abilities in the context of the environment with which each interacts.

The value of this manner of building the balance of cohesion and autonomy is that not only is it consultative but it is dynamic. Thus the process of working out the parameters of cohesion is provided with the avenue to be iteratively and dynamically negotiated amongst the S1s based on the effect the cohesion proposals have on their autonomy and viability. In other words, the various S1s bring their own variety into the negotiation process and by so doing absorb each others' variety as needs be to produce the cohesive balance. Thus they exercise their autonomy in determining the manner in which they will cohere.

That however is the ideal. It is stymied by two age-old problems of the relationship between embedded systems belonging to a meta-level system.

Firstly, there is the One/Two interface. This has to do with recognizing that there are other autonomous divisions than my own, and that they have rights as well. Especially, these others have the right not to be undermined by me, however pure my own motives are. Secondly, there is the One/Three interface. This has to do with recognizing that my own autonomous division is part of a corporation, and that it too has rights. Especially, sad as it seems, the corporation has the right to inhibit and if necessary to liquidate my autonomous division. The first component is about interdivisional collaboration; the second is about corporate synergy. (Beer, 1990a:179)

In Beer's quote above we find a generic cybernetic explanation of the self-determination issue as faced in post-colonization. It also explains the history of the relationship between the GoSL and the Tamils. It is this vertical and horizontal variety balance that is being addressed at the Peace Negotiations and, to the extent that such variety absorption occurs peace will prevail.

3.1.6 Effective Organizational Principles to Design, Diagnose and Remedy

It is these principles discussed above that will be used to diagnose the 2002-2006 Peace initiatives. These same principles will later be used as the minimum requirements that the 'design of the negotiation processes' will need to cater for.

Summing up, these principles underpinned by Ashby's Law of Requisite Variety are:

- Balancing autonomy and cohesion,

- Establishing and sustaining the three aspects of the channels of communication,
- Error control feedback systems which require monitoring and correction processes which include criteria specification,
- Homeostasis, and
- Embedment of systems within other systems which thus entails recognition of multiple stakeholders.

In the context of the various subject domains what constitutes homeostasis, its parameters and physiological thresholds is a matter for content negotiations to work out. The same holds for the expression of the balance between autonomy and cohesion. Design of the negotiation processes, their phases and timing, need to cater for all these principles, and be built premised on these principles. Likewise diagnosis is based on these principles. Such diagnosis can be applied both in the case of the results of negotiations and the negotiation processes. In turn, the results of the diagnosis as well as the same effective organizational principles will inform the proposals for remedy.

3.1.7 Contextualising the Principles for Sri Lankan Negotiations

Having established the principles and their scope of application, the next question is - how are they to be applied in the context of Peace Negotiations? This requires that we identify the various systems involved. In particular, the level of recursion to which they belong plus who performs the functionality of the Management Unit of each system as that is the system that is called upon to represent the system at the Peace Negotiation.

3.1.7.1 Relevance of Recursive Positioning

First let's understand why identifying this recursive positioning is valuable. It is important because of the underpinning principle of balancing cohesion and autonomy. In this regard, we already know that an embedded system will seek autonomy and a supervening system will seek to create an "identity which is the mode of integration of otherwise heterogeneous elements under the aegis of a single sign complex" (Stokes, 2004).

In VSM terms, whether a system gravitates to seeking cohesion or autonomy depends on the position the system occupies within a level of recursion. Thus the design and implementation of peace negotiation processes need/s to be aware, when bringing together negotiating systems, which systems are predisposed to negotiate which part of the equation and to ensure sufficient variety is pumped in by each side of the equation so that requisite variety is given a chance to be achieved. Another way of looking at this is that this predisposition is indicated by the context of ‘relationship/s with whom?’ By ‘context of relationship/s’ is meant that the negotiation could be with peer systems (squiggly line) or with supervening-embedded system/s (S3-S1 vertical line).

Of the six vertical channels, identity negotiation may take place using four of the vertical channels – three within the system and one in the environment. The two excluded channels are the anti-oscillation channel and audit ganglion channel which involve S2 and S3* respectively. The S3* audit ganglion channel is excluded because it is an investigative enquiry (e.g. a Presidential Enquiry or Public Accounts Committee) rather than a negotiation. The environmental channel is hugely important because the environment has the ability to attribute identity to the system as evidenced in the matter of sovereign recognition which is a prerequisite for entry to directly participate in the ‘sovereign based’ international interchange systems. Such attribution of identity by the environment will be conveyed via the link into S1 and S4. The three vertical channels within the system are the squiggly line channel, the command channel, and the resource bargaining channel.

Let’s be clear on what the three channels within the system entail. The squiggly line channel is where negotiations are peer-to-peer based and could go beyond bilateral peer-to-peer negotiations to involving multilateral peer negotiations. The command channel is where the supervening system imposes its requirements on the subsumed system/s. The ‘resource bargaining channel’ is where the supervening system negotiates with one or more of its subsumed systems.

I want to make a distinction in the context of these channels between negotiations of an operational nature and Peace Negotiation which pertain to the very identity of the system:

- Identity imposed down the command channel runs the risk of a subsumed system opting to leave when the viability of the subsumed system is threatened. I have included this channel for it certainly can issue commands pertaining to identity. The flip side is that the command channel by definition is not the product of negotiations.
- Peer-to peer squiggly line negotiations require the inclusion or the creation of the supervening system. This is to ensure integration of the embedded peer systems coheres under the aegis of a single sign complex.
- Negotiations between the supervening system and an embedded system require that the supervening system involve all its other subsumed systems. This is because the new agreements reached, which give expression to the identity of the supervening system to which the embedded systems belong, will affect the other peer systems in their relationship with peers and with the supervening system. This comprehensive involvement pumps the variety to help reduce the dominance of a peer system where it dominates the identity of the supervening system.

In the absence of representation from the full composition of embedded systems, the Management Unit of the supervening system stands the risk of collapsing to represent the missing S1 and by so doing muddies its cohesive-supervening role. This aspect of negotiations pertaining to identity is singled out for diagnosis in the next part of this Chapter and its variety nuances need to be distinguished from the more regular type of operational resource bargaining between S3 and its S1s'.

What the above discloses in VSM terms is that when the Law of Cohesion is being addressed based on peer-to-peer negotiation, the supervening system needs to be included (or created) in the negotiations. When the negotiation is between the supervening system and an embedded system then the supervening system needs to comprise representation of the full composition of subsumed systems so that the influence of dominant embedded systems is better positioned to be neutralised.

When negotiations are between the supervening system and embedded systems, the negotiation is carried out between S3 of the supervening system and Management Unit of S1 (embedded system). Included within S3 is its access to S4 thinking and the identity closure provided by S5 which includes S5 addressing the homeostasis between S3-S4 thinking.

The other crucial point to recognise is that the autonomous S1 Management Unit becomes S3 at the next lower level of recursion which in that context is responsible for cohesion across its spectrum of autonomous embedded systems. It is this duality that offers the opportunity for exercising 'principle based negotiations which application will be discussed further in Part III of this Chapter.

3.1.7.2 Distinguishing Systems Involved and their Management

Let us now identify the systems which are actively involved in the quest for Sri Lankan peace. Given that the crisis afflicts the State as a whole and the conflict is argued from a race perspective, clearly Sri Lanka is one of the systems as are the individual races which comprise the State's population and are thus embedded systems within the country. There is also political party involvement which is classed at a lower level of recursion. However, when they win an election and form government they also belong to a higher level of recursion. It is important to realise however that the political party and its term in government are two different systems that do not collapse into each other and that each operates under different constitutional rules.

The LTTE are classed as representing the Tamils in negotiations. There is a question as to whether the militarised-political LTTE system is embedded within the system Sri Lanka or whether they belong to the environment. This question arises because in many ways the LTTE is effectively outside the reach of the jurisdiction of Sri Lanka. It is also the system that governs a parallel de facto state in the Northern Province and to a lesser extent in the Eastern Province⁵⁴. On the other hand, the Tamils living in both regions continue to live within the internationally recognised sovereign terrain known as Sri Lanka, are Sri Lankan

⁵⁴ The trend in June 2007 is that the GoSL is increasingly winning back control of the Eastern Province. However, it is too early to know the GoSL ability to sustain that control and restore civilian (not military) governance, including that it lasts in the long term.

citizens, and the GoSL continues to supply essential goods and services, albeit sometimes subject to supply embargoes.

This LTTE muddiness reduces when distinguished based on functionality. The LTTE, in their capacity of representing the Tamils, are considered to be the S1 Management Unit relating to S1 of the Tamil race of people who are an embedded race within the system Sri Lanka. This stance accords with the 2002 de-proscribed status of the LTTE within Sri Lanka. In other matters of functionality - like for example its international fund raising activities, and international quasi-diplomatic manoeuvres - the LTTE is situated within the environment.

This dual presence of the LTTE within the system and being in the environment is akin to the diaspora⁵⁵ that exists in the environment whilst a domestic population is contained within each S1 race. Generically it also accords with the reality of a system belonging to multiple systems, for example a person who has dual citizenship. So in this sense, both the diaspora and LTTE are recognised as having the direct capability to absorb vertical variety in the environment and are not constrained by the rules of governance that apply to the system Sri Lanka. In turn, like all other variety in the environment, the system is exposed to the vertical variety absorption achieved by the diaspora, Sri Lankan political parties who have an international presence and the LTTE, via the homeostats that link the environment to the system.

The more difficult question to answer is - who performs the S1 Management function for the logical amalgam of the majority Sinhalese and minority Muslim races of people? The same question could be posed for the other even more minor races, like the Burghers, Veddhas, etc. However, as they comprise very minor numbers, this is not considered until Chapter Five. As Sri Lankan politics are essentially race based, it is reasonable to propose that this role is played by the political parties and in particular the dominant political parties as it applies to the Sinhalese and Muslims. The point, however, is there is no unifying political system that plays this role. For the Sinhalese it would be reasonable to

⁵⁵ This diaspora pertains to each of the races. Included within this diaspora are those who continue to hold permanent foreign residency with Sri Lankan citizenship, those holding dual citizenship (i.e. Sri Lankan citizenship and citizenship of another country) and even those who hold exclusive non-Sri Lankan citizenship but who in their actions take an active stance on the Sri Lankan conflict/peace quest. This latter group is akin to the Jewish or Armenian diaspora who do not hold Israeli or Armenian citizenship but who take an active role in the resolution of their hereditary country.

state it as being the reigning party in government, the main opposition party and the next opposition party with the next highest number of seats in parliament. For the Muslims it would be the two main Muslim parties, one of whom is usually in government and the other in opposition.

For the system Sri Lanka, S3 functionality is performed by the national Parliament and more specifically the GoSL which comprises the winning political parties. Here we see how the GoSL very easily gets tainted as representing the majority race. Politics in Sri Lanka is largely race orientated irrespective of whether left or right wing political groups win the elections.

For the system of political parties, its S1 Management Unit is its governing body. There is also the system of Provinces with their Management Unit of provincial government.

3.1.7.3 Recursive Positioning of the Systems

Whilst threat of secession is argued on race lines, the most controversial issues are land based territorial issues and their associated waters under the convention of the Law of the Sea. So far most of the canvassed resolutions based on devolved power have been expressed in terms of autonomy that will accrue to Provinces. The question thus becomes - what cohesive-autonomous role do the Provinces play and where does that fit in the recursive model especially given the underpinning sectarian current that pervades provincial power sharing models?

Based on the premise that Sri Lanka occupies R0 the question is - what recursive position do the Provinces occupy in their relationship to the races? Do the individual Provinces belong to R-1 or are they below the recursion level of race making Provinces R-2 with race being R-1? Or is the amalgam of Provinces an S1 on the same level of recursion as the amalgam of races or some hybrid thereof? Does the level of recursion to which Provinces belong make a difference in the context of Peace Negotiations compared to the resolution of the quest for peace? From the perspective of the design of the peace process, this is of relevance in understanding who earns the right of representation - is it Province based, race

based or some hybrid thereof? In positioning these systems in the recursive model, it can be perceived from three perspectives:

- Currently as it pertains to the negotiations at the Peace Talks,
- Ideally what the design of the process of Peace Talks would seek to achieve, and
- What the Peace Talks agree upon in terms of devolution of power.

To prepare for the diagnosis as covered in Part II of this Chapter, the positioning is addressed from the perspective of the current status as demonstrated at the Peace Talks. Discussed next is the reasoning which supports the recursive positioning.

Given that people populate Provinces, it means that both race in their amalgam and Provinces in their totality cannot as systems belong to the same level of recursion because the lower level of recursion of either of these systems will require the other system to be higher. Furthermore, in Sri Lanka this does not make sense as neither all the Provinces nor all the races cohere in this manner as evidenced by the need for Peace Talks.

The permutations that remain are that R-1 are the Provinces which then cascades into R-2 being the different races within each Province or it is vice versa. The other permutation is that we have a hybrid where we have a race occupy R-1 which cascades into a Province based R-2. This means concurrently having a Province at R-1 which cascades into a race based R-2.

Bear in mind that any system is a subjective phenomenon (Beer, 1990:316) and that at these high logical levels of systems it is difficult to identify all the elements that the VSM requires. Indeed some elements may be missing which explains why the system's viability is threatened. For example, whilst the various races are easily identifiable their S1 Management Unit is not necessarily confined to one system. Given that politics in Sri Lanka is largely ethnic, and sometimes religion, based, a political party frequently finds itself representing a particular race and in this as an S1 Management Unit for that race. However, this role may be occupied by one or more political parties or religious apex bodies.

Returning to the permutation, one option based on R0 being the State is for R-1 to be the individual Provinces which cascades based on race (R-2) within each Province. This mapping has merit for it reflects the concept of devolution of power to Provinces as promulgated in the 13th Amendment of the Constitution. However, I agree with many others who contend that such devolution of power has not been meaningfully achieved by the Constitution because the devolved power is more administrative than financial and scarcely results in any policy decision making. Also, the lower level of recursion is not race based. Importantly too, the conflict-torn Northern and Eastern Provinces have been defunct in their 13th Amendment devolved capacity almost from its onset. The expectation however, is that if meaningful autonomy based on ‘non-ethnic provincial’ grounds, is agreed upon then we could see the provincial structure appear as the layer of recursion immediately below the system Sri Lanka.

Another permutation is for each of the races to form R-1 and the layer below to be Province based (R-2). With the Tamils this makes sense both in terms of the sole representation concept argued by the LTTE and the distinction that R-2 will reflect the reality of the provincial distribution of Tamils – Estate Tamils in the tea and rubber plantations, Eastern Tamils, Northern Tamils and the Colombo Tamils. It could also work for the Muslims given their logical composition unified by religion with R-2 showing the distinction between Eastern Province agrarian farmers and the business-traders of the Southern and Western Provinces. The Sinhalese race, however, is currently less structured to reflect sub-systems based on Provinces. As a sub-group they present more as distinguished on religious grounds (Buddhist, Christians) or as rural/city dwelling although there is the distinction between Kandyan and Low Country Sinhalese.

This brings us to the hybrid permutation of R-1 comprising a S1 of the Tamil race which at R-2 cascades to Provinces wherein the systems that evidence themselves are Colombo Tamuls, Eastern Tamils, Estate Tamils (represented by Thondaman’s CWC party) and Northern Tamils (represented by LTTE and TNA party). The rest of the S1s at R0 would be each of the functioning Provinces (R-1) with their R-2 being the race of Sinhalese, Muslims, and the tiny minority communities like the Burghers and Veddhas.

It needs to be admitted that the Provinces have a peculiar race based recursion cascade as like R0 they are Sinhala dominated. This trend is changing in the context of the Peace Talks. The absence of the Muslims at the Peace Talks is giving distinction to the Muslims as a distinct group in the Eastern Province that is not to be lumped in with the Tamil race of people, albeit that the Muslims in Sri Lanka are categorised as a Tamil speaking people. The other difficulty is whilst the Tamils are evidenced as a definitive race with autonomous status courtesy of the LTTE-run de facto state the functioning Provinces do not have that hallmark for they are run (essentially) by central government than by provincial governments. What this means is that there is little discernable difference between the S1 Management Unit of the S1 Provinces at R-1, and the S1 Management Unit of the S1 Sinhalese race at R-2. They both are represented by the Sinhalese political parties. Note that the representation is stated in the plural. As Sri Lankan politics is essentially race based, the political parties can be considered to be a lower level of recursion (R-3) embedded within the race groups (R-2) with the political party who wins at the elections serving in S3 functionality in R0.

In view of this and the emphasis of race in Peace Negotiation the scales are tipped that Provinces are a level of recursion below race. Yet opting out of the hybrid composition within a recursion level is a very close call. In this sense as the diagnosis to follow reveals, it reflects some of the problems experienced with selection of stakeholder involvement in formal negotiations.

Having established the concept of principle based negotiations, I propose a set of the necessary and sufficient principles (borrowed from the VSM) to achieve the goal of viability, the systems involved and their recursive positioning. The preparatory work has been laid to undertake the diagnosis.

Part II – Diagnosis of 2002-2006 Peace Negotiations

The 2002 Peace Talks were a significant watershed in stakeholder recognition. They mark not only the era of a sole representative for the Tamil race of people but that the only stakeholder provided with the formal channel to negotiate at the Peace Talks with the GoSL were the Tamil race of people⁵⁶. Additionally, given the effects of war which did not exist in the early decades of Tamil demands, negotiation content at Peace Talks was prioritised to address interim issues of relief and rehabilitation. These trends continued into the Peace Talks that commenced in 2002 and to the extent that the GoSL's wish to address core issues was heard it was limited to articulation of autonomous requirements as evidenced in the ISGA proposal.

These combined considerations prompt the enquiry - who performs the cohesive role and is there a shared understanding of the identity of that supervening system? From a design perspective, this is a critical question so that autonomy is balanced. It also needs more than the glib answer that the GoSL is the representative of that supervening system, Sri Lanka. The question is not whether Sri Lanka is the supervening system, for the answer is yes. The question is - who is representing that supervening system and is that representative seen as such by its embedded systems? There is a subtlety implied here, where a system is seen by the supervening system as embedded but where that embedded system does not identify itself as being embedded within that supervening system.

With these opening considerations I have chosen to commence the diagnosis focusing on the principle of the balance between cohesion-autonomy in the context of various important events that have taken place. The principle of Error Controlled Feedback processes is then addressed, followed by diagnostic findings pertaining to variety absorption in the context of different levels of recursion.

⁵⁶ Until then the perception was that the Muslims were included by virtue of them being Tamil speaking. Later, political leaders like Late Hon. Mr. M H M Ashraff clearly delineated themselves as Muslims, who whilst being Tamil speaking, were a race distinctly different to the Tamils.

3.2.1 Evidence of Cohesion-Autonomy

The search for the supervening system is because that is the system charged with the responsibility of bringing the autonomous parts together – to cohere, to form a whole which is a different logical system than its individual parts. Let us now apply the ‘cohesion-autonomy balance’ consideration to the acid test of LTTE representation so that our thinking is exposed to what is a very difficult and sensitive terrain. The demand for prioritisation of humanitarian relief is evidence that autonomy is being heard and exercised at the Peace Talks. However, negotiations pertaining to cohesion are less conspicuous and thus the diagnosis will need to address the cohesive consideration from a functional and structural perspective rather than content.

As mentioned previously, the question is - does the LTTE in its negotiating capacity belong to the same level of recursion as that of the GoSL? Having posed this question, let us be clear as to why it arises.

The reasoning has already been given that R0 is Sri Lanka. Comprising R-1 are the various races with the political systems who won elections being their S1 Management Units, given that the political parties are by and large race based. Further it was said that the Management Unit was shared between the political party that formed government, and the main opposition party. In this regard the LTTE, holding the overt status of representing the Tamils, was also recognised as the S1 Management Unit of the Tamil race of people.

The GoSL was recognised as the Management Unit of the system Sri Lanka (R0). However, the problem is that Sri Lanka is dominated by the Sinhalese by virtue of their +70% population resulting in a heavy skew of representation by Sinhalese politicians. Such skew would not have mattered if the GoSL’s decisions were seen as not favouring a particular race. However, the Sinhala Only Act and enshrining Buddhism in the Constitution has cast a most definite shadow on such neutrality. The GoSL carries the aura of being Sinhalese and it is the implication of this variety that poses the question of the relationship between the GoSL and LTTE. Given the low priority accorded to content as it pertains to cohesive matters, the answer to the question is more difficult to discern. This

prioritisation is the product of the LTTE's demand that interim relief and rehabilitation issues be given greater priority. Stated differently, the GoSL lacked the requisite variety to absorb this LTTE demand in the sense of equally placing cohesive issues on the agenda too.

Let us for a moment see this representation question without the advantage of VSM insights. Is the LTTE in their negotiating capacity a peer system on par with the GoSL or an embedded system within Sri Lanka? Is the GoSL in its negotiation with the LTTE a supervening system or a peer system on par with the LTTE? Thus we have the status of GoSL as a supervening system or peer system and the LTTE as a peer system or embedded system. The categorisation of the positioning need not be necessarily mutually reciprocal. The way each system looks at the other may be different. From a peace negotiation's design perspective, if a particular positioning cannot be enforced (i.e. resoundingly answer this question) then the design of the negotiation's process needs to be able to absorb the variety posed by the different perspectives. The basis of diagnosis needs to be similarly accommodative.

The LTTE may see itself as a peer system on par with the GoSL, who amongst its array of options seeks statehood for its represented people and territory if meaningful power sharing as an embedded system is not achieved. Yet the GoSL being a state actor very likely sees itself as a supervening system involved with negotiating with one of its race-based embedded systems.

Taking the latter argument, Sri Lanka as represented by the GoSL belongs to a higher level of recursion compared to its embedded race of Tamils and thus entails the lower level of recursion occupied by the LTTE who represent the Tamils. Therefore, the demand for autonomy by the Tamils as articulated by its LTTE representative is consistent with what the VSM holds, as is the cohesive pursuit by the GoSL who represents the whole of Sri Lanka. Consequently, GoSL in its S3 role is responsible for achieving cohesion across the spectrum of its embedded systems as evidenced by its communities – based on Province, race, religion, language, gender, etc.

The important point that the recursive principle of the VSM lets us realise is that the LTTE in relation to the sub-systems it represents is called on to play the cohesive role. If it takes on a geographical terrain it will include not only sub-systems of different Tamil communities (e.g. Eastern Tamils, Northern Tamils, etc) but also Muslims, Sinhalese and Burghers as already required by the population demographics of the Eastern Province. Interestingly, whilst geographical terrain has been considered, such entailment of communities has not surfaced. Or, to the extent it surfaced it was rejected by the Muslims who refused to have the LTTE represent them, making the distinction that the Muslims are not Tamils. Prior to that rejection, the Muslims held the ambiguous status as equivalent to the Tamil race of people due to their use of the Tamil language.

Returning to the point of GoSL-LTTE negotiations, the question of relationships arises regarding the singularity of representation of a race. The GoSL in its S3 capacity runs the risk of being skewed in its negotiation by representing the view of its dominant S1 (Sinhalese community). This influences S3's perception or at the very minimum can be construed as doing so. Such a GoSL S3 perception is difficult to dispel (i.e. absorb variety) in the absence of active representation by other S1s. There is also the risk that other S1s may not concur with the agreements being reached between the LTTE and the GoSL. Indeed, I go a step further to posit, as mentioned earlier in this Chapter, that the GoSL runs the risk of collapsing to represent the missing embedded S1s – namely, representing the Sinhalese.

This may present as an elusive point and thus is worthy of explication for not only is it a very sensitive issue in Sri Lanka but it also carries many implications in terms of requisite variety made available during negotiations. In Sri Lanka election victory and most Parliamentary decision making is premised on simple majority principles. The GoSL by default is seen as dominated by the +70% Sinhalese community irrespective of whether it is left or right wing politics that wins the day. The GoSL has the reputation, which is well propagated by the Tamils as an explanation for their grievances - that the GoSL is essentially Sinhalese orientated and favoured in its thinking. So here we glimpse the LTTE reasoning for the perspective that the LTTE holds that their negotiation with the GoSL is as a peer-to-peer system – between the race groups Sinhalese and Tamils.

Clearly, the GoSL would refute this on the grounds that it is a State actor, but the point that persists is the perception of the dominance of the GoSL's Sinhalese orientation. This perception is given credence by the Muslims (a different S1 from that of the Sinhalese and Tamils) making overtures to be accorded formal negotiation rights at the Peace Talks. In observing this reality, it may be fair to assert that what propels the Muslim demand for a seat at the negotiating table is that the GoSL may arrive at agreements with the Tamils at the expense of Muslims, which is to imply the Sinhalese bias inbuilt into the GoSL. It is this reinforcement that calls attention to the 'Sinhalese-ness' of the GoSL. This theme will be returned to later in this Chapter to help design a solution that does not trap the GoSL into this bind when in its S3 role it is seeking to find the balance of vertical and horizontal integration.

Such questions and perceptions entail coming to grips with the variety of interpretations. Who does the LTTE represent and who does the GoSL represent? What difference does the interpretation make given the premise that the negotiations must address the 'cohesion-autonomy balance' as it pertains to the future governance framework of Sri Lanka? To arrive at answers to this complex set of questions, I shall found it on the evidence indicated by the position occupied by the GoSL and the LTTE in context of the a) war itself, b) 2002-2003 and 2006 Peace Negotiations, c) ISGA proposal, d) P-TOMS agreement and e) the array of Peace Secretariats.

As a VSM prelude, let me recall there is a permutation of interpretation that the LTTE is a system in the environment (that interacts with the system-in-focus, namely Sri Lanka) and the negotiations address the circumstances under which the LTTE will join the system comprising Sri Lanka. This is because the LTTE officialdom sits in the grey area where for all intents and purposes it operates outside the jurisdiction exercised by the GoSL. This however is a first layer of distinction and applies much less to its population. The deeper point is that the LTTE is negotiating on behalf of Tamils who belong to the system of Sri Lanka or at the very minimum the negotiation conducted by the LTTE concerns the future of Tamils within Sri Lanka. In stating this, I am not implying that the deeper point overshadows the first. Rather they co-exist but apply with different force based on the context.

Let me now discuss interpretations of the position of the LTTE and the GoSL in their negotiations role and where required extend the discussion to include other races and the nuances as they apply to the Provinces.

- a) War: The GoSL and the LTTE in their military encounters conduct themselves as supervening system warring with an embedded system or as peer-to-peer systems where each acts in its autonomous capacity. It is fair to also state that it is the gross inadequacy of the balance of cohesion that evidences itself in war.

- b) Peace Talks: The evidence here is very grey. Given that the GoSL is negotiating with only the LTTE, one impression is that it is a peer-to-peer negotiation where the system-in-focus (Sri Lanka) is negotiating with its contractual environment (LTTE). This is the position taken by the LTTE. However, it needs to be borne in mind that this singularity of representation was a condition of the LTTE for Peace Talks. This singularity consequently poses the question - who indeed is the GoSL representing, the hegemonic Sinhalese or are the Muslims also included? Additionally, the peer-to-peer relationship prompts enquiry of the existence of the supervening system which minimally is a logical system under whose banner the peer-to-peer systems cohere.

In comparison, the GoSL by virtue of its historical island-wide democratic election process sees itself as negotiating with an embedded system – the Tamils who are represented by the LTTE. Thus in VSM terms, the Peace Talks are a negotiation between the S3 (GoSL) and the management Unit of S1, the Tamils.

The crucial political difficulty is - how does the GoSL, built on democratic principles, dynamically inform itself of the position of the other S1 systems (like the Sinhalese and Muslims) when it is engaged in negotiations with the LTTE? This same question could be posed of the LTTE, but one could argue that their autocratic manner of governance circumvents the requirement.

Yet the question deserves answering especially as reality is perceived differently in each camp. Each evidences their flaw of inadequate recognition of the sub-systems which are embedded within the systems they represent. For the LTTE, it appeared in

the form of the Eastern Tamils under the leadership known as the Karuna-faction. For the GoSL the cry emanates from the Muslim group which itself has the discernable sub-systems of Eastern Muslims and other Muslims. This sub-system clamour for a channel of communication so that they can be part of the bargaining process being conducted by S3 accords with the VSM and is exactly Beer's point of balancing cohesion and autonomy.

From a meta-level perspective there is also the question - how does the meta-system above the sovereign system of Sri Lanka convey its position in the dynamics of the negotiation? During the 2002-2003 and 2006 Peace Talks there has been no formal channel for this meta-level system to participate, except via the default all embracing environment. There is also the question of - who is the level of recursion above the system 'Sri Lanka'? Is it India, or the Indian sub-continent (as represented in SAARC) where India, like Sri Lanka is a sub-system? Either way, India's voice is important because of the overtones that Sri Lankan negotiations carry for India both in its Tamil Nadu politics (the critical Indo-Aryan-Dravidian divide) and its internal conflicts (e.g. Kashmir). These overtones are particularly relevant in terms of neutrality given the advocacy that India be invited once again to mediate/facilitate the Sri Lankan negotiations.

From a variety perspective, it is pertinent to note the mediator/facilitator distinction between post-colonial self-determination and the decolonization era. In the latter, this third party role was played by the exiting power which in the instance of Sri Lanka had 150 years of understanding and influencing, if not controlling, local politics. In the post-colonization era, the third party (e.g. Norway and previously India) rarely has such longevity of involvement and thus critically lacks the nuances of understanding and influence especially across the spectrum of local power blocs.

- c) ISGA: Here is an outstanding unilateral initiative by the LTTE. It states the autonomous powers under which it will operate and in doing so discloses vital elements of embedded systems. This offered the opportunity for cohesive considerations to be introduced to balance the equation. This will be addressed in Part III, but let us return to the ISGA diagnosis.

The ISGA (refer Appendix 4) starts its preamble with ‘equality of all persons’. Clause 2.3.a states ‘the number of members of the ISGA will be determined to ensure an absolute majority of the LTTE appointees in the ISGA’ until elections are held (within 5 years – refer clause 3). From an embedment viewpoint the ISGA confirms the LTTE expected ideal of control over eight districts and recognises the Muslim community as not falling under its representation – refer clause 1. However, neither the Sinhalese nor the Burghers are mentioned. In Clause 2 the GoSL, besides the LTTE, is specified as having a right to membership in the composition of the ISGA with the Muslims of the NorthEast having membership rights also. Note the (NorthEast) sub-system recognition within the Muslim community.

However, like the Peace Talks, the enquiry is - who is the GoSL representing? Given that the LTTE (representing the Tamils) and the Muslims have specific representation, it is fair to assume the GoSL represents the Sinhalese (majority race in the Ampara district) and the Burghers (a minor race in the Batticaloa district).

In this sense, the ISGA gives a clearer signal that the GoSL (presumably representing the Sinhalese and Burghers) is a peer-to-peer system and not just with the Tamils (as represented by the LTTE) but with the Muslims too, specifically the community in the NorthEast. Another indicator is that the ISGA in clause 12 allocates to the LTTE (holding absolute ISGA membership majority) external financial powers - powers more usually vested at State level and enjoyed by the GoSL. Clause 11 however, does have a reference that indicates the supervening power of the GoSL in that it is holder of the Consolidated Fund.

The drizzled nature of recognition of supervening, embedded and peer-to-peer systems makes the ISGA a tremendously useful document upon which to base negotiations. The LTTE by its own initiative has recognized the principle of embedment of systems, in this instance, race communities and districts. This emerging pattern offers the scope to take negotiations forward by inviting the LTTE to articulate the manner in which as an autonomous system it coheres with Sri Lanka. In particular, it presents an opportunity to launch the concept of the need to ‘balance cohesion and autonomy’ and

to move away from the age-old antinomy of prioritisation of core issues versus humanitarian relief.

In the absence of seizing such an opportunity, the ISGA remains an articulation devoid of a framework which addresses ‘balancing cohesion and autonomy’.

- d) P-TOMS: Many hold the real power of P-TOMS’s (refer Appendix 3) three layered Committee structure rested at the Regional Committee. Given that the majority membership at that level rested with the LTTE, the net effect was that the NorthEast tsunami relief would be LTTE determined and controlled. P-TOMS was contested in the Supreme Court. The court issued an interim injunction restraining three key operational clauses pertaining to the Regional Committee. The most severe was the suspension of the Regional Fund where the proposal was for a multi-lateral agency to be the custodian of the funds rather than the Consolidated Fund. This effectively lamed P-TOMS into non-existence.

The vital cybernetic point of relevance is that P-TOMS’s High Level Committee composition demonstrates the trend of the GoSL representing non-Tamils and non-Muslims (namely, the Sinhalese and the tiny minority communities). These groups were also affected by the tsunami in the Northern and Eastern Provinces. Clause 5(c)⁵⁷ states the High Committee shall comprise one representative each from the GoSL, the LTTE and the Muslims. Clause 6(c) regarding the Regional Committee states the equivalent membership mix to be 2:5:3 comprising the GoSL, the LTTE, and the Muslims. Clause 8 regarding the District Committee contents itself with working with the pre-existing District Committee structure and stating that Muslims and gender be adequately represented.

As in the ISGA, the evidence suggests that P-TOMS too follows the trend of positioning the GoSL to represent the Sinhalese, given that the Tamils and the Muslims are positioned to represent themselves.

⁵⁷ This clause has an interesting twist for its pattern harks back to the 50:50 representation advocated by the Late G.G. Ponnambalam. This was 50% of parliament’s seats were to be allocated to the Sinhalese and the balance 50% to be shared by the minority races. The P-TOMS clause allocates 50% to the Tamils and the balance to the Sinhalese (20%) and Muslims (30%).

- e) Peace Secretariats: The existence of three Peace Secretariats - by the GoSL, the LTTE and the Muslims - clearly indicates the trend of the GoSL approaching the status of a peer-to-peer system representing those groups not represented by the other two Peace Secretariats. Admittedly, the Muslim Peace Secretariat is a fledgling but the principle in terms of who the GoSL represents is what is being alerted to here.

The gravity of this diagnosis of the ISGA, P-TOMS and the three Peace Secretariats is that there is now a very clear trend that the GoSL is being positioned as representing the Sinhalese. The contentious issue that has consumed the intellectual and political minds is whether the LTTE has the right to solely represent the Tamils and whether the Muslims warrant a place at the negotiating table. Unnoticed is what this diagnosis is showing - the very discernable tilting of the negotiations to take on a peer-to-peer appearance wherein the GoSL is both a peer and a supervening system. The peer status arises due to the GoSL by default representing the Sinhalese who are the obvious embedded missing major system in the negotiation. The other specific systems represent the Tamils and the Muslims. This assertion is given further credence by the previously mentioned fact that composition of the GoSL is dominated by the Sinhalese.

As mentioned earlier, an argument can be mounted that the GoSL represents the Tamils who do not want to be represented by the LTTE (examples being the TULF, Karuna faction, EPDP, moderate Tamil intellectuals). However their numbers are comparatively small. Also giving the GoSL a supervening character is its stance as a state actor - defending its borders as evidenced by the war, and in financial matters its exclusive right to raise public debt and its power to allocate funds to Provinces.

In Part III of this Chapter, based on Ashby's Law of Requisite Variety, I seek not to validate or invalidate an interpretation. My objective is to design negotiation processes capable of absorbing the varied interpretations with the objective of achieving a desired goal - sustained peace via the balancing of cohesion and autonomy. In this sense, interpretations which need to be catered for are that for some it is clear the GoSL by necessity negotiates at the Peace Talks as a supervening system as the LTTE is not a state actor and represents an embedded system, the Tamils. Others contend the LTTE is conducting peer-to-peer negotiations with the GoSL as the GoSL represent the Sinhalese

who are a peer system like the Tamils. Still others, especially based on the terms of representation at the 2002-2003 Peace Talks, would contend it is a mixture wherein the GoSL sees itself as negotiating with an embedded system but the LTTE sees itself as negotiating with a peer system.

3.2.2 Monitoring and Error Controlled Feedback Processes

Referring to the discussion in Chapter Two concerning the cybernetic rationale and the way the monitoring and error controlled feedback process works, the extent and manner it has been applied to the agreements reached is diagnosed here.

In 2003 when the LTTE suspended their participation in the Peace Talks, they attributed that decision to what they called the lack of ‘existential relief’ – meaning agreements reached were not fulfilled within their expectations. On various counts this is significant because the criteria upon which implementation of agreements could be evaluated was in many instances vague.

There is little evidence to suggest that interim timeframes and deliverables were specified as part of the agreements reached. In a sense, this benefited both sides. It kept the door open to decline participation at any time based on inadequate implementation. It also kept the door open to non-accountability, especially for the GoSL with its widely known ineffective and inefficient civil administrative system.

Had there been such interim timeframes and deliverables which were being monitored, a mechanism would have been in place to alert the negotiation series of the need for corrective action. Instead the Peace Talks collapsed. Having said this, it is not expected that all agreements will have specific monitoring agreements and error controlled feedback processes in place. However, those agreements that are considered to be more sensitive, which is a matter for the parties to agree upon, need specific monitoring and error controlled feedback processes in place. An example of this is seen in the MOU pertaining to the Cessation of Hostilities.

This was the solitary agreement accompanied by a formal monitoring system. The GoSL and the LTTE commendably agreed on the composition and charter of a neutral monitoring body, the SLMM. The SLMM had access to monitor results, i.e. the three aspects of the channels of communication were open to them. However there was very little in place beyond reporting and advocacy to initiate corrective processes.

In other words, whilst the MOU on the Cessation of Hostilities was invested with a feedback process it had no accompanying error control process. Like many other agreements it suffered lack of clarity of the tolerance limits (which could have been stated heuristically if it was politically incorrect to state algorithmically) of the critical variables that constituted the agreement.

Overall, what we find is that agreements become toothless in the absence of S2 and S3* processes to monitor and facilitate remedies. It is almost inevitable that the negotiation process will fatally break down once one side or the other interprets the vague agreements as not being fulfilled. The other high probability of failure is the disregard of agreements where they continue in name only. Such is the case with the homeostasis agreement pertaining to the Cessation of Hostilities. It has now (June 2007) reached the stage where the SLMM itself is increasingly abandoning its monitoring as the agreement is being flagrantly abused by all sides (the GoSL, LTTE and Karuna faction). The experience here is a telling example of the price paid in the absence of error control processes.

3.2.3 Different Levels of Recursion & Variety Absorption

Assessing and building capability for peace in a war-torn system is a S4 activity. As such both the GoSL and the LTTE individually signalled to the environment, specifically to the Royal Norwegian government, their willingness for Norwegian diplomats to facilitate peace initiatives. The arduous phase of soliciting warring parties to enter into Peace Talks minimally entailed reaching agreement on such matters as a) who was willing to meet with whom in a bid to resolve the conflict, b) the subject content of negotiations, c) the pre-conditions by each of the parties and compliance thereof, d) when and where they would meet and e) the negotiation protocol when the parties meet.

Pre-election agreements suffer the intrinsic risk that they may be abrogated when a political party in their capacity as government fails to win adequate support for the formal approval of the agreement. In saying this it is also appropriate to recognise that the usual circumstances of a pre-election agreement is that Party A has succeeded in convincing Party B of a particular stance/position/requirement. It also usually implies that Party A has not succeeded in convincing others of their position. Thus what Party B is undertaking is the task of convincing the necessary others of Party A's position and maybe even the benefit it holds to others to accede to Party A's wish and for it to come to pass.

Applying the recursive concept of the VSM, the attribute of pre-election agreements is that for one of the parties (in our case Party B), the negotiated agreement compared to the formal approval (and implementation thereof) is done by two different levels of recursion. So a political party (e.g. R-2) as a product of negotiations enters into a pre-election agreement but its formal approval and implementation can only be done by a higher level of recursion (e.g. the State level R0). "Thus while the components appear to be the same, they operate with different purposes and therefore functionality and relationships given that they pertain to different logical systems" (Solomons and Moscardini, 2006a:119).

The question becomes - what variety considerations need to be addressed so that risk of post-election abrogation is minimised? This is particularly relevant for Tamil strategists given Sri Lanka's chequered history of abrogation of pre-election agreements⁵⁸. The Peace Talks with their path to suspension, the ISGA proposal and 2004 proroguing of Parliament are an unusual and complex example of the failure of what grew from a pre-election agreement between the UNP and the LTTE as facilitated by the Norwegian government. Recognising the different levels of recursion, what was agreed upon is diagnosed from a variety absorption perspective.

Operating (presumably) from the imperative to end hostilities, it appears diplomatic initiatives were premised on those engaged in warfare entering into Peace Talks. What this meant was that the only structural coupling recognised and therefore approached was the

⁵⁸ Examples of this are the Chelvanayagam-Bandaranaike Pact of 1957 and Chelvanayagam-Senenayake Pact of 1965.

LTTE and the GoSL. In the latter category were included the Executive President, parties in government and potential contenders, notably opposition political parties.

Positioning for ending two party hostilities is different to negotiating for peace as the structural coupling of the latter involves a multi-partisan approach. What sealed the Peace Talks into a two party negotiation was the LTTE condition which was accepted by the UNP political party and subsequently by the GoSL when they won election, that the LTTE was the sole representative of the Tamils. Locking only two parties into the negotiation process -

indicates those who designed the negotiations process lacked recognition or were hampered in their ability to gain consensus amongst the primary protagonists that the relationship between structurally coupled systems change as the systems themselves adapt. Consequently, those systems initially excluded could not participate in the Peace Negotiation despite the evolving (un/favourable) effect on their relationships (Solomons and Moscardini, 2006a:118).

Given the emphasis on war disengagement this excluded the embedded system of Muslims and the Sinhalese (if one accepts the GoSL as representing the State and not the hegemony accused Sinhalese) from the Peace Talks. The other flaw stemmed from static recognition of warring parties. The MOU on the Cessation of Hostilities made no allowance for the emergence of new war entrants. It had no dynamic feature built into its parameters of agreement and thus is restricted in its ability to absorb the variety of dissident Tamil factions (e.g. the warring Karuna-led group) and the emerging militant Muslim groups. From a variety engineering perspective, I would argue the emergence of such groups was inevitable due to a) embedded systems having no formal communication channel to participate at the Peace Talks, b) precedence that a group's right to participation at the Peace Talks was based on them taking up arms, c) embedded systems having no formal channel to negotiate at the Peace Talks made war a very likely channel to air their grievances, and d) a way to overcome the power of a monolith was to find a way for it to fracture.

The Peace Talks themselves were based on asymmetrical considerations on multiple fronts. This initially arose as a condition of the LTTE's requirement that interim relief be given priority over core issues. As the architecture of the Peace Talks only permitted warring

participants, the subject was constrained to that which mattered to the warring participants. Consequently, the grievances of the Muslims and Eastern Tamils (as the LTTE are perceived as more associated with the Northern Tamils) could not be voiced. Neither could propositions put forward by LTTE and GoSL be contested by embedded systems. Thus both content and decision making at the negotiations table was asymmetrically based.

Whilst a case could be made for asymmetrical decision making, it is vital that it be based on symmetrical considerations - after having considered the whole (e.g. its effect on the various structural couplings and their relationships). To do less –

forbids deficiencies being seen and therefore considered in the decision making process. ‘Symmetrical consideration’ entails the recognition of much more variety, the absorption of which calls upon substantial design considerations. On the other hand, decisions based on asymmetrical considerations certainly attenuate variety but if significant variety is ignored then the system will eventually evidence the fault as has been the history of failed talks. (Solomons and Moscardini, 2006:120)

The obvious question to ponder is - was there opportunity to remedy these architectural process design flaws? Examination of the resources drawn into the Peace Talks shows evidence is lacking to indicate a presence of S4 functionality whilst the Peace Talks were in progress. Certainly, on all sides the ‘soliciting phase of Peace Talks’ was a System 4 activity. Thereafter, whilst for the LTTE the soliciting phase and Peace Talks remained at the same level of recursion, for the other side it moved to different logical systems. The transition was from a level of recursion pertaining to the ‘political parties’ to that of the State with representation by the GoSL. On all fronts it appears the focus was on S1 activity (involving the negotiating team and support from the respective Peace Secretariats) and S3 activity. For the system Sri Lanka it involved the Prime Minister and cabinet, and to a much lesser extent Parliament and lacked the formal involvement of the Executive President’s S5 homeostatic function.

As Solomons & Moscardini comment -

Once Peace Talks began, it appears the bulk of the players who prepared for the Peace Talks (S4 activity) were sucked into the Peace Talks itself (S1 activity), leaving a S4 vacuum. Furthermore, lacking S4, the necessary flanking requirements of administrative systems, monitoring and corrective protocols could not be caught here either. Neither could anything be done about positioning to accommodate the emergent relationships of other systems. The absence of S4 also aided S5 functionality, with its

constitutional backing, to easily crash into S3. Lacking skilled and devoted functionality to future positioning it was inevitable that design process deficiencies were unlikely to be remedied. Even if the Norwegians or any other stakeholder had realised such (which in itself there is little evidence to suggest), the GoSL was not in a position to address it. Note, an outstanding exception to such S4 functionality was formulating an international forum for aid pledges (in Oslo, Washington and Tokyo), albeit that this later proved to be a breaking point for the LTTE as they were not permitted to participate in the Washington forum, due to their US terrorist proscription status. (Solomons & Moscardini, 2006a:119)

Lastly the combination of an SLFP Executive President and a UNF led Parliament meant the constitutional power vested in the Executive President to dissolve Parliament after one year had a high likelihood of being exercised given that the Prime Minister's initiative of Peace Talks had never been endorsed by the Executive President. This translates to the intensely complex peace process under this particular initiative having a life span to gain resolution of something over one year! As it was, the Talks were suspended by the LTTE within a year of commencement. The UNF government lasted a little over two years before peace related controversial initiatives caused the Executive President to exercise her power to dissolve Parliament.

The Presidential move shows the fundamental flaw that accompanied negotiations from the outset. This was predominately due to the co-habitation Constitution relationship between Prime Minister and Executive President (discussed further in Chapter Four). Essentially, a pre-election agreement between political parties which win elections but which do not earn the President's endorsement seriously lacks the variety absorbing capability to carry the peace process through. This is a critical insight that needs to be factored into the various phases of negotiations.

3.2.4 Applying VSM Thinking to Majority Based Decision Making

I now move to creatively apply the VSM to gain an appreciation of what happened in Sri Lanka in the context of two examples. They bear useful learning for framing constitutional matters particularly in terms of addressing the pitfall of majority based decision making. First, historically, what happened shortly after independence and secondly, what was articulated under the ISGA proposal.

a) The Independence Example

Based on Sri Lanka (previously Ceylon) as the system-in-focus and various races being the S1s, the GoSL along with its public service comprises S3 arising from its legislative and executive capacity. This S3 is resourced by the S1s. Elected politicians and bureaucrats simultaneously come from and belong to the S1 race groups. The argument of the Tamils has been that the GoSL has been dominated by the thinking of the S1-Sinhalese race which has exercised its decision making power to favour the Sinhalese. The argument put forward is that this has resulted in the GoSL enacting legislation like the Sinhala Only Act and exercising executive decisions such as what has come to be referred to by the Tamils as 'state-aided colonization'. Sinhalese were reportedly favoured to occupy what has been regarded as traditional Tamil homelands and by so doing changed the race-based population mix of those areas.

This example serves to show how an S1 exercised its autonomy to dominate (via its numerical majority) the identity and workings of the system-in-focus at the expense of other S1s (the Tamils, the Muslims, etc). Such decision making by S3 has been possible because the Constitution states the decision making process is based on the majority vote. This meant that the S1 with the numerical advantage, particularly when its counterweight is very low, is favourably positioned to win because of the way the system has been designed. This is what the '50-50 representation rule' (50% for the Sinhalese and 50% for all the other communities combined) sought to overcome. Whilst this option was not chosen, a similar result was achieved via Section 29 (2) of the 1948 Constitution which made void any discriminatory or privileged legislation based on 'community' or 'religion'. Cybernetically this anti-discriminatory provision is a brilliant example of recognising homeostasis (across the races) to the detail of recognising its critical variables (e.g. community, religion) and the physiological limits (e.g. no discriminatory or privileged legislation) within which they need to be contained.

The objective of this clause however, was not carried forward into any of the later Constitutions. Decision making powers therefore by design became vested in the S1 which had the numerical majority. Thus balancing cohesion and autonomy was not

achieved as the dominant S1 exercised its power the way it so wished within the system-in-focus.

This squeezed the minor S1s into not being able to exercise their autonomy for the benefit of their ideals. The various minor S1s reacted differently. The S1 of Burghers mostly migrated overseas, the S1 of Tamils chose to stay and fight. Both the S1 of Tamils and Sinhalese sought the endorsement of the S1 of Muslims. The Tamils sought the Muslims to enlarge their territorial claims based on a Tamil-speaking population. The Sinhalese gave benefits, like employment and business deals, to the Muslims to prove that minority communities were not disadvantaged (O'Sullivan, 1999). Consultations and actions to build cohesive strength across the communities were not employed. The best that was achieved was bi-lateral positioning (in VSM parlance, squiggly line resource bargains) and even some of these eventually were abused – for example the 24 hour Muslim condition to exit the Tamil dominated district of Jaffna.

b) ISGA proposal where the system-in-focus is a Province and its embedded systems (S1s) are the various races.

By compelling the ISGA, to have the LTTE hold absolute majority in the ISGA, a S3 system, the same flaw was built in as was the case with the Constitution of Sri Lanka. This LTTE power is however mitigated by clause 8 pertaining to 'protection of all communities'. But this applies only to religion and culture, which makes education and the economic fronts of business and employment noticeable absentees. Stated differently, these absentee domains are the loopholes where cohesive restraint will not apply to the privileged reign of autonomy as designed by the absolute majority position bestowed on the LTTE.

The other question with the ISGA is - how will the LTTE absolute majority be exercised in terms of the lower level of recursion, namely sub-groups of the Tamil community? Here, I refer to the nuances of the Eastern and Northern Tamils, particularly as the LTTE carries a Northern Tamil signature. The breakaway Karuna faction intimates this is a very real problem which needs addressing. Within such a

sub-system Clause 8 carries no weight as their religion and culture only slightly differ. The question becomes - what are the critical variables and their physiological limits in the instance of sub-races?

The area where the ISGA is also reticent is the manner it coheres with the meta-level system of Sri Lanka. In what domains will it restrain its claim to autonomy? It also makes no mention of the manner of its relationship with other peer systems like other districts or Provinces of Sri Lanka.

The above two examples illustrate design is conspicuously weak to address the supervening system requirement to attain coherence amongst the aspiring autonomous systems. This supervening requirement needs to be effective and cannot be sustained by 'command imposed' design. Without it we traverse the path to separation.

3.2.5 Relevance of Diagnosis

The value of this diagnosis is that it shows flaws that require remedy if peace is to have a chance to prevail in a non-partitioned Sri Lanka. From a design perspective, this is addressed in Part III of this Chapter.

On the other hand, the diagnosis shows the application of the principles of effective organization, borrowed from the VSM, which can be employed by the UN to evaluate claims and counter-claims when secession demands are being evaluated. This is of particular importance as from Blay's thesis was learnt that post-colonial secession claims as evaluated by the UN consider a) the results of remedies pursued at the national or regional level and b) the evidence of viability of the entity claiming secession.

What this means is that secession is considered by the UN when other avenues of peace have failed. In turn this means that when a claimant finds itself failing to achieve internal self-determination it has the option to develop and pilot external self-determination prospects through creating a de-facto State. As it succeeds with the sturdiness of its de facto State it will then be in the interest of the claimant to position itself to withdraw pursuing

internal self-determination options. This withdrawal could be staged by sabotaging the peace process by the type of demands it negotiates or the principles it adopts.

It is this internal solution process that the UN needs to evaluate in terms of whether the process of internal self-determination was a genuine failure or one that was sabotaged. My proposition is that such diagnosis is possible based on the principles of effective organization as articulated here. These principles and diagnoses must be applied equally to the counter-claimant i.e. show that restrained autonomy was for cohesive purpose.

For this reason, I contend that the LTTE demand for stakeholder exclusivity, both in terms of sole representative of Tamils and sole race represented, sabotages the means for gaining peace agreements across the spectrum of race embedded systems. I would go further to state that if a peace process is premised on exclusivity being given to autonomy or cohesive demands, then the architecture of the peace process itself has failed. Consequently, argument based on the results of such a peace process is weak in terms of using it to evaluate claims and counter-claims. Equally, I contend that the proroguing of Parliament sabotaged the peace effort and served the argument to return to war. The latter point however is more contentious as it falls within national constitutional law.

3.2.6 A Sample of the Process Requirements Specification

Based on the principle of balancing the cohesive needs of the State and the autonomous needs of its embedded systems, Peace Negotiation must include the supervening and embedded systems. Therefore, the talks must involve multi-party participation so that protagonists are positioned to negotiate their case bilaterally and multilaterally and thereby absorb each others' variety.

Given that the existing constitutional structure of Sri Lanka results in the composition of the GoSL being overly Sinhalese represented, it is unwise to place the GoSL as the sole negotiating system with an embedded system. This is because the GoSL runs the risk of being construed as representing the Sinhalese, a peer-system like the Tamil community. If

that happens, due to according the Tamil race negotiating exclusivity, three obvious permutations arise:

1. The supervening system is lost to the process and consequently cohesive considerations are ignored,
2. The supervening system is perceived as representing its dominant embedded system, or
3. The supervening system collapses to represent the missing embedded systems.

Therefore, a supervening system will need to be, at least logically, created to bring the cohesive balance into the peer-to-peer negotiations whose focus would otherwise centre on their autonomous demands. That supervening system will seek to a) facilitate negotiations across its spectrum of embedded systems and b) negotiate the parameters of cohesion based on understanding Sri Lanka's requirements as a whole and informed by the requirements of its higher level of recursion.

Whilst decisions may be asymmetrically taken both in terms of who makes them and to whom they pertain, the content of deliberations needs to be symmetrically considered across the immediately embedded spectrum of systems. The critical objective is to avoid decisions which are blind to, and not prepared for, their detrimental impact on other systems.

The design of the process also needs to be capable of simultaneously handling core and relief issues so that the old antinomy of prioritization of core and relief issues is overcome. The process needs to be iterative and dynamic in its manner of working so that possible decisions are informed and contemplated iteratively in the sense of being able to revisit formulations towards decisions.

Part III addresses the process design considerations pertaining to the above. There are other diagnostic matters that warrant design consideration and negotiated agreement during the phase of Pre-Talks. This includes matters like establishing monitoring and feedback processes for what are considered to be the critical homeostats to achieve peace. The design remedy of those is left for another occasion.

Part III – A Way Forward with Designing ‘Processes’ for Peace Talks

Given the price that war extracts in humanitarian and economic terms, Peace Talks are an attractive option. Such Peace Talks can play a pivotal role in negotiating internal self-determination and, in the event of failing to reach such agreement it serves to substantiate the claim for external self-determination.

The LTTE currently evidences a three pronged simultaneous strategy:

1. War⁵⁹ to propel leveraged Peace Talks and cordon off territory,
2. Peace Talks to negotiate interim relief measures and secure autonomous decision making and implementation rights for Tamils, and
3. Operation of a de facto State to cater for the contingency of substantiating to the international community and the UN the viability of their secession claim if the demand for Tamil autonomous decision making and implementation rights remain unquenched. This prong of the strategy involving a militarily controlled and administratively governed pilot⁶⁰ territory also serves the contingency of figuring out what it takes to design and govern a civic administration system should de jure internal self-determination result. At this stage though, the pilot carries more of a flavour of secession as the civic administration system carries its own military apparatus. Very importantly, it also carries a legal system which appears independent of the Parent State (e.g. appeal process is within itself).

Viewed from the perspective of the system Sri Lanka (R0), it is the variety posed by this simultaneously implemented three-pronged strategy which minimally needs to be absorbed in the bid to restore peace. In this regard, preserving territorial integrity is amongst its most jeopardized variables in the quest to adapt whilst conserving identity. Thus secession is what the GoSL representing Sri Lanka deliberately seeks to avoid and continuation of the

⁵⁹ This is a reciprocal war with the GoSL and it is a moot point as to whom or what instigated the offensive.

⁶⁰ Reference to ‘pilot’ is because subsequent roll-out may extend to a wider territory. Also the pilot provides practical experience to support the conceptual content used in negotiations.

current Sinhala-dominated centre driven State is what the LTTE on behalf of the Tamils finds totally unacceptable.

In sailing thus between Scylla and Charybdis, the cybernetic considerations pertaining to designing a process for Peace Talks is to address how such to be designed. Factored into this design is the aspect that whilst only internal or external self-determination can prevail at any one moment, they can be pursued conjointly. Recursively what this means is that secession involves the meta-level system the UN, the system-in-focus Sri Lanka (R0) and from R-1 the embedded Tamil system. In contrast, internal self determination includes dealing with R0 and all its embedded systems (R-1) and in turn its array of embedded systems (R-2).

3.3.1 Applying Principle Based Negotiation to Design a Process

Part I established the argument for ‘principle based negotiation’ of the calibre which lent itself for use by others as much as by oneself, thus evidencing the principle of equality. These principles were identified as those which are the minimum requirements for viability of a system. Amongst these is the principle of balancing cohesion and autonomy which implies there exists a relationship between embedded systems, each of which seeks to maximise its autonomy, whilst the supervening system seeks cohesion which integrates the otherwise heterogenous systems.

Implicit in the design being proposed is the need for multiple stakeholder representation. Clearly, multiracial representation is not a new idea but I explore here the cybernetic thinking so that it can be positioned to address what the LTTE has to date repudiated, what the Muslims clamour for, and the Sinhalese have been ambivalent towards.

What is sought is the unambiguous representation of the supervening system and representation from the whole array of its embedded systems. Yet the reality is that in Sri Lanka that principle has been steadfastly rejected, particularly since the onset of the LTTE claiming themselves as the sole representative of the Tamils. At the Peace Talks this also

translated into the Tamils being the sole embedded system permitted to negotiate with the GoSL.

In other words, during the phase of positioning for Peace Talks there was a variety that was not absorbed when multiple stakeholder involvement was canvassed.

3.3.2 Multiple Stakeholder Negotiations across Three Layers of Recursion

This residual variety needs to be absorbed in the bid to gain agreement on multiple stakeholder negotiations. To achieve this I propose using the principle of recursion to give recognition to the embedded systems (R-1) and likewise to each of its embedded systems (R-2). For the system of the Tamils, those embedded systems can be based on racial subcategories, such as the Northern Tamils, Eastern Tamils, and Hill Country Tamils. It could also for instance be based on religion – Hindu, Christian. What is important is that the chosen sub-system and the entity that will represent it in negotiations is discernable and agreed upon both in terms of the chosen category and its representative. The same recursive principle applies equally to the Sinhalese and the Muslims. For the Muslims this embedded system is likely to be the Eastern Muslims, Southern Muslims, Up Country Muslims and Other Muslims. For the Sinhalese it could be based geographically or based on religion. If the latter is chosen, then the representative could be religious rather than a political body.

In addressing the need for requisite variety, there is also the matter of the clarity of recognition of who represents Sri Lanka, in its capacity as the supervening system. Here the residual variety that needs to be absorbed is the assertion that the GoSL is dominated by Sinhala-Buddhist hegemonic thinking and thus represents the Sinhala community. There is also the risk that the GoSL collapses to represent the missing communities when Tamils are the only community formally permitted negotiation rights at the Peace Talks. Once again, employing the principle of recursion offers the opportunity to create clarity of representation of the supervening system, Sri Lanka.

Given this charter, the question becomes - how is such a design to be architected? One way of achieving this is to enable the whole array of embedded systems of the level of recursion below that supervening system to be represented. Based on the premise that recursion level pertains to race (rather than say, Province) and the Peace Talks need to accommodate the multiple races, this minimally must include the Sinhalese, the Tamils and the Muslims⁶¹.

The value of the negotiating process allowing representation by each of the major race communities is that it allows each to discuss their context and the autonomy they seek. By doing so each gains an appreciation of their peer systems and through the process of interaction they can exercise their autonomy and jostle to define the manner in which they agree to cohere.

By being given the platform of negotiation the embedded entities exercise their autonomy to define the rules of cohesion and therefore shape the identity of the meta-level system to which they choose to belong. Additionally, by all embedded systems (all S1s of R0) being represented at the Peace Talks, variety is pumped in to avoid the supervening system (R0) collapsing to represent the missing embedded systems. As a result, the supervening entity is positioned to negotiate for its cohesive needs and to facilitate the negotiations of the embedded systems as they multilaterally negotiate their autonomous requirements.

Providing a formal negotiation process and entailed communication channels for the embedded entities within each race community (R-2) overcomes the problem of non-contestable proposals.

(Currently) there is no formal avenue for those represented (e.g. embedded communities or Provinces) to be consulted, the negotiation proposals are non-contestable. This is demonstrated by the Tamil Karuna faction's non-acceptance of the ISGA proposal as put forward by the LTTE. To overcome this flaw, a solution is to also enable negotiations at a lower level of recursion so as to use it as a process for vocalising acceptance or amendments which then also enables verification (i.e. that

⁶¹ This categorization is borrowed from the Dept of Statistics. Included within the Tamils are Sri Lankan Tamils and Indian Tamils and included within the Muslims are Sri Lankan Moors and Malays. Available at: http://www.statistics.gov.lk/census2001/five_per/colombo.pdf (accessed 18th December 2006). Another option is to have Tamil representation from Northern Tamils, Eastern Tamils, and Hill Country Tamils with Muslim representation being Eastern Muslims, Southern Muslims, etc.

consultation and agreement has been reached) to take place. This solution path has the advantage of continuing discussion rather than rejection which is what has happened with the ISGA proposal. (Solomons & Moscardini, 2006a:121)

3.3.3 Internal Self-Determination Negotiations

What this means is that to achieve peace based on internal self determination, Peace Talks negotiations are conducted between three layers of recursion where each recursion level feeds into and is fed from its neighbouring level of recursion. The first tier of negotiations is seeking the balance between cohesion and autonomy as required by R0 and R-1 where Sri Lanka is the supervening system negotiating cohesive requirements and the embedded race systems are negotiating for their autonomous requirements.

The second tier of negotiations is between each race community system (R-1) and their array of embedded systems (R-2). The critical point in the second tier of negotiations is that R-1 is now cast in the role of the supervening system seeking cohesion across its unique spectrum of embedded systems compared to its earlier role with R0 when its focus was negotiating autonomy.

Currently, in the absence of placing the Tamil embedded autonomous system (Tamils as represented by the LTTE) in its dual role as cohesive systems (e.g. to embedded Tamil sub-systems) what happens is the LTTE can get away with negotiating autonomous demands whilst ignoring the imposition on peer systems which is what cohesion seeks to address. To the extent consensus is not gained among the peer systems in acceding to Tamil demands, it accuses the GoSL of being unable to gain 'Southern' consensus (effectively the Sinhalese). In other words, the GoSL is burdened with the sole responsibility of gaining consensus rather than positioning peer systems to discuss, understand and hopefully absorb each others' variety. This should aid agreements on cohesive restraints which integrate the otherwise heterogenous systems. It is pertinent to acknowledge that building integration in conflict situations calls for high orders of variety engineering. Attenuating entire systems from negotiations may be reducing the encompassing system's variety-absorbing capacity. Such variety engineering needs to also factor in timing of negotiations and the

cohesiveness of each of the peer systems compared to each other. This will be further discussed in Chapter Five.

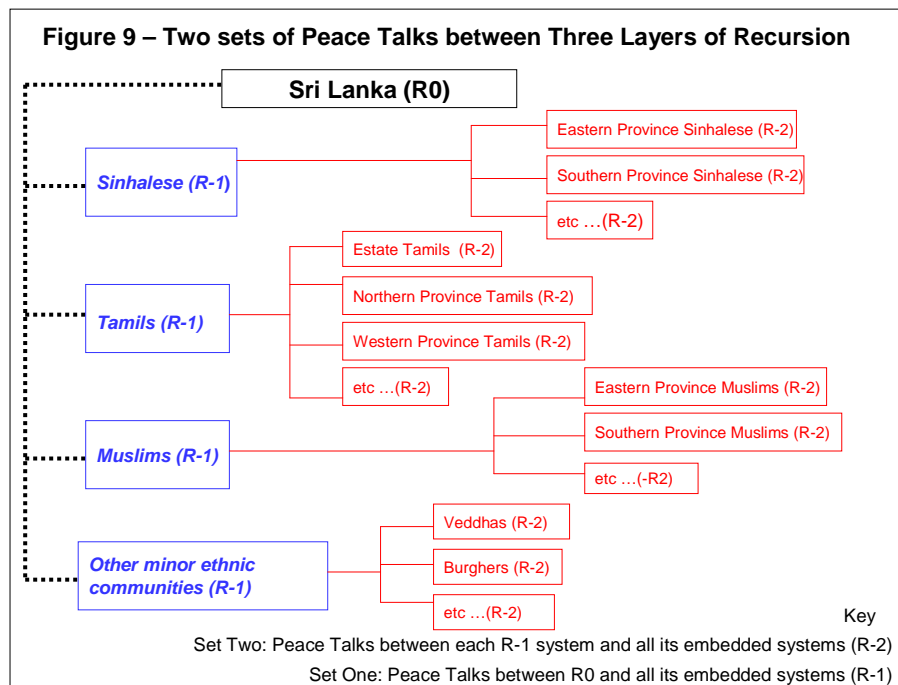
Due to the non-recognition of the third layer of embedded systems the way is open for the second layer of embedment to impose dictatorial command on its sub-systems (i.e. third layer of recursion) whilst negotiating autonomy (devolution of power) in its relationships with its supervening system. This makes for non-consistent application of the principle where S1 of R0 negotiates for meaningful autonomous powers but that same system does not grant its embedded systems such autonomy. This is a particularly important point given the dictatorial style of governance the LTTE adopts which gave it the power to consolidate the Tamil voice and leverage to negotiate with the GoSL. Yet sustained peace is unlikely to take root under a command mode of governance. Deprived of voice, revolt is invited by sub-systems as already indicated by the Karuna faction of Eastern Tamils. In other words, the LTTE lacks experience in building cohesion across its heterogenous sub-systems except by exercising dictatorial command or using the dominance of one of its embedded systems. For example Northern Tamil hegemony, which ironically is the same disease they accuse the Sinhalese of perpetrating on Sri Lanka.

It must be acknowledged that a two tier system of negotiations does not automatically confer consistency of principles. However, what the Pre-Talks can negotiate is that the manner in which cohesion is enacted between R-1 and R-2 is in principle the same manner in which cohesion will be invoked between R-0 and R-1.

Let me explicate using two examples. If more autonomy (constitutionally known as devolution of power) is the rule of the relationship between R-1 and R-2 then that same rule is available for use between R-0 and R-1. Likewise, if meaningful non-discriminatory provisions override majority based decision making then that same rule is what needs to be carried forward in relationships between R0 and R-1. It is this type of interlocking transposition rules that will act to circumvent or at least reduce the hypocrisy that prevails where devolution of power and dictatorial command exists between neighbouring levels of recursion.

Applying this type of interlocking, what we may find is that the system Sri Lanka will not be able to get away with its discriminatory legislation pertaining to religion or Presidential immunity. If it does, it opens the way for the Tamils to do likewise and negotiate the same in terms in its relationships with its supervening system, its peer systems and its embedded systems. Similarly, the ISGA proposal will not be able to get away with its majority ensured power base and therefore control, for that same privilege would then be available to the dominating Sinhalese in their relationship with the system Sri Lanka (as the Tamils convincingly argue currently prevails).

It is vital to realise the remedy lies in the amalgam of the design. Namely, enabling negotiations across the full spectrum of S1 embedded systems, involving paired sets of Peace Negotiation linking neighbouring layers of recursion (refer Figure 9) and interlocking the reciprocity of principles applied.



3.3.4 System Representation

Having identified the systems and multiplicity of roles that the systems are called upon to play, the question is – who will represent those systems? As discussed in Part II, the GoSL in its representative capacity of Sri Lanka needs to be represented in such a manner as to avoid the pitfall of the GoSL being synonymous with the Sinhalese. Also the GoSL must

encapsulate each of the major embedded systems so that it does not collapse to representing missing embedded systems. In Part I it was discussed that S1 Management Units play a dual S3 function. Thus, it means that GoSL in its S3 role for R0 must be represented by the Management Unit of each of its embedded S1 systems.

In Part II it was proposed that each of these S1 Management Units of the embedded race systems could be represented by the governing, and maybe opposition, political parties due to the heavy emphasis of Sri Lankan politics being race based. For the sub-race systems, an option is for the representative/s to be drawn from the provincial political systems.

Whilst the Muslims, specifically the Moors, have asked for representation at the Peace Talks, such requirement is rarely vocalised by the Sinhalese. This implies that the Sinhalese, besides the Tamils in the guise of the LTTE, will also need to be convinced of the value of Sinhalese participation. This poses the critical question - who will represent the Sinhalese - for it cannot be the putative GoSL? Or if it is, then the GoSL should not play the supervening role. Due to ramifications for secession, the latter permutation is very unlikely to be agreed to by the Sinhalese which means the Sinhalese will need to find a representative of its own which is not the GoSL nor carries the aura of being the GoSL. It is evident the Muslims already understand the value of their race being directly represented at the Peace Talks. By virtue of race based political parties, one of (or a combination of) the two prime Muslim political parties is the obvious candidate to represent the Muslims.

Overall, it is the principle of representation that needs agreement at the 'Talks about the Talks'. It would also help if the representation is by multiple entities if such is the preference of one or more of the systems. This is a factor built into the negotiations process which is discussed further in Chapter Five.

3.3.5 Large Group Interventions

It is one thing to advocate balancing of cohesive and autonomous needs based on multilateral negotiations and the need for a broader spectrum of issues to be considered. It is quite another to enquire whether the 'traditional agenda driven meeting format' is

adequate to the task of absorbing variety both in terms of multiple stakeholder involvement and the breadth of content issues that need to be addressed.

It also opens the question - is the current design of Peace Talks, which so far has been predominately top-down driven, adequate to the task, particularly given the variety inherently existing in the complexity of severe conflict?

This question pertaining to the variety absorption capability of the chosen negotiation format is a significant 'negotiation process design' issue. Clearly, the call is for processes capable of handling large group interventions both in terms of protagonists involved in negotiations and the number of subject domains as it pertains to content.

There is also need to build a Feedback Adjuster process as part of the monitoring process. The process also needs to include an Adjuster Organizer so that the rules under which the negotiations are conducted are themselves exposed to correction.

These considerations are addressed in Chapter Four and Five.

3.3.6 External Self-Determination (Secession) Negotiations

The projected view by the secessionists is that if Peace Talks fail and/or the intensity of war does not resolve the conflict then the option of secession will be escalated to the UN. Occasionally, there is the whisper of the need for UN peacekeeping forces.

In VSM terms, these are algedonic signals breaking through to even higher levels of recursion seeking resolution by lower levels of recursion to conserve their identity. Here we see a change in the recursion levels and the composition of the systems involved. The aggrieved system rises to be on par with the Parent State as it presents its case to the UN meta-level system to become a State. By doing so, it also frees itself of association with the parent's embedded systems. Additionally, the response to the algedonic signal is called upon to address a different set of content issues compared to internal self-determination,

the most contentious of which pertains to delineation and defence of sovereign territorial borders.

We need to gain an understanding of the UN position on secession rights and defence of territorial integrity. This will then be tied to addressing the matter of interlocking of reciprocity of principles as discussed in the proposal outlined in Section 3.3.3 -. titled Internal Self-Determination Negotiations.

Let us also recall here that unilateral declaration of Statehood as well as bi-lateral acceptance is inadequate to participate in the international exchange systems. Of course, this does not preclude such matters as name, flag, anthem and language being unilaterally declared and even accorded bi-lateral acceptance. However UN recognition of such Statehood is required, as it is predominately the gateway into almost all of the international interchange systems, when a State seeks entry into the interoperability systems in its own right rather than on a proxy status. According such multilateral recognition of the identity of Statehood is a matter for UN Member States to decide. Had there been or should there become at least two international interchange systems then the UN would not carry this weight of authority and power pertaining to matters of secession (Recall Stokes on Nature of Identity discussed in Part I).

Blay concludes that “international law neither recognizes nor prohibits self determination⁶² as a right in the post-colonial context, and that the law is in this sense ‘neutral’”. (Blay, 1984: iii) Consequently claimant and counter-claimant influenced by the strategies of States that un/successfully ceded after decolonization, design their own self help measures in pursuit of their position on secession.

If the "process of dissolution of the state" remains without any legal restrictions, then secession as included by the right of self-determination is also without legal restriction. In the absence of restriction on the "dissolution of the state" only the power of a government or the power of a secessionist movement governs the process (Basic et al., 1997).

⁶² In much of Blay's thesis he uses the term 'self-determination' to cover both internal and external self-determination. Nevertheless, it is fair to assert without too much fear of contradiction that internal self-determination is a matter for domestic not international law.

So in this sense, acts of war, Peace Talks, de-facto State are all self-help measures that each protagonist adopts based on their interpretation of how the international community will respond to their claims.

3.3.7 Change in Recursion Levels and Systems

When an embedded system takes its secession claim to the UN, the recursion question that arises is whether the claimant system in its negotiating capacity is an embedded system of the Parent State or a system on par with the parent. As stated earlier I contend it is the latter. It is recognized de jure the claimant system is an embedded system within the Parent State but the distinction being drawn here is its status in negotiations.

As would be expected, the distinguishing feature between internal and external self-determination is that in the former the aggrieved system is embedded within the Parent State whereas in the latter each belongs to the other's environment. Therefore, with external self-determination each system is responsible to manage its own embedded systems in terms of balancing its cohesion and autonomy. Each system does not need to bring its embedded systems into resolution across the other system as is the case with internal self-determination. Flowing from the Parent State and prospective State being on par with each other, it also avoids the confusion of representation in those instances where internal self-determination negotiations were not carried out across the full spectrum of embedded entities.

This distinction between the composition of systems engaged in negotiations in external and internal self-determination is vital. In internal self-determination the creation and acknowledgment of the rules of governance of the supervening system by its embedded systems is essential. In external self-determination it is exactly that supervening system that is dissipated as a consequence of creating two supervening systems. This distinction appears to have gone unrecognized in the Sri Lankan peace initiatives. The relationship as it pertains to external self-determination has been recognised, but it has been applied in the context of internal self-determination. To date what has been recognized is the relationship

as it pertains to external self-determination but it has been applied in the context of internal self-determination initiatives.

3.3.8 Change in Issues

With internal self-determination a fundamental issue is the balance between cohesion and autonomy within the State. The question thus is - what are the rules of governance so that the various systems, like races and Provinces, can co-exist? How can they conserve their identities whilst encompassed under the identity of one overarching identity that integrates otherwise heterogeneous elements? Whilst the balance between cohesion and autonomy is still an issue between States, in secession negotiations the emphasis is on who gets what in assets and liabilities and the governance rules that pertain to the sharing of resources that do not lend themselves to division (e.g. rivers that run across territorial borders).

Having gone to the UN for resolution it is found that the UN's manner of resolving contentious secession issues is primarily via its 'recognition according' system. Such issues as debt allocation, war reparation and natural resource sharing are not in themselves matters that the UN addresses.

Yet for debt-swollen States like Sri Lanka, debt allocation is significant. To not allocate debt is to transfer asset infrastructure without its corresponding liability. For the exiting embedded system this makes secession an extremely attractive alternative to internal self-determination. If debt is not apportioned, the Parent State carries the burden of debt relating to assets that are longer theirs.

The question becomes - on what basis is debt to be allocated? This question needs to extend to debts associated with fighting the war and to prevention efforts. These debts pertain to both sides, to the supervening system and its exiting embedded system.

The added difficulty of debt sharing is - who is responsible in the event of non-payment by the new State given that the initial debt was taken out by the Parent State? This question of repayment guarantee is essentially the same issue encountered when devolved systems of

governance under internal self-determination seek international debt raising rights. An option under secession is for debts to be re-allocated under new lending relationships. Thus the new State arisen out of secession organises its own finance and pays off the Parent State and the Parent State re-organises its debt portfolio. Such matters are bi-lateral agreements that need to be achieved between the Parent State and prospective new State rather than matters which the UN addresses.

The UN, however, in its recognition deliberations must address two very contentious issues. What are the altered territorial borders under separation, and how are areas of mixed population demographic to be governed? This should not surprise us for these are the very two questions that also confronted internal self-determination and so they appear at a higher level of recursion in pursuit of resolution.

Certainly the border question needs clarification so that the UN can delineate the territorial borders of the parent and new State. This in turns opens the question of - on what basis are those borders determined and what happens to those people bearing a different identity to that covered by the overall identity of each State?

This is where international law is neutral. It neither states nor denies prescriptive rights regarding secession. Yet, these are matters for the UN Member States to deliberate upon both in terms of the benefit the chosen solution will bring to them in their individual capacity as a Member State, for their region and globally. Claimants wanting secession and counter-claimants opposing secession will undoubtedly politically lobby the UN Member States to gain support for their view. As Blay pragmatically recognises –

Separatist demands founded on territorial claims have international dimensions, which necessitate the search for international, regional or global solutions. Political, and most of all, strategic considerations play a significant role in these conflicts. This is underscored by intervention of state third party claimants who seek advantages. The rejection of separatism in these cases is therefore not just a refusal to settle an internal issue with the beneficiary group in the parent state. The repudiation is usually a strategic or political defensive action against the state third party. It is a function of definite strategic interest or threats. (Blay, 1984:276)

3.3.9 Design Considerations for the Prescriptive Basis for Secession

In the absence of prescriptive rights on post-decolonization secession, war and sabotaging internal self-determination Peace Talks are self-help measures frequently employed by the protagonists to avert or precipitate secession as pertinent to each protagonist's position. The events in Sri Lanka and many other conflict-torn States evidence this pattern. Given the violation of human rights the question becomes - can international law rise to the occasion and prescribe the basis upon which such secession rights can be exercised? It is this basis of prescriptive rights that I seek to address next.

As international law would have to cover a plethora of permutations that give rise to conflict, one way to design the prescriptive basis for secession rights is to study the patterns of conflicts to date and at least cater for known types. This pattern could be looked at from a content point of view and/or a process point of view. Blay, coming from a legal angle in his PhD thesis, extensively addressed the pattern of post-decolonization secession attempts from a content perspective as evidenced in the secession decisions taken by the UN. Blay –

addresses the issue as to whether self-determination exists as *lex lata* beyond the context of decolonization and concludes that it does not exist. ... (Blay concludes) that in view of the persistence of competing claims usually accompanied by conflicts of international dimensions, and in view of the relationship between human rights and self-determination, it is desirable to recognize the right, at least in cases that involve gross deprivation of human rights (e.g. genocide). (Blay, 1984:iv – last brackets in quote are in the source)

Another way, either individually or in conjunction with content considerations, is to design the prescriptive basis on 'process' pattern recognition. I concur with Blay –

In supporting a case for post-colonial self-determination, one must admit it entails the risk of opening a Pandora's box, particularly in plural societies. However, the awareness of this risk only heightens the need to draw a proper balance between the rights of the individual and his subgroup in the community and the requirements of the existing unified state system which provides the vehicle for the realization of the interests and goals of the community at large. Support for post-colonial self-determination entails other specific problems. For instance, what condition must precede a claim to make it admissible, what criteria must be used to ascertain these

conditions, who must decide on the existence of these conditions and who would be the admitting authority? Would attempts to regulate the right not conflict with the norms of non-intervention? (Blay, 1984:199)

To the extent that Blay addresses these very valuable questions, he again invokes pattern recognition as evidenced by the instances of post-decolonization secession claims decided upon by the UN.

Given our interest in process, I want to propose answers to those five questions Blay raised and consider the UN Charter as it pertains to secession considerations. Basic et al. describe them as:

Article (1) UN Charter establishes the principles and purposes of the UN. Paragraph 1 of the Article states one of the purposes to be "to maintain international peace and security". Paragraph 2 of the Article states another of the purposes to be the development of "friendly relations among nations". This is to be based on the principle of "equal rights and self-determination of peoples". The Preamble has previously related these two purposes in obliging the Member States to "live together in peace with one another as good neighbors". Article (55) uses the same language as Article 1(2), and adds to it an argument about how to realize the principle of "equal rights and self-determination of peoples". It seeks to create "conditions of stability and well-being" that are necessary to the realization of the purpose of "friendly relations among nations" based on the principle of "equal rights and self-determination of peoples. (Basic et al, 1994:421)

To me Blay's questions pertain to matters of process (not content) worthy of answering from a cybernetic perspective of what ought (legally, de lege ferenda) to be some of the criteria for assessing secession claims. By opting for 'ought' I am not seeking to base it on precedence of what worked or did not work in the past with secession claims, although the proposed process needs to be able to accommodate that too. Rather, I am seeking some overarching principles to cover a wider spectrum of secession claims than experienced to date.

As might be expected, for the same reasons as discussed in Part I of this Chapter I once again resort to the Principles of Effective Organization. It is these principles, grounded in Ashby's Law of Requisite Variety, that I propose for adoption by the UN as part of its 'process' prescriptions. Vital to this is balancing autonomy and cohesion within levels of

recursion. Equally vital is the issue of homeostasis and error control feedback systems which require monitoring and therefore necessitate criteria specification.

To test whether these principles of Effective Organization stand up to the requirements of secession claims, they should be applied to a wide sample of secession claims experienced to date. Whilst this is not undertaken in this thesis it warrants research in its own right. A preliminary test is conducted using the example of the Sri Lankan conflict. However, let us understand the issues generically.

3.3.9.1 Consequence of the Inherent Conflict of Principles

Let us first come to grips with the inherent conflict between the right of self-determination, which the oppressed seek to exercise, and the territorial integrity which the Parent State seeks to maintain and therefore defends. Self-government is particularly contentious when exercised in secession as opposed to internal self-determination because the Parent State loses a part of its geographical land and associated ocean. It is this aspect of secession that causes Parent States to go to war to defend their territorial borders. On the other hand, the prospective State, steeped in its people's history and perception of inequality, gathers its force to fight for territory so that it can present itself to the multinational community with its reasons for secession and a territory with which to secede. Since acquiescence of the Parent State is unlikely for reason already mentioned, the prospective State's territory has to be acquired by war and maintained by establishing its own 'de facto' civic administration system.

It is this quandary that the international community has to resolve, not just in the case of individual conflicts as it has done to date (which Blay examined in his thesis), but as a matter of principle. In other words, the quest is to absorb the variety of each of these conflicting principles so that equal rights are respected and peace prevails. Additionally, caution must be exercised if the international solution is to revert the seeking of a resolution to a lower level of recursion, meaning back to the Parent State and the embedded system seeking separation.

Basic et al., propose a way of resolving this quandary at the UN level of recursion. They very usefully propose –

“International law must confirm the right of secession as it does the preservation of territorial integrity, but consider the relationship between the two in reference to the prospect for internal democratization including respect for human and minority rights.”
(Basic et al., 1997:432)

This couples the cohesive terms, internal democratization and respect for human and minority rights, and the consequences if they are flouted, namely secession or preservation of territorial integrity.

In other words, the cohesive requirement of the UN international community is - each State has all the autonomy it wants so long as it demonstrates equality and respect for human rights. Abide by this rule and the UN will uphold a member State's entire sovereign territorial domain. Fail in this consistently and flagrantly and the door opens for secession. Likewise, those seeking secession must abide by the same cohesive requirement. They must show that their bid for secession has demonstrated respect for human rights, and that their form of governance, both in enactment and implementation, evidences the principle of equality across its heterogeneous embedded systems.

There is more detailed research required in this area. For example, what Basic et al. do not address is what happens when neither side adheres to such internal democratization and respect for human and minority rights. The value of this proposal is that it holds a certain tension capable of absorbing the variety of the attractiveness of war, both in terms of the argument of defending borders and acquiring territory. The same holds for promoting internal democratization. It behoves us to reflect whether there is more to consider given that both the Parent State and its aggrieved embedded system need to transition from an autocratic form of governance which unduly dis/favours segments of its community.

What is significant in Basic et al.'s proposal is that it gains its force by working between the recursion levels applying interlocking reciprocal principles. This is much like my process based proposal concerning internal self-determination. It squarely places the onus of resolution on internal self-determination and is elevated for UN resolution in the event of failure of internal self-determination which has respected certain international cohesive

considerations. By this clarity in terms of the process and conditions of dissolution of State, the UN lends its cohesive strength to support agreement on internal self-determination. In this sense, the UN employs a non-interventionist position leaving resolution to the internal affairs of a State.

Now I want to address the issue of non-intervention and Buchheit's reasoning. In my opinion, like Basic et al., Buchheit outlines the elements of balancing cohesion and autonomy. Buchheit's view is –

the basic world community policy is one founded on a principle of 'maximization of international harmony coupled with a minimization of individual human suffering' and this principle amounts to a doctrine of non-interference in the internal affairs of a State, unless, by its treatment of its own subjects the State transgresses a collective sense of the minimum requirements of human dignity and social order. (Blay, 1984:288)

Concerning intervention, it is interesting to note the thinking that surrounded the bid for Aaland Islands to be annexed to Sweden which was successfully disputed by Finland. This was in 1921 in the time of the League of Nations, the forerunner to the UN. Here -

The Commission of Jurists noted that its opinion did not prejudge the issue as to whether a manifest and continued abuse of sovereign power to the detriment of a section of the population of a State which could give rise to an international dispute was necessarily confined to domestic jurisdiction. The Commission of Rapporteurs on the other hand was quite unequivocal. It noted that the right of a minority to separate from its parent community could be permitted as a "last resort when the State lacks either the will or the power to enact and apply just and effective guarantees to protect the rights of the disaffected minority". (Blay, 1984:171)

Here we see the Commission of Jurists keep the door open for unresolved domestic disputes to be escalated to an international forum for resolution. And we have the Commission of Rapporteurs clearly state that separation is a last resort when a domestic solution has proved ineffective in reaching agreement and/or application.

Cybernetically I concur with the Jurists' opinion for it is consistent with the view that undecidable propositions need to move to higher levels of recursion to gain and absorb variety so that solutions become possible. I agree too with the Commission of Rapporteurs for cybernetically I interpret their position as being that cohesive requirements by a higher level of recursion should be applied only when autonomy as exercised by systems

belonging to the lower levels of recursion lack the requisite variety to resolve their own conflicts.

Marrying what these two learned bodies said is that before secession is considered the meta-level system needs to discern for itself whether adequate process has been applied by the lower levels of recursion to resolve the conflict. If the process is found inadequate then the meta-level system will re-direct that due process be followed by the lower levels of recursion. If the process has been adequate, then the meta-level system will consider the secession claim and reach a decision. The due process that I am proposing is the Principles of Effective Organization which include monitoring and error control feedback processes. Basic et al.'s proposal hinges on the cohesive restraint of abiding by equality and respect for human rights. Buccheit describes failure to abide by these principles as 'transgresses a collective sense of the minimum requirements of human dignity and social order'

The UN's form of intervention is one of approval or disapproval of secession claims. It leaves, for example, the manner of governance and way in which equality is to be implemented up to the claimant or counter-claimant to determine. The UN stands in judgement as to whether these matters have been successfully resolved and on that basis recognises or denies the secession claim.

This therefore means that the issues discussed in internal self-determination remain and in this sense internal self-determination is pivotal to taking a case to the UN for secession. What I am proposing is that the UN needs to ascertain - was internal self-determination given a chance to work or did it fail because the peace conversation was sabotaged or the process itself flawed? Were agreements made, was implementation monitored against established criteria, and were there procedures in place to correct errors to review criteria? Were the rules of governance based on the application of consistent principles across the layers of recursion?

3.3.9.2 Territorial Integrity with a Different Twist

Whilst much of what has been discussed in this section has been legally couched, the cybernetic relevance is its variety exposition. In this regard, the question is - what happens

if internal self-determination does not resolve the conflict and the Parent State obstructs democratization and/or violates human rights? According to Basic et al.'s proposal the path to secession has been established. The question is - over what geographical terrain? This is our old contentious territorial integrity question with a different twist.

Let us briefly look at three obvious permutations and the ramifications they pose. Grant secession based on land -

1. Historically occupied by the aggrieved group but which has since been settled with people from other communities.

Given the multifaceted nature of the community and irrespective of whether it resulted from a change in population demographics due to state-aided colonization, the question remains how are minority groups to be protected? Not surprisingly, this is the same question facing internal self-determination negotiations and agreements.

2. Currently controlled by the secessionist (de-facto state).

The problem here is that to acquire this territory the secessionist has to essentially wage war (especially where the Parent State is perceived to have orchestrated a change in population demographics) which is exactly what the international mandate is seeking to avoid and which is reinforced by the penalty of losing the right of secession.

3. Hybrid of both – controlled territory and historically occupied lands.

To the extent the secessionist does not acquire and control the full complement of territory it desires or requires to achieve viability, the secessionist will probably rely on the arguments which support its historically occupied territories. This re-opens the question how are minority groups to be protected.

Furthermore, whatever the basis for land allocation to the secessionist, there is the overriding question of what happens to the aggrieved community who for whatever reason opted to live in the Parent State. For those who opt to live in the Parent State, like with internal self-determination, the need for minority protection rights continue and the

question is - how will the Parent State protect the remaining community's minority rights which group would have become a numerically even more minor community? Here there is also the permutation that the Parent State could require that all those of the secessionist community leave the Parent State and vice versa. For those others who migrate at the time of secession there will also be the question of how citizenship and physical migration between the parent and new State will be handled.

3.3.9.3 Jostling for a Decision

War is a signal which amplifies the call to listen and given that the UN has a preference for evidence of viability it is almost inevitable that the secessionist will have engaged in war so as to control and administer its own territory. In turn, the Parent State would have invoked its rights to defend its territory. Whilst there is the permutation of a non-war history, such is a rare find⁶³. Thus whilst there maybe political and strategic jostling to rationalize war to the international community, a more useful indicator for the UN's secession deliberations is to evaluate minority protection legislation and implementation as evidenced by the claimant's de-facto governance record and the counter-claimant's constitutional amendments and actions. Such minority protection legislation and implementation capability is paramount for the new State if future balkanization is to be avoided.

From a cybernetic viewpoint, let me conclude this discussion on external self-determination from the perspective of homeostasis (discussed in Chapter Two). Such homeostasis has four permutations – a) one to one relationship, b) one to many relationships, c) many to one relationship, and d) many to many relationships.

The UN recognizes that peaceful relationships need to work across all these homeostats. For example, State to State, Region to State, etc. It also recognizes that the critical variables for peaceful relations are human rights and minority protection. When deciding upon secession claims the UN Member States are called upon to deliberate on the actions and constitutional architecture of who has abided by and/or exceeded the physiological limits of those variables. Awareness of those physiological limits however is heuristically

⁶³ Exceptions were India's 'satyagraha' based independence movement as led by Mahatma Gandhi against Britain. The other is The Dalai Lama's quest to free Tibet from China by non-violent means.

rather than algorithmically determined by the UN Member States at the time of considering secession claims. Recognizing the principle of cohesion and autonomy, the UN also allows each State to run its own internal affairs and therefore intervenes only when internal self-determination has proved to be a failure and when physiological limits of critical variables have been consistently exceeded. To this I would add for the reasons argued earlier, that the other Principles of Effective Organization need to be present to warrant the success or otherwise of secession.

3.3.10 Negotiating A Way Forward

The guiding objective is long term peace in Sri Lanka. For that reason war is not considered a solution as victory can lead to retaliation unless supported by a civilian code of equality of rights. War appears to serve a purpose in propelling the quest for equality or, in its absence the severance of association.

To establish that case for severance or not, internal self-determination is an option. This Chapter has argued that to date, negotiations to agree on such internal self-determination has not been designed to work. Quite apart from anything else, the cybernetic insight of this Chapter is that the negotiations process itself has been flawed on multiple fronts. In the meanwhile, it acknowledges that internal self-determination negotiations can draw strength from the meta-level position of the UN which recognises both preserving territorial integrity of existing States and secession as rights. The former means the secessionist needs to find a solution within the ensemble that comprises the Parent State, whilst the latter means the Parent State has to find a way of accommodating equality to avoid secession.

Given this tension, internal self-determination lies in the pivotal position. If internal self-determination negotiations are successful, then the problem is solved and no further recourse is required. If self-determination is unsuccessful it opens the doorway to negotiate secession. This means internal self-determination will be orchestrated so as to concurrently position for the contingency of resolution being declared by the meta-level system.

Initially that was India, the dominant regional power, and now that meta-level recursive layer has risen to the UN. The question is - how can this tension be employed in the quest for peace?

First let us, recognise there is a fundamental difference in the negotiations that pertain to internal self-determination and external self-determination. The distinction is of critical relevance in designing the negotiation process particularly in terms of a) avoiding collapsing the representation issue, and b) design considerations as they pertain to balancing cohesion and autonomy.

With internal self-determination the very identity of the Parent State is being re-architected. This translates to the need to design and balance the cohesive needs of the Parent State and the autonomous demands of its embedded systems. These requirements co-exist and for the reasons discussed in Part II of this Chapter this requires that the Parent State and all its embedded S1s via its representatives be directly involved in the negotiation of re-architecting the identity of the Parent State and its rules of governance. As “corrective action cannot in fact be taken in one place without regard to its effect on their proximate activities” (Beer, 1994a p105) the next level of recursion below must also have an avenue to have input into the negotiation process so that the design of the process has a way of overcoming the risk of non-contestable positions.

With external self-determination, the negotiation is about whether the State/s identities (secessionist and amended Parent State if secession is granted) fit within the identity of the UN. The identity per se of the UN is not open for negotiation. Rather, each claimant and counter-claimant to secession positions itself to show that its identity adheres to the principles of UN Charter. In this sense it politically, economically, strategically negotiates with the UN Member States (System Ones) who in their deliberations apply the cohesive principles of the UN Charter and decide on the merits or otherwise of the secession claim. Here we have a fundamental shift where the secession claimant, who was an embedded system in the case of internal self determination, presents itself via its representative as on par with the Parent State and by doing so disassociates itself from the other embedded systems in the Parent State.

By untangling this amalgam we see that to date what applies to external self-determination has been applied to internal self-determination negotiations. This process flaw needs to be corrected on both fronts. Firstly, the array of embedded systems via their representatives must participate in the negotiations and this needs to be done for the two pairs of recursion levels - namely, between the Parent State and its array of embedded systems. The other pair is between each of those embedded systems and its embedded systems. Additionally, cohesion considerations must accompany the negotiations pertaining to autonomy which latter element has to date enjoyed exclusivity not only in negotiations but even in the ISGA proposal put forward by the LTTE.

This cybernetic realisation now opens two design issues. Now that there are clearly more than two parties to the negotiation which includes negotiating the design and balancing of cohesion and autonomy, what is the format of that negotiation process? This need for multi-party negotiations is addressed in Chapter Five. The other question is - what can be done to stimulate sufficient variety so that these multiple systems agree on multiparty negotiations particularly given the exclusivity of negotiations accorded to the Tamils and more recently to the LTTE as the sole representative of the Tamils?

To address this, my proposal is to invoke the UN position which recognises territorial integrity and secession rights. By way of background it is useful to recall some salient points of Sri Lanka history and then progress to discussing the proposal.

Over recent decades, the LTTE is alleged to have consolidated its position by eliminating most of the other parties who represented the Tamils. This domination worked for the Tamils to establish a de facto functioning civil administrative system (over certain of its desired territories) which presents as a useful self help measure towards positioning for secession. This along with its history of armed revolt strengthened the Tamil position as represented by the LTTE's negotiations with the GoSL which began as initiatives towards pre-talks facilitated by certain diplomatic countries between political parties and the LTTE. This consolidated strength worked to also negotiate the conditions of Peace Talks negotiations with the GoSL. The latter in the instance of the 2002-2003 Peace Talks included the LTTE as sole representative of the Tamils, the Tamils as being the only party negotiating with the GoSL and that the Peace Talks be contained to addressing the demand

for autonomous rights for Tamils with the prelude being interim relief issues pertaining to matters of rehabilitation and reconstruction. In the meanwhile, the GoSL's preference was for negotiations to have extended beyond the LTTE and the content of negotiations to also address core issues as to the way the conflict itself was to be resolved. Neither of these conditions were accepted which indicates the variety absorbing power of the LTTE compared to the GoSL at that time.

The valuable question worth asking is - what incentives worked (i.e. cybernetically described as absorbed the variety preference for war) to bring about the Peace Talks negotiations of 2002. The press attributed it to the stalemate of war at the time when neither the GoSL nor the LTTE could sustain its victories. I concur and importantly add that the LTTE championing the Tamil cause needed the Peace Talks to bring attention to its de-facto civil administration an intrinsic element of internal self-determination. Should it fail, as it did, then these concurrently contributed towards the mosaic of elements considered as required to build the case for external self-determination. For the GoSL the additional incentive was that Peace Talks gave a chance to abate the erosion of business confidence generated by guerrilla warfare, popularly known as terrorism. The Peace Talks themselves were nurtured by what came to be known as the 'peace dividend' where the international community pledged funding based on progress towards peace. However, Peace Talks stalled which importantly is not necessarily a disadvantage in the contingency game plan of Tamils who clamour for self-determination, specifically secession.

In the meanwhile, the LTTE's consolidation has been fractured, the strategy of war has returned, human rights violations keep climbing and equality of rights is lost in the new cycle of crises that are evolving. The LTTE has restated its strategy to seek secession whilst for the GoSL territorial integrity is paramount. The international community, primarily the major donors, using economic incentives and calling for respect for human rights have been urging a return to Peace Talks. The trend is now changing with the international community as they shift to use economic disincentives (withdrawing aid) to goad the return to Peace Talks.

The question that arises is – what variety can the international community contribute to give weight to the resolution of the conflict. So far the economic carrot alone has been

inadequate. Rather the old strategy has returned - negotiate from the strengthened position that war affords but since both sides pursue strength the greater likelihood is that entrance to talks is via stalemate military conditions. An option is to enquire what variety can be attenuated or amplified by whom else in a bid to re-generate a return to Peace Talks.

Recalling the premise that unilateral declaration of secession is inadequate⁶⁴ and the UN treats secession as a 'last resort' it means the claimant to secession needs to show to the satisfaction of the UN Security Council that, amongst other matters, that internal self-determination failed.

In the instance of Sri Lanka, to the extent that it happened, I contend it included the failure of process as detailed in Part II of this Chapter. For example, the LTTE limited the negotiations agenda to autonomous considerations giving no place for cohesive requirements and therefore the balancing of autonomy and cohesion, which are intrinsic aspects of internal self-determination. Given that the very identity of Sri Lanka required re-crafting, the exclusion of representatives of embedded systems was another fundamental flaw.

For these reasons and others as explained in Part II of this Chapter, I hold that the case to invoke the 'last resort' of secession is grossly premature. However, if the physiological limit in terms of the intensity of war was to precipitate genocide then the case for secession would be quick to strengthen. There is potential for many corrections to the design of the process of internal self-determination negotiations which may result in resolution of the conflict.

The point however is the need to get agreement from the opposing protagonist, those seeking territorial integrity and secession, to return to peaceful negotiations. This poses the question, who has the variety absorbing power, and that variety absorption power has to apply to both the secessionist seeker and Parent State who in each case may entail sub groups. Based on the exposition detailed in this Chapter, that is the meta-level UN system

⁶⁴ From a permutation perspective let me be precise and recognize that if the secessionist is joining an existing State, then such secession could require bi-lateral acceptance. An example of this is if the Tamils of Sri Lanka were seeking secession and rather than forming its own State it opted to join India.

and in that sense key UN Member States, like UK, China, India, and USA who have a strong diplomatic presence in Sri Lanka.

They can encourage the return to Peace Talks on the basis that they will support UN deliberations of territorial integrity and secession if intransigency pervades internal self-determination negotiations which have been based on effective processes that have been properly conducted. There are two vital elements being advocated here.

Firstly, the international community that actively encourages the return to Peace Talks does not pre-empt its support of territorial integrity nor secession. If it backs only one of the choices it takes away the incentive for the claimant or counter-claimant to participate in internal self-determination negotiations. As Basic et al. says –

if the international community accepts the position that self-determination means self-government within the state, but not independence through secession, this too will provoke internal and international conflict. Giving governments a free hand to act against sub-national groups by denying them the right to secede gives governments opportunities to refuse ... democratization and to violate the human rights of the sub-national group. (These scholars then explain), a people who seek self-determination should also have to respect and develop the highest standards (of) human and minority rights. Similar to the above logic, if they do not then they should remain in the state and be obligated to do so. This implies that self-determination cannot bestow an immediate and unconditional right to secede. If a people has (have) a right to secede without having to observe human rights while they are in the state or trying to get, then equally, there is no pressure on them to do so, and any overtures for internal improvement through democratization including respect for human rights can be easily rejected. (Basic, et al. 1997)

The other vital element is that those properly conducted processes are equally applied to all sides and are based on principles – of which proposed are the Effective Principles of Organisation. The way in which those principles themselves are applied in designing the process of Peace Negotiation is itself a matter for negotiation. In other words, the design of the ‘Peace Talks’ process is a matter for negotiation itself. This will involve process designers from the multiple systems embedded within the three layers of recursion. Indeed, the very identity of the layers of recursion and its embedded systems including who represents them is open to negotiation and agreement. However, these aspects are not negotiated in isolation, rather it is iterative and re-visited so that it dovetails across a spectrum of related issues.

As a final point it is pertinent to know the manner in which the UN admits new States into their membership. Evaluation of a secession claim and counter-claim requires that agreement be reached by the majority of all member States of the UN to admit a new member State. Concurrently this means the decision entails changes to the territorial boundaries of the UN State from which it is seceding. However, prior to this simple majority decision, the five permanent members of the UN Security Council (i.e. US, UK, China, Russia and France) must not vote against recognition of the new member State. This veto power (a nay vote) of the five permanent members applies to substantive (not procedural) matters, which means that for a particular substantive resolution to be passed they must either vote in favour of or abstain from voting on that resolution.

The critical value of knowing of this UN membership process, which is a substantive matter, is that it shows another arena in which the quest for secession or preserving territorial integrity is fought. It specifically shows the variables (five permanent members) of the homeostatic balance between a State and UN Member States as a set, and the manner in which the physiological limits (veto power) of those variables work.

Thus, a non-violent strategic way to handle the claim for secession in Sri Lanka is for each protagonist to position their claim and counter-claim with each of the five permanent members. What this means for the Sri Lankan government, presumably the Foreign Ministry, is that it must work, to ensure that at least one of the five permanent members will exercise its veto power to preserve the territorial integrity of Sri Lanka, meaning to prevent a change in the territorial borders of Sri Lanka and thus block the secession claim. For the Tamils, it means they must cultivate the five permanent members to either vote in favour of or abstain from voting on the resolution for secession.

At this juncture, variety considerations indicate the strongest wicket for Tamil secessionist claims is if they can add a genocide stream to their claim. Such becomes a higher probability in times of intense war. However, the question is if such genocide accusation will carry affirmative weight with the five permanent members. Here I refer to China given its internal human rights record who may be less moved by accusation of war atrocities of the Sri Lankan military given the counter-claim argument of defence of territorial integrity of Sri Lanka's island-wide identity. However, there is the risk that such

may not be the case, which therefore needs to be factored into the military offensive against the LTTE's attack and in this sense, if aware of such variety absorption considerations; it may serve to reduce the intensity of atrocities. If opposing protagonists become aware of these variety considerations and their physiological limits, the potential exists for each to absorb the other's variety and not allow the interaction to explode.

Returning to the point of influencing the opposing protagonist to engage in internal self-determination talks, so far the international community has used finance as the carrot (making funds available) and a stick (denying funds) to attract the protagonist to talks. Proscription, based on terrorism and human rights violations, too has been exercised. Both have helped with sporadic effect, given that options exist to circumvent them. For example, the peace dividend (substantial opening of AID funds) did not need to come from the international lending community it would be funded by Tamils themselves. Likewise some developed countries using the stick of denying funds to the GoSL adduced to human rights violations, could be overcome by relying on funding from other sources like China, Japan and the Middle East.

The strength of the variety absorption capability of the UN proposal as discussed here is that it is pitched at identity recognition which no one else, in that vein, can bestow. Such recognition lies at the heart of viability which pertains both to Sri Lanka and its embedded aggrieved system - the Tamil race.

Conclusion

By way of a connective summary, the findings of this chapter are particularly relevant to Chapter Five. In the context of Sri Lankan Peace Talks, worked out is a coherent rationale based on the application of the VSM that each of the race groups (and not provinces) is a system which belongs to R-1. It also concluded that the LTTE besides being a system in the environment, in their involvement in internal self-determination negotiations exercise an additional functionality as one of the representatives of the Tamils. Similar representation (Management Unit of S1) is played by the political parties for the other race

groups although in Chapter Five representation is extended beyond political groups having recognised the principle of Redundancy of Potential Command.

This chapter also proposes the concept of principle based negotiations. These principles, specifically those borrowed from Organizational Cybernetics, are proposed as also suitable to diagnose the output of Peace Talks and to form the basis upon which to design the process of negotiations.

Recognising the principle of cohesion and autonomy this chapter makes the distinction of the relative recursive positioning of representation by the GoSL and the LTTE in the context of external self-determination as compared to internal self-determination. This distinction relevant to keeping negotiation contingencies open is employed in the 'process design' of internal self-determination negotiations which is addressed in Chapter Five.

Next Chapter

The next Chapter is devoted to diagnosing three critical aspects pertinent to internal self-determination.

Chapter Four

Designing Systems & Their Relationships

Interdependence is and ought to be as much
the ideal of man as self-sufficiency.
Man is a social being.
- Mohandas Gandhi

Gradual build-up of crisis is a strong indicator of a weak regulatory system which prompts the need for system re-design. Besides addressing the issues which led to the crisis, the re-design of the system needs to cater for weak signals. In this sense there are three types of weak signals, namely 1) where the signal is weakly evidenced in terms of it being incipient, 2) a signal which may not have evidenced itself but which can be conceptually discerned, 3) a signal which is beyond the awareness of the designers of the system.

The objective is to design a system which addresses known issues which may or may not have evidenced themselves, and for the design of the system to have the capability to address unknown issues. Let us think of these issues as matters pertaining to content which makes the latter requirement perplexing as it seeks to solve content questions which lie beyond the contingencies that the system has been designed to cope with. Yet employing structure and processes that connect systems, opportunities are offered to design systems with ultrastable capabilities.

Sri Lanka is steeped in many crises amongst which are rampant corruption, a public administration system whose independence has been severely denuded, a political system where cohabitation between the Executive President and the Prime Minister resulted in the proroguing of Parliament and a war which evidences the intensity of race conflict. These are all crises which threaten the viability of Sri Lanka in one way or the other. Frequently these are interconnected crises. Resolution requires that these matters be settled across that broad spectrum as otherwise the overall system runs the risk of solutions being dislodged by other interconnected crises.

Working with the concept of viability as presented in Beer's VSM and paying particular attention to the aspect of homeostasis and ultrastability, this chapter is presented in three parts and seeks to address:

1. Internal self determination, in particular devolution based on a provincial structure and matters pertaining to viability and ramifications thereof.
2. The relevance of viability, homeostasis and ultrastability considerations in the context of devolution.
3. The application of the principles of viability, homeostasis and ultrastability to evaluate or design internal self-determination proposals.

Part I – Diagnosis of 2002-2003 Peace Talks

4.1.1 Devolution Considerations

One interpretation of the war is that it indicates the unacceptability of secession from the point of view of the GoSL. Equally, it also shows non-acceptance by the LTTE of the current governance architecture of Sri Lanka. A ray of hope emerged at the Oslo Peace Talks in December 2002⁶⁵ when the concept of a federal structure of governance was tabled as an agenda item for discussion and appeared to gain acceptance. Unfortunately, shortly afterwards the LTTE suspended their participation in peace talk negotiations with the GoSL. Whilst meaningful devolved governance has not been achieved in Sri Lanka, there have been three notable occasions when it was tabled. These were:

⁶⁵ Both the GoSL and LTTE Peace Secretariat state “Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities.” – Available at: <http://www.peaceinsrilanka.org/peace2005/Insidepage/PressRelease/RNG/RNG5thDec.asp> and <http://www.ltteps.org/?view=406&folder=5> (accessed 25 April 2007).

- a) In the mid 1920's at the time of the Donoughmore Commission when the Kandyan leadership recommended a geographically based federal structure comprising the up-country, the low-country and the north & east. These three segments corresponded to majorities being Kandyan Sinhalese, low-country Sinhalese and Tamils respectively.

The passage of time has seen the distinction between Kandyan and low-country Sinhalese largely evaporate on the political front. They have coalesced into being Sinhalese.

- b) In the mid 1950's when after independence Tamil leadership advocated federalism as a solution to the inequalities being experienced by the Tamils. By the 1990's this had matured to the threat of secession.
- c) In 1989 under pressure from India following the Indo-Lanka Accord the 13th Amendment to the Constitution was promulgated with the intent of devolving power to the provinces.

However, as Premaratne (2003) states "As the present governing structure stands the central government is all powerful and all powers including those devolved could be exercised by the center."

Prior to the commencement of British rule historians are not unanimous as to whether the island, today known as Sri Lanka, was ever governed by a single ruler. During the British period of island-wide colonization (1815–1948) it was administered on the basis of five, later extended to nine, provinces⁶⁶. This provincial concept, based on nine provinces, formed the geographical unit upon which the 13th amendment to the Constitution was architected. The federal structure as mentioned in the 2002 Oslo Declaration has, in the public press and civilian forums, been primarily discussed on the basis of a provincial structure, with specific emphasis on whether the Northern and Eastern provinces should be

⁶⁶ "Under these (Colebrook) reforms (of 1933), the country was divided into five provinces ... with the provinces increasing to 9 in 1889." (Leitan, in Arjuna's Atlas of Sri Lanka, 1997:185)

amalgamated. In this regard, asymmetrical devolution, fiscal equalisation and the borrowing powers of provinces have begun to be discussed.

What appears absent from the devolution conversation is the concept of viability and in this context what constitutes each province's comparative identity. It is this deliberation that I want to discuss in this chapter.

The important distinction between the kind of devolution sought to avert secession and what has been attempted to date is that the unit of devolution needs to be viable, as distinct from administrative. Minimally, this means the unit of devolution needs to be vested with the power to make its own decisions pertaining to its devolved subject areas and have a healthy financial capability to raise revenue compared to its expenditure responsibilities. Devolution of legislative and executive powers in the absence of devolved revenue generating powers handicaps devolution. Thus, devolution if it is to be meaningful and move beyond the administrative domain, must also address the issue of finance, especially given the need for capital injections to cater for regional development needs and consequent public debt borrowings.

Since 1815 the extent to which there has been a devolved sense of governance has been limited to that devolved layer having administrative and implementation powers. It is well known that the 13th amendment's devolution of certain subject domains to provincial control (stated in List I) was subordinated to central control by virtue of the Concurrent List (List III) which vested the function of planning at both the provincial and national level. Additionally, Article 154G (5) (a) vested Parliament with the power to make laws pertaining to any matter set out in List III. Thus, both legislative and executive power was effectively vested in the centre.

What is less well known is that the provinces raise less than a fifth⁶⁷ of their expenses from their own revenue and the rest (80%) depends upon transfers from the Central government. Of this expense as much as 90% is recurrent expenses (Gunawardena, 2005), which means the provinces themselves have had a minuscule hand in development work. Even less

⁶⁷ Source: Lahiri, A. (2001) Capacity Building for Fiscal Devolution in Sri Lanka

realised is that the negotiations for allocation of provincial funds is formally conducted between the Finance Commission and each of the Provincial Governors (an appointee of the President) rather than by a Chief/Provincial Minister who is an elected representative of the people of the province. In practice, the primary negotiator is the provincial Chief Secretary, the senior provincial public officer.

In this sense, devolution to the provinces is remiss for it enjoys neither planning powers, nor the semblance of financial independence and a weak channel for the elected representatives to negotiate funding requirements. Lahiri's view is that –

Provincial political leaders being relatively junior to national leaders of the same party had to play a muted role in their negotiations with the Centre. Second, the Provincial bureaucracy with relatively junior AIS (All Island Service) officers could not negotiate with senior AIS officers of the Central bureaucracy. (Lahiri, 2001:v)

4.1.1.1 Current Provincial Profile

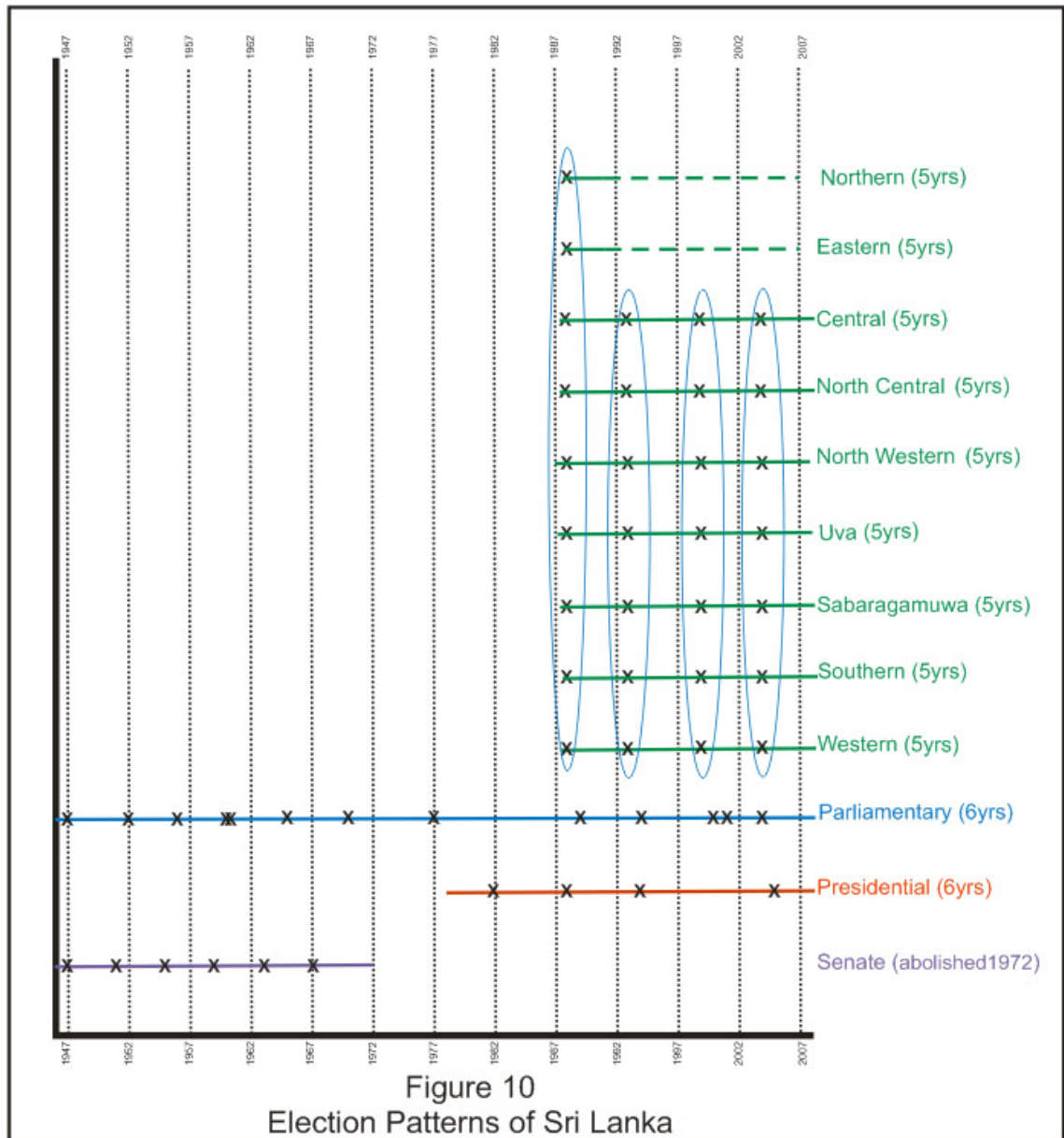
In most cases there is little to distinguish one province from another. For example, the major distinction between the Uva and Sabaragamuwa provinces is their geographical locations. Provincial issues rarely get an airing as provincial elections tend to be held on the same day, if not within a few months of each other (refer Table 4). Such 'common day' provincial elections are economically rationalised but what it also means is that individual provincial signals are suppressed as the elections campaigns are effectively nationally mounted by the various political parties. Consequently, the opportunity is reduced for politicians and voters to send signals via provincial elections to the central government. To get a comparative pattern of political elections in Sri Lanka refer Figure 10.

Table 4 - Timing of Provincial Elections

Province	1988	1993	1999	2004
Western	2nd June	17th May	6th April	10th July
North Western	28th April	17th May	25th Jan	24th April
Northern	2nd June	dissolved 22 June 1990		
Eastern	19th Nov			
Southern	9th June	17th May	10th June	10th July
Sabaragamuwa	28th April	17th May	6th April	10th July
Uva	28th April	17th May	6th April	10th July
Central	2nd June	17th May	6th April	10th July
North Central	28th April	17th May	6th April	10th July

Having acknowledged these aspects of provincial identity, it is important to realise that the provinces do portray three types of race distinction in terms of identity and consequentially a language and religious identity. They can be clustered into those which have a clear provincial race majority (i.e. Sinhalese or Tamils) and those which exhibit a reasonably balanced mix of races (refer Table 5).

Given the importance of the export sector in generating employment, it is pertinent to point out that the corporate sector conducts its business in the English language and these commercial companies are overwhelmingly headquartered in the Western province, specifically in Colombo. In terms of language competence the only district where over 30% of its population is competent in English is Colombo. The public service sector primarily conducts its affairs in Sinhala with English being used by its top echelons of management. It is relevant to point out that in terms of revenue collection considerations the commercial sector is the major contributor to the tax coffers, particularly in the Western province.



Besides the provinces' financial dependency on the centre, Lahiri (2001) points out the top echelons of provincial public service are seconded from the centre's island-wide public service which means the provincial public service lacks independence from the centre.

Table 5 - Provincial Composition Profiles

Province	Race [♣]	Language [♣]	GDP [♣] (in 2003, Rs mn)	Gap Funding [♥] (in 2003, Rs mn)
Western Province (Colombo, Gampaha, Kalutara)	Relatively balanced race mix	88:35:8	Rs. 771,899 3:32:65	Rs. 8,382,435 95:5 = 61:39
Northern Province* (Jaffna, Killinochchi, Mannar, Vavuniya, Mullaitivu)	Predominately Tamils	5:90:12	Rs. 42,558 29:7:64	Rs. 5,987,393 93:7 = .0:100
Eastern Province* (Batticaloa, Ampara, Trincomalee)	Relatively balanced race mix	39:11:5	Rs. 85,835 41:24:35	
Southern Province (Galle, Matara, Hambantota)	Predominately Sinhalese	90:3:15	Rs. 152,593 36:22:42	Rs. 5,857,805 86:14 = 10:90
Sabaragamuwa Province (Ratnapura, Kegalle)	Predominately Sinhalese	82:10:13	Rs. 94,188 29:28:43	Rs. 4,045,126 86:14 = 8:92
Uva Province (Badulla, Moneragala)	Predominately Sinhalese	75:15:7	Rs. 68,223 50:12:38	Rs. 3,362,506 86:14 = 7:93
Central Province (Kandy, Matale, Nuwara Eliya)	Predominately Sinhalese	40:15:5	Rs. 138892 32:18:50	Rs. 5,778,754 91:9 = 12:88
North Central Province (Anuradhapura, Polonnaruwa)	Predominately Sinhalese	85:8:8	Rs. 61,583 42:8:50	Rs. 3,279,184 88:12 = 7:93
North Western Province (Kurunagala, Puttalam)	Predominately Sinhalese	80:15:12	Rs. 146,998 26:31:43	Rs. 5,637,003 91:9 = 9:91

Notes:

* Province administered by central govt since 1990. War prevails and some figures unavailable

♣ Race ratio - Sinhalese : Tamil : Muslim (source:2001 Census Report)

♣ Language (written) ratio – Sinhalese : Tamil : English (estimated from: 2001 Census Report)

♣ GDP ratio – Agriculture : Industry : Services (source: Annexure 18, Finance Commission – 2004 Annual Report)

♥ Gap Funding ratio – Recurrent Expenditure : Capital Expenditure = Provincial Revenue : Gap Filled by Centre (source: Table 31, Finance Commission – 2004 Annual Report)

Overall, the well known irony of the 13th amendment which was designed to alleviate Tamil grievances saw the Northern and Eastern Provinces with their historical Tamil dominance function for approximately 18 months. Thus, whatever potential the 13th

amendment carried in terms of activating a devolved system of governance and distinct provincial identities did not materialise.

Since Solomons & Moscardini (2006b) have written on the systemic erosion concerning the public service and the prevailing system of governance, I will not delve into it here. Briefly, the Executive President is vested with the constitutional right to run all ministries of government and to dissolve Parliament anytime after one year of it being in office. In turn -

the Parliament structurally maimed the PAS through its (Ministerial) right to appoint the top echelons of the Public Service and thereby effectively transferred development planning to Ministers. Additionally, the latest appointments of Commissioners by the (Executive) President, bring into the question the independence of the various (Independent) Commissions, whose charter is to ensure the fairness of appointments of all other government employees. (Solomons & Moscardini, 2006b)

4.1.1.2 Meaningful Devolution

The challenge in designing devolution propositions is the need to provide sufficient autonomy to avert secession whilst being sufficiently cohesive so as to ensure the island-wide territorial integrity of the State.

In a bid to address Tamil grievances, a number of devolution proposals have been proposed and critiqued by various parties. None have been accepted. As the time for proposal negotiations, decisions and promulgation has not come to pass, I now want to use the example of devolution based on a territorial structure, in specific based on a provincial structure as compared to the 2007 SLFP proposal based on a district-centric approach which covers a smaller geographic unit than a province. The option of consociational⁶⁸ arrangements is briefly considered as an alternative or as a hybrid to a territorially based federal structure.

Watts explaining the notion of federation says it is a –

combination of shared-rule for some purposes and regional self-rule for others within a single political system so that neither is subordinate to the other. Federations have

⁶⁸ “A consocietal arrangement - the use of ethnic groups, nationalities and communities as the constituencies for representation.” Hyden (2006?)

varied and continue to vary in many ways: in the character and significance of the underlying economic and social diversities; in the number of constituent units and the degree of symmetry or asymmetry in their size, resources and constitutional status; in the scope of the allocation of legislative, executive and expenditure responsibilities; in the allocation of taxation power and resource; in the character of federal government institutions and the degree of regional input to federal policy making; in the procedures for resolving conflicts and facilitating collaboration between interdependent governments; in the procedures for formal and informal adaptation and change. (Watts, 1999:1)

With the objective of assessing the viability of the State and provinces I seek here to consider the parity of status between provinces and consequently financial implications and in this regard the effect of language. I have chosen the provincial based federation for two reasons. One, to draw a distinction between provincial demarcations based on administrative versus decision making based devolution and two, to address the strongly contentious debate on whether the Northern and Eastern provinces should be merged.

The prefix ‘meaningful’ is used to denote that the type of devolution sought in a bid to avert secession is of the calibre where the devolved units are vested with decision making powers pertaining to policy and development planning. When the functionality of decision making (compared to functions like implementation or monitoring) is devolved it opens Pandora’s Box. To make it meaningful requires that it be accompanied by access to resources, primarily finance besides what is encompassed within the province – meaning people, land, water, etc. Pertaining to both, decision making powers and finance, is the question to which subject domains will it apply.

In the absence of a detailed devolution proposal, let us now consider the ramifications of some aspects of devolution which have been voiced since the 2002 Oslo Declaration. For our purposes those aspects are:

- Provinces as they are now with the option of merging the Northern and Eastern thus making eight Provinces.
- Provinces granted exclusivity of decision making over their subject domains – essentially as described in List II. Inbuilt here is the need to void the Parliamentary

and Presidential powers that can easily (as distinct from under emergency times) override provincial powers.

- Asymmetrical powers where additional functionality, subject domains and financial powers are granted to the war-afflicted Northern Province and Eastern Province.
- Responsibility by the Centre for fiscal equalisation to achieve parity of status across the various provinces through provincially based revenue raising capabilities.
- Colombo, with capital city status, being an entity distinct from the Western Province.

4.1.1.3 Contingency Considerations of Devolution

Before discussing the ramifications, let us first be clear on what is being sought with devolution in the context of the short term and longer term. In the short term the objective is to gain agreement between the Tamils who claim an aggrieved experience and want autonomy, and others (predominately although not exclusively Sinhalese) who want an island-wide Sri Lanka. In the medium to longer term the objective, I expect, is to build and sustain a harmonious State where multi-racial, multi-lingual, multi-cultural and multi-religious plurality prevails and parity of status is achieved across the provinces. The more difficult question however is, what is the longer term objective in the event that such harmony is not achieved and chronic crisis prevails⁶⁹?

This contingency issue warrants consideration on many fronts and its response requires incorporation into the design of the federal based proposal. There are four obvious responses to the contingency question which I want to address here.

Design a federal system so that if in the longer term the racial/cultural crisis prevails the contingency exists:

⁶⁹ There is also the case of lack of parity across the spectrum of provinces. Whilst this situation warrants addressing it is not addressed in this thesis both for space reasons and because it is not grievous so long as harmony prevails. However, to the extent that such provincial disparity contributes to the crisis, it is addressed in this thesis.

a) To permit secession of those parties grossly aggrieved by the crisis.

This is likely to be the stance taken by those who favour secession – like the Tamils and those who believe that secession is a pragmatic solution rather than continuing to suffer bloodshed and economic degradation.

This contingency secession option re-opens the contentious question of what geographical terrain is to secede and associated issues as discussed in Chapter Three.

b) To not permit secession and persevere with further redesign of the system.

This is the likely position to be taken by those who advocate that Sri Lankan statehood be island-wide.

c) To neither permit nor not permit secession and in that sense not cater for the contingency.

This stance is likely to be taken by those who advocate ‘one step at a time’ and who wish to not complicate matters further, especially given the complexity involved with getting agreement amongst the differing protagonist.

As likely as this option is, the reality is that there is always a contingency position, however vague, in-built into a design. The question is - what conscious purpose is the contingency aimed at.

d) For the federal system to handle the situation based on the type of crisis that evidences itself at the time.

The likely advocates of this stance are strategists who seek to build ultrastable systems. However, much will depend upon the metasystemic capability of the entity chosen to guide the ultrastability process when required.

Whilst to some this longer term contingency question may seem unusual, there is much evidence to indicate it is already a part of negotiating strategy.

For example, one interpretation of the Tamils’ demand to merge the Northern and Eastern Provinces, apart and in addition to their historical homeland argument, is that the response

to the contingency of failure is built into the architecture of the federal design. Stated conversely, Sinhalese resistance to such a merger of those provinces is for that very reason – the contingency of secession.

Serving contingency considerations but aiming for a different outcome and therefore architected differently is the 2007 SLFP proposition for district-centric devolution. By this is meant, if the contingency of facing secession was to return, the loss of territory could be contained by an amalgam of small sized districts containing homogenous Tamil populations. What is even more revealing is that by opting for district rather than the larger provincial unit of devolution, the whole issue of viability is (probably) voided on the premise of districts being too small to financially sustain themselves. Included here are district equality and thus the ramifications of fiscal equalization (discussed below) and provincial borrowing rights, particularly foreign borrowings, and associated central government guarantees. In saying this, it is acknowledged that some districts, like Colombo and potentially Jaffna in decades to come, exhibit qualities of viability. However, the point is that some appear comparatively excessively weak due to their inherent poor infrastructure, like Moneragala, Ampara, Mannar, etc

What this indicates is that the unit of devolution based on territorial contours is vital to the federal design. Edrisinha expressed this importance as –

The unit of devolution is THE most difficult issue to deal with in any negotiated settlement. This is because since the 1970s, nearly all Tamil political parties have called for the merger of the northern and eastern provinces. People may disagree on the historical justification for a Tamil homeland or the reasons for the change in the demographic composition in the east in the past hundred odd years, but whether we like it or not THE first “article of faith” of the Tamil political parties is the merger of the two provinces. A solution that can have a chance of success must address this issue and not avoid it, as the SLFP proposals have done. The merger was probably the most discussed aspect of both the Indo-Lanka Accord and the Thirteenth Amendment to the Constitution. The Thimpu Principles of 1985, subscribed to by all Tamil parties, referred to a merger as did the Oslo Declaration of 2002. The founder of the SLMC, M.H.M Ashraff recognized that the merger was the pith and substance of Tamil aspirations during the Premadasa All Party Conference in the early 1990s and worked closely with Tamil parties represented at the conference to devise mechanisms to protect the rights of the Muslim people within a merged north and east. Mangala Moonesinghe realized the complexities involved as he spearheaded his select committee in 1992, when he asked a group of academics to devise a structure for the north east that “recognized and did not recognize the merger at the same time.” The

merger was confronted and addressed by those responsible for the Constitution Bill 2000. (Edrisinha, 2007, capitals in original)

Yet as erudite as this ensemble of thinking is, I wonder at their position in the context of concurrently building a ‘fail safe’ contingency plan into the federal design, especially given the yawning gap that separates the differing protagonists. My sense is that Mangala Moonesinghe sensed it. In my opinion there is an equally vital part to be played by processes in designing a contingency for the longer term question posed. This is addressed in Part II and III of this chapter.

At this juncture, I will leave this contingency question and now paint a likely scenario based on a federal structure comprising nine provinces as is the case in 2007.

4.1.1.4 Evolution of a Provincial based Federal Scenario

The purpose of this scenario discussion is primarily to gain an awareness of the sensitive variables and a heuristic sense of their physiological limits. It is a scenario discussion, because no formal proposal has to date been tabled for acceptance. To the extent that proposals have been made they have not been detailed to the point of disclosing legislative and executive allocations as they pertain to functionality, subject domains and revenue raising avenues.

Working on a province based federal structure, the opening financial and resource position is that the –

Provinces are not equally developed in terms of infrastructure, resources and economic opportunities and they cannot therefore hope to overcome inter-regional disparities by their own efforts and resources. This is a typical underdevelopment phenomenon. (Waidyasekera, 2000:26)

We also already know that the difference between provincial revenue and expenditure results in a financial deficit of over 80% for the seven provinces that currently function (refer Table 6 and Figure 11 – Provincial Finances). This deficit gets worse when the Western province is excluded for we find that the remaining six provinces earn between

8% - 15% of their expenditure from their own provincial revenue raising ability. The rest is contributed by central government funds⁷⁰.

To date, the primary discussion has centred on the merger of the Northern and Eastern Provinces, and the notion of asymmetrical devolution. This is taken to mean that the provinces clamouring for meaningful devolution (effectively the Northern and Eastern Provinces) will need to be granted additional⁷¹ subject domains, decision making powers pertaining to policy and development planning, accompanied by additional revenue raising powers which may extend to permitting foreign and domestically funded public debt. In this latter context, whilst recognising that monetary policy (i.e. managing domestic currency and interest rates, and foreign exchange rates) is a central government responsibility Welikala opinions that “the centre must not guarantee any regional debt. This allows lenders to calculate their risks better, and to promote prudent regional fiscal management.” (2003) It is also acknowledged that once agreement has been reached on meaningful devolution, what was once referred to as the ‘peace dividend’ will flow, and funds will be made available for the rehabilitation and reconstruction of the war-torn areas in the Northern and Eastern Provinces.

⁷⁰ The funding is based on recommendations made by the Finance Commission and approved by the President (Article 154R (7)), and comprises:

1. Block Grants to cover recurrent expenditure like salaries and rent.
2. Criteria based grants to achieve balanced regional development
3. Matching Grants which act as an incentive for provinces to generate their own new sources of revenue
4. Province Specific Development Grants for national projects like integrated rural development, rehabilitation and reconstruction.

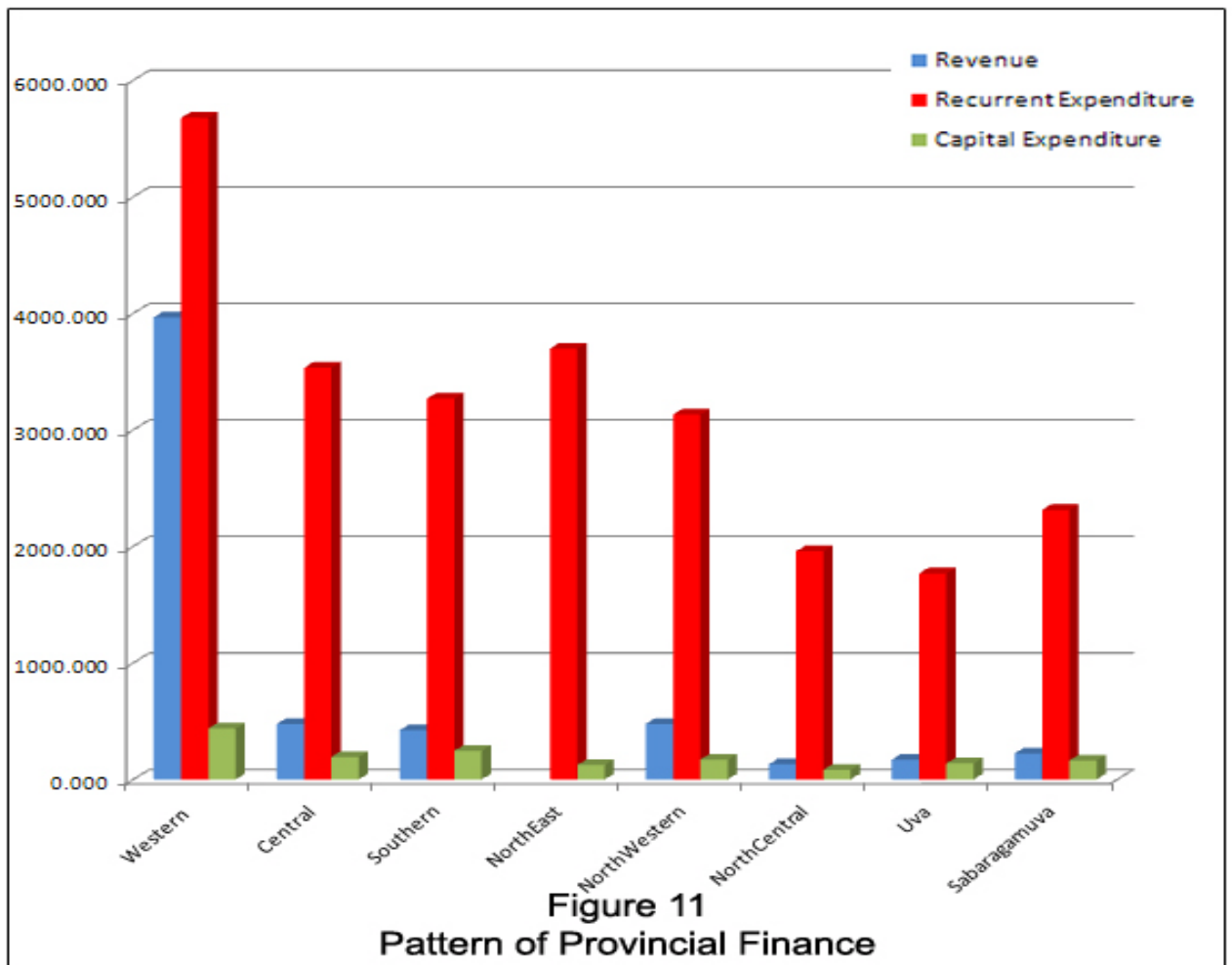
⁷¹ This will mean that the centre’s ability to impose decisions on such provinces will be curtailed. As planning is currently a List III concurrent function and the centre is the predominant source of funds, development work is primarily decided upon by the centre.

Table 6 - Provincial Finances

Province	Revenue	Recurrent Expenditure	% of capital to recurrent	Capital Expenditure	Total Expenditure
Western	3966.310	5678.000	0.077	436.000	6114.000
Central	475.783	3533.000	0.055	193.000	3726.000
Southern	422.175	3268.000	0.075	246.000	3514.000
North Eastern	-	3698.000	0.034	124.000	3822.000
North Western	477.044	3131.000	0.054	170.000	3301.000
North Central	129.814	1958.000	0.042	82.000	2040.000
Uva	169.751	1768.000	0.077	137.000	1905.000
Sabaragamuva	223.199	2313.000	0.070	163.000	2476.000
Total	5864.076	25347.000	0.061	1551.000	26898.000

Source: adapted from Decentralization and Provincial Finance in Sri Lanka by D D M Waidyasekera (pages 7 and 24)

What this sketch begins to show is a meaningfully funded reconstruction programme which hopefully will not just ‘replace with old equivalents’ but ‘replace with new’ what was damaged and blown apart in the Northern and Eastern Provinces. Few would disagree with such ‘updated’ replacement. However, what I want to address is the imbalance that will result if the Sinhala dominated and mixed populated provinces do not keep up. This is particularly relevant as some of the non-war affected provincial economic infrastructure is old and has been dismally maintained. This maintenance is not just visually obvious, but it is substantiated by the provincial recurrent expenditure profile which itself comprises 90% of provincial expenditure of which 79% of recurrent expenditure is consumed by emoluments. In other words, only a meagre 11% of recurrent provincial expenditure is spent on maintenance and 10% of total provincial expenditure is spent on capital development. (Gunawardena, 2005)



The other socio-economic component to add to this scenario is the effect of:

- Diaspora funds being channelled from the war effort to reconstruction and rehabilitation,
- The hard working nature of Tamils which the war has enhanced and is thus well positioned to be employed in economic rebuilding.
- The revenue from foreign investments (like cargo ships⁷²) that the LTTE owns.

Having said this, the point I am driving at is not that these advantages, the benefits of which may take one to two decades to materialise, must be removed. Rather they must be recognised in terms of inter-provincial economic parity in the context of the gap between revenue and expenditure as it applies to the various provinces.

⁷² “These ventures range from running ocean liners to maintaining restaurants. The LTTE, which was using chartered ships for transporting its arms and other goods, acquired its own fleet during 1985-86.” (Manoharan, 2004)

Before contrasting the provincial position and addressing its fiscal equalisation implications, let me refer to the helpful example of what happened with the reconstruction that followed World War II. Germany and Japan were two war ravaged countries that required massive reconstruction. By the 1970's both these countries had re-joined the league of leading developed economies and besides other reasons, their prosperity was ascribed to the infrastructure and industry that they were forced to build anew compared to those countries who continued with their old infrastructure and industry. Whilst such reconstruction initially was a penalty due to the capital outlay, given time it reaped its reward as it helped Germany and Japan to leap frog its competitors due to their newer and better planned facilities. In the instance of the Sri Lankan 'meaningfully asymmetrically devolved' provinces, they would be positioned to do likewise, and without being stymied by 'war reparations' which Japan and Germany were required to pay and endure.

Let us now return to Sri Lanka's remaining six provinces which demographically are either Sinhalese dominated or of a fairly evenly balanced race mix. The Western and Central Provinces belong to the latter category. The Western Province, housing the hub of political and commercial activity, is the highest revenue earner and is able to self-fund 60% of its total expenditure – refer Table 6. It is also the only province where about a fifth of its inhabitants have English language competency which in this era of globalisation and private sector led business enterprises is particularly important. All the other provinces are Sinhala language orientated and their economic activity is mainly agricultural and related to industries catering for domestic demand. In terms of future prospects, the Southern Province is the next most promising with an express highway, international airport and harbour planned which will attract industry that will benefit from such significant infrastructure.

What this amalgam means from a financial perspective is that the wealthier provinces will initially be the Western and Southern Provinces which given time will be joined by the Northern and Eastern Provinces due to war-torn reconstruction. The remaining will be the poor cousins, four of which are currently Sinhalese dominated provinces and the Central Province, a mixed race based province which historically prior to the colonial plantations was Sinhala dominated.

Should Colombo be exempt, as proposed in the 2007 Vitharana Report ⁷³, from belonging to the Western Province, for example on the grounds of it being the capital city and financial hub of the State, then that province too would fall into serious deficit financing as currently experienced by other non-meaningfully devolved provinces. Thus, once the Northern and Eastern provinces are merged and running well, they will become the major subsidizer to what are perceived as the Sinhalese dominated provinces.

If that happens in the longer term and the inter-provincial gap is too wide the question is what ramifications arise? Will it spawn a cry for secession on the grounds of provincial parity being used to drain Tamil prosperity to support Sinhalese dominated provinces who do not do what it takes to fend for themselves?

From the point of view of Ashby's Law of Requisite Variety, this is an important consideration which prompts many questions. For example, what is the extent of the inter-provincial financial gap beyond which tensions will incite seriously detrimental racial tensions? Cybernetically this is a physiological limits question which feeds off the homeostasis question of which combination of provinces are more susceptible to produce this effect. Underpinning this question is system viability and what is it that substantively distinguishes one system, in our instance province, from another. This last question is important and will be addressed epistemologically in Part II and diagnostically in Sri Lankan terms in Part III. In the meanwhile, a distinction pertaining to system is that the provinces that were delineated during colonial times were for administrative purposes rather than for viability which is what the devolved unit under meaningful devolution seeks to achieve.

It is well recognised the type of internal self-determination now sought is of the calibre where the devolved unit is not merely endowed with autonomous administrative powers but vested with power to decide its own policies, and design and implement its own development plans. This consequently requires access to finance and resources. It is such autonomy that gives credence to the devolved unit to pursue viability. What is less

⁷³ The 2007 Vitharana Report proposes that "Colombo and its environs shall form the Capital Territory which shall be a part of the Western Province. However, law and order in the Capital Territory shall be a matter for the Central Government." – The Morning Leader, 2007

recognised however is that the embedded systems, within the meta-level Sri Lanka as managed by the central government, are migrating from an ensemble of race based systems to an ensemble of geographically based systems. I say ‘race based systems’ because those are really the systems (as argued in Chapter Three) that are negotiating the transition and where the primary arguments are based on race considerations.

If this description of the transition is correct, the critical question is what is the composition of the identity of those individual embedded systems called provinces? It is those embedded systems, called by whatever name, that seek to adapt and survive in the context of the dynamic environment with which they interact. For each province, that interaction minimally involves its embedded systems, other peer provinces, the encompassing meta-level system Sri Lanka within which it is embedded, and the milieu within which all this is encompassed. This identity question will be returned to later (Part III) with the realisation that the provinces need to distinguish themselves beyond their obvious geographic uniqueness.

A point of clarity is warranted concerning inter-provincial disparity given the economic and social issues which evidenced themselves in the JVP uprising and Tamil grievances which led to the war. These are joint issues that need to be addressed in the devolution considerations. What I am alerting to here however is the feeding of inter-provincial disparity that may grow out of the design of the composition of the provinces, which is different from what led to the JVP and Tamil revolts but with which it interacts.

4.1.1.5 Relevance of Inter-Provincial Gap

Let us return to understanding the inter-provincial gap financially and pose the question what can be done to narrow the gap? This will lead us to Kangu’s (2005) apt distinction between constitutional theory, and constitutional architecture and design in a bid to address the question posed.

Broadly, the provincial financial position can be viewed from three perspectives - 1) from within the province, 2) the relationship amongst provinces, and 3) the relationship between centre and the provinces, both individually and collectively. These are discussed,

generically and then contextualised to Sri Lanka, with the objective of understanding the types of issues associated with achieving regional parity.

a) Within the province

Like any organization pursuing a purpose, the relationship between input and output needs to be managed which in the context of finance relates to revenue and expenditure. The characteristic of developing economies is that their expenditure pattern heavily exceeds their revenue stream. This is all the more so in regional economies where their revenue generating capability is not commensurate with their legislated subject domain responsibilities as specified in the State's Constitution. In a federal structure, the gap between a region's revenue and expenditure is referred to as 'horizontal imbalance' or 'horizontal fiscal imbalance' which leads to the question of gap financing.

Provincial expenditure may be recurrent or one-off streams. Recurrent expenditure covers such expenses as wages, debt repayments, maintenance, pensions, welfare payments, etc. Capital expenditure is mainly incurred for acquisition, construction and improvement of assets.

Under a devolved structure of governance the embedded systems must at the very least be individually viable where their identity is called upon to adapt and survive in the dynamic environment in which they exist. Expectation is that devolved units should be constitutionally structured so as to be able to absorb a healthy portion of their recurrent expenditure from their self-generated revenue. Whilst what constitutes healthy is most likely to be expressed as a heuristic rather than an algorithm, it would be reasonable to suggest that less than 70% of revenue to recurrent expenditure is a serious signal that viability of the province is questionable and suffers the risk of dominance by the centre. Capital expenditure is not included in this percentage.

The speed and quality with which a province can implement its development growth plan is amongst other matters linked to the province's capital raising ability. This in

turn is linked, like any other lending, to the province's recurrent revenue and collateral base to support its debt portfolio.

There are various sources of provincial revenue which primarily consist of taxes of various types (like licenses, rates, fees), profits from provincial run enterprises, grants of various descriptions from the centre, and borrowings. There is also the lesser known category of revenue from the lease or sale of assets owned by the province. This makes allocation of asset ownership an important consideration at the time of negotiating the transition into meaningful devolution. This is particularly relevant where historically the State has transitioned through nationalization and subsequent privatization, as is the case in Sri Lanka.

The other critical consideration is the provincial government's borrowing rights both in the domestic and international market and in this context the guarantee afforded by the central government in its sovereign capacity. In Sri Lanka, whilst the 13th Amendment to the Constitution grants borrowing powers to the provinces subject to Parliamentary approval, the enabling legislation has not been passed and consequently to date (2007) no provincial borrowings have occurred.

Provincial borrowing powers are of particular importance when the economic disparity between provinces is wide for it gives those provinces in need of major capital works programmes the ability to fund its development programmes without being dependent on the centre. On the other hand, guarantee of provincial loans by the centre eases the loan terms (especially for the less financially endowed provinces) and may open the avenue for 'international soft loans' (e.g. lower interest rates, initial grace periods of non-repayment) as is available for the sovereign State.

Sovereign guaranteed provincial loans carry the advantage of provinces having access to capital without directly burdening the central coffers. The risk to the central government, however, is not just what happens in times of default but what happens if secession tensions arise and non-repayments are used as a point of leverage to negotiate separation. Certainly, these are risks which sophisticated bankers can design into the basic interest rates to reflect different scenarios through which a loan may evolve.

Even negotiable could be terms of guarantee where secession itself will transfer the loan to the seceded province so that the central government is not burdened with a debt from which it has gained little value.

However, it is the constitutional principles and the architectural design of borrowing rights and guarantees that need to be addressed, particularly in the instance of devolution where asymmetrical rights and responsibilities are given to provinces.

b) Relationship between the centre and the provinces.

The monetary imbalance resulting from the revenue raising ability between levels of government is referred to as a 'vertical imbalance' or 'vertical fiscal imbalance'. Most federal structures vest the lucrative taxation streams (like income tax, consumer tax, company tax) in the centre. This means that when expenditure is heavily decentralized without comparable revenue raising powers the regions are heavily dependent on the centre funding their needs.

Consequently, the process by which the centre allocates funds to the regions is vitally important. Equally important is the subject domain allocations for they demarcate the capabilities of both expenditure responsibilities and revenue earning capability.

In the context of Sri Lanka, much has been published about these two aspects as occasioned by the 13th Amendment which vested the lucrative revenue streams with the centre. The point I want to add is that whilst privatization which began in 1977 has sold much of the nationalised industrial base, infrastructure (like water, rail) and some other assets (like banking) have not been sold - amongst which is prime agricultural land situated in the provinces. The other point is that less than 1% of provincial revenue is collected from the North and East due to the dissolution of those two provinces. Thus their expenditure is +99% funded by the central government. This compares to an overall funding figure by the centre of the other provinces of 80% (Refer Table 31 of the Finance Commission's 2004 Annual Report).

What is even more disconcerting to find is that 90% of provincial expenditure is recurrent expenditure which means the functioning provinces are not exercising their decision making capability to develop their province which in turn impacts on its future revenue raising base. It is also possible to say the central tier of government is directly deciding and spending on provincial capital development projects. Unfortunately, I have not found published government accounts which itemises this type of expenditure.

Overall, when it is said that it is rare to find federal structures where the centre funds such enormously large percentages of provincial expenditure, the point being highlighted is not the generosity of the centre but rather the failure of the design of fiscal devolution.

c) Relationship amongst the provinces

Besides an individual province's dependency on the centre for deficit financing, there is also the matter of the pattern of dependency across the spectrum of provinces. Stated differently this is about studying the pattern of regional disparity and what can be done to reduce yawning disparities to achieve regional parity of a minimum standard.

Without too much fear of disagreement we would expect the constitutional principle of regional equality to be accepted. The question is how is this to be architected and designed.

One popular way of bridging the gap is through the process of the centre filling the provincial deficit and the extent of the vertical imbalance reflects the dependency gradient. As discussed above, in Sri Lanka the enormity of the provincial deficits, which has been predominately consumed by recurrent expenditure with no interest or capital repayment component, indicates devolution has not taken root and what has been achieved is a devolved administrative system which has been extended to include implementation.

Another architectural design for financing regional deficits to nurture regional parity is where the wealthier provinces effectively contribute towards the financially poorer

provinces and those with greater need for capital works programmes. Such redistribution in federal literature is called fiscal equalisation and is done by the centre where all regions contribute to a central pool according to a certain formula and the central government allocates funds based on a different formula. For example, in Australia, all states charge a consumer tax of 10% GST on certain goods and services. This money is collected by the federal government and –

The GST revenue pool is distributed among all states on the basis of recommendations by the Commonwealth Grants Commission (CGC). The CGC's recommendations are based on principles of horizontal fiscal equalization, which it describes as follows: "each State should be given the capacity to provide the average standard of State-type public services, assuming that it does so at an average level of operational efficiency and makes an average effort to raise revenue from its own sources." (Le Goff, 2005)

Whilst authors such as Bird (2004) have written about "assessing differentials in expenditure needs in determining equalization transfers" there is an additional way of contributing towards regional equality. It occurs as a once off event with long lasting effect and is via what constitutes the devolved units themselves and the extent of parity they inherently possess when compared to each other. To the extent this regional parity is naturally achieved is the extent dependency on on-going equalisation mechanisms is reduced. On the other hand, when gross regional imbalances prevail particularly in tension associated situations, it is vital that an effective equalisation process is designed; else it stands the risk of contributing to future secession threats, if not secession itself.

This opens the inter-regional parity question to two temporal spheres - one, at the time of identifying the devolved units and two, on an on-going basis. There is already much published literature pertaining to both temporal spheres concerning shared-rule and self-rule and the allocation of subject domains as it pertains to matters of legislative, executive and financial powers and responsibilities (Keating 2007, Vaillancourt & Bird 2004, Watts 1999, Welikala 2003a, 2003b).

What I want to focus on is the matter of the delineation of the unit of devolution which is essentially a one-off occurrence at the time of establishing the devolution

arrangement. This is because thereafter it is difficult to alter, due to constitutional safeguards and the intrinsic protection that institutionalization affords. Keating comments that drawing the units is important and is based upon three rival principles which he identifies as drawn upon 1) historic borders, 2) functional boundaries based on efficiency considerations, and 3) ethnic criteria to give self-government to those demanding it. “In practice, given these competing criteria, any drawing of borders will always be a compromise. Even the most carefully drawn ethnic boundaries will often give the titular group a majority within its own territory, but will require guarantees for members of the group outside the territory and of other groups within it.” (Keating, 2007)

To discuss the delineation of the unit of devolution I now want to move from generic considerations to addressing the Sri Lankan situation and tie it to the intrinsic revenue generating ability of each province with reference to language.

4.1.1.6 Delineation of the Unit of Devolution

This is the question that Sri Lanka currently grapples with and so far the proposals put forward demarcating the devolved units have been based on historical experiences. The GoSL architected a form of devolved administrative governance based on District Councils and moved to the larger unit of provinces accompanied by the devolved unit enjoying implementation powers. The Tamils have moved from their demand of a provincial architecture to the merger of provinces accompanied by what they call autonomy which presumably includes healthy revenue raising powers. The Sinhalese have resisted such a merger on the grounds that the Eastern province is multi-ethnic, and the fear of devolution being a precursor to secession. There are leading Sri Lankan journalist like Ladduwahetty who create and reflect opinion who add –

If India is to prevent reverting back to its natural state that had prevailed throughout the millennia, the centre has to be strong. Realising this need, India started out with a strong centre, but regional influences resulting from coalition formations of ruling governments have progressively asserted their powers causing central power to gradually erode. Under these circumstances, India has to face the challenge of keeping these centrifugal tendencies at bay and function as a global power. If India fails to meet this challenge it would cease to be a global power and each of the sub-regions would emerge as independent economically powerful states. Since such developments could

impact adversely on Sri Lanka's territorial integrity it is vital that ...Sri Lanka is structured in a way that it is better equipped to withstand the effects of possible developments in India. The District as the peripheral unit lends itself better for this purpose. (Ladduwahetty, 2007)

In the meanwhile, research is scant on evaluating the viability of devolved units both in terms of 1) the devolved units sustaining themselves whilst belonging to the territorial integrity of Sri Lanka and, 2) in terms of assessing relative parity across the spectrum of devolved units, including the ramifications particularly those pertaining to the sensitivity of the revival of the threat of secession, which aversion is the *raison d'être* of meaningful devolution.

Using the metric of finance, it is astonishing to find no published literature is available which assesses the scenario considerations of the various devolution proposals. Even more bewildering is that the Finance Commission has not been called upon to contribute (by for example the President's Office or the GoSL's Peace Secretariat) with input towards developing financial profiles of the provinces (or districts), including their resource capabilities and their development visions/plans. This was ascertained during a meeting with the Chairman of the Finance Commission in 2007. Certainly, the Finance Commission has commissioned various studies (by Salgado, Lahiri) on how to improve the current functioning of the Finance Commission and its work with the provinces and the GoSL.

The Finance Commission has avoided taking the initiative to contribute towards scenario projections in the context of the various devolution proposals being considered. The rationale for this stance appears to be that if such scenario projections were undertaken, it would taint the neutrality of the Finance Commission as the projections would be selectively targeted and labelled as biased by one political party or another.

It is worthwhile to digress a moment to understand the lack of what in VSM language is referred to as S4 thinking.

The emasculation of the public service in terms of its independence, its skill base and consequently its effectiveness began with the 1972 Constitution and was reinforced in the

1978 Constitution which vested the whole of the public service under the political control of Ministers. Article 55(1) vested power in the Cabinet of Ministers to appoint, transfer, dismiss and take disciplinary control of public officers and states that all public officers hold office at pleasure. Pertaining to officers below the rank of Head of Department, this power could be delegated to the Public Services Commission (Article 55 (3)) or a Minister (Article 55 (3)) but Cabinet was also given the power to vary, alter or rescind such delegation and appointments, etc made under such delegated authority (Article 59). Two decades later in 2001, the 17th Amendment to the Constitution introduced the Independent Commissions, amongst which was the Public Service Commission whose decisions could not be overturned by Cabinet. However, this Commission and others are yet to prove their effectiveness because subsequent events have destroyed the independence of the appointment process of the Commissioners themselves. The dismal state of the public service, albeit held together by a sprinkling of skilled and independent officers, is well known. I want to refer however to two points.

Firstly, the frequency of elections is increasing and the party holding government is showing a pronounced tendency to change with each election. This in turn triggers changes in the composition of the public service. Secondly, senior ranking public servants who strive for neutrality, as mentioned in the example above, tend to steer clear of scenario deliberations due to the political slant that the scenario studies may infer. Consequently, their concern is more about efficiency (better coping within the current rules) rather than effectiveness (considering the options for changing the rules) as they opt to establish their neutrality, given the absence of clear procedures that secure independence of the public service.

What this indicates is that there remains only a sliver of public servants who exercise S4 thinking of the type which requires deliberating upon policy scenario options. Thus the longer term perspective to counter balance short term political thinking, due to the politicians' need to win elections, has moved from the public service to others - probably civilians and academics.

Let us now return to viability considerations of devolution.

Despite the absence of detailed breakdown of figures particularly at the district level, valuable patterns can be discerned based on physically observable profiles of the provinces and the province based financial allocations by the GoSL. Viewed from the perspective of parity across the spectrum of devolved units, let us now return to scenario deliberations and consider the options based on 1) merger of Northern and Eastern provinces 2) provinces 3) districts.

So far the path of devolution in Sri Lanka, whilst it is a far cry from meaningful proportions, has gained concrete experience with enacting and implementing legislative, executive and financial devolution. The next step in the evolution of devolution in Sri Lanka is to design and implement a way to achieve meaningful autonomy whilst each devolved unit still coheres to preserve the territorial integrity of the island. In principle this incorporates the fundamental requirement put forward by the Tamils (autonomy) and the Sinhalese (cohesiveness which preserves territorial integrity) and thus forms the phase space within which a solution lies.

For this reason, territorial integrity must be preserved and ensured. Thus foreign affairs, foreign lending, monetary policy and defence services (but not police) are the exclusive preserve of the centre. In this sense, the subject domains are essentially consistent with the 13th Amendment. Included too is centre exclusivity of foreign currency issued debt instruments, due to exchange rates risks⁷⁴. Overriding powers by the centre are curtailed and so too the sweeping powers of planning so that devolution is given effect.

Equally, meaningful financial devolution needs to accompany the subject domain responsibilities that are allocated to the devolved units. Therefore, in recognition of such and for our purposes here the district based devolution proposal, in addition to the other two proposals, is premised on the accompaniment of financial devolution. Consistent with the 13th Amendment borrowing powers (Ninth Schedule, List 1 (35)) are also devolved subject to Parliamentary approval of the extent and terms of borrowing. This latter requirement is chosen to be consistent with monetary policy as vested in the centre.

⁷⁴ Today, even the GoSL does not issue such debt instruments although since February 2007, up to 5% of domestic Treasury Bonds are available for purchase by foreign buyers.

In this regard, the starting position for all the provinces is as reflected in Table 5 above. Whilst the centre generates 94% of revenue compared to the provinces⁷⁵ the difficulty is that this is an already heavily debt ridden State, (total public debt in 2005 was 93.9% of GDP⁷⁶) with a massive need for infrastructure development throughout the State. The important pattern to highlight is that provincial revenue is around 10% of expenditure (excluding the Western Province whose revenue is 60%). This is grossly insufficient to absorb even its recurrent expenditure, which is around 90% of expenditure and of which 90% is spent on emoluments. Embedded here are two critical points. Firstly, maintenance of assets secures a very low status for a mere 10% of recurrent expenditure is devoted to it. Secondly, very little capital development is being driven by the provinces as only 10% of the provincial expenditure is devoted to it.

So far parity of status amongst the provinces has not been an issue because those wanting devolved power, namely the Tamils, have scarcely functioned in a devolved provincial council setting. To the extent it existed it lasted less than two years. Furthermore, the financial parity is close amongst the active provinces if one was to exclude the revenue generation occasioned by the capital city, Colombo, in the Western Province.

This pattern can however be expected to dramatically change if meaningful devolution is instituted and the Tamils, heavily resident in the war-torn areas, enter into active politics at the level of devolved units, whatever their size. As mentioned previously, it is sensible to predict that devolved units containing war-torn areas will benefit from the peace dividend of aid (loans and grants) to replace what was destroyed or damaged by the war. Given time, this will reap benefits of revenue generation and will breed a widening disparity if devolved units containing non-war torn areas do not keep pace with development.

This poses various questions like the inherent viability of the devolved units, and is there a juncture when the pattern and severity of disparity could threaten the territorial integrity of the island – which is the ‘contingency choice’ question posed earlier? The former question

⁷⁵ In 2003 the Central government raised 94.82% of revenue compared to provincial revenue of 2.64% and 2.54% by Local government. (Finance Commission, 2004 Annual Report, p63).

⁷⁶ Contained in Central Bank 2006 Annual Report, (Table 6 - Trends in Key Variables)

is addressed in Part III of this chapter, and the latter question is addressed next in the context of the three types of devolution units proposed and referred to above.

a) Merged Northeast Province

In the decades ahead if the once war-torn merged provinces of the North and the East surge ahead and maintain a gaping disparity compared to all the other provinces it may cause two types of problems.

Firstly, resentment from the Sinhalese dominated provinces that the Tamil dominated provinces have been given preference in development matters. Sinhalese may interpret this as a resurgence of what prevailed during British colonialism when the Tamils enjoyed a relatively higher percentage of English educated people⁷⁷ and therefore gained a higher percentage of employment with the government that ran its affairs in English. Thus, by deliberate design or unforeseen systemic interrelationships history shows a pattern of oscillation - initially favouring the Tamils during governance by the British, and subsequently favouring the Sinhalese triggered by monolingual vernacular language preference, and (prospectively) returning to favouring the Tamils due to aid allocation preferences to reconstruct the damage occasioned by war.

In turn, this may trigger a second problem, given that prosperity in the merged Northeast province means the population in those provinces will be required to subsidize⁷⁸ the gaping revenue shortfalls experienced by the Sinhala dominated provinces. Here the interpretation of the merged Northeast province is that rather than incur the wrath of the Sinhalese, they opt for secession and thus cease the draining of their resources required by equalization to subsidize the ill disciplined and disorganised provinces that have not attended to their socio-economic ills. From a Sinhalese perspective, the venom in this result is not only secession but the large slice of land that had been architected into design of the devolved unit.

⁷⁷ This was due to, according to Wilson (2000), more Christian Missionary Schools being run in Jaffna as more Tamils converted from Hinduism to Christianity.

⁷⁸ It is inconsequential if the centre collects revenue and allocates it to the devolved units, or if it is a province generated pool of funds. The point remains that the source of the bulk of the revenue can be traced back to the prosperous devolved units.

This is what I mean by the contingency choice that is architected into the design of the devolution project. In this regard, the point I wish to make is whether the gaping provincial disparity is the result of the way in which the provinces have been architected and in this regard the part played by what might be described as ‘sympathetic lending’ which gives preference to development of the once war-torn areas.

It is valuable to point out that there are some provincial permutations of gaping disparities that lend themselves to breeding threats of secession whilst others do not. For example, if the prosperous province is a province where the races are fairly evenly distributed in population numbers (as currently seen in the Western and Central provinces), then it may not incur the type of interpretations and repercussions discussed above. On the other hand, if the prosperous province is a Sinhalese dominated province (e.g. Southern province), then the Tamils could be expected to argue for secession on the grounds of the majority exercising their power to keep the minority Tamils as an under-privileged community. So here again we find the architecture in place for the threat of secession to affect a large slice of the island.

I use the word ‘gaping’ to convey the heuristic that the disparity is large but it is unknown how large that disparity needs to be and for what period it needs to evidence itself before it triggers secession threats. Additionally, what we find is that the physiological limits of the variables that comprise the homeostatic relationships are different. In other words the homeostatic balance between mixed provinces (Western and Central) and the Tamil dominated provinces are different to the homeostatic relationship between the Tamil dominated provinces and the Sinhalese dominated provinces. As to what constitutes gaping disparity is a matter for discussion after the relevant cybernetic thinking and language has been established in Part II of this chapter. Also, addressed in Part III is what constitutes parity of status.

This exposition besides being beneficial towards evaluating the attractiveness of the various devolution proposals is also useful to enquire how the downside can be alleviated. One way of overcoming this gaping disparity is to ensure Colombo is included within the Western province rather than kept separate as is done in other

countries, like Australia where Canberra the capital city is not part of a devolved unit. This is because Colombo, unlike Canberra or for that matter Ottawa in Canada, is the hub of commercial activity with a substantial revenue generating base and currently enjoys the best infrastructure in the island. The other is to ensure that at least one Sinhala dominated province, like the Southern province, keeps abreast of the prosperity as experienced by the Tamil dominated provinces.

Whilst a merged Northern and Eastern province has been premised on historical grounds and its associated secession contingency, there is an expectation that the larger contiguous area improves the viability of the devolved unit. If this last point is valid, then the question arises should the Sinhalese dominated provinces also consider mergers and if so should it extend to merging with evenly balanced mixed race provinces or be contained to mergers only with Sinhalese dominated provinces. By way of illustration, an example could be an amalgamation of the Uva, Sabaragamuwa and even the Southern provinces. This opens the underpinning issue of the identity of the devolved units both at the time of devolution and in their long term future, particularly with regard to their racial mix.

b) Province

Much of what was discussed in the Merged Provinces applies here too. However, it is the permutations of the provincial combinations that introduce different results compared to the Northeast merger devolution proposal.

Keeping the two war-torn provinces separate holds the probability that neither will hold the dominant position when disparity is compared to the Sinhalese dominated and mixed race provinces. It is likely that the Eastern Province will remain an evenly mixed race province. Therefore, even if it holds a dominant position in prosperity terms, it does not pose quite the same Sinhalese interpretations as would be accorded to a merged North-Eastern province. Furthermore, if the contingency of secession threatens again, the architecture of the provinces does not automatically lend itself to the loss of the Eastern province.

What we are finding is that the architecture of the devolved units lends itself to structuring the way the contingency will apply if devolution fails. Many have intuited this. What has been done here is to explicate its threads, which helps in evaluating proposals and just as importantly in designing remedies. Furthermore, the value of traversing decades into the future is that it helps discern possible patterns which otherwise would be too imperceptible to detect. Later, when in real time it also helps detect symptoms which may lead to that pattern detection or better still acts as feedback to change the pattern of inputs so as to avert its ills.

An important point warranting consideration is the identity and viability of the composition of each of the provinces. This is particularly relevant given that the provincial unit is a legacy of an administrative system, as introduced during colonial times.

c) District based Devolved units

Having arrived at much smaller units of devolution, the obvious question is their viability. Certainly, some show clear signs of being able to sustain themselves, such as Colombo, Jaffna, Galle, and Kalutara. Others may well struggle which raises the question of the allocation mechanism for fiscal equalisation or allocations by the centre to fill the shortfalls in revenue to match expenditure, particularly to meet development requirements.

The question thus becomes what are the ramifications that arise if gaping disparities separate the districts. Like before, it depends on the permutations and combinations of the relationship between districts. Theoretically the permutation given 24 districts is $6.20448E+23$ and it doubles if bi-directionality is computed too. However, this variety for the purpose of comparing gaping disparity tensions can be dramatically reduced by categorising the provinces based on their race mix, where the majority is Sinhalese or Tamil, or relatively evenly mixed with the three races. Thus based on a district belonging to one of the three types of categories its disparity is contrasted in terms of the tension associated with contiguous landmass districts dominated by Tamils (since the threat of secession is the sensitive outcome that needs to be managed). The

objective is to gain insights into the relationship between the gaping disparity of devolved units, in this instance districts, and its effect on stirring up secession threats.

Let me illustrate this point by working with a realistic permutation. Jaffna and Mannar (selected due to their proximity to trade with India, and benefit from the prospective Sethu Samudra Canal) and Colombo (being the commercial hub) and Hambantota (due to the new international airport and service and industrial sea port) might become the really prosperous districts. Galle, Kalutara, Gampaha and Batticaloa might become the second tier of prosperous districts with the rest belonging to a distinctly lower third tier. The probability is that this permutation of tensions would be containable. This is likely because each of the communities has a stronghold district of prosperity and is a contributing benefactor of equalisation proceeds to the less prosperous districts some of which contain its own community. Additionally, no long stretch of contiguous landmass falls within Tamil hands (refer Map 5.1) particularly if Trincomalee holds itself as belonging to the ‘evenly mixed race’ district. These contrasts to the situation which would arise based on the provincial or merged ‘Northeast’ architecture.

On the other hand, if the contiguous coastal districts between Mannar and Batticaloa (moving in clockwise north to east direction) are developed to achieve a gaping disparity compared to the other districts, then Sinhalese-Tamil tensions would arise and may not be relieved even if Colombo achieves comparable prosperity. This tension is strengthened because the contiguous landmass lends itself to secession. Such testing should be continued for other permutations to gauge which are the sensitive permutations which lend themselves to tensions between the Sinhalese and Tamil communities and particularly those which are accompanied by a contiguous Tamil homeland landmass.

Once again, we see how the architecture of the devolved units lends itself to the ‘contingency’ choice. For this reason this needs to be addressed at the time of architecting the devolution solution. Having stated this, the district-centric devolution proposal due to the larger number of units, automatically generates a greater number of permutations. This in turn means these permutations could be managed (e.g. in the way

capital infrastructure and investment projects are deployed) to produce mixes that alleviate gaping disparity tensions between the districts.

Such considerations can be used by the Finance Commission and Parliament to influence the allocation amount of gap financing between the districts. This will require a much more sophisticated ‘parity of status’ understanding than is currently practiced in Sri Lanka. Furthermore, it is an expertise the Finance Commission will need to develop itself as countries like Australia and Germany who are considered to be well practiced in the federal model of governance do not face the sensitivity of secession threats. In this regard, ‘parity of status’ refers to a minimum set of per capital standards, pertaining to such matters as infrastructure of transport, health, education, etc.

It is important to acknowledge that the Tamil grievances have not been heavily based on gross evidences of economic disparity. It is a much more principle based challenge where they perceive Tamils to be treated as lesser citizens. Here I refer to such matters as the injustice of Tamil culture in terms of language⁷⁹, religion⁸⁰, citizenship⁸¹ being perceived as subordinated to Sinhalese dominance. This has meant that the Tamils have had to work that much harder to earn their place in the economic and professional spheres of prosperity. As is popularly hoped, devolution will need to accomplish cultural parity and what that entails is a matter for negotiated agreement.

The vital point for our discussion here in the district-centric proposal, however, is whether districts constitute viable entities. This is a matter that will be taken up again in Part III of this chapter and then addressed by way of process considerations in

⁷⁹ Referenced here is the 1956 Sinhala Only Act. Subsequently amended in 1987 by the 13th Amendment to the Constitution where parity of status was accorded to both vernacular languages.

⁸⁰ The Constitution (Article 9) accords Buddhism the foremost place.

⁸¹ Referenced here are The Ceylon Citizenship Act No. 18 of 1948 and The Indian and Pakistani Residents (Citizenship) Act No. 3 of 1949. To understand the ‘stateless’ issue that resulted to Indian Tamils in Ceylon reference needs to be made to Articles 5 and 8 of the Indian Republican Constitution of 1949. When these Acts including its voter implications (under Parliamentary Elections Amendment Act of 1949) were legally challenged pursuant to S29 (2) the Supreme Court of Ceylon and later the Privy Council in Britain both held the Citizenship and Franchise Acts are intra vires of the Ceylon legislature. Negotiations to resolve the stateless issue were finally resolved by the Indo-Ceylon Agreement of October 1964 which is also popularly known as the Sirima-Shastri Agreement. (Ladduwahetty, 1999)

Chapter Five. Such viability considerations warrant serious financial modelling based on zero-based budgeting where the usual incremental adjustment to historical figures is avoided. This is because a fundamental shift is expected as a consequence of harmony being established and this applies island-wide, and not just to the war-torn areas. Such modelling will help to gauge the type of economic viability that district-centric devolution exhibits and of course needs to be premised on meaningful financial devolution.

4.1.1.7 Asymmetrical Devolution

As discussed in Chapter Three, the Peace Talks of 2002-2003 with the GoSL were conducted on an asymmetrical basis where the only representation of a race was accorded to the Tamils. Amongst the ideas considered during this period was the idea of asymmetrical devolution where the devolved units under a federal structure would be vested with asymmetrical powers. Thus, based on the devolution unit being a province, the idea was that the Northern and Eastern Provinces would be vested with additional subject domains and/or functional powers.

An example of such asymmetrical functional power was to assign additional borrowing powers to particular provinces, namely the Northern and Eastern provinces, so that those provinces faced with reconstruction of war-torn areas would have a more direct means of negotiating their financial requirements with lenders. In turn, this opened deliberations of whether provincial debt should be guaranteed by the central government and consequently touched on the sensitive issue of what happens if the devolution project fails and results in secession or the threat of secession. Here then is another aspect which requires a policy on the 'contingency choice' if the architected peace plan fails in implementation. It is pertinent to point out that defaults on repayments can be orchestrated as part of the ploys to achieve secession.

The point I want to cover, however, is a different one. It is to understand the ramification of filling the expenditure gap. Asymmetrical devolution means devolved units are not all vested with the same powers and responsibilities. For our purposes, using the example of war-torn devolved units being granted extra financial borrowing powers let me refer to

them as the ‘meaningfully asymmetrically devolved units’ and refer to those without the extra financial powers as the ‘other devolved units’

One way of achieving parity between the meaningfully asymmetrically devolved units, who enjoy extra borrowing rights, and the other units is for the central government to allocate extra funds for those ‘other devolved units’ to meet their expenditure-revenue gap. This however risks incurring the disapproval of the ‘meaningfully asymmetrically devolved units’ on the grounds of the central government giving preference to Sinhalese dominated provinces. This situation does not occur now, because there is no Tamil dominated province to make the distinction. Neither does any province exercise its borrowing rights, due in part to the lack of enabling legislation as mentioned earlier.

Thus meaningful asymmetrical devolution appears to be structurally flawed. Whilst in the short term it opens the flow of capital funds for development, in the longer term it positions some provinces to leap ahead of others. If the central government allocates funds to those provinces which do not have as liberal public debt borrowing rights, the central government runs the risk of retrospectively being accused of preferential treatment of the Sinhalese majority. It is this kind of flawed design that causes the top tier of government to favour the majority and miss segments (like the Muslims) which results in the GoSL being perceived as representing and favouring the Sinhalese.

Another point of distinction concerns fiscal equalisation being used to achieve parity of devolved units. Whilst much has been written about the tier of government that has revenue raising rights, the more important concern is the source from which the revenue is being raised, particularly in the context of asymmetrical devolution. I say this because if prosperity is skewed then taxation will be likewise skewed but will naturally be employed in favour of the less prosperous regions. The problem is if the region is dominated by either of the sparring races, Sinhalese or Tamil.

What this means is, and this is a critical point, under asymmetrical devolution if there are only two types of devolved units when categorised in terms of their rights and responsibilities, the central government risks being considered biased towards one group or

the other. This bias however can be reduced if not avoided when there are more than two types of devolved units.

4.1.1.8 Relevance of Exploration of Variety

Overall, the relevance of the exploration of variety exposed by this type of thinking spanning longer timeframes is that what are otherwise subtle patterns in the short term become discernable. This is particularly useful given the lag time it takes for revenue streams to outstrip development capital expenditure, especially repayment of long term loans. This equally applies to the time it takes to develop skill set competencies.

These conceptualised patterns serve to indicate the sensitive homeostatic relationships, their variables and the monitoring processes required to develop a sense of the physiological limits and what it takes to steer clear of those limits. So in this sense, the contribution that this type of conceptualization makes is that it helps to evaluate proposals. Equally, once a proposal is accepted and implemented it serves to signal sensitivities needing particular management.

Much more research needs to be done in this area in terms of not only financial scenario projections but assessment of ramifications and importantly alternative solutions. One of the most obvious is consideration of the number of provinces and their geographical delineation. This is particularly so because the current provincial contours were designed for administrative purposes, not viability.

4.1.1.9 Challenge of Designing Internal Self-Determination

The Peace Talks will need to address various issues. Some will pertain to the dismantling of the war machinery of the various sides; others will bear on matters of rehabilitation and reconstruction, whilst others will appertain to the future architecture of the manner of governance. This chapter has so far considered the last from the perspective of signals, namely

- Strong signals – need to design the basis of fiscal equalization
- Weak signals – viability of the devolved units, and contingency implications that arise from the architecture of the unit of devolution.
- Unknown signal – By definition this signal is conceptually unknown but which once exercised calls upon the system to address.

The question I want to address now is - how can managerial cybernetics help in designing devolved units of viable systems that, whilst being autonomous in their own right, cohere to conserve the island-wide identity of Sri Lanka? Thus, the next matter discussed is epistemological considerations.

Part II – Epistemological Considerations

The journey taken here is to arrive at the concept of ultrastability and its design considerations⁸².

A primary concept in management cybernetics is that enterprises are dynamic survival systems and thus are called upon to adapt in their bid for continued existence in their environment. This notion of ‘adapt’ is thus about change and raises questions about how adaptive can a system be before it has changed to being something else. Maturana (2002), the famous Chilean biologist, distinguishes between what he calls ‘adaptive change’ and ‘disintegrative change’. The difference is that adaptive change conserves the class of identity to which the system belongs, whilst disintegrative change results in the loss of identity of the original system and something else arises in its place. A classic example of this distinction is life and death.

Identity is what distinguishes one system from another and consists of components and the relationship between those components. A variable is a way of observing any one of those components or relationships. Thus there is also what could be termed a ‘composite variable’ which is an amalgam comprising a configuration of components and/or the relationships between those components which contribute towards the identity of that system.

With this understanding of enterprises being dynamic and seeking to conserve their identity as they adapt to survive, we can progress to the cybernetic meaning of

⁸² What follows is a large tract quoted from an article written in 2006 by Solomons (myself) and Moscardini which was published in *Organisational Transformation & Social Change* (Solomons & Moscardini, 2006b:52).

homeostasis. Usually one refers to the workings of homeostasis, as a ‘homeostatic loop’ which depicts that it is a relationship between minimally two systems or two components (which themselves could be systems in their own right) that belong to a larger system. Beer (1981:402) describes it as, ‘homeostasis is the capability of a system to hold its critical variables within physiological limits in the face of unexpected disturbance or perturbation’. So here is conveyed the notion that homeostasis is the relationship between something (e.g. the enterprise) which holds its critical variables within physiological limits in the face of unexpected disturbance from something else (e.g. the environment within which the enterprise is embedded and interacting).

The question thus arises - what are these critical variables and how are they determined? The critical variables are those components and relationships that contribute to form the distinguishing identity of that dynamic system in the context of the environment with which it is interacting. These variables have to be kept within a certain functional range (e.g. upper and lower limit) to ensure the enterprise preserves its identity in the context of its relationship with the environment in which it lives. It is up to the enterprise (e.g. the designer of the system) to determine what these critical variables are, based on its identity.

Thus homeostasis lies at the very heart of viability - the continuous survival of the system’s identity in the face of unexpected disturbance or perturbation. The identity of a dynamic system is expressed in the context of a dynamic environment with which it is reciprocally and dynamically interacting thus constituting a discrete circular dynamic. Therefore a system’s identity cannot be defined separately from its environment, and vice versa. This means that the critical variables are a dynamic and comprise those variables at a moment in time that if absent or operating beyond their physiological limit, jeopardize the survival of the identity of that system.

For instance, a country may determine that amongst its array of critical variables are its sovereign status, its location (which by definition includes its extent), its currency, its mix of races and languages, but not for example, religion - although some countries also determine a particular religion to be amongst their critical variables. Countries that have what is known as non-secular Constitutions single out certain religions as under the protection of the state⁸³, implying that a particular religion (as compared to other religions that prevail in that country) is a critical variable.

In the above context we have classed as a ‘variable’ what may be considered an invariant. Such an example of an invariant in the case of the identity of a country is location. In other words, a variable that ‘must’ exist is an invariant. This classification allows us to look within and express the physiological limits that comprise that ‘invariant’. Therefore, whilst recognizing that location must exist as a component identifying a country, the physiological limits are that ‘location’ covers a defined longitude and latitude. In the context of this paper it is also pertinent to point out that

⁸³ For instance, the Norwegian Constitution states the Evangelical-Lutheran religion shall remain the official religion of the State. The 1973 Constitution of the Islamic Republic of Pakistan established Islam as the state religion. In contrast, the Columbian Constitution of 1991 abolished the previous Constitution’s provision where the Catholic Church was the state church.

‘Ordinarily the word nation is used synonymously with country or state; however, it does imply more than just a territory delineated by boundaries.’ (Hattotuwa, 2003)

Returning to the concept of critical variables, such variables can be a configuration of components and their relationships, which was referred to above as a composite variable. Thus in a multi-race, multi-lingual, multi-religious country a composite variable could be the ‘relationship between various races and languages and religions’ which composite variable has a relationship with the critical variable called location and in turn this latter relationship may be a critical variable. The permutations of homeostatic loops are manifold in the example quoted - meaning (loss of) homeostasis (due to conflict) between races, between each race and each language, between each race and each religion, etc. Note too, these homeostats are bi-directional and will perform to different criteria of stability because each of those components could be systems in their own right.

A system therefore seeks to design its manner of workings (e.g. transfer functions) to enable its critical variables to be held within their physiological range in its reciprocal interactive relationship with its environment. Its transfer functions will also need to figure out the way to return a system to homeostasis should its physiological range of critical variables be jeopardized. Therefore, the system ideally monitors a sample of the output and takes corrective action when such output evidences itself to be outside the range of acceptable measure. Beer calls this corrective process a ‘Feedback Adjuster’ which seeks to influence the operation of the transfer function having taken into consideration lag time effects given that the time interval between the monitoring and corrective process may be longer than the speed and frequency of the input cycle.

In other words, the Feedback Adjuster is a self-regulator that enables the system to make its own adjustments within the capability of the designed transfer functions of the system. Embedded within what has been stated here is the system’s ability to recognize the perturbation which is a separate activity compared to the response the Feedback Adjuster influences from the array of transfer functions that comprises the design of the system. Therefore, the design of a system needs to minimally address three aspects:-

- Perturbation recognition;
- Response (which includes selection of the appropriate transfer function based on the performance characteristic of the perturbation) to stabilize the system in the event of a trend indicating the potential for perturbation or perturbation itself; and
- Communications that are entailed with recognition of perturbations, and discerning the appropriate response required and then implementing it.

Notwithstanding these design considerations, there is the permutation (refer Table 7) that whilst a system may be able to recognize the perturbation, it may not have an effective response within its design of transfer functions. It could also happen the other way around, where an effective response exists but the perturbation was not recognized until it was too late to respond effectively. The Asian Tsunami was such an example.⁸⁴

⁸⁴ The wave travelling from Indonesia raised no alerting mechanisms in Thailand, Sri Lanka, India, etc. Had it done so, the coping mechanism (transfer function) was available for people, namely to move in-shore and to higher ground.

The other permutation is that perturbation and adequate responses are both outside the scope of what the system has been designed to recognize or cater for.

In other words, we are faced with a fundamental question of what happens in the absence of design to cater for a particular contingency. One could argue that the scope of design needs to be more comprehensive, which in itself poses questions of cost and the probability of a particular event occurring. Yet the permutation remains there will be perturbations to a system to which it has no known way of responding - meaning the design of the system has no process or mechanism in place which enables it to recognize and/or respond in a way that minimally conserves the identity of the system. When the system can cope in such circumstances it is evidencing ultrastability. Beer (1981:403) describes ultrastability as ‘the capacity of a system to return to an equilibrium state after perturbation by unknown or unanalysed forces (against the intervention of which the system was therefore not explicitly designed)’.

Table 7 - Perturbation Permutations Patterns

Recognizable perturbation	Transfer function available
Yes	Yes
No	Yes
Yes	No
No	No

Note the brackets in the quote are Beer’s not the authors’ of this article and here lies the vital clue that distinguishes, for our purposes, homeostasis from ultrastability. Both are about change and returning the system to a stable state after a perturbation. Ultrastability is in the context where the system was ‘not explicitly designed’ to cater for the perturbation. In comparison, homeostasis is in the context of design whose transfer functions have the capability to ‘hold the system’s critical variables within physiological limits in the face of unexpected disturbance or perturbation’. Please note that homeostasis is not the only objective that design considers. Depending on the system, its design could include catering to achieve profitability, resource optimization, racial harmony, aesthetic appeal, etc. The extent to which the system succeeds in achieving such goals is a demonstration of the quality of the design.

Given that ultrastability is about survival responses outside the scope of a system’s design, there are at least two important questions that arise. Firstly, how will the system know it has to change if what is afflicting it is non-recognizable because such recognition is outside the design of the system? Secondly, what is the system’s ability to adapt if the appropriate response is outside its design capability?

Beer was seeking a way for enterprises to invoke ultrastability should it be needed. As all enterprises are systems embedded within systems, he looked for a self-organizational solution. He concluded that the ‘realization that change is required’ can be fed from the organizational landscape formulated at the metasystemic level - refer 2. By ‘meta’ is meant ‘over and beyond’ which provides the meta-system with a broader perception and higher order of language in logic than the system which is encompassed by the meta system. Specifically, Beer advocates the concept of an ‘Adjuster

Organizer' learning device so that the design and the appropriateness of the Feedback Adjuster can be continuously monitored and adjusted.

Beer (1979:66) notes the role of Adjuster Organizer is frequently played by management, when he says, 'If management were not ultrastable ...no enterprise would last a thousand days. The managerial consequences are familiar to managers in the fact that they know what it is like to circumvent the advanced techniques of control for which they have expensively paid.' Beer (1979:70) also importantly cautions that the task of management (in its role as Adjuster Organizer) is not to specify the workings of the transfer function but rather 'to design these Feedback Adjusters, and to determine the performance characteristics to which indeed they adjust'. Note however the transfer function as contained within the Muddy Box (in Figure 12) needs to be figured out by someone and may be heuristically or algorithmically stated.

Beer (1979:69) further states 'the managerial task of creating an Adjuster Organizer cannot be accomplished as a developmental activity at its own perceptual and logical level, without a metasystemic input. This input operates, not as a set of commands, but as the derivation of an organizational landscape. This will precondition, though not determine, the work of the Adjuster Organizer in continuously monitoring the design of the Feedback Adjuster'. Figure 12 shows the Adjuster Organizer being fed with input from both its meta system (Organizational Landscape) and from within its own system (output from comparator B) and the linkage between the Adjuster Organizer and Feedback Adjuster.

There are other design architectural concepts that can be employed to position a system to invoke ultrastability. One proposed by Fred Emery⁸⁵ is 'redundancy of parts and redundancy of functions'. Another is agility, a change concept popularized in the manufacturing sector and which suggests itself for use in matters of governance, particularly in the context of the governance of a country.

In summary, salient points as discussed here of the design (or diagnosis) of a system in the context of homeostasis and ultrastability are:

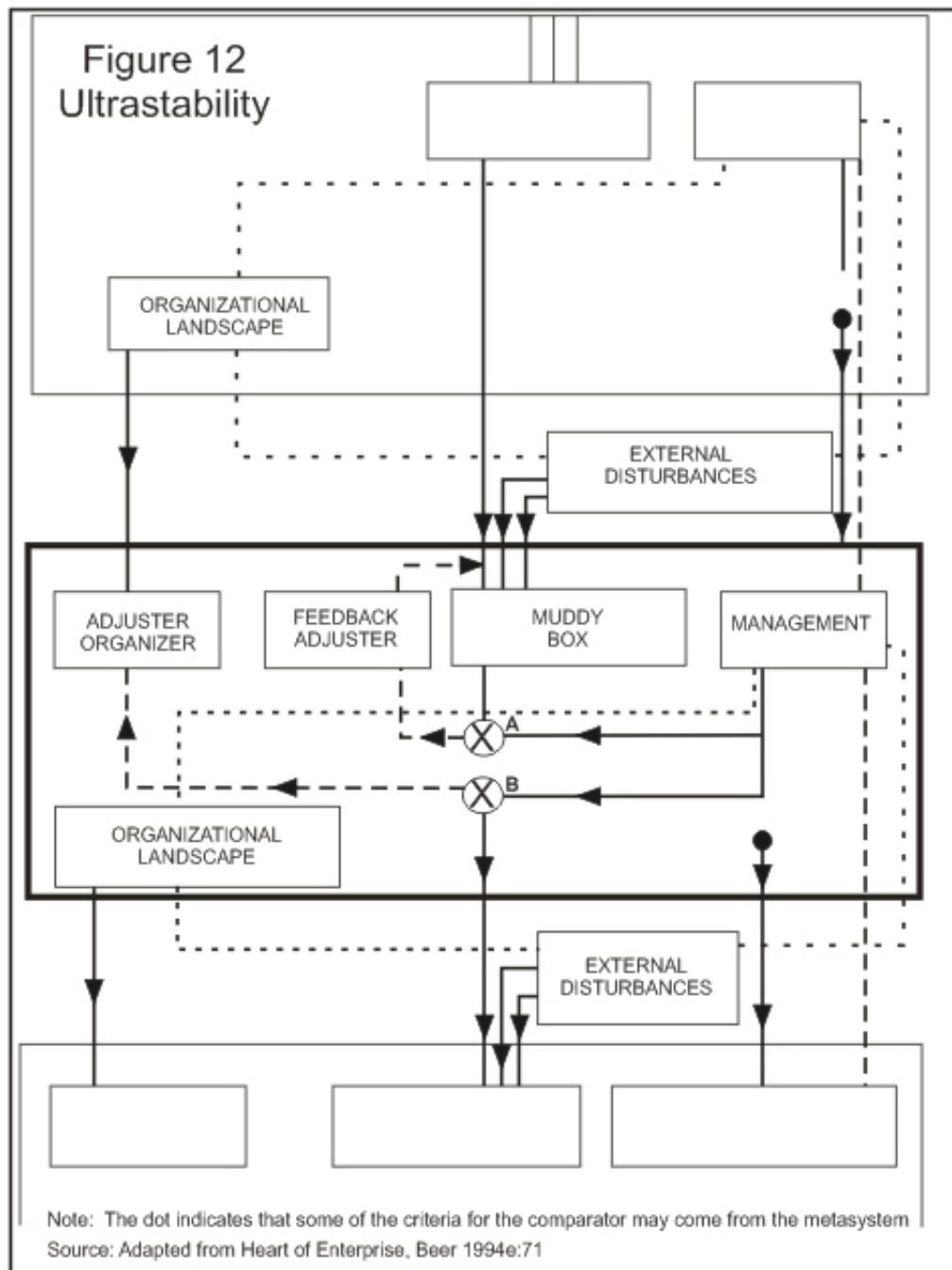
- What are the purpose and identity of the system?

This is a question based on the context (background) in which that system is being identified.

- What are the system's components, and relationships between those components?
- What are its critical variables and the physiological limits within which those variables need to be maintained?

At times, these physiological limits may be heuristically rather than algorithmically stated.

⁸⁵ Recognized social scientist in the field of Organizational Development, particularly in the development of theory around participative work design structures.



- What is the capability of the monitoring process to recognize the performance of those variables and what is the lag time between performance and realization by the monitoring process?
- How comprehensive is the capability of transfer functions in restoring various physiological limits should they be disturbed?
- What is the capability of feedback loops that feed the activation of the appropriate transfer function to cope with deviations - in terms of returning the system to homeostasis?

- What is the capability of the system to implement the transfer function?
- What is the system's capability to invoke ultrastability based on its meta-level system/s having connection and frequency to provide the feedback that influences the feedback function and in turn the transfer functions?
- Wherever there is a connection between components or systems, what is the quality of the communication channel that connects one to the other in terms of its reach, its capacity to convey and its ability to transduce between what is being conveyed and what is being received.

Let us now progress to applying the concepts of homeostasis and ultrastability in the context of Sri Lanka. (Solomons & Moscardini, 2006b:52)

Part III – Application of Principles to Sri Lankan Context

There are many ways to resolve the steep conflict that embroils Sri Lanka. War, which itself is a form of negotiation, is one of them which can be used as an end in itself or as leverage in Peace Talks. It can be fought to the point where it is lost, it reaches stalemate conditions or it is won and is replaced by a harmonious civic⁸⁶ administrative system of governance. There is a school of thought that a politically negotiated settlement is the more sensible way to resolve the conflict than military victory which risks genocide or secession.

Post-colonial history shows few examples where arriving at such a politically negotiated settlement occurs without armed conflict. War is frequently justified on the grounds of the need to enter into talks from a position of strength. Since both sides seek to enter into negotiations from a position of strength, it is more usual that talks take place when warring reaches stalemate conditions. The terminology 'two sides' is used here because in Sri Lanka Tamil factions have largely eliminated each other leaving one dominant group. The conflict has matured into a two sided affair between the GoSL and the LTTE. To the extent that splinter groups exist they have become associated with one side or the other.

⁸⁶ Note the distinction here is that the victory is carried to the point of a civic and not merely its prelude of a military administrative system. In Sri Lanka most if not all the battles in the North and East have been won to the point of running a military based administrative system. No elections have been held and this applies both to the victories of the GoSL and the LTTE.

Whatever the stimulus for talks and the prelude of polarization, the position put forward in this part of the thesis is threefold:

1. The process of finding a solution requires the involvement and consideration of more than the meta-level system and one of its embedded entities.
2. There is a subtle difference between diagnosing an existing system and designing a new system even though both require that the system be carved out and identified from the background in which it exists.
3. Given the need to cater for the variety of signal strengths, the system needs to come to terms with monitoring and feedback so that the system can correct itself.

These three aspects are discussed below.

4.3.1 Involvement of Whom and Consideration of What

The process of finding a solution requires the involvement and consideration of more than the meta-level system and one of its embedded systems

Two points are relevant. One concerns who should be involved in negotiations and designing the solution and the other is the subject matters for consideration. One could add to this the distinction between negotiations that pertain to principles and those that pertain to the design of the way those principles are architected.

For example, a principle under negotiation could be whether race equality prevails or whether rights and responsibilities are matters for asymmetrical treatment. Embedded within this is the question - in what context/s and subject domain areas does that principle apply? An additional and interrelated matter is the design question of how the principle is to be architected. If agreement was reached that the principle of race equality was to prevail, one way of designing it is via the Constitution where anti-discriminatory legislation is prohibited. This was what came to be known as the '50-50 rule' (proposed by

G.G. Ponnambalam in 1938). The proposal was for the amalgam of minority races to be allocated 50% of the seats in Parliament and the balance 50% allocated to the majority race. This was considered unfair since Sinhalese were 70% of the population⁸⁷. Instead another way of designing this principle was architected into the 1946 Constitution of Ceylon via Article 29(2) which prohibited anti-discriminatory legislation.

An obvious question to prescriptive rules is - what the contingency is if it is not adhered to? In 1956 by exercising 2/3rd majority vote this principle of race equality was flouted when the Sinhala language was made the language of the State, thus disadvantaging non-Sinhalese speakers and by default non-Sinhalese races. Whilst in certain instances an appeal process was architected into the Constitution, it was subordinate to the power that could be exercised by the majority. Thus, the contingency situation was beyond the capability of Article 29 and within the capability of the majority to exercise – which repealed the whole Constitution and replaced it with a republican Constitution. The current 1978 Constitution is weak on anti-discriminatory protection, where even the 13th amendment which provides vernacular language parity is weak in implementation. Interestingly the LTTE, who in their propaganda take the moral high ground of arguing for Tamil equality, in the ISGA commit the same offence that they accuse the Sinhalese of having committed. The ISGA disallows race discrimination (clause 6⁸⁸) but requires that LTTE appointees hold absolute majority in the ISGA (clause 2.3.a). The Constitution of Ceylon had the preventative clause (S29 (2)) and yet voting based on majoritarian principle vested power in the Sinhalese, who were able to overturn all.

The important meta-level consideration I want to draw from this example is the point von Foerster makes and it pertains to undecidable propositions and the circularity its answers entail. He says -

Only those questions that are in principle undecidable, we can decide. Why? Simply because the decidable questions are already decided by the choice of the framework in

⁸⁷ As the 2001 census was not carried out in the war-torn areas, it is difficult to comment on the effect refugee migration has had on changing race demographics. What the 2001 population census does show is an increase in the Muslim population.

⁸⁸ It reads - Prohibition Against Discrimination. The ISGA shall ensure that there is no discrimination on grounds of religion, race, caste, national or regional origin, age or gender in the NorthEast.

which they are asked, and by the choice of rules of how to connect what we call “the question” with what we may take for an “answer.” (von Foerster, (1995)

The race question posed here and many other matters that are up for negotiation in Sri Lanka belong to this category of undecidable propositions. von Foerster (1995) suggests and I concur, these undecidable propositions pertain not to matters of truth but understanding, which itself appears to spring from trust and breeds trust. This last point pertains to circularity which von Foerster explains by way of a story –

I have a dear friend who grew up in Marrakech. The house of his family stood on the street that divided the Jewish and the Arabic quarter. As a boy he played with all the others, listened to what they thought and said, and learned of their fundamentally different views. When I asked him once, “Who was right?” he said, “They are both right.” “But this cannot be,” I argued from an Aristotelian platform, “Only one of them can have the truth!” “The problem is not truth,” he answered, “The problem is trust.” I understood: the problem is understanding; the problem is understanding understanding; the problem is making decisions upon in principle undecidable questions. (von Foerster, 1995)

A question remains however - how are such undecidable questions to be solved? The Law of Requisite Variety gives a clear answer on this, which von Foerster (1995) states as “Tell them they should always try to act so as to increase the number of choices; yes, increase the number of choices!” Or as Beer says “only variety absorbs variety”. The question for Sri Lanka is - how is that variety to be generated?

Bearing in mind this variety absorbing quality of variety generation let us return to the earlier pair of points. Involvement of whom and consideration of what, present as applying with different nuances in the context of the negotiations that pertain to what can be called the ‘transition to peace’ and those that pertain to ‘peaceful co-existence’ which in this thesis is discussed in terms of meaningful devolution in conjunction with contingency considerations if devolution fails.

The transition to peace across the various Sri Lankan communities rests upon the resolution of many considerations. To name a few, they span such matters as reconstruction of war-torn areas and rehabilitation of people directly and indirectly afflicted by the atrocities of war, return of internally displaced persons (IDPs), reclamation of properties, phased withdrawal of high security zones, de-mining land and naval mines, decommissioning of

military personal and training them for employment in an environment which is no longer based on destruction, and re-gearing the entrepreneurial community's skills and networks so that they are prepared for the transition into what is termed the 're-construction' economy. This is a sample of the considerations which belong to the category of 'transition to peace'. The considerations pertinent to 'peaceful co-existence' primarily involve designing the rules of governance pertaining to the revised and new tiers of government. As discussed previously, this entails such considerations as the manner in which the embedded systems cohere to form the meta-level system that is Sri Lanka, each embedded system's autonomy in terms of subject domains and the revenue raising and expenditure responsibilities, and borrowing powers of the various systems as exercised by their tiers of government, etc.

Having gained a sense of the type of considerations, (which contain very difficult problems) requiring resolution, the important point is - what systems should be involved in addressing these considerations? The realization may quickly dawn that the systems involved in both contexts are existing systems, albeit that in one context the aim is to design new systems. However, for the moment what warrants highlighting is that the permutation of the degree of the combination of systems is different in the two different contexts. In the 'transition to peace' the relevant systems are the GoSL and predominately, although not exclusively the warring embedded systems. 'Peaceful co-existence' requires the involvement of the meta-level system Sri Lanka and all its embedded systems.

This opens the question to - who are these embedded systems and by what identity are they recognized? One could even extend the question to enquire - why are they recognized by that identity? Let me attempt an answer here, not in the sense of it being authoritative but rather in the sense of exposing the type of thinking it takes to grapple with what von Foerster described as undecidable propositions.

4.3.1.1 Transition to Peace

Given that the more recent parties to the war have been the GoSL representing Sri Lanka and the LTTE who claim themselves as the sole representative of the Tamils, the embedded system presents as race stamped. The Tamils labelling their campaign as against the

majority race, it forces in a sense, the other dominant embedded system to be viewed as race based too, albeit that it is not constitutionally constructed as such. Whilst the GoSL is taken to be the representative of the meta-level system, there is much evidence, as discussed in Chapter Three, which shows that it is dominated by the Sinhalese. On a different note, the array of considerations that pertain to the negotiations require in certain instances the involvement of other race embedded systems. Notable amongst them is the Muslim community when negotiations concern matters of the return of IDPs and reclamation of property. Military decommissions and retraining of soldiers also concerns the Sinhalese and importantly is applicable not only to the GoSL but to the LTTE too.

For these reasons to exclusively limit involvement of negotiations to the embedded system of the Tamils and the meta-level system of the GoSL is to risk the meta-level system crashing in and being accused of representing the missing embedded systems rather than it acting in its negotiations as a supervening entity seeking cohesion. Also, given the dominant influence of the Sinhalese with the GoSL the meta-level system gets tainted by the perception that the GoSL represents the Sinhalese which in turn feeds the view that the LTTE is a peer entity with the GoSL. For this reason, the demands of variety absorption calls for greater involvement of the other race based embedded systems so that the GoSL as the supervening system is positioned to negotiate its cohesive considerations. Having given expression to such thinking, the question turns to enquiring whether there are such race based embedded systems, besides that clearly projected by the Tamil community, and importantly who are their representative/s (i.e. S1 management unit)?

This brings us to the point of the adequacy, in terms of diversity of views, of the representative of the one embedded system that is permitted to negotiate. The same concern would apply if the other race based embedded systems were permitted to negotiate in their own rights.

As would be recalled, the theme discussed here and its implications are similar to that discussed extensively in Chapter Three. The question that arises is how is this diversity, both in terms of considerations and involvement, to be entertained in the negotiation process of the 'transition to peace'. This will be addressed in Chapter Five where Team Syntegrity® in its extended form is proposed as a process capable of accommodating both

aspects of diversity – meaning, which systems are represented and who are the representatives (note plurality) of those systems?

4.3.1.2 Peaceful Co-existence

In contrast, negotiations of the principles and design of the manner of governance that would foster peaceful co-existence require the involvement of the meta-level system and its full complement of embedded systems that belong to the next level of recursion. Let us understand this from the viewpoint of variety in terms of the variety of content considerations and variety absorption afforded by the involvement of the various systems.

The challenge facing Sri Lanka is not just to re-design its system of governance, as daunting as that is, but to identify its composition of systems and in that regard their embedment status as it pertains to the purpose of peaceful co-existence. This begs the question - who is this peace co-existence with or between? An obvious answer is between the races since that has been the burning issue.

Yet one must not forget the double JVP insurrection (in 1971 and 1988) and the intensity of that war which shows clearly there are other homeostats that have been pushed to the margins of their physiological limits. That 1971 insurrection, which was the first to see the ceremonial army convert to active battle, was described as the ‘haves versus the have nots’. Indeed there are some who would argue that the race war is really a ‘haves versus have-nots’ war in disguise since the Tamils who took up war were not those socially and economically privileged.

From a cybernetic framework there is no requirement to choose whether the conflict is race or economically based given that homeostasis, which pertains to relationships, can be a one-to-one relationship, one-to-many relationship or a many-to-many relationship. What this means is that the homeostatic relationship for each race is minimally one to many. Therefore, what could be described as the Tamil homeostat could comprise the common element of the Tamil system and its relationship with the Sinhalese, another with the Muslims, and yet another with the group comprising the ‘haves’ and another homeostatic relationship between the group comprising the ‘have-nots’. Also important to realise is

that these homeostatic relationships are bi-directional and each directional relationship carries its own unique variables and physiological limits. The homeostat is balanced when the relationship in both directions operates within their physiological limits. What the profiles of these homeostats indicate is the phase space within which the system needs to operate to stay out of crisis or stated differently it indicates the phase space within which solutions need to be designed.

There is a surfeit of these homeostats – wherever there is a relationship between systems or functions. Prominent examples are the homeostatic relationship between the meta-level system and the embedded systems as individual systems and as an amalgam. Also there is the homeostatic relationship between the individual embedded systems and of course the system and its environment. Whilst it is not in any way suggested that the design comes to grips with the surfeit of homeostats, the design needs to figure out which homeostats are sensitive and in that sense important and understand the composition of the variables that comprise it and the physiological limits that appertain. In saying this, the difficult point is that what constitutes important homeostats is a dynamic, not a static, concept and ideally the design of the system needs to cater for that. A great example of importance being dynamic was the Asian Tsunami where the homeostatic relationship between the island and the sea was until those few minutes not viewed as a critical homeostat.

As these prominent examples are the minimum set of homeostats that need to be managed in a devolutionary environment, it requires the involvement of the meta-level system and its embedded systems to enter into the negotiation to agree upon the principles (the what) and design (the how) of the manner of governance so that the systems have the capability to achieve viability. In addition there are all the other considerations mentioned above which require resolution.

Given that this complexity needs to be absorbed into the State's foremost document, the Constitution, it is unlikely that linear processes or proposals developed within the monologue of a political party (in the South or the North) will have the requisite variety to address these issues. Negotiating principles and designing solutions requires the full spectrum of systems to be involved in an interactive and iterative approach. A process with the necessary potential for such is proposed in Chapter Five.

The question however is at the meta-level and its embedded systems. What is the identity of these systems and their representatives? This is a particularly difficult question because already embedded in the generic answer is the potential for the interpretation that the embedded systems are what are called the devolved provinces. This interpretation is further complicated given that the provinces, although legally titled as devolved units, are as discussed earlier, of an administrative nature rather than viable devolved units with distinct identities beyond their geographical location. Thus, the current provincial units appear weak as the choice of embedded system of involvement to participate in the negotiation process addressing considerations of peaceful co-existence.

There is of course within the meta-level system of the island Sri Lanka, the distinct identity of embedded races which occupy distinct landmass. This combination is of relevance in terms of the contingency of secession should the devolution project fail to achieve peaceful co-existence. Whilst these identities are not institutionalised as a legal entity, they do present as what can be called ‘hybrid provinces’, where their identity is either Tamil dominated (Northern Province), or Sinhalese dominated (provinces of Southern, Uva, Sabaragamuwa, North Central, North Western) or fairly evenly race mixed (provinces of Eastern, Western and Central⁸⁹). Interestingly, the Western and Central provinces despite their ‘fairly even race mix’ are perceived as associated with the GoSL (given that the population of those provinces’ were historically Sinhalese dominated). The Eastern province is contested by the LTTE as associated with the Tamils given their claim of the North East (Trincomalee and Batticaloa district) being part of their historical Tamil homelands.

I now want to explore the potential of working with this ground reality of ‘hybrid provincial’ identities as the embedded systems with the objective of absorbing the variety of its ramifications. Here there are two combinations. One where the embedded level of recursion within the meta-level system of the island comprises three ‘geographically race’ based systems. These are Tamil dominated systems, Sinhalese dominated systems, and the third the ‘fairly evenly race mixed’ systems. The other combination is where the system is condensed to two systems, Sinhalese dominated systems and Tamil dominated systems and

⁸⁹ Some may argue that the Central Province tends towards Sinhalese domination.

where the ‘fairly evenly mixed race systems’ get allocated to one or the other systems based on the ground reality. Thus, the Western and Central provinces allocated to Sinhalese based systems and the Eastern province allocated to the Tamil based system.

If one was to choose either of these options for the basis of selecting involvement, amongst the first questions to arise is - who will represent these systems at the ‘peaceful co-existence’ negotiations? In VSM terms who is the management unit of such S1s? One response is the LTTE for the Tamils and the GoSL for the Sinhalese and a question mark for the ‘fairly evenly mixed race systems’. Since there is no clear candidate for that management unit role the answer could be either the LTTE or the GoSL. In this sense, the combination of ‘three embedded systems’ appears unworkable, given the ‘missing representative’ who is required to be involved in the negotiations. This leaves the combination of ‘two embedded systems’.

Those that closely follow Sri Lankan politics realise this Sinhalese-Tamil combination has exercised itself in many flavours. The 2002-2003 Peace Talks were orchestrated on this basis. Many of the power-sharing proposals articulated by the GoSL via its political parties were and are of this type and there was the ISGA proposal by the LTTE. Since the pause in Peace Talks these proposals have not had the opportunity to experience negotiations beyond the confines of each group’s own side.

There are many ways of viewing these proposals, amongst which is categorising them on the basis of asymmetrical or symmetrical devolution. To the extent it has been asymmetrical it has been based on the North and the East gaining enhanced powers. A recent example of this was Coorey’s proposition that “This can be limited to the North and the East as there is no need for enhanced devolution in other provinces.” (Ilangamuwa, 2007) Whether power-sharing occurs or not and whether the devolved systems gain power on the principle of equality or not is a matter that the outcome of the negotiations will reveal.

The crucial point however is - who gets invited to negotiate and decide on the principle of power-sharing and its design? This is a meta-level decision which itself is a point for negotiation and should form what has been previously described as ‘talks about the talks’.

The decision on the systems chosen to negotiate, the capacity in which they negotiate (meaning as supervening or embedded system) and who represents the particular systems is critical. It drives the framework, the axioms upon which evaluations get made and consequently the decisions.

As stated in Chapter Three - In VSM terms, whether a system gravitates to seeking cohesion or autonomy depends on the position the system occupies within a level of recursion. When bringing together negotiating systems the design and implementation of peace negotiation processes need to be aware which systems are predisposed to negotiate which part of the equation and to ensure sufficient variety is pumped in by each side of the equation so that requisite variety is given a chance to be achieved. Another way of looking at this is that this predisposition is indicated by the context of 'relationship/s with whom?' By 'context of relationship/s' is meant that the negotiation could be with peer systems (squiggly line) or with supervening-embedded system/s (S3-S1 vertical line).

If the representatives permitted into the negotiating forum are confined to the GoSL and the LTTE the risk is twofold. Firstly, the GoSL's functionality as representing the meta-level system of the island gets muddled with representing those embedded systems that are not represented by the LTTE. This leads to the second risk of the GoSL being perceived as a peer entity to the LTTE especially when the GoSL collapses to represent the embedded systems. As would be recalled, this is the same problem which was extensively discussed in Chapter Three. There are three points warranting alert here.

Firstly, the duality role that the GoSL plays arises due to the meta-level system being dominated by the Sinhalese embedded system. Secondly, the duality of the GoSL representative role suggests that there is a clear need to design a meta-level system that encompasses the embedded systems, be it 'hybrid provinces' or the asymmetrically devolved Northern and Eastern provinces. Thirdly, and this is a critical point, is that at some juncture the meta-level runs out and the system has to work out its own premises upon which its decisions are framed. In other words, it needs to be self-referential and develop its framework and its solution together which requires that the process be circular.

This poses the question - how is this residual variety to be absorbed? Based on the principle that systems are embedded in systems and variety absorbs variety, one way is to involve the participation of the systems which are embedded within the embedded systems which the GoSL and the LTTE represent. In other words, involve the participation of three levels of recursion in the negotiations. Let us call this recursion level R+1 (meta-level system), R0 (system-in-focus which is embedded in R+1)) and R-1 (embedded systems within R0).

This leads to the obvious question who is that third layer of systems? Let us explore this internal self-determination negotiation answer, based on the premise that Sri Lanka is the meta-level system (R+1), and that R0 comprises what has been referred to as the Sinhalese and Tamil systems. Note this does not have to be the case. The second layer of recursion could be identified as some other systems. However, it is referred to as such as it is a likely choice and to give an understanding of how it cascades. The third layer of recursion is whoever is embedded within the systems that comprise R0, which in our case has been identified as being represented by the LTTE and the GoSL. It is up to each system to propose who their embedded systems are. Here what is sought is that those systems are identifiable and that in totality it caters for all. Let me explicate this for both the LTTE represented systems and the GoSL given the duality role the latter plays.

For the LTTE representing the Tamil race of people, the embedded systems could be geographically based on provinces (Northern and Eastern), or stated as districts (Trincomalee, Ampara, Batticaloa, Mullaitivu, Mannar, Jaffna, Kilinochchi). It could also be based on sub-race systems like Estate Tamils, Colombo Tamils, Northern Tamils and Eastern Tamils.

The GoSL in its meta-level capacity (R+1) gets to nominate its embedded systems (R0). This is likely to be based on the different races or geographically. Assuming it to be races (R0), the races as represented by the dual role played by the GoSL, then nominates their embedded systems (R-1) which could well be identified geographically based on provinces or districts.

The choice of embedment is left for each encompassing system to nominate and its peer systems to accept. Acceptance is also required by the embedded system. From a design perspective the objective is to ensure that the different systems get included by some encompassing system. Should a system not earn recognition that it is embedded within an encompassing system, then it should be left to that system to take the initiative to gain recognition that it is embedded within one system or another. If this cannot be achieved then the design of the negotiation process needs to be capable of accommodating that system so long it is an identifiable system, which is to say in what manner it has a unique identity that is not covered by the identity of some other system. It will also need to nominate its representative who will be involved in the negotiations.

Stating this differently, this design of the ‘negotiations process’ has begun to show a way for ensuring that relevant systems are represented in the negotiation process particularly when they have a point of view that is not being addressed by the other represented systems. In the 2002-2003 Peace Talks that was the position of the Muslims and even the Sinhalese as they did not have specific representation. To the extent it existed it was via the muddled dual role played by the GoSL whose primary role was to represent the cohesive needs of the meta-level system in negotiations. Additionally, the Tamils who did not find themselves in alignment with the voice of the LTTE position were also excluded.

We have now reached the point in the design proposition for negotiations which shows that adversarial two part negotiations are clearly inadequate. By involving the third layer of recursion, it brings more variety absorbing capacity into the negotiations process. This is particularly required to handle the extensive content that needs to be addressed in designing the manner of peaceful co-existence. It also makes the negotiation stances by the second layer of recursion provable or contestable as the case may be. Furthermore, it valuably opens variety absorption to take place between systems belonging to the same level of recursion by opening up a wider spectrum of levels of negotiation. This means only residual variety needs to be negotiated by the higher levels of recursion. The design of such negotiation processes and phases is explained in Chapter Five where the design proposition extends to using the orthogonal sets to connect the Team Syntegrity® based negotiations.

The final point to be made here is that what has been discussed is a basis for selecting the systems that are to be represented in the negotiations. It is valuable that the systems belonging to the third layer of recursion do not need to be represented by politicians. It is up to the negotiations to articulate the principles and the design of how those principles will be architected into the rules of governance. Thus identifying the systems belonging to the various recursions, their composition, their relationships and functions/processes is what the negotiations seek to explore and recommend. Decision making itself on the acceptance or otherwise of those negotiated recommendations is another function which can be part of the negotiation process itself or left to such processes as referendum by the people, APRC, or Parliamentary decisions.

4.3.2 Nuances of re-designing existing systems compared to designing new systems

There is a subtle difference between diagnosing an existing system and designing a new system even though both require that the system be carved out and identified from the background in which it exists.

In line with what has been espoused in this thesis, what constitutes a viable devolved unit is a matter for content negotiations to agree upon. What I want to deliberate upon here is - what is sought when looking for identity and viability as it pertains to viable devolved systems having acknowledged that a system is “what we declare it to be”(Beer 1994e:11)

It is well recognised among those that support a federal solution that the new type of federal proposal entails a transition from a provincial devolutionary structure that is essentially administrative and implementation orientated to a devolution structure where the devolved units have planning powers and the basic resource capability to implement those plans. To use the economics cliché this resource capability includes land, labour, capital and enterprise, to implement those plans.

Whilst that is the constitutional position in terms of functionality, in system identity terms what warrants recognition is that the transition is from a race based system to a territorial based system - or it is?

The proposed federal structure has the delineation of a race based system because the demands have been articulated by the Tamils as race based and in this sense when the others have responded have been classed as Sinhalese and Muslims. Furthermore, the LTTE have classed themselves as representing the Tamil race of people given that the Muslims have categorised themselves on a religious and cultural basis, and rejected inclusion on (Tamil) language grounds. As an aside, it is interesting to mention here that the LTTE has not classed itself as representing the tiny minority communities (Veddha, Burgher, Sindhi, etc).

Now the question is - what is the identity of each of the proposed devolved units beyond their geographical contours? The profile of this identity is important for it is the survival of that identity that is sought.

By survival is meant the on-going existence of the identity of the system. Given that a system lives in relationship with its environment, which is dynamic, the system is called upon to be dynamic and in that sense the system needs to adapt its identity so that its identity survives in that dynamic environment.

Looking at the surrounds in which an entity exists, Maturana points out that an entity, any entity, exists not in isolation but in an environment of other entities with whom it is structurally coupled, and with whom it reciprocally interacts in varying degrees, as part of its existence. Thus, the entity is dynamically vying from moment to moment to maintain its continued existence. Equally so are all the other entities (for they live by the same principles) and so moment to moment it is like a dance where each is adapting and seeking to conserve their individual identity in the context of its structural couplings which are its environment. (Solomons & Moscardini, 2006a:111)

What this means in terms of answering the question of ‘what should comprise the criteria upon which the devolved unit is delineated?’ is that there are two types of systems whose identities need to be identified and there are three orders of contrast to tests of their unique identity. The two systems are 1) the identity of the meta-level system, Sri Lanka and 2) the identity of each of the embedded devolved systems. The three orders of contrast are 1) the difference in identity between the meta-level system Sri Lanka and the amalgam of embedded devolved systems, 2) the difference between the identity of each devolved system and the meta-level system, 3) the difference between each of the embedded devolved systems. This same set of questions can be applied with diagnosis.

The distinction between diagnosing and designing is that in the former the system is given, albeit that there might be different interpretations of what the system does and its identity. As Beer's famous quote says 'the purpose of the system is what it does' not what it says it does – as said for example in the Constitution or in rules and procedures. Yet the other important point is that what the system does is a matter of interpretation for the system is experienced differently by different people. For example, many Sinhalese may view Sri Lanka as multi-racial, where many of the captains of industry and business are Tamils and Muslims, where Tamils are well represented in the professions, and given that Sinhalese live harmoniously with Tamil and Muslim neighbours. An example is in Colombo⁹⁰ where 21% of the population is Tamil and 17% are Muslims. Yet Tamils may well refer to Sri Lanka as a State engaged in war against the Tamils, where at checkpoints Tamils are viewed suspiciously and where few in the police and public service can provide service in the Tamil language despite the constitutional status of Tamil being a State language. In other words, our awareness is informed by what we consider as relevant (based on our values, our social conditioning, our physiological senses) and the rest is filtered out, invariably unwittingly. As another of Beer's famous quotes say, 'The lethal variety attenuator is sheer ignorance'.

The different experiences of Sri Lanka, lends itself to a Sri Lanka of different identities and somewhere within that landscape consensus is reached leading to convention as to the identity of Sri Lanka. In its absence, a stake is driven which declares what that identity is so that diagnosis can proceed.

In Part I of this chapter a diagnosis from a financial perspective in the context of provinces was provided. Yet one could have commenced with a more fundamental question and diagnostic enquiry pertaining to what constitutes the unique identity of each of the provinces. This path would have soon revealed that whilst there were eight (if not nine) provinces, their identity when compared to each other in many instances rested on their geographical uniqueness. For example, beyond geographical terrain there seems no discernable uniqueness between the Sabaragamuwa and Uva provinces which begs the question what are these two provinces seeking to conserve in terms of identity when

⁹⁰ Census of Population and Housing 2001 - Population by Ethnicity according to Urban Area (Provisional)
Refer: : <http://www.statistics.gov.lk/census2001/population/district/t002c.htm>, accessed 23 June 2007

compared to each other. Of course, if either of these provinces were to be compared to the Northern Province, the distinction of identity would be pronounced on the components of race, culture and religious identity. This was why when provincial identity was referred to above it was possible to simmer it into three (and even two) categories, based on racial mix.

Let us now turn to address, both generically and specifically in the context of Sri Lanka's quest for peaceful co-existence, the matter of identity when faced with designing a new system.

Generically, the point is that there exists no experience of how the system performs and thus evidence of its purpose is yet to be born. Identity to the extent it exists, is conceptual although it can be informed by comparable examples or the system it is replacing. Scenario modelling would be tremendously valuable in figuring out the way a system and its embedded systems are to be architected. In saying this, the identity of a system and how it is architected is an artificial construct for in nature the system is not compartmentalised. It interacts as a whole yet "we define an assemblage of entities as a system because those entities are observed as acting cohesively." (Beer, 1994a:25)

The question is - what will those systems be? Whilst many in Sri Lanka concern themselves with the question of the acceptability of the various proposed units of devolution, I contend the insight to answering that question is built on understanding the identity that each unit seeks to conserve and this needs to be addressed in a comparative sense. If this comparative uniqueness does not exist then it indicates that system is part of another system or vice versa and thus its border needs to be extended to contain the rest of itself. This is a vital insight for it is this identity that the system seeks to conserve and therefore needs to control. By this is meant the system's in-built control mechanisms will seek to avoid or reinforce the dynamic behaviour of the system's variables and their relationship based on its notion of whether the system is moving towards or away from what comprises its identity.

What this requires is that we understand what comprises the identity of Sri Lanka and likewise what comprises the identity of its embedded systems. Certainly the more critical

variables comprising Sri Lanka's identity are its territorial island-wide sovereignty expressed in longitude and latitudinal terms, its monetary currency⁹¹, its ethnic mix of people, its religious and language mix. For each of these variables, we need to understand their components and what their physiological limits are before the identity of Sri Lanka is considered to have 'disintegrated' – using Maturana terminology.

Taking the sensitive race variable, let us understand what is meant here. The question is whether Sri Lanka is multi-racial or whether it is Sinhalese orientated because whilst it espouses plurality, in practice it is found to be 'all men are equal but some are more equal than others'. Given that we are considering matters of design, the emphasis is not its past but its future where we need to address what is the principle stance on race and how it is to be designed? These are value-laden questions and a matter for negotiation both at the level of what is the principle and how it is to be designed into the manner of governance and practised. It will certainly be influenced by history and yet it needs to cross the bridge into the future. These same types of questions pertain to the sensitive variable of religion (for example, secular or State protected) and language (example, vernacular preference, vernacular equality including making a distinction between law and practice). These sensitive variables, although not known as variables, are well recognised in Sri Lanka including the way the variables relate with each other and contribute towards Sri Lanka's identity. The classic in this regard, is that whilst no preference is give to race per se, by virtue of the preference given to language in practice, religion in the Constitution, and voting based on majoritarian principles, the hallmark of Sri Lankan identity is perceived as being Sinhalese. The question pertaining to the future is whether that is to be the case and the important question I am posing is how that identity relates to the embedded-devolved systems.

To help this understanding of the unique identity of the systems forming the recursive levels let us for example take two propositions and examine them in the context of the relationship between the meta-level Sri Lanka and the embedded-devolved systems. Firstly, let us examine the proposition of 'equality of plurality' and secondly the

⁹¹ This has been included as a critical variable due to the weak state of the domestic currency as indicated by IATA to sell airline tickets in US dollars. If such was implemented "Internationally it will convey the message that Sri Lanka is a country with a weak currency which will have a ripple effect on our economy" (Munzeer, 2006)

proposition of 'according preference' to a race via some mechanism or another, for example religion, or language, or basis of decision making.

Disregarding its unique territorial demarcation, if equality based on race, religion and language comprises the identity of Sri Lanka and its manner of decision making does not distort this equality, then the question is - what is the unique identity of the embedded systems?

To test this future design proposition let us compare this 'equality' Sri Lankan identity to the identity of the Northern Province and the Southern Province, respectively known for their Tamil and Sinhalese dominant population demographic.

a) Northern Province: If this province too is designed to portray a similar 'equality' identity in principle and enacted in practice, the question begs - what is the purpose of the devolved system? Since we are designing a future system, certainly the argument could be there is by default no evidence of practice. Thus the lack of trust between the Northern Province, stemming from its historical perceived subordinated experiences, and the meta-level Sri Lanka warrants formalising recognition of that embedded system. The Northern Province would argue it requires autonomy so as to intervene should monitoring of sensitive variables like race demographics and language utilization patterns indicate their performance is contributing towards the deviation of from desired results.

On the other hand, whilst Sri Lanka's identity may take an 'equality' air, the Northern Province could take up a preference identity position. For example, Tamils are given an advantage, directly or indirectly, by preference accorded to language or manner of decision making, etc. Certainly, this would raise ethnical questions given the Tamil experience of inequality. Yet such is the Tamil argument for autonomy which says 'let us govern ourselves in the way we want'. The accompanying question however is - what cohesive effect does it carry? This balance between autonomy and cohesion is a matter for negotiation between the meta-level Sri Lanka and the embedded systems, in this instance the Northern Province.

At this preliminary juncture of explorations, the Tamil dominated Northern Province can make a case for itself being recognised as an embedded system both in the instance of its identity being based on ‘equality principles’ or the principle of the Tamils being accorded preference in the Northern Province. The difference in identity when both Sri Lanka and the Northern Province carry the same ‘equality’ identity is their territorial demarcation , where the recognition of the embedded Northern Province gives that province autonomous rights to manage its sensitive variables subject to the limited restraints of cohesion.

- b) Southern Province: If its unique identity is portrayed on the principle of ‘equality’ we need to enquire what is the difference in identity between the meta-level system Sri Lanka and the Southern Province, beyond its territorial demarcation. Once again being a future system, by default previous practice is absent. However, compared to the Northern Province its history with the GoSL is not infected by distrust which prompts the enquiry - what is the purpose and identity of delineating the Southern Province? A sensible response could be that whilst history shows harmony between the south and the meta-level system Sri Lanka, there is no guarantee that such harmony will prevail in the future. Thus the embedded system of the Southern Province should be recognised in its own right where its identity is known for equality across race, religion, language and caste

Whilst design catering for such contingency makes sense, the question that now arises is - what is the difference in identity between the Southern Province and other dominant Sinhalese populated provinces, beyond of course their territorial uniqueness? If it is negligible, then my argument is that these provinces warrant amalgamation. Separation appears as administratively motivated, as was the case with British style of governance. On the score of territorial uniqueness, which the old provinces do have, they appear as non-threatened since they share the same identity.

Let us now address the much more difficult contingency that arises based on the argument that what is currently a Sinhalese (or for that matter Tamil) dominated territory may not retain that status. There could be deliberate, what the Tamils called ‘state-aided colonization’ incentives to change the population demographics of an

embedded system. The twist is that if 'equality' is the principle being enacted then such incentive based population demographic changes will not in the future need to carry the negative reaction that historically the Tamils experienced, when new comer 'non-Tamils' took up residence and reduced the percentage of Tamils in the Eastern Province. However, it is also possible that such 'equality' could result in an over swing resulting in a race becoming the major population. Furthermore, in acknowledging such permutations, a distinction needs to be made between sheer numbers and who holds control, as was the case in South Africa where the minority held power by virtue of the manner of governance that gave preferential rights to whites. Whilst that is not the case in Sri Lanka, its history does carry such legislated race based bias when Indian Tamils⁹² were deprived of citizenship in 1948. This has since changed, commencing in 1964 under the Srima-Shastri Pact. To cater for this contingency, an argument is that the amalgamation of 'similar identity' provinces warrants reduction, meaning be split so as to not be so consolidated.

- c) The permutations considered include the possibility of Sri Lanka's future identity having a Sinhalese orientation. For example if Buddhism continues to have State protection or the Sinhala language in implementation terms enjoys a preferred status by virtue of there being more Sinhalese speakers and less people being bi-lingual in Tamil. Also considered are the permutations pertaining to the 'evenly mixed race' provinces.

This exploration, based in this instance on a provincial structure, shows a sample of the significant variety which extends beyond financial viability that is at play when considering what should determine the unit of devolution. Having looked for and found a reasoning upon which to guide the contours of the embedment systems - the clearest case being the Tamil dominated Northern Province - it securely places island-wide Sri Lanka as the supervening system given that the overriding objective is internal self-determination. Having done so, these two distinctions create minimally a non-Tamil dominant embedded system, which more specifically was recognised as two

⁹² They were descendents of indentured workers who came from South India to Ceylon during British times. Initially, they migrated seasonally to harvest the coffee berries. Later they migrated permanently to work in tea plantations. Unlike coffee berries which require seasonal harvesting, tea requires the 'two leaves and a bud' to be plucked daily. Thus, when Ceylon moved from coffee plantations to tea, due to a coffee blight that hit the plantations, the Indian Tamil labour took up residence in the island rather than moving backwards and forwards between India and Sri Lanka,

systems. Using the existing provincial terminology this comprises a system of Sinhalese dominated provinces and a system of ‘evenly mixed race’ provinces.

Based on this type of variety absorption thinking, there is potential to win support from the multiple races for a proposal where the layer of embedment within Sri Lanka comprises four systems which while territorially demarcated are contoured on race lines. Namely,

- A system of Tamil dominated provinces, following essentially the contours of the current demarcation of the Northern Province.
- One province comprising the ‘evenly race mixed’ provinces which comprises the contiguous landmass following the contours of the Western, Central and Eastern provinces.
- Plus two systems of Sinhalese dominated provinces so as to reduce the amalgam whilst architected on contiguous landmass principles.

Thus proposed is one Sinhalese dominated system comprising what are today the Southern, Uva and Sabaragamuwa provinces. The other system comprises the North Western and North Central provinces.

- There is also potential for the ‘evenly race mixed’ capital city of Colombo to comprise a system in itself given that it is the commercial and financial hub of the island with substantially better revenue raising streams than any of the other provinces.

These hybrid provinces could be respectively called the 1) Northern Province, 2) Across-Country Province, 3) Southern Province, 4) North Western-North Central Province, and 5) Capital City Province.

This architecture presents as uniquely identified and better contoured for each embedded system to be viable given its size and resource capabilities. Incidentally all the embedded systems enjoy coastal frontiers. In-built into this architecture is a contingency which

partially caters for a fall back position on secession. Should the threat of secession arise again, which is an option in the event of failure of peaceful co-existence, it has been contained to the Northern Province. This is because there is no longer an Eastern province and thus that easily contoured system does not exist. Yet it is important to acknowledge that should the threat of secession resurface, claims for historical homelands as contained within the 'Across-Country Province' could reappear.

It is relevant to point here that the choice of Colombo forming a system requires further deliberations for it could form part of the meta-level system rather than an embedded system. If that is the case, there is also the choice of Colombo being confined to the commercial and financial hub divisional area rather than the larger District of Colombo unit. This combined option also holds ramification for the race balance of the Western Province. It is worthwhile to point here that the Western Province was historically Sinhalese dominated but Colombo being the commercial hub, has attracted the various communities plus the war has seen significant Tamil migration to the Western Province. Likewise, but due to other reasons (like the opening up of irrigated land occasioned by the Gal Oya irrigation scheme) the population demographic of the Eastern Province has been diluted compared to its historical Tamil dominance⁹³.

Overall the hybrid province based devolution unit deserves to be iteratively revisited to test for identity, viability and its contingency implications. Whilst this is not done in this thesis, a manual process suitable to perform such evaluation is presented in Chapter Five.

The hybrid provincial framework is not outlined to advocate that the devolved units should be province based. Rather the intention is to show, using the example of the provincial framework, the type of questions and reasoning that is involved in proposing or evaluating devolution unit proposals.

⁹³ Controversy surrounds whether the change in population demographics was deliberately done to undermine the strength of the Tamils in that province. Tamils argue that it was and site the comparison between the 1921 and 1981 census where the Sinhalese increase in Trincomalee moved from 4.5% to 33.6% and in Ampara from 8.2% to 37.6%. Sinhalese argue that the increase was confined to AGA Divisions where the Sinhalese were in the majority and the increase was catering to meet the land hungry Sinhalese. Rural population density in the 1946 census reports the Northern, Eastern and other provinces as being respectively 7.2, 23.7 and over 200 people per square kilometre(Dharmasena, 2006)

The embedded systems could have been proposed based on the identity of language contours (Sinhalese Tamil and English). A version of this is what is proposed by the Tamils when Tamils argue for the merger of the Northern and Eastern Province which include the Tamil speaking Muslims. It is interesting to point out that the ‘hybrid province based’ embedded system could be interpreted as portraying language based identity where the ‘Capital City Province’ carries an emphasised English language identity and the others carry vernacular based identity.

As discussed earlier in this chapter a vital element of viability is the consideration of finance. Yet with the exception of this thesis it is rare to find detailed evaluation of the devolution proposal on that score. This is vital if the district based devolution proposal (as proposed by the SLFP) is to be taken seriously. District identity considerations however would be very useful in negotiations to delineate the contours of the hybrid provinces proposal.

Watts says –

federal processes may be territorial or consociational or both. While there are some examples of federations in which there are nonterritorial constituent units recognized in the Constitution, the most notable example being the Belgian Communities, the constitutional distribution of power among territorial units is by far the most common pattern among federations. (Watts, 1999:14)

A deeply interesting consideration is the value of a consociational arrangement to overcome Sri Lanka’s ethnically labelled conflict. This thesis does not venture into this choice for it calls upon a very differently premised and architected proposal. Chapter Five provides a process capable of designing such a proposal.

The other point worthy of attention is who has the right to propose and evaluate devolution proposals. On both aspects Sri Lanka’s history has shown this to be the preserve of the All Party Representative Committee (APRC). Whilst APRC may contend that it has the requisite variety to evaluate proposals, it is wise to question the APRC’s requisite variety to earn the sole right to design proposals. This alert is warranted because the 1978 Constitution only permits political representatives to be from political parties. The

Constitution no longer permits independent members. As the renowned Late Hon. Mr. N.M Perera says –

Under this new set-up there is no scope for the independent candidate. Proportional representation has the defect of banishing him from the political scene, Parliamentary-wise. But this new Constitution, imbued by a sense of levity or cynicism, has provided for independents, if they form themselves into a group and function as a group. In other words, they form themselves into a political party of independents with all the discipline that it involves and the cohesion that it requires. Would it be a breach of privilege to ask the Parliamentarians who passed this provision whether they thought for a moment, who an independent is. A person is an independent precisely because he cannot fit himself into a group. (Perera, 1991:85)

What this means is that if civil society or an individual makes a proposal it must do so via a political party, which unfortunately is required to toe the party line. In other words the only proposals that will surface for evaluation are those that conform to party policy. For this reason, the charter of the APRC needs to be excluded from the privilege of enjoying exclusivity of proposal design. This is particularly because APRC is the body set up to inform Parliament on these matters and in that sense filters the initial solution phase within which the GoSL commences negotiations.

The cybernetic importance of this exposition of variety, couched in political and legislative terms, is twofold. Firstly, the discussion reveals a basis for discerning what should constitute the embedded systems, the profile of its identity and its boundary demarcation. Secondly, this discussion also shows the nature of the homeostatic relationship between the meta-level system and its embedded systems which carries with it vital organisational control insights as to the sensitive variables that are to be managed and their physiological limits.

As a final point the critical realisation is that the VSM provides no indicators per se as to the size of each embedded system. Certainly the VSM addresses size from a relative point of view – the dominance that an embedded S1 system can have on the overall system and the consequential subordinating effect on other embedded S1 systems. However, the invaluable insight of the VSM is its emphasis on the relationship between the various systems (S1 to S5) that form the level of recursion to which the viable unit belongs. It is these relationships spanning S1 to S5 that need to be evaluated in terms of diagnosing the

viability of the devolution proposals. These were summarised as the salient points in the close of Part II of this chapter.

What this means is that at first glance the smaller district-based devolution unit proposal by the SLFP, if designed with its full complement of S1-S5 functions, appears viable. However, when its relationships are looked at in depth, there is a very high probability that ‘Tamil’ contiguous districts will opt to amalgamate⁹⁴ which will then prompt Sinhalese, if not Muslim, dominated districts to do likewise. Thus the unit of devolution will soon gravitate to larger units.

Note, the clause that states the ‘two districts could amalgamate and form one unit’ has minimally two interpretations due to its ambiguity. One is that no more than two districts can amalgamate. Once amalgamated they form a unit and are not eligible for any further amalgamation with other districts. Another interpretation is that after two districts have amalgamated they are subsequently free to amalgamate with another district. If the latter, then gravitation to larger units is almost inevitable which means the district proposal needs to be evaluated against that larger amalgam.

Overall, the search for the identity upon which the unit of devolution will be architected and its relationship to the identity of the meta-level system which itself is another negotiation, is a matter for iterative negotiation by the multiple stakeholders. One would expect each stakeholder representative, which is also a matter for negotiated agreement, to have a position on their principles and architecture of devolution. The solution is the product of negotiations as each stakeholder jostles around the multiple others’ dynamic solution space. I say dynamic for that is the effect of feedback, having being exposed to the others’ position and reasoning.

The question now becomes how such a non-linear negotiation process involving more than two stakeholders is to be conducted. Such a process is proposed in Chapter Five. It is

⁹⁴ The SLFP proposal states “The Unit of devolution would be the district. Two districts could amalgamate and form one unit; however, the amalgamating units should be in the same geographical division and also be contiguous. Amalgamation will be implemented in consultation with the people of the relevant districts. In forming and amalgamating the district, due consideration would be given to minorities concentrated in those districts.” Daily News, 1 May 2007

particularly deserving for it has the potential to be used to ask a very fundamental question – is ethnicity to be the underpinning characteristic that delineates the embedded systems (as has been done here) and if so should the embedded systems, given the passage of time, seek a transition to emphasise some other characteristic? In this regard does the proposed ‘evenly race mixed’ province hold potential to lead the transition?

4.3.3 Prospecting for Ultrastability

Given the need to cater for the variety of signal strengths, the system needs to come to terms with monitoring and feedback so that the system can correct itself.

The objective of designing ultrastability into a system is by far one of the most difficult to achieve. The objective is to cater for signal strength which at the time of design is unknown not just in the sense of it being absent, but in the terms of the composition and relevance of the signal being conceptually unknown. Warren Buffett in looking for Berkshire Hathaway’s next Chief Investment Officer to succeed Buffett says –

Over time, markets will do extraordinary, even bizarre, things. A single, big mistake could wipe out a long string of successes. We therefore need someone genetically programmed to recognize and avoid serious risks, *including those never before encountered*. Certain perils that lurk in investment strategies cannot be spotted by use of the models commonly employed today by financial institutions. (Berkshire Hathaway, 2006, italics in quote)

Here we have an iconic corporate example of the search for ultrastability based on a person/s. Pertaining to matters of national sovereignty, my understanding of variety is that the search is more far-reaching and needs to extend beyond personality to the institution itself.

Beer is amongst the very few to provide a logical framework as to how to go about designing ultrastability. The logic as discussed in Part II of this chapter is based on structural and process considerations and depends upon the relationship and informational flow between levels of recursion, which makes the channels which connect the systems vitally important. As Beer’s logic reveals, and Buffett indicates, the search is not for pre-

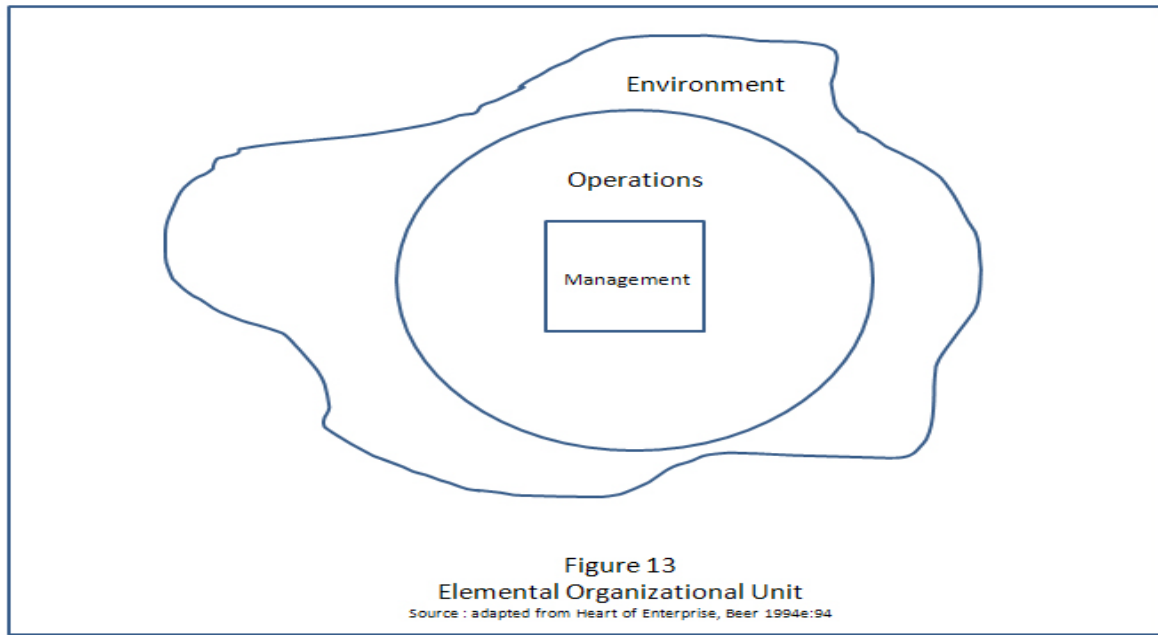
built transformation processes capable of handling content, although it is content that triggers the ultrastability process into action.

4.3.3.1 Technical Point

Before discussing the relevance of ultrastability to Sri Lanka let me first address a technical point. Whilst Beer (1994e:70) refers to Adjuster Organizer, Feedback Adjuster, the Muddy Box and its Management (all contained within the heavily lined box in Figure 13) as belonging to the Management Unit he does not further distinguish where these functions belong in the VSM. I say this because I am unclear as to which Management Unit he refers to. Is it the generic Management Unit when contrasted to the environment and operational unit, meaning his famous variety diagram called the Elemental Organizational Unit (1994e:96) comprising the amorphous cloud, the circle and the square box as shown in Figure 13 Or is it the Management Unit of S1 as shown in the VSM? Having noted this, the generic management unit (square) is the equivalent of the more specific S1 Management Unit, which at next lower level of recursion is S3 to S5.

This poses the VSM question of the situation of the functionality of the adjuster organizer, Feedback Adjuster and Muddy Box. Clearly the Muddy Box belongs to the S1 operation unit and the management box in Figure 12 is the S1 management unit. The functionality of the Feedback Adjuster suggests itself as belonging to the functionality of S3. The functionality of the Adjuster Organizer suggests as belonging to the functionality as performed by S4 which is privy via its direct connect to S5 to the logic of the higher level of recursion. I say 'suggests' because there are questions when it cross-maps to the VSM, for example the vertical channels do not match.

The importance of the meta-level connection in pursuing ultrastability is however absolutely clear. Beer's design in the pursuit of ultrastability hinges on the Adjuster Organizer, whose objective is to modify the design of the Feedback Adjuster, being open to the influence of the meta-level of recursion which ideally "is modelling the whole system with which the Feedback Adjuster is trying to cope." (Beer, 1994e:66)



From a design perspective what this means is that the design needs to be clear on who or what process performs the functionality of the Adjuster Organiser and Feedback Adjuster. Similarly the design needs to identify the meta-level of recursion with which the channel of communication is to be established given that there are many a meta-level system with which a system is connected.

4.3.3.2 Constitutional Insight

The heyday of designing State constitutions was during the decolonization era following World War II. Since then new constitutions are rare although Sri Lanka has promulgated two constitutions since its independence in 1948. At this juncture of Sri Lanka’s evolution, rather than tinkering with amendments to address not only the crisis of the ethnic conflict but also other crises, it has the option of designing a new Constitution which offers the opportunity to incorporate ultrastability design considerations.

There is an argument that could be proffered that Sri Lanka’s existing Constitution does incorporate ultrastability capability given the overriding powers the Executive President can invoke. These include the unilateral power of the President to dissolve Parliament after one year of its existence, and the right to hold the portfolio of any, and therefore all, ministries. For example, such powers were exercised by the Executive President in 2003 when Parliament was prorogued, and was preceded by the Executive President taking over

three critical ministries⁹⁵. In the later instance, what we find here is more a case of S5 collapsing to be S3 rather than the Adjuster Organiser (presumably a S4 function) influencing the Feedback Adjuster (presumably Parliament functioning in its S3 capacity) to regulate activity in the Muddy Box (presumably a S1 race based operations unit).

My understanding of the design of ultrastable systems in the context of governance as it pertains to governments comes from my discussion with Professor Dr. Stafford Beer. My understanding of what he explained was a system which has both an elected representative system of government and what looks like a ceremonial monarch is the closest we have come to designing ultrastability into the architecture of the system of governance of governments. Here we discussed the United Kingdom system of governance with its elected Parliamentarians and the British monarch who holds tenure not just for life but from ancestry to progeny based on birthright. This security of tenure afforded to the monarchy enables it to function with a much longer term perspective compared to Parliament, where the elected Parliamentarian whose perspective is destined/induced to be short term due to the Parliamentarian's necessity to win elections which take place every few years. Additionally, in the case of the United Kingdom the Queen takes a very active and serious position in her involvement in world affairs which includes her function as Head of the Commonwealth⁹⁶. Thus the British monarchy lends a metasystemic view that is both temporal (by virtue of its tenure of heritage) and spatial (based on the experience the Commonwealth affords of multiple types of governance structures, etc.).

I recall Beer mentioned⁹⁷ that as questionable as the birthright privileges of the monarchy may be, it is the best we have so far been able to work out in order to bring longevity into perspective. In other words a secure monarchy in its homeostatic relationship with the Parliamentary system is positioned to influence shorter term thinking with its longer term perspective. The public service based on 'tenured employment until retirement' is also positioned to afford this longer term perspective both in person and as an institution. However, loss of 'tenured employment until retirement' runs the risk of the institution also

⁹⁵ Ministry of Defence, Ministry of Finance and Ministry of Communication & Media

⁹⁶ The Commonwealth was established by the Statue of Westminster of 1931. It comprises 53 member States, 16 of whom are Commonwealth Realms (where the Head of the Commonwealth is also the Head of State) plus 31 Commonwealth Republics (where the Head of State is not a monarch) and 5 States which have their own monarchs.

⁹⁷ Personal communication – a discussion we had around August 2002

losing its long term perspective. This expectation stems from the person/s losing the climate to think long term.

Internationally, as many realise, this 'non-retirement tenure of employment' is increasingly becoming the choice of employment contracts for public servants. Whilst it is too early to detect a pattern of its ramifications the question that sits in the background is - on who can the system of the governance of government rely for taking a long-term perspective to counteract the short term view generated by the short term tenure of those elected?

A point should be made here concerning monitoring for pattern detection. There are segments of the public service that are called upon to make recommendations to Parliament concerning long term projects that take decades to build and/or are intended to serve communities for centuries. Such examples are damming rivers for hydro electricity and irrigation, construction of commercial harbours and international hub airports, laying underground infrastructure for cables and pipes for water, sewerage, gas, telecommunications, etc. Detecting the pattern of ramifications of these types of projects being delayed (until the need is obvious by which time the lag time of construction imposes heavy penalties) is difficult to monitor because it takes time for these 'step-based' capacity effects to reveal themselves. Furthermore, it is not overnight that the ramifications of 'non-retirement tenured employment' system come into effect. After 20 to 30 years the effect of delayed projects (which besides being capital orientated may relate to maintenance) and change in employment tenures may begin to evidence themselves. I say 20 to 30 years for that is the time it takes to retire for those who were employed with 'retirement structured tenures' and who were trained and experienced in the ways of taking a longer-term perspective.

Returning to reflect on the UK example, the more recent century shows the monarchy does not collapse to being the Parliament. Rather it retains its S5 function and monitors the performance of S3. This ultrastability capability was exercised in a rather unusual way in Australia in 1975⁹⁸ when the Governor-General (the vice-regal representative of the Queen, the Head of State of Australia) dismissed the Prime Minister, Gough Whitlam and the

⁹⁸ Refer The Head of State by Sir David Smith (who was the Governor-General's official secretary in 1975)

Leader of the Opposition, Malcolm Fraser, was appointed as caretaker Prime Minister. Whilst debate yet continues whether this action by the Governor-General was warranted, the cybernetic point is that there was access to metasystemic influence, and in this instance legal action, to re-stabilise the system given the blocking by the Senate of the money supply (Appropriations Bill) and thus the crippling of government. There is scope to describe the Australian constitutional design based on McCulloch's redundancy of potential command. However, this is not pursued here.

The invaluable insight I gained from this discussion with Beer was the understanding of the way structure (the institution of the monarch and the Parliament) can play a part in balancing the homeostatic relationship between long and short term visioning. This led me to re-examine the relationship between the Sri Lankan executive system of governance and the public service and in turn the homeostatic relationship with the races in the context of Parliament and the public service. Historically, employees of the latter enjoyed tenure of service until retirement which afforded it the privilege to think with a long term perspective. This however was denied commencing with the 1972 Constitution and reinforced in the 1978 Constitution when the public service lost its independence and was vested under the control of the Cabinet of Ministers with authority to delegate it to Ministerial level. In 2001 the public service partially began to regain its independence under the 17th Amendment by placing the public service under the purview of the Public Services Commission. A paper addressing this topic was published (Solomons & Moscardini 2006b). Since then, the hopes of Independence Commissions⁹⁹ have been vanquished due to the re-appointments of members to the Constitutional Council not taking place (due to the weakness in the Constitution¹⁰⁰) and consequently the new Commissioners, replacing those whose tenure has expired, of the various Independent Commissions are direct appointees of the Executive President.

The critical cybernetic alert here is that there is no vestige of long term capability in the Sri Lankan system of governance and there is no ultrastability capability to influence otherwise.

⁹⁹ These include the Public Service, National Police Commission. Refer Article 41B Schedule of the 17th Amendment of the Constitution.

¹⁰⁰ This specifically relates to Article 41A(f).

Tying the Parliament and the Executive President to an electoral process is the norm in republican (non-monarchist) styles of governance. What is unusual is that the public service (the government's arm of implementation, particularly regulation) has been entirely subordinated by binding it to the election based political system. It is not unusual in many countries to find the top echelons of the public service changing with each new party in government. In Sri Lanka, however, that change is not reserved to the top echelons and of recent years the change in government is occurring at a very much faster rate¹⁰¹ and on each occasion a different party has won government (since 2000 there have been three Parliamentary elections and two Presidential elections in eight years). In this regard it is important to acknowledge that in Sri Lanka the cohabitation problems between the ruling government and Executive President are well known. Admittedly, it took 25 years to exercise itself. The Constitution was promulgated in 1978 and the cohabitation problems were evidenced in the 2003 proroguing of Parliament. Also well known is the loss of independence of the public service. Consequently, the hope is that such strong signals will be heeded and that the next Constitution will remedy such weaknesses.

However, such weaknesses can be expected to be replaced with others which at the time of design may well be unthought-of. This is why incorporating ultrastability capability into the Constitution is critical in a system which has suffered as much weakness as Sri Lanka has, as evidenced by its many crises. As Beer says –

The controls we institute are devised to regulate what we *think* the world is like. Since that representation must be expected to have lower variety than the world actually proliferates, the controls are often circumvented. ... Secondly, to point out that Feedback Adjusters are based on the presupposition that the model in the regulator is of adequate variety, which is probably not the case, and that *this* is why we need Adjuster Organizers. (Beer, 1994e:72, italics in original quote)

Having discussed the theoretical and Sri Lankan experience to warrant incorporating ultrastability into the design of the Constitution, this leads to the other insight of my discussion with Professor Dr. Stafford Beer. It pertains to understanding the spirit of the metasystemic relationship with the lower level of recursion in the context of seeking to design ultrastable systems.

¹⁰¹ Since 2000 there have been three parliamentary elections (Aug 2001, Dec 2001 and April 2004) and one Presidential election (Nov 2005) which influences the national level of the public service. The previous Presidential election was in December 1999.

4.3.4 Seeking to Design an Ultrastability Capability

Let us now turn to applying the metasystemic concept in the context of Sri Lanka's Constitution. I know of no instance where ultrastability considerations have consciously influenced the design of a State's Constitution. Neither have I found published writings about Beer's actual experience of designing ultrastability capabilities when called upon to design a system. In this sense, the exploration of ultrastability design considerations undertaken here is virgin territory and Sri Lanka offers a rare opportunity to apply such ultrastability requirements at the constitutional level. Designing ultrastability has to be done in the context of the particular system in terms of what it comprises and how it governs itself. It will be useful to explore the thinking associated with seeking to build ultrastability into the design of the Sri Lankan Constitution, both in the context of devolution and its higher level of recursion, the State of Sri Lanka.

Firstly, it is important to realise that designing ultrastability capability into a system entails two vital elements. These pertain to directional communication channels, where all four aspects need to exist. These aspects are that the channel connects the full span from end to end; the channel can carry the content being communicated; the communication is capable of being understood (transduction) when received at the other end including any intermediate boundaries it may cross; and such channels must be consistently maintained without hiatus or lags. The other vital element is the matter of metasystemic connection. As disclosed in Figure 12 Beer's way to incorporate ultrastability capability hinges on connecting the system-in-focus to its meta-level of recursion. Another way, as conveyed in the UK monarchy example, is to connect with a system affording a metasystemic view. The B comparator in Figure 12 illustrates this point.

Secondly, what this implies is that the designer needs to know between whom connection is required so that the appropriate channels of communication are designed. By this I mean in the case of a particular system, what is the specific entity that carries out the functionality performed by the Feedback Adjuster and Adjuster Organizer? Similarly, the specific meta-level system upon which it is relying for a metasystemic view needs to be identified which requires that both sides acknowledge each other's role. To better appreciate this point, I will discuss this next in the context of the 2004 Asian Tsunami. In

the meanwhile, it is pertinent to point out that whilst systems are embedded in systems, it does not mean that a system is exclusively embedded in one system. For example, a State is embedded in many systems, like the international banking system, a regional system like SAARC, the UN, etc. Thus designing ultrastability capability requires that the relevant meta-level system be specified in each context. It also means that composite systems (using Maturana terminology) may have components within them that enjoy metasystemic perspectives. In the case of the UK, the monarchy enjoys such perspective both temporally and spatially (by virtue of the perspective that hereditary tenure nurtures and being Head of the Commonwealth, respectively).

Thirdly, when designing ultrastability capabilities, its very nature of being unknown means there is neither regulatory function nor transfer function to be designed per se at the time of designing the system. The regulatory function (the delimitation of acceptable variety) to restore stability is designed at the time the need for ultrastability is triggered. Also in cases where the alert signal has not been recognised within the system, which has a higher probability of happening with rapid on-set instability, then initiating the ultrastable capability relies upon the entity with the metasystemic view to activate the alerting mechanism. With slower on-set disasters the frequency and increasing deviation has the potential to serve as alert mechanisms for the Adjuster Organiser to realise that the Feedback Adjuster requires re-modelling so that it can in turn influence the activity of the Muddy Box. When that does not occur, it is that failure or potential for failure that the ultrastability afforded by the metasystemic system seeks to alert.

4.3.4.1 Ultrastability & Asian Tsunami Alert Potential

Monitoring and broadcasting potential cyclonic and heightened wave activity is well known to the Meteorological Department and NARA¹⁰² in Sri Lanka. However, tsunami activity appears to have been completely outside its filtering mechanism and in that sense was outside the design of the system's capability. Yet it reportedly took two¹⁰³ hours to

¹⁰² NARA is the National Aquatic Resource Research & Development Agency.

¹⁰³ "Due to the distances involved, the tsunami took anywhere from fifteen minutes to seven hours (for Somalia) to reach the various coastlines. The northern regions of the Indonesian island of Sumatra were hit very quickly, while Sri Lanka and the east coast of India were hit roughly two hours later. Thailand was also struck about two hours later, despite being closer to the epicentre, because the tsunami travelled more slowly

travel from the epicentre to Sri Lanka and was almost immediately detected by Pacific Tsunami Warning Center (PTWC). It was routinely reported in a bulletin 15 minutes after it occurred to the Pacific Islands and to The Naval Meteorology and Oceanography Command Detachment in Diego Garcia.¹⁰⁴ (USINFO, 2005)

Yet there was no established communication channel to alert Sri Lanka, India, etc that an undersea earthquake had occurred off the western coast of northern Sumatra. Within Sri Lanka, despite its exposure to terrorist attacks, there was no communication process in place to broadcast the devastation that had hit the east coast minutes prior to it hitting the southern coast. Such an alert would have given people a chance to seek higher ground and move inshore.

Lacking channels of communication connecting entities with a metasystemic view, the system had zero capability to withstand the destabilization. This is also a clear demonstration that the alerting mechanism relied upon the entity with the metasystemic view to trigger the process. The response however is a matter for action by the system-in-focus

Since the Asian Tsunami the metasystemic view of the PTWC has been extended to include the Indian Ocean and formal communication channels have been established with countries in the region.

4.3.4.2 Potential for building ultrastability capabilities into the design of the Constitution

Let us now attempt to address the very difficult matter of the potential for building ultrastability capabilities into the Sri Lankan Constitution. Concerning matters of internal perturbations unperceived at the time of designing the Constitution, it is considered unlikely that a State will agree to establish a communication channel with a meta-level system that is outside its State, be it at a regional or international level. This is because sovereignty is associated with being free of outside interference.

in the shallow Andaman Sea off its western coast.” (Department of Meteorology, Australia Government - http://www.bom.gov.au/info/tsunami/tsunami_info.html, accessed 5th September 2007

¹⁰⁴ An island south west of Sri Lanka

Thus if ultrastability capability is to be designed it will need to find its metasystemic view from within itself. This almost seems contradictory but it is not when one realises that components within a system could concurrently belong to other systems, some of which may be meta-systemic or afford it a meta-systemic view. For example, in the instance of systems of governance with a monarchical presence, the system is minimally able to rely on its monarchy to provide a meta-systemic view as far as longevity is concerned. In some instances, that monarchy is also able to afford a meta-systemic view across spatial frontiers also as is the case with the British monarchy due to its exposure from being the Head of the British Commonwealth of countries.

With republican constitutions as in Sri Lanka, there is no monarchy to provide the longer perspective to counter-balance the shorter perspective of an elected representative. Furthermore, the denuded state of the public service makes this need for longevity even more pronounced. Of course, a remedy is to restore the quality of the public service through such means as ‘tenure of appointment until retirement’, merit based promotions, or independent commissions to audit various aspects of the public service. Yet for constitutional controversies like the non-appointment of the Constitutional Council members and trends of the magnitude that the Sinhala Only Act unleashed this may well be inadequate. Decisions by the judiciary may also be inadequate since they are required to comply with the Constitution whereas, as will be discussed later, the people can change the Constitution.

There is however a process that the Swiss use that in my opinion affords their non-monarchy based Constitution not only an ultrastability capability but one built on the principle of the Redundancy of Potential Command. Whilst Redundancy of Potential Command is discussed more fully in the next chapter, let me say here “It is the information flow that determines which concatenation matters, and that therefore delineates the command centre.” (Beer, 1994a:232) What this means is that command does not reside in a static place. Rather it is dynamic and resides where the concatenation of information is better.

The Swiss system of governance¹⁰⁵ invokes this via the constitutional provision of a ‘citizen-initiated referendum’. Initially, this citizen initiative starts as a petition to the federal government but once the petitioners reach a certain number (in 2001 it was raised to 100,000 Swiss voters) it obligates the federal government to go a referendum. (Knutsen, 2004) Before exploring the cybernetics of this it is useful to contrast this Swiss system with the petition method in England and that of the newer Scottish Parliament. Under the Westminster system, a resolution of the House of Commons of 1699 states ‘That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in case of grievance and the House of Commons to receive the same’. However, there is no particular requirement for the House of Commons to do anything with it. With the newer Scottish system the Parliament is obligated to consider any petition addressed to it. (Public Petitions Committee Report)

Whilst the Swiss citizen-initiated referendum and the two British petition systems may not have been designed with the intention of invoking ultrastability, they do offer useful insights when viewed from that perspective. First let me offer an interpretation of the Swiss system from the perspective of ultrastability. What we have here are the people (not to be confused with ‘the individual’) forming the meta-level system by virtue of the people being S5¹⁰⁶. The Swiss Constitution has in-built within it the concept of redundancy of potential command. I say this because the Constitution provides for any concatenation of 100,000 Swiss voters to communicate a matter to the federal level of Parliament obligating it to refer the matter to the people through the medium of a referendum. In other words, the static relationship of Parliamentarians or Ministers taking government decisions is in that instance void. Better still, what the Swiss Constitution has architected is a dynamic homeostatic relationship between the political process and the people. That dynamic homeostat is exercisable at any time and can be invoked by the people so long as it reaches a certain physiological limit (100,000 Swiss voters). When that physiological limit has been reached it tilts the homeostat so that it operates differently – meaning the people rather than the Parliamentarians are the decision makers. This ‘people’ decision making

¹⁰⁵ Switzerland’s 2000 Constitution for the first time specifies the limitations on citizen initiatives. For an informative introduction refer *Direct Democracy in Switzerland* by P Ruppen.

¹⁰⁶ This aligns with Beer’s narration of his initial meeting with President Salvador Allende, when the President exclaimed ‘at last el pueblo’ at being told of S5. (Beer, 1994a:258)

capability is available all the time and not just at the time of elections, which is the norm in other Constitutions.

From a legal perspective it is valuable to bring to attention the Kenyan deliberations on their two constitutional proposals (Bomas and Wako drafts). Kangu, making a distinction between authority and delegated power says –

The use of the term *sovereign authority* in Article 1 (1) refers to the primordial (primordial) constitutive authority of the people as the foundation source of all power. Because of this the people can donate some of their power to organs of state to (be) use(d) to serve the welfare, aspirations and values of the people. Such donated power is normally limited by the people through the Constitution. ...When exercising this limited dominated (donated) power, state organs can not substitute themselves for (the) me people. They can not usurp the authority of the people, which is the source of their power. The people normally reserve their authority to, not only recall the donated power but also to directly exercise their authority. It is for this reason that the design of the Article 1 of the Bomas draft establishes the sovereign authority of the people in Article 1(1) and recognises in Article 1(2) that the power emanating from these sovereign authority (authorities) can be exercised by the people either directly or through their democratically elected representatives. The representatives therefore only receive power but not the sovereign authority of the people. In other words the democratically elected representatives can never be the substitute of me (the) people. (Kangu, ca. 2005)

Thus what the citizen-initiated referendum does is recognize the right of the people to exercise their authority and temporarily withdraw the delegatory power they donated to politicians and to exercise their own authority and decide on the referendum matter at hand. In other words, what the Swiss Constitution does is specify a physiological limit (100, 000 Swiss voters) beyond which that authority is guaranteed the right of exercise.

Given this interpretation of the Swiss citizen-initiated referendum it is useful to enquire - what is the difference between ‘redundancy of potential command’ and ultrastability. I propose the enquiry because one could say that redundancy of potential command performs the same alert that the ultrastability capability enables. Both permit a concatenation outside the norm to influence the workings of the normal way of operations/decision making. Thus the question - where lies the difference? As I understand it, the distinction concerns the transformation function. In the case of redundancy of potential command the transformation function could be pre-designed. With ultrastability that is not so – the required transfer function is not know at the time of design.

To gain a sense of this subtlety, let us look at the other important point that the Swiss Constitution achieves. It has designed a process so that when a concatenation, other than the Parliament, believes it has better information, the Constitution has paved a communication channel and linked it to the people via the Parliament, so that the concatenation can exercise the procedure to alert the Parliament. Clearly, this alert is exercised when the Parliament is not acting in a way that that concatenation believes is appropriate. What the Constitution is saying is 'I do not know what these circumstances may be. However I know such things can occur. Thus, I have put in place a communication channel with a meta-level system and designed a procedure so that such unknown situations can be addressed in a way that the normal procedure does not allow. Furthermore, not knowing what that situation is, it requires no design on the part of the Constitution to specify a transformation process. Rather what the Constitution does is, it leaves it open to the particular concatenation to frame the initiative to Parliament'.

One may also enquire in the Swiss instance from the perspective of Beer's ultrastability model - who performs the functionality of the Adjuster Organizer and Feedback Adjuster? My interpretation of this is that the Adjuster Organizer is the Constitution, Parliament is the Feedback Adjuster, the Government in power is Management and the Muddy Box is the particular operational unit, as it pertains to that referendum instance. My interpretation of the Parliament being the Feedback Adjuster is because it monitors the results of the government that runs the country. The Parliament is the entity that passes the budget or laws (mostly prepared by the government in power) to influence the workings of the Muddy Box. Thus from within itself the system has the capability to self regulate.

For some, more unusual is the nomination of the Constitution as the Adjuster Organizer. I say this because it is the parameters of the Constitution that shape the functionality of the Parliament and any changes to the Parliament must be within the confines of what the Constitution allows. So in this sense the Constitution is monitoring the activity of government and assessing whether changes are required to Parliament in order to influence the Muddy Box activity. Yes, the Constitution is a document, but what I am referring to here is the functionality of the Constitution and more specifically the reviewing function performed by a group of people that is asking what changes need to be made to the Parliament to influence the workings of the Muddy Box. Such changes usually appear as

legislation - to subject domain areas, amendments to the Constitution and more rarely the replacement of the Constitution as a whole. The group reviewing the workings can be those within the system (e.g. political parties) or external.

Note, the distinction with the Scottish and English models is that no action is assured as a consequence of the alert. Certainly the Scots have to consider the alert but change is not obligated. Furthermore, both these petitions carry little weight as they can be single person initiated and that single person cannot be categorised as 'the people' in the group sense.

From a variety perspective it is pertinent to note that the Swiss system permits itself a lot of variety from where its ultrastability requirement can be recognized. The recognition can come from any one of its voters. To give the alert the assurance of action, namely a referendum, it calls for support of 100,000 Swiss voters. What the alert emanating from a meta-level system does not do is make a decision on the way to react to the alert. This is left for the people to deliberate upon and decide upon which thus respects the autonomy of the system-in-focus. In comparison, in Sri Lanka there is absolutely no such provision. The Organizer Adjuster has no formal avenue for anything external to the political system to alert it of the need to substantively change the Feedback Adjuster.

With this background let me propose that a way of building an ultrastability capability into the Sri Lankan system of governance is via a procedure similar to the Swiss 'citizen-initiated referendum'. Whilst the relationship between the Executive President and the Parliament is a matter for design, if Sri Lanka was to seek to design an ultrastability capability the question in the context of the State is - who or what are these entities that function with the objective of seeking to modify the Feedback Adjuster? This cascades to enquire - who or what entities perform Feedback Adjuster functionality - the role of adjusting the way the Muddy Box works? It is to these entities that the communication channels need to be established between the system-in-focus and the meta-level of recursion. To these need to be specified the physiologic limit/s and context of reference to which these alerts apply. Given the experience of a mandated referendum not being carried out (e.g. which was agreed to at the Indo-Lanka Talks) it is wise that contingency provisions be specified, such as the time within which the referendum must be put to the people and the consequences if it is not.

Converting this to VSM terms, the Feedback Adjuster shares the functionality initiated by S3 and performed by S3* due to the latter auditing the effectiveness of the S1 operational unit. Adjusting the input into the transformation function as performed by the Muddy Box can also be performed by S3 (in the context of the particular alert) based on S2 findings. This adjustment could be done via any one of the three vertical channels that connect S3 with S1. The Adjuster Organizer functionality appears to belong to the type of work done by S4 since it enquires of the effectiveness of the current way given its view of the emerging trends. Discerning these trends (a function of the Adjuster Organizer), which can be in the environment or internal to its own level of recursion, relies on connection with the environment and connection with the Feedback Adjuster. This needs connection with a metasystemic view which it can gather from within itself or via the level of recursion above it.

Besides deciding on the manner of building ultrastability into the Constitution (and for that matter devolved systems of government) these types of self-organization considerations need to be addressed as part of the re-design of the governance structures in Sri Lanka. A way of engaging in such design is discussed in the next chapter.

Conclusion

The significance of this chapter is twofold. Firstly, it moves beyond the immediacy of conflict resolution to addressing other crises which impact on the viability of the State and its embedded systems. Secondly, it steadfastly continues to use principles of Organizational Cybernetics. Specifically notable is the use of the concept of Ultrastability and the principle of Redundancy of Potential Command in conjunction with the notion of a Feedback Organiser to address the infrequently used research area of how to design a system so that it caters for matters that are not even conceptually recognised.

This recognition of signals contributes to extend the content of what needs to be addressed and serves to identify the variety of subject domain areas and functionality that the Peace Talks will need to address. In turn, the combined variety disclosed in Chapters Three and

Four is used in Chapter Five to inform what the design process of negotiations will need to cater for.

Next Chapter

The view of this thesis is that the design of the solutions, for example the architecture of the Constitution, and the number and geographic contours of the provinces, is a matter for representatives of the various segments of Sri Lankan society/citizens to decide. A process for designing such solution by representatives of various communities is discussed in the next chapter.

Chapter Five

A Process Design for Negotiations

*Maya is the magical power in creation
by which limitations and divisions
are apparently present in the
Immeasurable and Inseperable.
- Paramhansa Yogananda*

We now approach the penultimate stage in the development of this thesis. This Chapter continues with the theme of addressing process considerations which in this instance pertain to negotiations. The search here is for a meta-level logic that contains the incentive for participants to return to the negotiations table and which meta-level logic has the capability to assist the resolution of what so far has presented as an undecidable proposition. Also proposed is a process of negotiations which has the capability to accommodate a diverse array of interrelated content and to move beyond two party negotiations.

This Chapter is presented in three parts.

- Part I - Addresses who needs to be involved in negotiations based on the cybernetic reasoning that was extensively discussed in the previous two Chapters. Working with the levels of recursion pertaining to the UN, the State and its embedded systems, a proposal is made for a way of absorbing residual variety so as to gain agreement to negotiate internal self-determination based on interlocking negotiations involving those seeking cohesion and those seeking autonomy.
- Part II – Recognises the need for a large group intervention negotiation capability to accommodate multiple stakeholders and to absorb the diversity of content that needs to be addressed. Beer’s Team Syntegrity® protocol is proposed along with the enhanced functionality that the orthogonal sets afford.

- Part III – Suggests a way of configuring the basis for participant selection for Team Syntegrity® based negotiations to re-design the principles and architecture of the Constitution so as to address the crises that embroil Sri Lanka

Part I – Meta-Level Logic and Pre-Talks Intervention

The vital question to be addressed here is – what needs to be done to let requisite variety exercise itself so that Peace Talks are sustained to the point of resolving the conflict? This is particularly relevant because in recent decades Peace Talks have followed a sporadic pattern and results have scarcely fostered peace. They have served instead the spiral into war. .

5.1.1 Cyclical pattern of negotiation modalities

It is useful to understand the cyclical pattern of negotiations which employ the modalities of war and Peace Talks and ask - how can this recurrent theme be broken when preservation of territorial integrity is sought and secession is threatened?

The cycle evidenced is that when war reaches stalemate conditions Peace Talks become an attractive option to pursue. When Peace Talks reach stalemate conditions a return to war gains attraction and once it is exercised usually breeds retaliation. Victory at war, unless it is sustained, rarely brings the defeated to the negotiating table. Rather the defeated opt to abstain, bide time and use it to re-train, re-equip and retaliate with counter victories so that they enter into Peace Talks on a relatively level playing field. If they do enter into Peace Talks as militarily defeated participants, then it is likely to be used as a ploy to gain time, to re-train, re-equip and retaliate so that a level playing field can pervade the Peace Talks.

Either way, the trend evidenced is that when neither side has a definitive advantage it is then that engagement in Peace Talks becomes attractive. Thus, the stalemate permutation could be due to both sides having different advantages or both being disadvantaged. An

additional point is that in Sri Lanka, the recent decades of warring have been essentially reduced to two sides. To the extent that others have participated they have been painted as belonging to one or other of the two sides. Here the obvious example is the Karuna faction who defected from the LTTE and holds the position of not belonging to the LTTE. By default this faction has been slanted as belonging to the GoSL camp. It is also pertinent to realise that in Sri Lanka the conflict is not of the type where multiple warlords control territory or people, which thus reduces the permutations of warring parties¹⁰⁷.

Let us now address a different permutation. What happens in the case of victory which carries a heavy toll of deaths, nearing what could be described as genocide or large scale ethnic cleansing, or mass atrocities of the civilian community? If an atrocity of such dimension is committed by the Sovereign State, then on humanitarian grounds it is likely to outweigh a State's 'defending territorial integrity' argument and favour the secessionists in their claim to the UN for recognition of separation. Therefore, the type of victory sought is not one of excessive death (how much constitutes 'excessive' is a heuristic physiological limit) of the rebel community (a variable) but one where they are disarmed and contained, and where a civic administrative system is installed to replace what after a war initially continues as a military based administrative system.

On the other hand, if the excessive civilian killings are attributed to the secessionists then it augurs against them when seeking recognition by the UN of separation. Thus, the victory sought here is spurning the de jure State's military, destabilising the State's economy by targeting economic sites, and very importantly of isolating territory to establish and run a de-facto State which in its formative years is likely to be administered under the command of the aspiring secessionist's military. Pursuant to Peace Talks negotiations this de-facto system along with possibly extended territory, is likely to convert to an autonomous devolved system within the coherence of the supervening State or used as the base upon which to claim for secession.

¹⁰⁷ Fewer opposing parties mean fewer agreements need to be made, sustained and ensured that they are adhered to in practice. However, the fewer the opposing parties the greater their consolidated powerbase. It is this reasoning that makes it attractive to absorb variety by splitting a monolith's powerbase. The question is - what is the balance between the variety absorption that splits give and the 'agreement' proliferation, when it is entered into, that it entails.

So here we see a particular variant of war. The objective if it is to be effective in claims for secession and counter-claims of territorial integrity needs to be what may be described as 'subdued victory'. Each side needs to contain itself and not cross serious thresholds that will breach its claim/counter-claim with the UN or other foreign bodies. Given the passage of time, it is possible that this type of iterative stalemate of 'war triggered-Peace Talks and vice versa' may inch its way to produce resolution of the conflict. However, let us ask - is there a different logic that may speed resolution?

5.1.2 Meta-Level Logic

Cybernetically the negotiation between the embedded system (one of which is threatening secession in the event of inadequate autonomy being agreed upon) and the encompassing system (insisting on preservation of territorial integrity) finds itself with a residual variety that keeps their negotiating position as an unanswerable proposition – as evidenced by the stalemate. It is this residual variety that a higher level of logic is called upon to absorb. In other words, the search is for a higher level of recursion within which the disputing systems are embedded. Given that systems are embedded in multiple systems the higher level recursive system being sought is the one which has variety to absorb the type of residual variety that the disputing systems are unable to absorb, either within themselves or between themselves.

As discussed in Chapters Three and Four, these systems are the meta-level system of the UN (R+1), Sri Lanka being the system-in-focus (R0) and the race community of the Tamils (R-1) being the embedded system. The reason the UN is selected as the meta-level system is because its cohesive principle (utilizing the command channel) has the duality which conveys to its Member States (embedded systems) the ethos that sovereign territorial integrity and self-determination of peoples is recognised. Whilst the UN Charter (refer appendix 5) does not apply to matters within a UN Member State's domestic jurisdiction (Article 2 (7)), what places secessionist claims under the UN mantle is the UN membership that the potential breakaway State seeks. Such application for UN membership requires that the UN evaluate the secessionist claim for self-determination and counter-claim by the

State for the preservation of its territorial integrity. This evaluation is based on what the UN stands for - the principle of equal rights and international peace (Article 1).

5.1.2.1 State Recognition by UN

The critical value of UN membership is not that UN membership is a, if not the, most powerful validating symbol of independence. Rather it is that UN recognition of sovereignty (which is what ISO 3166 reflects) is the usual prerequisite for entry into the various international interchange systems when it is based on sovereign nations. Some describe ISO 3166, Part I comprises a listing of UN Member States, as the base standard for international interoperability. In stating this let me acknowledge that “The three parts of ISO 3166 do not express any opinion whatsoever concerning the legal status of any country, dependency or other area named herein, or concerning its frontiers or boundaries.”(ISO/IEC JTC 1/SC 32/WG1, 2000) Notwithstanding this, being a UN Member State is the re-requisite requirement which is usually exercised to enter into many of the international interchange systems (e.g. ITU’s allocation of a telephone country code, recognition of the new State’s currency, passports, etc).

Thus for the secessionist UN recognition is vital if it is to function internationally as a fully fledged Sovereign State with its complement of international interchange system rights and responsibilities. It is because of the UN’s almost effective monopoly over the entrée into what is a compulsory requirement for a State to participate in the international interchange system, which gives the UN the negotiating strength to require its aspiring new member to comply with the UN ethos of respect for the principle of equal rights and peace.

For the secessionist, this UN principle of equality is minimally three pronged:

1. If evidence of equality is absent in legislature and in practice in the relationship with the supervening¹⁰⁸ State, it offers an embryonic basis to claim for secession;

¹⁰⁸ The term ‘Parent State ’ is used in the context of external self-determination, when referring to claims for secession, also known as separation. The term ‘supervening state’ is used in the context of internal self-determination.

2. If internal self-determination negotiations do not result in agreement on institutionalising the principle of equal rights within the supervening system of governance it strengthens the case to claim for secession, and
3. If recognition of external self-determination is sought, the secessionist needs to demonstrate that in its manner of governance it applies the principle of equal rights in its relationship with its embedded systems. This can be evidenced in the manner it governed its de-facto State (if it had such) and in the proposed Constitution under which it will govern itself. From a UN perspective, one would expect that the Security Council as part of their evaluation will place importance on such equal rights being evidenced because otherwise its absence or weakness might eventually lead to another secessionist claim by an embedded system. Furthermore, it would be hypocritical for the secessionist to propose less, given that is the very principle that its Parent State stands accused of as perpetrating on its embedded community. It is likely that the UN would be alerted to such hypocrisy by the Parent State or others who oppose the secession.

In contrast, the negotiation strength of the UN is felt by the Parent State as a consequence of the secessionist claim particularly should the UN concur with the secessionist and recognise the change in territorial borders. Whilst it is rare to have UN Member States challenge their neighbour's territorial borders, it does happen (despite Article 2.4¹⁰⁹ of the UN Charter) as was the case with Iraq-Kuwait and the UK-Falkand Islands-Argentina disputes and continues to be the case with India-Pakistan in terms of Kashmir. Under Chapter II of its Charter, the UN has the power to suspend membership rights and privileges (Article 5) and even expel members (Article 6).

To date, no country has been expelled¹¹⁰ from the UN or opted to leave it. Thus a country's loss of ISO 3166 status in that sense has never been tested.

¹⁰⁹ It states 'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.'

¹¹⁰ There is the unusual case of China where in 1971 the People's Republic of China replaced the Republic of China (popularly referred to as Taiwan) who until then had represented China and was one of the founding members of the UN. 0

The critical variety absorption point however is that such UN suspension or expulsion probably does not affect the Parent State in terms of it retaining its participant status as a sovereign entity in the international interchange systems, albeit its trading terms may change. For example, its risk rating may change and impact on its interest rates from multi-lateral lending agencies whereas it makes no difference to its telecommunications country code. I say ‘probably’ because formal legal consultation needs to be undertaken.

The point being made here is not that, in the case of Sri Lanka, it would incur expulsion, suspension, or opt for invasion manoeuvres if the secessionist secures sovereignty. Rather the importance is to recognise the difference in the strength and manner in which the UN variety absorbing capacity is exercised when negotiating with the secessionist claims and Parent State’s counter-claims.

Before leaving this point it is valuable to enquire of the difference between the variety absorbing capacities offered by the meta-level system of the UN compared to sub-sets of the international community (refer 5.1.2.1.1). The other point requiring addressing is the matter of the UN’s relationship in the context of domestic jurisdiction (refer 5.1.2.1.2).

5.1.2.1.1 Variety of UN ISO 3166 versus Sub-Sets of the International Community

Over recent years the international community has taken a more active role in persuading the GoSL and the LTTE to engage in Peace Talks. During the 2002-2003 Peace Talks, various Donor Conferences were organised where the international community, such as foreign countries and multilateral lending agencies, pledged grants and loans based on progress being made on the terms of peace agreements. Despite this carrot, which came to be known as the ‘peace dividend’, the LTTE suspended their participation at the Peace Talks. In 2007 with war taking increasing strides, donors such as the UK and Germany have cut back on their aid programmes and more countries plus the EU are listing the LTTE as a proscribed organisation within their jurisdictions. Yet these constraints have had little effect in bringing the warring parties to the negotiating table.

This prompts the question - why should the UN meta-level variety absorbing attempt be any more successful than what the international community has experienced. The answer

lies in understanding the way variety is absorbed given the distinction between mandatory and optional requirements and the alternative ways of achieving such requirements/goals.

In the instance of the need for finance (a mandatory requirement) there are many ways to achieve it. For example in the case of the ‘peace dividend’ one explanation is that for the LTTE the carrot of finance was accessible from other sources such as the Tamil diaspora, LTTE’s business enterprises run under proxy names, and from organising lending at the time of development. It was more valuable for the LTTE to suspend their participation and adduce it to various grounds¹¹¹ which given time grew to engaging in a retaliatory war.

Likewise, the 2007 financial constraint from the aid community has required the GoSL to search for alternative financial sources, which needless to say exist ever if their terms of lending may not be as attractive. Regarding proscription of the LTTE, this is a reality that the LTTE is well experienced in circumventing given its proscribed status in countries like the USA and UK. Whilst these variety constraints have been imposed on the warring parties they are slower to impact given the alternatives available to overcome them. It indicates the various systems’ variety generating ability to absorb the constraints imposed.

Now let us look at the concept of ‘Responsibility to Protect’ (R2P). In the face of intransigence and the atrocities experienced in intrastate conflicts like those of Sri Lanka, and the more conscience-shocking events like those of Rwanda in 1994¹¹² and Srebrenica in 1995¹¹³, the question arises - when is international intervention warranted despite internal conflict being a matter for domestic jurisdiction in terms of the UN Charter?

Evans says –

¹¹¹ The letter suspending the LTTE’s participation at Peace Talks stated “the exclusion of the LTTE from critical aid conference in Washington, the non-implementation of the terms and conditions enunciated in the truce document, the continuous suffering and hardship experienced by hundreds of thousands of internally displaced Tamils, the aggressive Sinhala military occupation of Tamil cities and civilian settlements, the distortion and marginalisation of the extreme conditions of poverty and deprivation of the Tamils of the northeast in the macro-economic policies and strategies of the government have seriously undermined the confidence of the Tamil people and the LTTE leadership in the negotiating process. Under these circumstances the LTTE leadership has decided to suspend its participation in the negotiations for the time being.” Source: <http://www.satp.org/satporgtp/countries/shrilanka/document/papers/letterpm2003.htm> accessed 29 June 2007

¹¹² An estimated 800,000 Rwandans were killed in a space of 100 days.

¹¹³ In the five days after Bosnian Serb forces overran Srebrenica, more than 7,000 Muslim men are thought to have been killed. Source: <http://news.bbc.co.uk/2/hi/europe/675945.stm> , accessed 15 July 2007

There is a widespread concern that involvement of countries in the affairs of others, and in particular the involvement of developed countries in the internal affairs of developing ones, has not always been principled or consistent in the past. It is an article of faith around a good deal of the global South that Article 2 (7) of the UN Charter is to be read as an all embracing prohibition. (Evans, 2007)

A response by the international community was the concept of ‘Responsibility to Protect’ which was the outcome of the International Commission on Intervention and State Sovereignty. Evans explains this was premised on two critical conceptual contributions. One, the ‘right to intervene’ is not about ‘right’ but ‘responsibility’ to protect people at grave risk. The other was that the new way of looking at sovereignty was not as ‘control’ but as ‘responsibility’. Evans delivering the 2007 Neelan Tiruchelvam memorial lecture says –

The starting point is that any state has the primary responsibility to protect the individuals within it. But that is not the finishing point: Where the state fails in that responsibility, through either incapacity or ill-will, a secondary responsibility to protect falls on the wider international community. That, in a nutshell, is the core of the responsibility to protect idea, or ‘R2P’ as we are now all calling it for short. (Evans, 200:6)

Let us now review R2P from the perspective of the meta-level logic it employs. Re-expressed in VSM language R2P means some element/s of the international community, a meta-level system, seeks to employ its vertical channel of communication to persuade or coerce a Sovereign State to desist from the atrocities it is committing against segments of its own people, an embedded system within the Sovereign State. These atrocities could likewise be committed by the embedded system against the Sovereign State and similarly deserve international intervention. The international response, which could be to prevent serious deterioration or arrest gross violations, could take the form of legal, diplomatic, economic or in more severe cases military intervention. It will be aimed both at the Sovereign State and the opposing protagonist/s. Such intervention besides seeking to halt the perpetration of the humanitarian crisis seeks to convey to the opposing protagonist the value of adopting the principle of ‘responsibility to protect’.

The question is – does this meta-level logic of ‘responsibility to protect’ carry sufficient variety to absorb the counter-variety which made perpetration of atrocities a sensible avenue to overcome whatever the reason for the conflict? An answer to this question is to

enquire - 'responsibility to protect whom?' For the Sovereign State the answer is all its citizens. However, for the aggrieved subset community of the Sovereign State the answer is their subset community! Thus R2P stands up to the issue of the aggrieved sub-set community using its civilian community as human shields. However, for the aggrieved sub-set community the logic of R2P does not by definition extend to the citizens of the whole Sovereign State.

Certainly, in the face of mounting atrocities, R2P offers a logical argument for the international community to intervene. However, applying this logic to local participants fails in its intended purpose. As Beer says "Each system speaks its own language which is not comprehended by the embedded system." (Beer, 1994g: 240)

If R2P logic was to be introduced to Sri Lanka in its war with the LTTE, we could find that this principle and the chosen penalties (or incentives) could both act to arrest the atrocities perpetrated by the Sovereign State. However, with the LTTE it would be the effect of the penalties (not the meta-level logic) that could be depended upon to carry the variety absorbing power to counterbalance the attractiveness of perpetrating gross human rights violations on the other side.

To some this narrow definition of 'responsibility to protect' one's community may present as a pedantic point. Yet this is the sticking point in the UN Charter of Article 2 (7) that R2P seeks to overcome. The question is - has it done so? Those advocating R2P may have had success due to the variety absorbing capacity of the array of penalties available and the high calibre of political influence of officials that negotiate the acceptance of R2P thinking, but it leaves one wondering about the effect of the meta-level logic of 'responsibility to protect' on the non-State protagonist. If the R2P logic fails to influence the non-State actor against the perpetration of violence then it acts as a reason for the Sovereign State to avoid R2P thinking too and with it resist and question foreign intervention on the grounds of Article 2(7) of the UN Charter.

Yet one must admit that R2P logic of turning rights into responsibilities is astute variety engineering, arguing that rights need to be attenuated and responsibilities amplified in order to absorb the variety that human rights violations pose. What R2P has done is given

expression to the heated example of intrastate conflict involving gross violations of human rights and in that context proposes the latter part of Article 2 (7) of the UN Charter - namely, ‘but this principle shall not prejudice the application of enforcement measures under Chapter VII’ warrants application under the logic of responsibility to protect.

The point remains that the aspiring secessionist is outside the net of the UN and so too the logic of ‘responsibility to protect’ in the sense of the wider community which the Sovereign State obviously covers. However, combining R2P with Article 35 (2) of the UN Charter and the ISO 3166 mandatory-monopoly requirement draws in the aspiring secessionist. R2P catches the Sovereign State. But it is the strength of ‘ISO 3166 mandatory-monopoly gateway into the international interchange systems that attracts the secessionist which in turn draws in the Sovereign State in order to address the risk which the secessionist has elevated by recognising and seeking ISO 3166 accreditation.

Importantly R2P is aimed at alleviating gross human rights violations much like the various Geneva¹¹⁴ and other international¹¹⁵ conventions – alerting the Sovereign State and its opposing non-state actors against seriously crossing thresholds of violations. R2P does not necessarily have variety absorbing capacity in its meta-level logic to get the opposing protagonist to the negotiating table. By this is meant, so long as the protagonists stay this side of seriously violating thresholds (i.e. physiological limits) then it evaporates the need for penalties imposed by the international community and with it is downgraded the prioritisation in the scheme of competing values that would have otherwise been accorded to comply with the meta-level logic of the ‘responsibility to protect’.

In contrast, the meta-level logic of the principle of equal rights that the need for the ‘ISO 3166 mandatory-monopoly requirement’ secures presents as having the stand-alone capability to act as the incentive for the opposing protagonist to enter into sustainable Peace Talks negotiations. In response to the question of ‘equal rights of what?’ the cybernetic way of expressing the answer is - whatever it takes to achieve peace which in

¹¹⁴ Amongst these are 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War and 1977 Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts

¹¹⁵ These relate to the rules of war concerning allowable practices and justifications for armed force. Also included here are other conventions like the 1978 Red Cross Fundamental Rules of International Humanitarian Law Applicable in Armed Conflicts.

the instance of internal self-determination negotiations is evidenced in the evaporation of secessionist claims.

The other critical point of ‘ISO 3166 mandatory-monopoly requirement’ is that the principles and design upon which peaceful co-existence are architected are not externally imposed. Rather, what the UN, an external influence, does is say that if external self-determination is sought then the principles enshrined in the UN Charter are the principles by which the secession claim and counter-claim will be minimally evaluated. The principles and architecture of internal self-determination is however a matter for the internal actors to resolve. It is this tension of providing a principle and not providing a principle that is the strength of the UN’s principle of equal rights upon which international peace depends.

Let us now look more closely at the UN monopoly of recognition of a new State in terms of gaining ISO 3166 accreditation. Such monopoly means there is no alternative for the secessionists if their objective is to participate in their own right (not via proxy) as a Sovereign State in the international interchange system. This binds the Tamil aspiration to abide by the cohesive terms of the UN charter if its threat of secession is to be realised in the event of it not being dissolved by achieving peaceful co-existence with the other communities in Sri Lanka. In turn, this links the Parent State to comply with UN requirements of the principle of equal rights or else run the risk of separation. Reflection on this point indicates whilst negotiations take place on one front (e.g. internal self-determination) an astute pro-active negotiator has the opportunity to in-build into the negotiation a stance that can withstand the contingency of having to claim/counter-claim secession.

In other words, requirements can be mandatory or optional and the way of achieving them can be offered by a monopoly or by many alternatives. From this combination the following useful table serves to gain an appreciation of the way variety is absorbed – refer Table 8.

It is important to note that with a mandatory requirement time needs to be factored in. Whilst a requirement is mandatory it may only be at a particular moment in time or for a

particular duration of time. Thus the power associated with that mandatory requirement prevails only during that time and the variety engineering needs to recognise that. Likewise the power associated with the monopoly too is time bound and applies during the currency of the mandatory requirement. It is also important to recognise the existence of multiple, but not concurrent, mandatory requirements which may prompt prioritisation particularly if there are mandatory requirements whose terms of achievement impose restrictions.

Table 8 - Variety Absorption of Mandatory-Monopoly Considerations

Requirement	Achievement	Variety – from the perspective of the system seeking the requirement
Mandatory	Monopoly	Variety reduced to one. There are more but since they do not achieve the requirement they are ignored here. Thus the seeker of the requirement will need to comply with the terms of the provider of the achievement.
Mandatory	Various Alternatives	Variety = many alternatives Seeker will need to comply with the terms of the chosen provider. In arriving at the choice of provider, a factor will be the ramifications of the terms of the provider.
Optional	Monopoly	Means the requirement can be avoided. If avoided the power of the monopoly is unexercised and thus the power is not relevant. If the requirement is exercised, then the monopoly enjoys full variety absorbing power. Thus the seeker will need to comply with terms of the monopoly provider.
Optional	Various Alternatives	Variety = many alternatives Means the requirement can be avoided. If avoided the power of the various alternative providers is inconsequential. Seeker will need to comply with the terms of the chosen provider. In arriving at the choice of provider, a factor will be the ramifications of the terms of the provider.

Accreditation with World Trade Organization (WTO) is a classic example of the variety engineering considerations given the relationship between requirements achieved through monopoly channels which required compliance with the monopoly's criteria. Here the need (an optional requirement) is to be part of the globalization process and thus part of the WTO. However, as Dr. Allenna Leonard pointed out in personal correspondence, many a

country has complied with WTO requirements to later realise the amount of sovereignty they have ceded.

5.1.2.1.2 Secession Claim and Domestic Jurisdiction

Given the monopoly, in practical terms, enjoyed by the UN in providing the access to the mandatory requirement of participating in the international interchange system, the principle of equal rights has the effect of employing the command channel (in VSM terms) on the aspiring State, which however de jure is an embedded system within the Parent State. Within the UN charter this raises the important distinction of the right of non-interference in matters of domestic jurisdiction (Article 2.7) given that the conflict is between a Sovereign State and one of its embedded systems.

However, the concurrent points are that the demand for secession by definition is a matter for UN decision making and a matter of domestic jurisdiction. In this regard, what the UN Charter provides in Article 33.1 is that ‘The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice’. It is in the event of the lack of domestic resolution, which may be aided by others, that the secession claim gains strength under what is more extensively provided for in Chapters VI to VIII of the UN Charter.

In cybernetic terms, the UN monitors the homeostatic relationship between the Member State and its disgruntled embedded system/s or the relationship between Member States. What the UN is looking for is whether peace and equal rights prevail. If the physiological limits of the variables that comprise this homeostat are operating close to their outer margins, they present as disputing international peace and/or as secessionist claims. If either prevails they indicate to the UN the need for intervention in terms of its charter – which the UN itself or its Member States can initiate via the UN – refer Chapters VI and VII of the UN Charter.

In the case of Sri Lanka, the threat of secession and war within the State clearly indicates the physiological limits are being disturbed. This opens the prerequisite question of whether adequate expression has been given to resolving the conflict internally.

The argument of Chapters Three and Four is that this is not the case on many frontiers in Sri Lanka. Notable amongst these is that at the peace table the negotiations pertaining to matters of internal self-determination have been fundamentally flawed as talks have been restricted to the warring systems – Sri Lanka, the encompassing system, and the Tamils, one of the embedded systems within Sri Lanka.

The need for Peace Talks negotiation-s to involve the participation of representation of systems as encompassed within three levels of recursion was advocated.

The distinction was made that for internal self-determination negotiations, these triadic levels of recursion comprise the system Sri Lanka (R0), the various race-based community systems (R-1) and those systems embedded within that second layer of recursion (R-2). Two sets of interlocking negotiations were proposed. One set would be between the encompassing system, the State (R0) and its encompassing systems (R-1). The other set would be between each of those embedded systems (R-1) and in turn their embedded systems (R-2). This places the systems belonging to R-1 in the dual role of an autonomous system in its relationship to R0 and as a cohesive system in its relationship to the systems belonging to R-2. This interlocking relationship accommodates the array of embedded systems, provides an avenue for assertions made at 'R0 and systems belonging to R-1' negotiations to be verified and/or contested and even proposed by systems belonging to R-2. This is achieved when the interlocking relationship is employed in a bi-directional iterative and circular manner where in the negotiation process the cohesive requirements shape the autonomous requirements, which in turn serve to shape the cohesive requirements. The other strength is when principles that constitute the system being designed are consistently applied between the cascades of embedded systems. Recall these matters have been more extensively discussed in Chapters Three and Four.

For external self-determination the negotiation involves the recursion levels of the system of Tamils seeking secession (R-1), Sri Lanka (R0) who seeks preservation of its territorial

integrity and for the reasons proposed in this Chapter, the UN (R+1). In the case of external self-determination the UN plays an adjudication role, based on its principles, whether secession is to be granted or not.

Now I want to draw a distinction between internal self-determination negotiations and external self-determination negotiations as they pertain to matters of cohesion.

In external self-determination negotiations the cohesive policies of the UN are themselves not matters for negotiation. Their interpretations are. It is those differing interpretations that the Parent State and aspiring State seek to convey, initially to the five permanent members of the Security Council, so as to convince the meta-system that they comply with the UN's cohesive policies. As the UN's cohesive policies are not matters for negotiation, its embedded Member States are not called into the negotiation process. However, the Member States are called upon to vote on the secession claim and counter-claim based on their interpretations of the cohesive policies and their own strategic interest.

In contrast with internal self-determination negotiations the cohesive policy of the meta-level system, the Sovereign State, is open for negotiation. Indeed it is a vital part of the negotiation for it is the complement of autonomy which is the very point of negotiation - to avert secession and achieve peaceful co-existence. Thus the principles of cohesion need to be re-designed and agreed upon so that the State's identity adapts so as to avert secession and achieve peaceful co-existence amongst its embedded systems. The need to re-design the principles upon which cohesion is premised therefore requires that the full array of embedded systems participate to negotiate the principles and the way in which the principles are to be designed and achieved.

Part II of this chapter proposes a protocol for internal self-determination negotiations which is capable of handling variety in terms of the multiplicity of systems, who represents those systems, and the plethora of content issues that pertain to internal self-determination. In this regard, the content will pertain to more than resolution of the conflict as there are other matters, some of crisis proportion, that interact with the principles upon which peaceful co-existence is premised. These too along with weak signals (discussed in Chapter Four) need to be addressed as part of the negotiations.

5.1.3 Positioning for Pre-Talks Negotiations

This thesis has straddled generic considerations and the contextualised situation of Sri Lanka. It is now time to provide a contextualised answer to what has so far proven an undecidable proposition between the right of preserving territorial integrity of a Sovereign State and the right to self-determination in the face of discriminatory privileges accorded to certain communities.

Historically, amongst the most notable of these privileges was the massive economic, cultural and educational advantage bestowed by the Sinhala Only Act which was exercisable due to the majority decision making power of the Sinhalese despite the 1947 Constitution's section 29 anti-discriminatory provision. Conceptually, this same discriminatory trend is evidenced in the ISGA proposal by the LTTE when they specified that the LTTE hold an absolute majority of appointees in the composition of the ISGA (clause 2.3.a) despite the anti-discriminatory provision as stated in clause 6. Later the principle of fairness begins to be conceptually evidenced in P-TOMS via the need for two-thirds majority voting when minority groups are disadvantaged – refer clause 6.3.e.iii. However this does not apply if the disadvantage applies to a majority group who presumably is not the Tamils as an LTTE appointee must be the Chairman and enjoys the casting vote in times of a tie (Clause 6.3.ii).

As mentioned earlier, undecidable propositions are the product of the framework of logic applied. This is why a meta-level logic capable of absorbing the residual variety and thus resolving the proposition is sought. The threat of secession also shows that cohesive restraint affecting autonomy of embedded systems will be accepted if the affected embedded system benefits from belonging to the encompassing system. Else the embedded system will seek a way out.

Having found a meta-level system that provides a valuable reason for belonging, its meta-level logic becomes attractive to abide by. This attraction however needs to apply to all parties affected by the undecidable proposition. Like a game of chess, it may also take many moves in conceptual thought to figure out the attraction and/or repulsion. Having

done so, conceptual reflection will serve to inform how earlier moves must be played so as to gain the benefits sought.

In the context of Sri Lanka's conflict the question is – who should be undertaking these design considerations and who should those designers be positioning with in order to gain acceptance of the design under which negotiations will take place? My proposition is that design is part of the facilitator's role. The facilitator, or by whatever other preferred title, is an entity distinct from the negotiating parties. The facilitator not only facilitates the agreement of the stakeholders to negotiate and facilitates the talks, but importantly facilitates the negotiation of the design of the negotiations.

This implies that the facilitator needs to start with a variety of designs for negotiations that offer the capability of absorbing the residual variety of the undecidable proposition. Such a starting design has been proposed in this thesis, which opens the question - what minimally does the facilitator need to do (or not do) which will also serve to inform of the type of facilitator sought for future phases of negotiations? 'Starting' is stated because the design of the negotiation is a matter for the primary stakeholders to decide.

Much is already known about what is involved with facilitation based on the experience gained from designing the various Peace Talks, and as discussed in Chapters Three and Four the diagnosis and Peace Talks design proposals. I now want to focus on the design and facilitation of Pre-Talks negotiations – the negotiations of the design of the negotiations.

Facilitating for 'Pre Talk Negotiations' to occur requires that the system (the UN, Sri Lanka and the Tamils) be approached to present and discuss the type of reasoning that has been presented in this thesis. Needing particular amplification is the proposal that internal self-determination negotiations be informed by the meta-level logic of the UN's criteria for recognition of external self-determination, which is amongst the contingencies (war being another) if internal self-determination talks fail to achieve agreement on the design of peaceful co-existence. To date, each of the opposing protagonists have argued their rights based on the UN Charter. The existing Parent State premises its argument on the right of preserving its territorial integrity and that the conflict being amongst its own citizens makes

it a matter within its own domestic jurisdiction. The Tamils premise their argument on the right of self-determination of peoples in the absence of equal rights. Yet despite the recurring theme of war and failed Peace Talks negotiations, the threat of secession has to date not been formally applied and claimed for at the UN. This has the effect of keeping the Tamil threat of secession beyond the reach of the UN because the Tamil system involved in the conflict is per se not a Member State.

In a bid to absorb residual variety the proposal is to give expression to that threat of secession and understand what it takes for that threat to be realised in terms of separation and to use that meta-level logic to provide/underpin the basis of internal self-determination negotiations. For this to succeed it depends on the duality of the tension of territorial integrity and self-determination as it gives each opposing protagonist the incentive to prove the extent of their compliance with the principle of equal rights. When secession is formally applied for, the UN (commencing with the five permanent Member States of the Security Council) is called upon to decide in favour of the Parent State or secessionist based on who evidences greater compliance with the principle of equal rights, amongst other considerations. This compliance with the principle of equal rights is likely to be considered not just at a moment in time. Rather it spans a length of time, covering the past in terms of legislation and implementation, and conceptually into the future based on propositions accepted and declined which therefore includes the phase of internal self-determination negotiations.

Based on ISO 3166 listing which is the usual gateway into the international interoperability systems, the incentive for the secessionist to comply with the UN meta-level logic of the principle of equal rights has already been discussed. Once the facilitator has brought home the significance of this leverage point and it has been accepted by the designers of the secessionist system, it acts as a compelling force to draw in the Parent State to vie for greater compliance with the UN's principle of equal rights. Whilst this too has been discussed, there are two aspects that still require addressing. Firstly, can the five permanent members¹¹⁶ of the UN be involved in the dispute resolution given the absence of

¹¹⁶ Whilst the permanent members comprise an East West combination, it may well be that a different array of Member States drawn from the totality of UN Member States may be preferred. However, better variety

a formal secession claim and secondly what happens if the Parent State and/or secessionist superficially participate and thus effectively sabotage internal self-determination negotiations? These two questions are considered next and addressed in 5.1.3.1 and 5.1.3.2 respectively.

5.1.3.1 Monitoring and Guidance by Permanent Members of Security Council

Chapter VI in conjuncture with Article 11 and 12 of the UN Charter provides avenues for the Security Council to be involved in monitoring and guiding the negotiations process of the opposing protagonists. A matter for consideration is the status of the aspiring secessionist who is not a UN Member State. Article 35.2 provides for a State which is not a Member of the UN to bring disputes to the attention of the Security Council or General Assembly, if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement. This opens the question of whether the secessionist is a State and who gets to attribute identity (a cybernetic discussion concerning matters of identity was presented in Chapter Three). The Security Council under Article 34 is also given rights of investigation of any dispute which might lead to international friction or endanger the maintenance of international peace and security. Article 35.1 also gives any Member State the right to bring any dispute or situation to the notice of the Security Council. The opportunity that Article 34 and 35 affords is discussed ahead in 5.3.1.1.1

Thus the facilitator, particularly if a Member State of the UN, has many facilitatory avenues to gain the support of the Security Council to help resolve the conflict. In this proposal, it includes the Security Council monitoring and guiding internal self-determination negotiations, particularly as such internal self-determination negotiations are a prelude which is evaluated as part of the history of claim and counter-claim concerning external self-determination.

In variety absorption terms participation of the five permanent Member States of the Security Council is sufficient to provide the monitoring and guidance role during the internal self-determination negotiations. It is vital to realise here that in opening up these

absorption is achieved with the permanent members as the sensitivity of their veto power is given a chance to be sensed.

channels of communication, the role of monitoring and guidance played by the five permanent members is in their individual capacities and can be performed in their international diplomatic capacity, much like the Sri Lankan Co-chairs of the Tokyo Donor Conference¹¹⁷ (USA, EU, Japan and Norway) perform. To the Parent State and aspiring secessionist however, they present as channels to less formally interact with the members of the Security Council who carry veto and majority decision making powers. The details and implications of this were discussed in Chapter Three.

The ideal is to gain monitoring and support by the five permanent members in their capacity as members of the UN Security Council (Russia, China, USA, UK and France). They serve as the meta-level guiding the negotiations process of Pre-Talks negotiations (between the Parent State and aspiring secessionist), which in turn circularly guides the Peace Talks negotiations (between the Sovereign State and all its embedded systems) and in turn circularly guides the negotiations involving their embedded systems and their next lower level of recursion.

Some important cybernetic distinctions this inter-linked design of internal self-determination negotiations is aiming to achieve are:

- a) Moving away from linear linkage of negotiation to circularly linked negotiations. To date, it appears the UN is called in when other avenues like war and internal self-determination talks have failed. Here, however, the UN meta-level logic is built-in to inform the inter-linked circularity of internal self-determination negotiations, which valuably covers talks as well as war.
- b) The UN meta-level does not negotiate with, although it is influenced by, the lower level negotiations. The UN seeks to support by influencing the negotiations to abide by its meta-level logic of the principle of equal rights. It monitors the results of the negotiations in terms of the improvement of international peace and respect for sovereign borders, which includes as in this case demands for secession. Neither does the UN adjudicate during the phase of internal self-determination negotiations. It lets its cohesive policy be known,

¹¹⁷ This is usually classed as the only international mechanism solely dedicated to peace in Sri Lanka.

gives autonomy to its embedded systems to carry out their variety absorbing work, and monitors its adherence. The results of this monitoring are given the opportunity to be conveyed to the embedded systems, in this instance the Parent State and aspiring secessionist, so that the embedded systems can incorporate the feedback as appropriate into their future manoeuvres.

- c) Linkage of monitoring results so they have a better chance to invoke feedback correction. With UN monitoring, feedback correction is enticed because of the mandatory/monopoly variety capability of international interoperability that ISO 3166 affords to the secessionist and the risk of loss of territory to the Parent State if the UN decides in favour of the secessionist. Current monitoring by the SLMM does not enjoy this ability to entice correction by the offending parties. Associating the SLMM results with the UN would give SLMM the teeth it requires. Another way is to include within the composition of the SLMM, permanent member/s of the UN Security Council.
- d) Positioning the UN so its channel of recursive inter-linkage is activated and its meta-level logic is positioned to inform cascades of internal self-determination negotiations. In other words, ultrastability features are built into the design of the negotiation process of internal self-determination.

5.1.3.2 Sabotage of Internal Self-Determination Negotiations

Having linked the internal self-determination negotiations to the UN meta-level system in two ways, this presents as a lesser problem than has been the case so far. Currently, the UN is positioned in linear ‘one step at a time’ mode. Consequently, the UN’s ethos is not necessarily positioned to influence the internal self-determination negotiations. It is left to each opposing protagonist to interpret and factor in the UN’s ethos in the way it so desires.

Intrinsic to the proposal made here is that the UN monitors and guides the internal self-determination negotiations with its principle of equal rights. In the event of failure of the internal self-determination negotiations then the UN can be called upon to adjudicate on the matter of recognising external self-determination and the borders that result. In arriving at that decision it will factor in whether sabotage has been part of the reason for the failure

of negotiations to produce resolution of the conflict. If so, it has the option to reflect in its decision a penalty factor against the saboteur. Note here, it is the history of sabotage that is reviewed and both sides are likely to have committed the offence.

It is hoped that UN monitoring of sabotage during internal self-determination negotiations and the awareness of the risk of saboteur penalties should external self-determination claims be lodged is sufficient incentive to avoid internal self-determination sabotage and induce self correction. It must however be admitted that the variety here is massive as the sabotage could be from within embedded systems and not directly by the aspiring-state or Parent State. In this regard, much depends on whether the embedded systems understand and appreciate the significance of the ‘mandatory/monopoly’ and ‘risk of territorial loss’ issue. This is particularly important given that –

Pape makes clear that at the strategic level, suicide terrorism exerts coercive power against democratic states to cease occupation of territory, which terrorists consider to be their homeland, while at the social level, it is shown to depend on mass support and at the individual level, on altruism. In addition, suicide terrorist organisations are shown to be better positioned than other terrorist groups to 'heighten expectations of escalating future costs by deliberately violating norms in the use of violence. They can do this by crossing thresholds of damage, by breaching taboos concerning legitimate targets and by broadening recruitment to confound expectations about limits on the number of possible targets.' (Rupersinghe, 2007)

Thus it is critical that systems belonging to the lower levels of recursion understand the meta-level effects of their actions in terms of the overall objective that the protagonists seek.

5.1.4 Agreement on Pre-Talks by Protagonists

It is proposed the negotiation for ‘Pre-Talks negotiations concerning the design of Peace Talks negotiations’ be influenced by the meta-level logic of the UN’s principle of equal rights. Let us call this a ‘meta-level negotiation’ as its purpose is to agree upon the processes that appertain to negotiation.

It is proposed this meta-level negotiation be facilitated to occur between the Parent State and the aspiring secessionist system. This is because if secession is applied for, it is those

two systems that will present their claims and counter-claims to the UN. Therefore, cascading downwards it is these two systems that are called upon to design the principles and processes under which internal self-determination negotiations will be conducted. This is because if it fails it is these two systems that negotiate their positions with the UN. However, as discussed in Chapter Three there is a fundamental difference in external self-determination compared to internal self-determination. In the case of the former, the act of separation severs the need to address cohesive issues in the context of each other. In contrast, internal self-determination requires that a balance be achieved between cohesion and autonomy which interaction means those affected must participate in the design of that balance.

The proposal in this thesis, as discussed in Chapters Three and Chapters Four, is that autonomy be exercised by the embedded systems to design the cohesive constraints of the meta-level system to which they belong. Here is where we encounter the first of the major decisions – namely, the capacity in which each system negotiates in the context of internal self-determination. Recall the extensive discussion of Chapter Three where the question was posed as to who the GoSL represented given the way it was positioned in the 2002-2003 Peace Talks, ISGA, P-TOMS, etc. This is not just a semantic issue. It pertains to the very heart of recognising a system's predisposition towards matters of cohesion and autonomy. Quoting from Chapter Three, 'In VSM terms, whether a system gravitates to seeking cohesion or autonomy depends on the position the system occupies within a level of recursion. Thus the design and implementation of peace negotiation processes need to be aware when bringing together negotiating systems, which systems are predisposed to negotiate which part of the equation and to ensure sufficient variety is pumped in by each side of the equation so that requisite variety is given a chance to be achieved.'

The reasoning for triadic based recursion level negotiations is so that cohesion, autonomy and verification are provided with avenues for communication. Implicit within this is that the embedded recursion levels comprise multiple systems and thus entail negotiations between more than two parties. In this regard it minimally involves three systems – the encompassing system and at least two recursive levels of embedded systems. The other important reasoning for triadic based recursion level negotiations is that they generate a way to overcome deadlock if the residual variety is linked to the appropriate meta-level

logic. Also by positioning the recursion layer seeking autonomy (R-1) also as a layer of cohesion to its embedded systems, the autonomous demands of R-1 become contestable by R-2 and verifiable by R0 whilst giving R-1 the experience to understand the value of applying consistent principles. The cohesive principles R-1 applies to its relationship with its R-2 systems should be consistent with the cohesive principles it asks for from its R0 relationship.

A point of VSM clarity is appropriate here. Cohesion and autonomy do belong to one level of recursion which comprises a system (R0) and its embedded S1s. It is these S1s which I refer to as belonging to the next lower level of recursion (these are the multiple systems which comprise R-1). The meta-level logic comes from a meta-level layer of recursion (R+1). In the case of the UN, some may argue it is many layers higher than R+1 if one was to interpose regional layers of recursion. This too is correct for it depends on the boundaries and identities of the systems defined.

In the context of a meta-level logic being positioned to inform the triadic based (so far deadlocked) internal self-determination negotiations, it means a fourth layer of recursion needs to be added so that the highest level of recursion of the triadic set has a meta-level logic it can access. By doing so, this concurrently connects internal self-determination with its contingency of external self-determination and offers the opportunity to keep the latter criteria in focus as internal self-determination negotiations are undertaken.

Thus, the proposal for negotiations is as follows:

Meta-Level Negotiations

These negotiations involve the participation from the triadic recursion levels comprising:

- Representation from the aspiring secessionist Tamils (R-1),
- GoSL representing Sri Lanka the Parent State (R0),
- Representation by the 5 permanent members of the UN Security Council (R+1)

The objective is to agree on the starting position of the broad parameters of internal self-determination negotiations. One consideration here is the high level principles it stands for

both in terms of content and process which includes verification, and the type of negotiation modalities it will use to architect those principles. Agreement is critical regarding the systems that comprise the layers of recursion and the way of identifying who will represent those systems at the negotiations. One would expect the broad statement of principles to be of the calibre that lends itself for use by others thereby evidencing equality/fairness. In Chapter Three (3.1.6) it was proposed the minimum requirements that the ‘design of the negotiation processes’ will need to cater for were:

- Balancing autonomy and cohesion,
- Establishing and sustaining the three aspects of the channels of communication,
- Error control feedback systems which require monitoring and correction processes which include criteria specification,
- Homeostasis, and
- Embedment of systems within other systems which thus entails recognition of multiple stakeholders.

The representatives of the UN Security Council play an overseeing role to alert the aspiring secessionist and Parent State when the principles of equal rights and peace are being flouted in the internal self-determination design process which is being negotiated and agreed upon.

The facilitator is the backbone in initiating this type of negotiation which will most likely be informal, and could well run in parallel with war or a lull in attacks. This meta-level negotiation would then result in the facilitator being endorsed by the meta-level negotiators as the facilitator, or appointing some other to take on that primary role.

a) Pre-Talks Negotiations – Design of the Process of Negotiations

Given the parameters of the meta-level agreement to enter into internal self-determination negotiations the objective here is to negotiate and agree upon the design of the negotiation processes that will be employed for Peace Talks Negotiations. The design of the process of the portfolio of negotiations has to be capable of absorbing the variety of content that the various negotiations need to address. The designers therefore require a healthy awareness of the content that will need to be addressed. However, the primary purpose of the

thinking, negotiating and agreement pertains to matters of design of the negotiation/s processes. Monitoring and feedback are important particularly if the negotiations entail more than a single episode of negotiation. That is, they need to be bi-directionally linked in their build-up and interrelated across various themes that the portfolio of negotiations undertakes.

Those called upon to participate in these Pre-Talks negotiations are those seeking cohesion and autonomy. Minimally therefore this must include representation from the State (R0) and each of its embedded systems (R-1). This has the value of positioning the State to negotiate for its cohesive requirements and not collapse to negotiate on behalf of absent embedded systems. It also gives clarity to the supervening character of the State and contributes to reducing it being perceived as dominated by its dominating embedded system.

Ideally participation should also include representatives from a broad spectrum of systems belonging to the next layer of recursive systems (R-2). This way duality of designing for a system (e.g. belonging to – R1) that is being called upon to be autonomous and cohesive is experienced. I say ‘ideally’ because the identity of the systems belonging to R-2 may be a matter for negotiation and agreement at these Pre-Talks negotiations. Having acknowledged this, the need to come to terms with variety prompts one to suggest that greater value will be had from including representation from systems in what is perceived to be R-2 and the results of the Pre-Talks may either ratify or nominate some other.

A distinction could be made between designing process negotiations pertaining to the ‘transition to peace’ compared to negotiations pertaining to matters of ‘peaceful co-existence’. One would however expect that at some juncture these two negotiations would need to coalesce or dovetail.

b) Peace Talks Negotiations

There are two interrelated parts to these negotiations and it is vital that the two parts be exercised and that they interrelate. The objective of this set of negotiation series pertains to content issues and matters of governance.

The first pertains to negotiations between the State (R0), whose focus is matters of cohesion, and each and every one of the embedded systems within the next level of recursion (R-1), whose focus gravitates to autonomy. The compelling question that needs to be addressed is the design of the balance between cohesion to preserve territorial integrity and autonomy to avert secession. There may also be a subset of negotiations where embedded systems may opt for additional negotiations with one or more of its peer systems (the squiggly line connect of S1s in the VSM).

As mentioned previously the importance of the full set of embedded systems participating in the negotiations is that it overcomes the need for the supervening system to collapse to represent the missing embedded systems. It also helps reduce the dominance of the dominant embedded system/s by each system having the opportunity to pump in their variety and by so doing act to absorb each others' variety.

The second set of negotiations pertains to each system within R-1 negotiating with its embedded systems (R-2). The objective of each of these negotiations is that assertions made at the higher level of recursion can be verified in terms of acceptability at this negotiation. It also provides the avenue for this level of recursion to surface and negotiate for its content needs and to negotiate the type of autonomy it seeks in the context of the cohesive requirements that its meta-level seeks to negotiate.

To interrelate these two sets of negotiations, they need to be bi-directionally linked so that each informs the other of its outcomes of negotiations and the other signals its acceptance or otherwise. In the latter case, particularly when it pertains to substantive matters, then negotiations need to be re-opened/continued.

There might also be need for subject matters experts to join the negotiations process or give advice to the political negotiators as politicians may not have the required skills and experience. In this regard, it is valuable to make a distinction between designing solutions and approving solutions. The latter may be the preserve of politicians or people via a referendum. The former requires people with experience and skills in designing systems, particularly given the complexity, particularly compounded by the interrelatedness of the content that needs to be addressed.

Recapitulation

The power of the 'UN-ISO 3166-international interchange system' relationship, initially discussed in Chapter Three, lies in its meta-level logic capability to absorb residual variety. Without it the question of secession versus the integrity of sovereign territorial borders stays as an undecidable proposition - as evidenced by the war and stalemate in negotiations. Applying international embargoes or carrots is inadequate as a meta-level logic to absorb the residual variety. This is because one or other of the conflicting sides can circumvent the international carrot or stick due to the availability of alternatives as regards requirement/s or the way of achieving them. These embargoes or incentives, besides being financial and legal, can be economic, political and military.

The UN/ISO 3166 works because ISO 3166 is a mandatory pre-requisite in order to gain entry into the mandatory international interchange systems which a Sovereign State requires in order to be viable and participate in the international arena. Here I mean the need for example for a country code to be used to join the international postal, telephone, banking, aviation systems, etc.

The UN is the monopoly body that populates ISO 3166. When the UN recognises a State as part of the procedure it gains ISO 3166 listing. This then acts as the authenticator that signals a country is the country it says it is.

If the aspiring secessionist Tamils want secession they require this UN recognition. In order to earn it they must comply with the UN ethos, which is built on the principle of peace and equal rights. These principles present as having the capability to provide the requisite variety so as to answer the question of whether preserving territorial integrity of Sri Lanka or recognition of secession is to prevail. It is in the UN's power to recognise a new State that draws in secessionists and consequently the Parent State to comply with the UN's ethos. If the Parent State fails this test, then it pays the price of erosion of its territorial borders.

This is the risk the Parent State has to factor into its negotiations and thus influences the extent and way it crafts its cohesive restraints on the autonomy of its embedded systems.

The embedded system seeking cohesion also needs to position itself to portray equal rights in its negotiations. Here are multiple homeostats all vying for balance which carve out the solution space - initially pertaining to internal self-determination and if it fails then to external self-determination.

In the case of external self-determination the equality principle needs to be applied by the secessionist on many fronts. If it evidences this principle in its manner of governing its embedded systems and if non-equality is evidenced in the results of internal self-determination negotiations then a prima facie case has been justified for external self-determination. That is, the Parent State has failed to legislate and enact the principle of equal rights. This still leaves questions of borders, movement of populations etc to be resolved.

The important point of this exploration is that it shows to the Parent State a way of avoiding secession. Namely, grant and enact the principle of equal rights. If this is done, there is no basis for a claim for secession. It is this amplification of reasoning that re-opens the possibility of internal self-determination negotiations. It is this that the five permanent members of the UN need to convey to the conflicting parties. This applies equally to the aspiring secessionist. Evidence this principle of equal rights in the manner that the de-facto state is being governed and in the governance proposition under which the seceded State will be governed. It is the strength of this principle in its application to the opposing protagonist that holds hope for internal self-determination negotiations to resolve the impasse and work out a way to achieve peaceful co-existence and preserve territorial integrity.

Cybernetically, the critical realisation of this exploration of content is that when looking for meta-level logic with the capacity to absorb residual variety, you know you have found a nugget when the REQUIREMENT is MANDATORY and the way of ACHIEVING it is via a MONOPOLY. The question then becomes - do the compliance conditions of the monopoly have the requisite variety to absorb the particular residual variety that feeds the crisis?

The value of this triadic meta-logic is that it can be employed for devolution negotiations too - meaning between the State and its embedded entities. This is not done in the thesis but certainly needs to be done so that what needs to be amplified is known. The search is not just for the 'mandatory requirement and monopoly way of achievement' but also for a meta-logic that has the capacity to absorb the type of residual variety. It is that meta-logic that has to be amplified. In the case of the UN that meta-logic was the principle of equal rights.

The question in my thesis is whether those three aspects in terms of context are correct. By this I mean - does the UN hold the monopoly on populating ISO 3166, is UN recognition the only way into at least one of the international interchange system, and is at least one of the international interchange systems a mandatory requirement for a State's viability? So far all my research has indicated this to be so. The other question is - does the principle of equal rights have sufficient variety to guide a solution to Sri Lanka's conflict? This will be tested in the negotiations. In order to engage that variety, wide participation in negotiations is sought and thus in Part II Team Syntegrity® is proposed as the primary negotiation protocol for designing solutions.

Part II – Internal Self-Determination ‘Negotiation Process’ Requirements

There are two principal negotiation process requirements for internal self-determination Peace Talks. Firstly, the negotiation protocol needs to have the capacity to accommodate more than two parties. This is because cohesion and autonomy are integral counterparts to each other, and they both need to be designed collaboratively by the systems belonging to both sides of the homeostat¹¹⁸ so that the terms of cohesion and autonomy under which their identities cohere is agreed upon. Secondly, there is an enormous amount of content that needs to be negotiated in terms of subject areas and manner of governance, which

¹¹⁸ The (autonomous) systems embedded within the (cohesive) encompassing system by default must comprise two or more systems. If not, the cohesive and autonomous system would be one and the same.

themselves interrelate on both counts¹¹⁹. This calls for a diversity of mind-sets to be involved in the negotiations so as to give expression to this content and by doing so acts to absorb each other's content. The variety that remains unabsorbed is what the solution is called upon to address and whose design needs to heed the significance of the interrelationships of the content.

This calls for what might be termed large group intervention processes so as to diagnose the critical issues and identify the solution space within which remedies can be pragmatically proposed. If given the opportunity these issues will almost inevitably be addressed from a wider amalgam of crises than just the ethnic conflict. Many surmise such enormity is too great to handle due to the complexity and range of issues that would surface and opt for compartmentalization into manageable chunks. However, the price of 'manageable chunking' is that we lose sight of the interactions between the 'chunks' and we trap ourselves into the artificiality of prioritisation. Yet the reality is that the crises inexorably and disastrously interact.

5.2.2 Search for a Negotiations Process

The search is for a process which can withstand and non-hierarchically integrate, or at least less hierarchically integrate, the discussion of the variety of sub-systems that interact to produce the kind of crises experienced. If we admit to this reality and recognise the need to deepen our understanding of the patterns and interactions of these crises, it invites the realisation that the requirement is for processes capable of accommodating the variety and depth of issues requiring diagnosis.

Yet the traditional modes of meetings, conferences or workshops are structurally hampered to absorb the diversity and coherence that is needed. For example, with meetings, as appears to be the format used at the 2002-2003 Peace Talks, its protocol requires that agenda be pre-set, which poses the question - by whom? This agenda then acts to confine the exploration of discussions and negotiations to these pre-set boundaries. Additionally,

¹¹⁹ Such relates to the interrelationship between various matters of content. Also, there is the interrelationship between subject areas and the manner of governance applied to those subjects.

the nature of the protocol of meetings is that it moves from one agenda item to another thus trapping itself into a serialized mode where whilst it is possible for previous agenda discussions to influence agenda items after it, the reverse is precluded. Therefore, comprehensive coherence if it is achieved is more by happenstance than by design.

Certainly there are many large group interventions processes. Some of these are discussed in the UK publication *Participation Works* and another source is the USA book descriptively titled *Large Group Interventions*. Amongst these are such processes as *Interactive Strategic Planning*, *Future Search*, *Open Space Technology*, and *Citizens Juries*. Briefly overviewed are two of these processes.

a) Interactive Strategic Planning

It's a two to three day process bringing together 100 to 2300 people. The approach was developed by Danneiller and is built on the formula:

$$\textit{Dissatisfaction} \times \textit{Vision} \times \textit{First Steps} > \textit{Resistance to Change}$$

Rouda explains –

This means that three components must all be present to overcome the resistance to change in an organization: *Dissatisfaction* with the present situation, a *Vision* of what is possible in the future, and achievable *First steps* towards reaching this vision. If any of the three is zero or near zero, the product will also be zero or near zero and the resistance to change will dominate. The purposes of these OD (organizational development) interventions are to bring approaches to the organization that will enable these three components to surface so that the process of change can begin. (Rouda, 1995)

b) Citizens Jury

This is a process where citizens, around 18-24 in number, serve as a microcosm of the public to address an issue. Over a passage of four to five days they discuss and hear from various subject matter experts as is relevant to the issue under consideration and then deliberate together on the issue to arrive at recommendations. These are then presented to the public or decision makers.

Leonard says –

If understanding technical information is part of the picture, the tightly integrated teams in a Syntegration might not be as useful. *Future Search* is one process where people meet according to community or professional groups for some sessions and integrate

their perspectives at the end. In the Citizens' Jury format, jurors are selected to be representative of the affected community on the basis of age, gender, employment status and so on. They hear presentations and ask questions of experts in the specialities affecting their decisions. The distinction here has to do with whether the tangible and technical information such experts bring is best mixed into the general discussion or dealt with separately. (Leonard, n.d.)

With large group interventions it is relevant to point out that there are some commonly applied processes which admit of large numbers. The most obvious is broadcasts where the communication is unidirectional. This happens with for example, TV, radio, political rallies where the head table is afforded the airplay to talk to its audience and in that sense negotiate a position. Another variant is what is aptly described as 'hub and spoke communications'. Here the audience (spoke) is invited to dialogue with the head table (the hub) and in this sense via what the head table will entertain the audience communicates amongst itself (refer Figure 20 which is a few figures ahead).

Thus, the search is more than for large group interventions and the obvious statistical avoidance of skew of participant representation. The search is for the individual component of large group interventions, whether people or topics, to interact with and be informed by each other. In the absence of such, a protagonist is afforded the opportunity to take an intransigent position on a particular subject and solution they propose. Likewise, if a subject (or topic) is not informed by the nature of its effect on other subjects, the design of the solution is prone to be at the expense of some other subject, or where it is unavoidable little is done to manage the downside of the imposition. Lastly, if accommodating the large group, whether it pertains to people and/or topics, is done in a manner of discrete events then the design of the process needs a way of achieving connectivity between these discrete events.

Of the negotiations processes researched the only process that meets these criteria by way of the design of its structure, rather than by happenstance is Team Syntegrity®.

5.2.3 A Non-Hierarchically Based Negotiations Process

Team Syntegrity® more commonly referred to as a Syntegration is a structured group process which combines the strength of a tightly interconnected structure whilst accommodating the free flow of content. Applying certain of its geometrical features, the structure lends itself for participant numbers to expand from 30 upwards and contract to as few as six.

Team Syntegrity® is a protocol developed by the inventor of management cybernetics Prof. Stafford Beer. It was motivated by the need to balance the VSM S3-S4 homeostat - to address the tension between 'here and now' and 'there and then' thinking and to plan a dovetailed transition where needed. The manner of its design seeks to optimize effective information exchange and integrate various points of view. Like many group processes it depends upon the involvement and commitment of participants to share their explicit and tacit knowledge and to apply their resultant new knowledge to design feasible solutions.

5.2.3.1 How Team Syntegrity® Works

A Syntegration opens not with an agenda of topics but with a broadly stated question or statement, reflective of the matter that the participants have been asked or seek to address. Participant selection, like the opening question, is a matter for the organizer or sponsor/s of the Syntegration to choose. However, unlike the opening question whose scope can be altered once the participants have gained a grasp of the issue at hand, participants are fixed for the duration of the Syntegration. Therefore, appropriate participant selection is vital to the success of a Syntegration. Besides avoiding a skew amongst the 30 participants, the objective is to select those who have knowledge, experience and expertise of the way the current system operates from various perspectives and to choose those that have a thinking of future requirements and ways of achieving it.

The Syntegration event, which runs over five days, preferably under residential conditions, is a facilitated process. The event itself begins with all the assembled participants being invited to address the opening question and write their responses on adhesive notes. This

may take the form of questions, solutions, clarification, addition or subtraction or amendment to the opening question/statement. This collective of individual brainstorm captured on adhesive notes are then displayed on walls for all to see and discuss. This forms the basis for expanding one's perspective on the issue.

Participants are then invited to cluster the adhesive note responses into topics. From the chaos of responses that would have been generated, an order begins to appear through the clustering process and what would conventionally be called an agenda begins to be prospected. This is further refined by the clustered topics being clarified and sometimes rephrased into consolidated (or divided) clusters. The net result of this part of the process is that the participants define their own agenda by voting for the 12 most important topics that will form the basis of detailed deliberations during the remainder of the Syntegration event. Note, the contents of adhesive notes that do not make it into clustered topics, whilst appearing to fall by the wayside, still have the potential to be utilized because their embryonic form has reached at least some of the participants, by the very act of deciding to reject it.

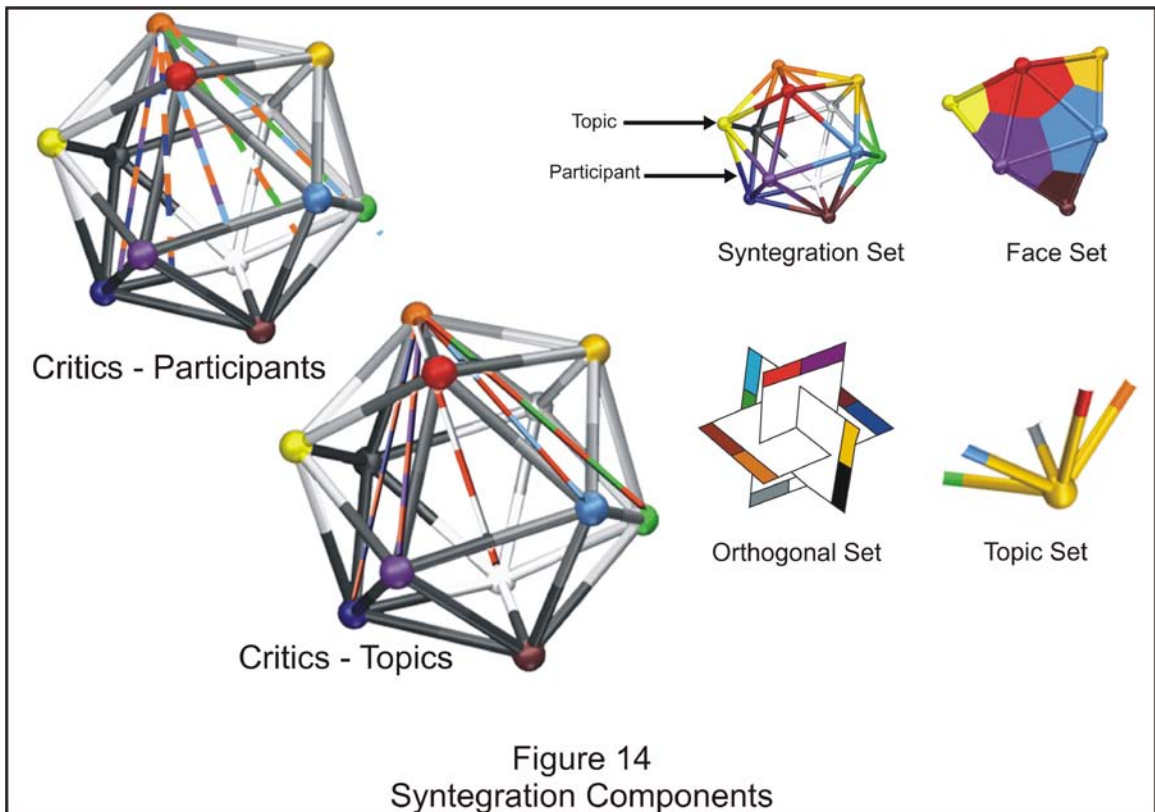
Next each participant ranks their level of interest in a topic and through an optimization process each participant is allocated two topics, which combination is unique to each participant. The allocation of topics and participants is mapped on to an icosahedron. The significance of employing this regular polyhedron¹²⁰ structure is that it is non-hierarchical – meaning it has no single top, bottom or side. Each person is allocated a position on the icosahedron and occupies a unique edge (also known as strut or line) and likewise each topic occupies a unique vertex (also known as node) position.

Each topic forms the basis for a facilitated meeting where the five persons (struts) that abut the topic (node) attend the meeting as team members to address the topic at hand. The meeting is also attended by five critics who, coming from a different perspective, interact to share their views on the topic under discussion. These critics come from the topics that abut the nodes that are two struts removed from the topic under discussion - refer Figure 14

¹²⁰ A regular polyhedron is a many sided geometrical figure with equal length sides and equal angles. The sum of the inner angles of a regular polyhedron equals 180° degrees.

Consequently, in a Syntegration each topic is informed by 10 of the possible 11 remaining topics.

The meeting process is iterative in that once all twelve topics have been discussed the cycle of meetings is repeated twice over. This iterative design means a topic is offered the opportunity, by virtue of each participant's double-topic involvement, to be informed by other topics that were discussed after it. At the conclusion of each meeting, the participants summarize the meetings results in written form and it is posted for comment. At the end of each full cycle of twelve meetings a plenary session is held where team members of each topic present their meeting results and other participants are encouraged to provide feedback in various ways.



It is useful to restate this meeting process from a participant perspective to gain a sense of the comprehensive awareness that the Syntegration process is affording the participants and the way it reduces polarization. Each participant is required to attend the topic meetings which relate to the two topics which abut his/her unique strut. At these facilitated meetings the participant in the capacity of team member, is responsible to contribute and discuss the

topic at hand with the objective of understanding and resolving the issues as they pertain to each of those two topics. Each participant is additionally required to attend, in the capacity of critic, two other topic meetings. The role of critic is to convey one's experience of what is happening in their topics as it relates to the topic under discussion and to take back information to their other 'team member/critic' topic meetings from the meeting where they participate as critic. Thus each participant directly participates in four topics - two topics where as team members they seek to get a grip on the issues and address solutions and two topics where they participate as critics. As two topic meetings are held concurrently during each full cycle of the twelve meetings, each participant is free during two meetings times. During these free times they have the opportunity to attend other meetings in the capacity of a silent observer or mill around interacting with those not attending meetings or utilize this free time as they wish.

Every participant through their participation as team member on two topics connects directly with eight other topics through their fellow team members as well as indirectly to the other topics. This feature enables ideas that arise in one setting to reverberate throughout the structure and the meetings. Another invaluable attribute is that when a topic is being discussed at a meeting, ten other topics through their representative participants are concurrently present thus giving the structured meeting the opportunity for those other topics to be concurrently kept in focus.

At the end of three iterations of the full cycle of twelve meetings and plenary sessions, the faces of the icosahedron can be used for planning purposes. These faces, interlocked by common struts, help towards planning not being at the expense of other topics. Each of the 20 face planning meetings is attended by the three participants who occupy the struts pertaining to a face. Two cycles of iterative face planning meetings work to ensure that earlier face planning meetings (comprising three topics) are informed by the thinking of more latterly conducted face planning meetings.

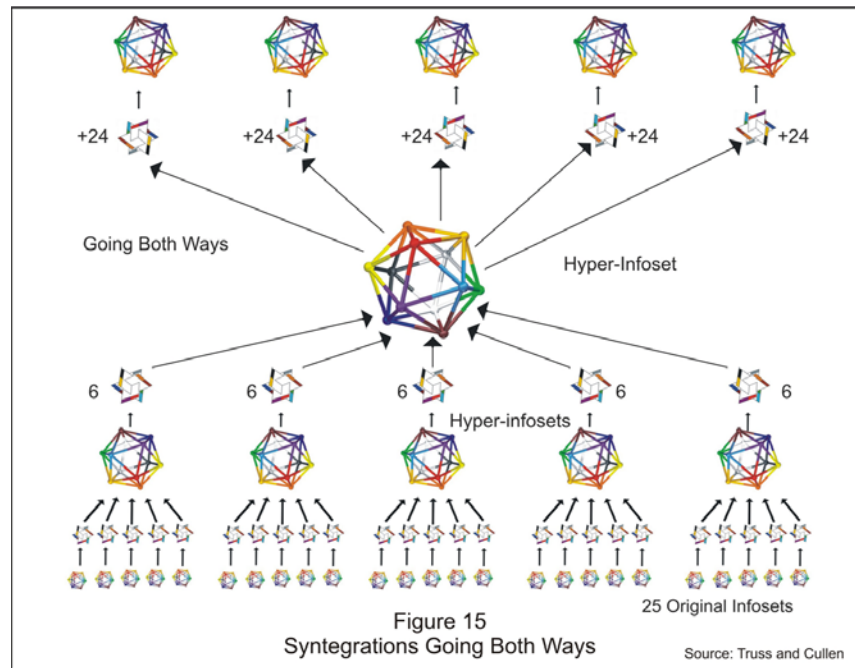
Team Syntegrity® primarily utilizes a verbal, as distinct from written, communication medium. Thus it relies on the participants' verbal communication skills. Being a very dynamic process it also relies on the preparation and on-the-spot thinking capacity of the participants. What it also means is that if the participants speak and/or write different

languages, then translators in real-time mode are essential. Whilst the need for translation catering for a multi-lingual audience is not unique to Team Syntegrity®, the dynamics of the logistics of translation (both verbal and written) are much more complex due to the short duration of interaction, compared to say the monologue of a speech.

5.2.3.1.1 Linkages beyond a Team Syntegrity® Event

Once a Syntegration is over, the orthogonal combination of six participants has direct coverage, in their capacity as team members, of all twelve topic meetings. There are five of these orthogonal sets which lend themselves to connect one Syntegration to another Syntegration and so on – refer Figure 15.

Additionally, those orthogonal sets can also be used as teams to monitor and audit implementation progress. They would be particularly useful for reviews when plans may need changes. The essential feature relied upon is that the ‘orthogonal comprising team’ in their status as a group comes in with an overall understanding of the relationship between the components that form the whole system. This whole system perspective helps alleviate amendments being designed which are at the detrimental expense of other interacting aspects of the system.



The other opportunity after a Syntegration is that should further exploration of a topic be required, linkage can be achieved utilizing the five team members of that topic to form the core of the detailed exploratory Syntegration to follow. These five team members can then move between what could be described as three sets of Syntegrations, where the third Syntegration is the bi-directional complement that receives input from the detailed exploratory Syntegration – refer Figure 18 further ahead.

Truss has also worked out the sequencing pattern to utilize fewer participants than 30 whilst adhering to the principles of ‘twelve topics’ and ‘multiple-topic participant positioning’. Truss calls these Syntegrations ‘Short Forms’ which accommodate reduced participant numbers of 24, 18, 12 and 6. These and a permutation which is useful for a conference setting are presented in the Truss, et al. article titled ‘The Coherent Architecture of Team Syntegrity®’.

The critical point to realize when opting for reduced participant numbers is its cost in terms of topic variety. This risk of losing variety in terms of content can be overcome by opting for participants who have a breadth and depth of knowledge. Whilst such Short Forms may well hold an attraction for decision making forums, it defeats the purpose when participation and a diversity of views and experiences are sought.

Working in the opposite direction which is particularly relevant for engendering participation is a calculation that Truss and Cullen provide which shows for example that 125 Syntegration events could involve 3,750 participants based on linkage being achieved via the use of orthogonal sets. The important point when working with large participant numbers is the way linkage of the Syntegrations is to be designed so that the coherence of the informational flow is preserved.

The other aspect in any linked Syntegration design is participant availability across the string of linked Syntegrations. One way of overcoming this is through the use of ‘double struts’ or what might be called a ‘shadow participant’. This is where two participants participate as one so that if one leaves the other is there to continue.

Overall as structured as the outline of a Team Syntegrity® event is within a content free fluidity, there are many features requiring design in terms of customization to meet the requirements of the particular reason prompting a Team Syntegrity®. Vital amongst all this is the selection of participants which circularly informs the design for linking of Syntegrations.

Recapitulation

There are many participation processes, some mentioned above, that use brainstorming and clustering to open to a flood of ideas and then to streamline that content. Yet, it is the interlocking characteristic across multiple frontiers that is the invaluable uniqueness and strength of Team Syntegrity®. Whilst there are many cybernetic features like channel capacity and transduction of communications, variety generation and absorption, the one I want to close on is homeostasis.

The design of Team Syntegrity® promotes homeostasis in the context of participants, topics and importantly between Team Syntegration events by the way the structure positions these aspects. It is this latter feature that I want to address and customize in Part III. This is done to cater for the context set out in Part I of this Chapter - namely the triadic

linkage of recursion levels as they pertain to internal self-determination as informed by the meta-level logic of external self-determination.

Part III – Solution Design for Sri Lankan Negotiations

Around the world peace-making is by and large a part-time occupation and the by-product of other activity. In countries embroiled in internal conflict, where Sri Lanka is no exception, vastly more resources are allocated to military thinking and implementation than to non-violent peace negotiation. Yet many argue, as does this thesis, the terms of peace are mostly likely to be the product of inclusive Peace Talks negotiations based on the principle of equality.

This opens the question to - who should be included in the Peace Talks. This has been extensively addressed in the previous chapters. In this Chapter the distinction was made between what was called ‘Meta-Level Negotiations’, ‘Pre-Talks Negotiations – Design of the Process of Negotiations’ and ‘Peace Talks Negotiations’. Also explored was the logic that informs which systems need to participate in those negotiations.

The question to be addressed now is - who should represent those systems in the various negotiations whilst making the distinction between designing solutions and the manner of decision making that approves of the solutions proposed? Here the emphasis is on design.

The other point addressed is a way of resolving the representation issue and to accommodate the plethora of content that needs to be considered. In this regard Collier’s distinction (stated in the context of philosophy) between alleviating the state of affairs and the transformation of structure is a vital consideration that the design of solutions will need to address.

First, there is of course no disparagement of the amelioration of states of affairs. Indeed if it is desirable to transform structures, that is so that states of affairs can be ameliorated. The point is that certain states of affairs cannot be ameliorated within existing structures. ... Second, it should not be denied that some things can be made better without changing the main social structures, and the question which can and which can’t is ultimately an empirical one – thought this does not mean that it can be answered only making the attempt. Depth realism does not by itself tell you where to draw the line between the improvements which can be made without transforming the structure of the state, and the economy, and those which can’t. But the point is that

'shallow realism – actualism that hold, or tacitly assumes, that there are no structures, only state of affairs – can't make the distinction between the two sorts of reform. At the theoretical level, this leads to such ideas as Popper's, that in a Parliamentary democracy any change is possible once the majority supports it. ... At the practical level this actualist assumption leads to the paring down of programmes of reform to small-scale tinkering such as can be achieved without structural change, as if those things that are precluded by the existing structure of society were precluded by laws of nature. (Collier, 1994:10)

Thus, in this final stretch of the thesis a design is proposed which applies the process and architecture that Team Syntegrity® affords. Undoubtedly if the design principles and architecture articulated in this thesis find a resonance in the political environs that matter in Sri Lanka, then there are more aspects that warrant research. Some of these are briefly considered as a finale to this chapter.

5.3.1 Design for a Way Forward to Engage in Negotiations

Given that this thesis advocates the employment of the meta-level logic of the principle of equality as required by the UN let me acknowledge the well known cliché that foreign interference is generally spurned in matters that fall within domestic jurisdiction. However, history evidences a fair share of courting of the foreign community by domestic protagonists which consequently prompts, if not forces, the opposing domestic protagonist/s to respond and participate in that forum so as to absorb the variety. In this regard, the myriad of aspects that helped resolve the conflict in South Africa and more recently Northern Ireland in their bid for resolution have been the cynosure of study in many conflict ridden countries. Both countries heavily utilized the pressure of the international community to help bring the opposing protagonists and those collaterally affected to the negotiating table in order to design the way to resolve their conflicts.

In June 2007, the British High Commissioner in Sri Lanka, Mr. Dominick Chilcott, addressing a panel discussion on the United Kingdom's Peace Building Efforts in Sri Lanka said that the Northern Ireland peace process held many useful lessons for countries suffering from internal conflict. From amongst these very useful lessons, Lesson Four holds particular relevance from a process perspective. Chilcott states some of the features of the process in Northern Ireland that led to the Good Friday Agreement were:-

(a) Inclusivity. In Northern Ireland's case, all political parties and many civil society organisations were present at the talks. So it was as inclusive as possible.

(b) Intensity. Representatives were elected to the talks and paid to attend them. They were full-time, dedicated negotiators to the peace process. The(y) worked every week from Monday to Friday for about two years.

(c) Facilities. A special purpose-built building was used for the talks, with each party having its own offices and secretariat, provided free of charge.

(d) Parity of esteem. Each party had the same number of places at the table and had the same rights to speak. Every party was treated with the same respect, despite the terrible things some had done.

(e) Complexity. The talks were continuous and involved a complex structure of plenary sessions and working groups. The scope of the talks was very comprehensive, covering anything any party wanted to put on the table – prisoners, education, constitutional change, transport, justice, discrimination, human rights, the economy etc. (Chilcott, 2007)

5.3.1.1 Search for Each System's Representative/s for the Various Negotiations

In Chapter Three an extensive diagnosis was presented making a distinction between systems (S1), who represented which system (S1 Management Unit) and in what position in terms of cohesion and autonomy each system was negotiating in a particular context (its recursion level). The diagnosis also extended to addressing the clarity with which the representatives of those systems presented themselves to the other systems.

The muddiness of representatives and the clarity of which system they represent needs to be resolved including finding a representative voice and person/s to represent those systems who have so far been absent at the negotiating table. This is addressed in the context of the various negotiations.

5.3.1.1.1 Meta-Level Negotiations

It was stated earlier that the objective of these negotiations is to agree on the starting position of the broad parameters of Peace Negotiations pertaining to internal self-

determination. This meta-level negotiation involves the participation from the triadic recursion levels comprising:-

- Representation from the aspiring secessionist Tamils (R-1),
- GoSL representing Sri Lanka the Parent State (R0), and
- Representation by the five permanent members of the UN Security Council (R+1) or mutually selected members of the General Assembly.

Given that the LTTE in current terms is the group that has survived to continue to aspire for secession in the event of non-agreeable terms of autonomy it is the most likely contender to represent the Tamils in this particular negotiation. Furthermore, it is the group with the established political-administrative institutions and thus the capability to initiate an Eelam claim with the UN on behalf of the Tamils of Sri Lanka.

Certainly, the GoSL would represent Sri Lanka at these Meta-Level Negotiations. It is also the representative, in the event of internal self-determination negotiations failing to agree on the areas where equal rights prevail, who will counter-claim so as to preserve the territorial integrity of Sri Lanka in the event of a secessionist claim at the UN.

Both these representatives are loaded with firepower and exercise it. Thus any ceasefire agreement minimally must include them but it would be inadequate for Peace Talks to be contained to them. The reasoning for non-exclusivity has been extensively discussed previously.

The more engaging question concerning the UN than its representation is the basis upon which the UN can be drawn into guiding and supporting the Peace Talks. This means the principle under which peaceful co-existence is to be achieved and the way it is to be architected is for the locals to design and decide upon.

To garner this UN involvement, the UN Charter offers three avenues:-

- a) Via Article 35 (1)¹²¹ and if need be in conjuncture with Article 11 (2)¹²². This provides that any Member of the UN can bring any dispute to the attention of the UN. Note the member does not need to have a connection to the dispute. Any Member can refer the dispute to the UN. In a sense, this was an aspect of the way India was involved in the resolution of the conflict between East and West Pakistan that resulted in the separation of East Pakistan to form the State that today is known as Bangladesh.

In the instance of Sri Lanka's conflict, the likely entities to whom such a provision would appeal are Norway (given its role as Facilitator) and India given the ramifications that Sri Lanka's position holds for India in terms of Tamil Nadu's close relationship with Tamils and the potential for separatist type disputes within India, like that of Kashmir. Indeed one would well expect that those in the international community that argue that the retaliatory war in Sri Lanka warrants international intervention based on the principle of R2P, have the choice to exercise this UN Article and formally bring the dispute to the UN.

This raises the question - who would initiate this? Such would be the delicate role the facilitator plays. In this sense it is very much like the vital behind-the-scenes facilitatory work that the Norwegian diplomatic community played to establish communications with the LTTE and political parties in Sri Lanka.

- b) Via Article 34¹²³ where the UN through its Security Council can initiate dispute investigations. Here we have the UN initiate its own action. The classic example where

¹²¹ Article 35 (1) of the UN Charter states "Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly."

¹²² Article 11 (2) of the UN Charter states "The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion."

¹²³ Article 34 of the UN Charter states: "The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."

this was expected, but did not occur, was in the case of genocide that occurred in the Rwandan Civil War in 1994 and the less recognized Burundi atrocities of 1972 and 1993.

In the case of Sri Lanka, given the recurring cycle of war and the deepening effects as Evans pointed out in his R2P speech (referred to above), the case for international intervention is mounting.

Once again amplification of the signals for the attention of the UN could well be undertaken by the Facilitator as is the case with Norway.

- c) Via Article 35 (2)¹²⁴ where a State which is not a Member can refer a dispute to the UN on the proviso that that non-member accepts the obligations of peaceful settlement. The most likely contender to exercise this Article is the aspiring secessionist or more specifically a representative of the aspiring secessionist. In the case of Sri Lanka and its Tamil segment who aspire to secession, the representative who places the claim for Statehood before the UN may well be the LTTE or one of its affiliated political institutions. In this regard, I have nominated the LTTE due to the recognition accorded by virtue of the 2002-2003 Peace Talks and the MOU concerning Cessation of Hostilities being between the GoSL and the LTTE.

For an aspiring secessionist this is a particularly powerful clause if a pacific form of adjustment is acceptable. Indeed one would argue that in the case of mature conflicts like that in Sri Lanka where a de facto State has emerged; this clause offers the opportunity to gain resolution of the quest for equality. The question for the aggrieved community is - what is the right timing for invoking this Article?

¹²⁴ Article 35 (2) of the UN Charter states 'A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter'.

The critical question for the UN is whether the UN will allow the de facto State to exercise Article 35 (2). Legal council is required on this, particularly due to Article 4¹²⁵ which applies to new membership.

Considering the variety absorbing power of the Articles in terms of engaging the UN in helping resolve the internal conflict in Sri Lanka, the one which presents as most encompassing is Article 35 (2) as it gains the buy-in of the non-State actor including agreeing by their own volition to pursue pacific forms of settlement. With the other options, the aggrieved community threatening secession and the Parent State is drawn in by default. In favour of exercising intervention via Article 34 and Article 35 (1) is that there is no legal question pertaining to statehood that presents.

Whatever the option chosen in terms of enlisting the involvement of the UN, the effect is what could be described as ‘calling the bluff’ or ‘testing the assertion’ of each opposing protagonist, one of whom claims the right of secession and the other the right of preserving territorial integrity. This moves the manoeuvres from threat to formalised intervention, by both the aspiring secessionist and the counter-claiming State, under the watchful eye of UN monitoring.

Once the UN is enlisted it opens the doors for the type of resolution proposed in this thesis – namely promoting Peace Talks and monitoring their results based on the principle of equality which in the event of non-sabotaged failure makes a prima facie case for secession if all three aspects of equality (namely, evidence of historical and continuing inequality pertaining to substantive matters, and non-achievement of their rectification in negotiations, plus evidence of equality in the manner of governance proposed by the secessionist) can be substantiated. Being a matter of ‘statehood’ dispute the UN Security Council would then call upon all or some of its permanent Security Council Members or General Assembly members to nominate who their representative/s will be to guide the Meta-Level Negotiations between the State and aggrieved non-state actor in working out the outline of the broad parameters of Peace Negotiations.

¹²⁵ It appears the pre-requisite for recognition as a new State is that the State has resulted as the outcome of a won referendum of the people and that such election was conducted in a free and fair manner. In the absence of either of these conditions, the Vienna Formula is applied to determine statehood.

In addition to the principles upon which resolution is to be architected an important aspect of the negotiations will be the identification of the systems within each of the levels of recursion pertinent to resolution based on internal self-determination.

5.3.1.1.2 Pre-Talks Negotiations – Design of the Process of Internal Self-Determination Negotiations

In VSM terms this is a S4 type activity addressing what could be described as process architectural matters that pertain to the adaptation that is required for Sri Lanka to conserve its ‘island-wide’ identity which aspirations of secession threaten. The type of participants sought for these negotiations are those with expertise in matters of designing processes relevant to the type of content that the Peace Talks negotiations need to address. An example of these process considerations is the type of matters as addressed in this thesis which has been done in the context of the crises, note the plurality – it extends beyond the ethnic crisis which embroils Sri Lanka.

Whilst content issues and solution options are well known in Sri Lanka, process considerations are much less recognized including local availability of expertise in such matters. Yet what is sought is not big numbers of such process designers but representation from R0 and each of the systems forming R-1 plus ideally at least some representation from the systems belonging to R-2.

Whilst the systems that form recursion level R-1 and R-2 are a matter for the Meta-Level Negotiations to agree upon, let us continue our exploration based on what was proposed in Chapter Three so that we can address the question of representation.

The search for who represents which system is difficult at this early stage of negotiations. One option, based on the major political parties in Sri Lanka being race orientated, is to have the political parties select who is to represent their community at this process negotiation. Thus, the Sinhalese could for example be represented by the party in power, and a few of the largest opposition parties in Parliament. The Tamils could be represented by the TULF, LTTE, TNA, CWC, TULF and Karuna Faction. Certainly, there is value in including the religious bodies and professional communities.

The important point of such a selection is that it provides an opportunity for R-2 systems to participate in designing the processes which pertain to negotiation, monitoring, feedback, verification, etc. As always, to avoid polarization of positions it is vital that the negotiation process involve participants in solving multiple problems so as to reduce the risk of solutions, in this instance process design, being at the expense of other problems.

5.3.1.1.3 Peace Talks Negotiations

While at times it is clear who is the representative of a system, at others it is not. In the latter instance, the representative may be cloudy as in the case of the GoSL appearing to represent embedded systems, especially the Sinhalese, due to the lack of presence of such embedded systems in the negotiations held to date. At other times, as in the case of the LTTE, questions may arise as to the adequacy of their representation in the context of a greater whole. For example, whilst the LTTE may well capture the sentiment of the demand for substantial autonomy they may not capture the thinking of moderate Tamils. Representation via R-2 systems and amalgamated into R-1 system representation is one way of overcoming this.

Working with the architecture that Team Syntegrity® affords, one way of finding representatives of these systems is via participation at Team Syntegrity® events. These participants through their participation then are exposed to the issues of their systems and can be chosen to represent their system.

An example of that is where after a Syntegration the orthogonal set of participants are used to represent that system at the next level of connected Syntegrations. Stafford Beer, the inventor of Team Syntegrity®, is also known to have suggested nominating one person per Syntegration to go into the next level of connected Syntegrations. Whilst 900 persons participating in 30 Syntegrations resulting in 30 nominees who then connect to participate in the next Syntegration may not be required in some instances, it may well be very useful for the Sinhalese community where they historically have been very much represented by the GoSL. Making a very clear choice of representation by all of the S1s belonging to R-1 acts to overcome the weakness of R0 collapsing to represent missing embedded systems.

An important feature to bear in mind with participants is that whilst a certain criteria is employed to select Syntegration participants it in no way means the participant is contained to discuss only those issues that pertain to the reasoning which earned him/her that selection. The reality is that each person belongs to multiple systems and so has the opportunity if they so wish to exercise it, to discuss issues and solutions from the perspective of any one or more of those systems to which the person belongs.

5.3.1.2 Way of Resolving the Representation Issue and Accommodating the Plethora of Content

As the participants in negotiations are representatives of the relevant systems, there is an embedded question within the ‘who should represent the system’ question. That question is - what is the profile of the representative sought? Are the representative/s of the relevant systems that are called upon to design and negotiate the solution/s to come from the political ranks given that those elected to Parliament have won the peoples’ vote to represent them? Or should these negotiations pertaining to designing the solution/s fall to the public service and the military because they are employed to advise government on planning matters and are the implementation arm of government policy? Or should the process of designing a solution involve a wider spectrum of society (e.g. civil community, business community, professional community, religious community) from within each system?

Answering this question from the logic of Ashby’s Law of Requisite Variety indicates that involving a wider spectrum of representatives of each of the systems would be better if that wider representation means more discernable variety is generated which additionally serves to absorb variety generated by other systems. However, let us recognize that whether variety is attenuated or amplified each carries its own brand of risk which has the potential to be traded off if understood. Beer explains, “... every variety reduction *ipso facto* reduces information, and is therefore dangerous. But it must be done. Every variety amplification increases information, and *leads ipso facto* to instability. That risk must also be run.” (Beer, 1994a:228, italics in quote)

In seeking to understand the variety engineering considerations let us consider the trade-offs given the interacting nature of the crises and the prospect of substantive if not complete overhaul of the Constitution as a response to preserve viability by adapting identity and reasserting coherence in a climate of meaningful autonomy. In acknowledging this let us realize that viability is a recursive concept which explains why coherence and autonomy co-exist. At play here is huge variety both in terms of understanding the problems from the perspective of different systems, and in terms of designing solutions. Given the inherent constitutional weakness that the political system has evidenced on multiple frontiers, and the lack of stability, quality and independence that afflicts the public service, the political circles and the government service present as unreliable components upon which to place sole dependence for the design of solutions of the calibre required.

We are thus faced with two questions. How is variety to be pumped into the design process sufficient to produce a feasible solution? How is this variety to be generated given the unreliability of components? One well known way of building reliability from unreliable components is to back-up parts or functions. For example, we carry a spare tyre in our car, or in computing use parallel processing so that if one fails the other can take over. Note here that the structural relationship between the failed unit (now replaced) and the rest of the system is static.

Another is what Warren McCulloch discovered and named - 'the redundancy of potential command'. Here the redundancy pertains not to the physical but an organizational entity which Beer describes as "It is the information flow that determines which concatenation matters, and that therefore delineates the command centre." (Beer, 1994a:232) Looking at biological systems (e.g. neuron activity in the brain) it was found that the command centre does not reside in one particular area, it changes from time to time. The design of the system is not hierarchically orientated. It appears as based on the interaction between the entities. Each entity (e.g. neuron) has the potential to be the command centre and works to reinforce each other. Thus each entity is redundant for another. If one entity does not work or is inadequate for the task at hand, or is unreliable in a moment of time, the system can rely on another entity or concatenation of entities. In other words, the reliability of the system to absorb variety is built into the system by calling into play many entities. These variety generating entities due to their dynamical structural positioning (redundant to each

other) are placed to exercise command (make a decision) should they at a moment in time be the entity or concatenation of entities that have the best variety absorbing power for that decision.

It is this 'redundancy of potential command' that I seek to invoke when I propose that representatives be drawn from a broader spectrum of each system's members so as to strengthen the reliability of representatives which up to now have been constrained to the political, military and public servants. There is a penalty, however. Being overload by the proliferation of variety! It is for that reason that Team Syntegrity® is proposed. It has the structural non-hierarchical dynamic capability in-built into its design to both generate variety and absorb variety. Active participant involvement, aided by facilitation, gives life to that structural capability. However, the variety engineering offered by Team Syntegrity® too has its trade-off. It is time consuming and some may even contend requires too many participants.

Yet let us keep in focus that it is the very viability of systems in their recursive state that is the objective of the design. The carnage and ill-will has already been too high and the duration too long. Invoking the architectural capability that Team Syntegrity® affords offers few shortcuts. As Chilcott, speaking of lessons learnt from Northern Ireland said and with which I wholeheartedly concur –

the people themselves have to feel they own the talks. The solution must be generated by them, not produced by outsiders. The British Government and most outsiders knew what the solution would almost certainly have to look like. They could have drafted it in two weeks. Had they done so, it would have failed. The parties may have taken two years to reach the same destination but it was vital that they should feel ownership of the outcome. (Chilcott, 2007)

The journey is arduous. Some representatives may voluntarily opt to join in the deliberations. Others may be seconded to participate. Still others will be mandated full-time to employ their expertise and experience to interlink the negotiations.

The importance of what follows next is the linkage using the architecture of Team Syntegrity® based on R-2 representatives being chosen from a starting base of +4500 people. The numbers of participants can be smaller or larger and there is no need for all systems to base their selection formula on across the board consistent criteria. There will

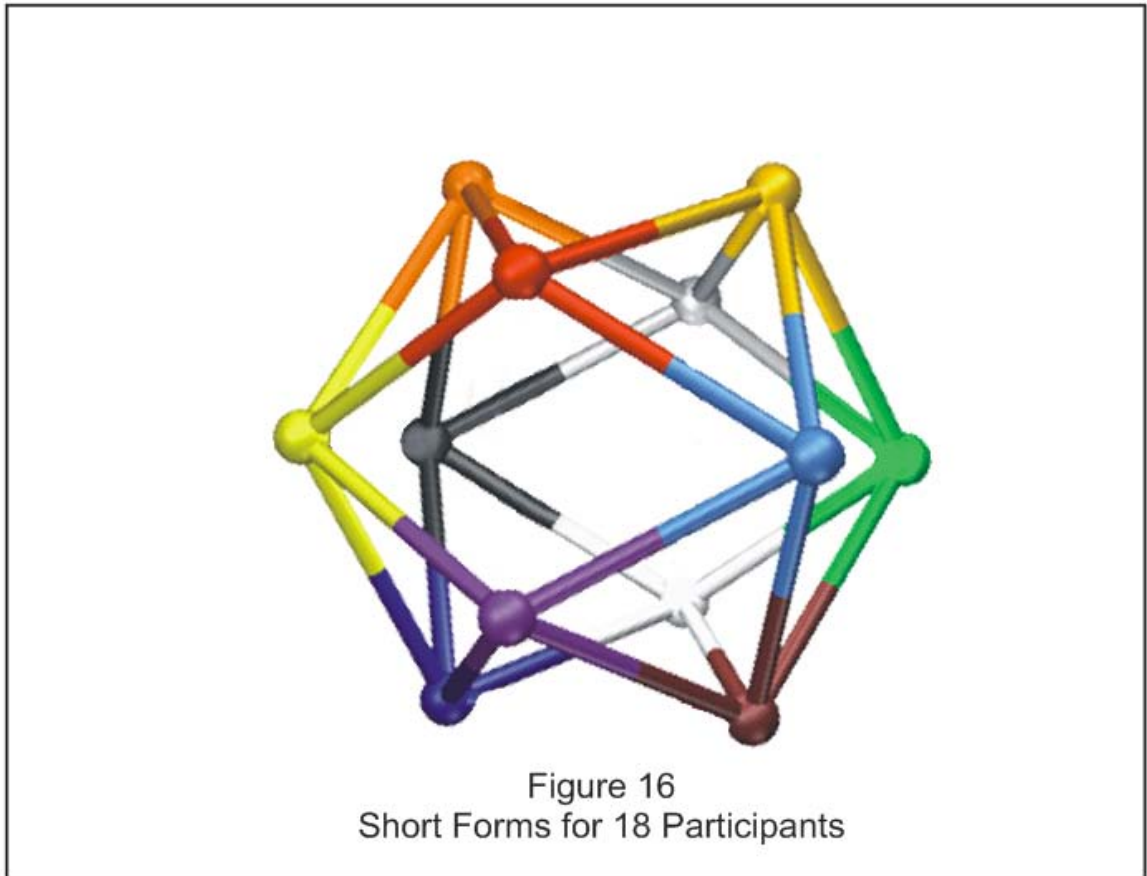
however be minimum criteria that each system must abide by and these criteria are a matter for 'process negotiations' to decide upon.

5.3.1.2.1 Meta-Level Negotiations – Based on Team Syntegrity®

Respecting the principle of non-hierarchical negotiations and an agenda formed after negotiators have gained an appreciation of the issues involved from the perspective of the multiple systems represented, Team Syntegrity® is chosen as the protocol for these negotiations.

Based on the number of representatives from the five permanent members of the UN Security Council, equal numbers of participants will be required representing the State and the aspiring secessionist community. Note the latter is not the same as the Tamil community some of whom may not aspire to secession. Accordingly, representatives will be the GoSL representing Sri Lanka and an equal number of participants representing the aspiring secessionist community.

If each permanent Member of the UN Security Council was to make available one representative to participate at these negotiations, plus making allowance for an additional UN representative, Team Syntegrity® would take a Small Forms format – refer Figure 16. It would comprise a group of six representing the UN, the State and the aspiring secessionist community.



The important point to achieve with representation from the State actor is to include representation from opposition parties in Parliament and representation from the Executive President. This works to achieve broader understanding of perspectives and commitment including catering for continuity in the event of change of government. This suggests that the State actor is likely to require representation of larger numbers than the group of six mentioned above. To maintain balance it is important that the aspiring secessionist community have an equal number of representatives participating as the State actor.

This aspect of continuity on the side of the State actor is an aspect that has been almost consistently absent in negotiations by the body representing Sri Lanka. In comparison the embedded Tamil community representatives have had a much better record of consistency (and thus an institutional memory) given the early days of continuity by the TULF and later the LTTE.

Working on a 30 person Syntegration, a combination of representation could comprise six representatives from the UN and twelve representatives each from the State and the aspiring secessionist community. The relaxation of UN representation, from a variety capability has prospect for acceptance as the primary design falls within the hands of the domestic participants with guidance from the UN representatives concerning the application of the principle of equality. If such were the numbers and combination, it offers the scope for each set of six participants from each of these communities to participate at the Syntegration positioned as an orthogonal set.

Of the twelve representatives from the State, six could represent the political parties of the government in power and the remaining six could be representatives from the opposition parties. Each of these two sets of six representatives, one from the government in power and the other from the opposition participate, could participate at the Syntegration negotiations positioned as an orthogonal set.

With the twelve representatives from the aspiring secessionist community, six could come into negotiations with the focus to address issues from the perspective of the relationship between the cohesive needs of the State (R0) and the autonomous needs of its community (R-1). The other set of six could start from the position of addressing meta-level considerations from the perspective of the relationship between the cohesive needs of the community (R-1) as a whole and the autonomous needs of its embedded systems (R-2).

In proposing this deliberate positioning of the combinations of the five orthogonal sets, I am aware that it is unusual. What it does mean is that unlike the usual Syntegration of optimization of participant topic preferences across 30 participants, the optimization takes on a different complexion and occurs as five sets within which another set of optimization takes place across its six participants.

What such pre-positioned participant orthogonal sets ensure is that each group (UN, Sri Lanka and aspiring secessionist group) has within its participant set first hand design involvement in all of the topics and thus carries detailed understanding of what it took to reach those design decisions. On the other hand, a counter argument is that if such 'orthogonal based' optimization did not take place, the results of the positioning based on

‘optimizing participant preferences across all 30 persons’ is that the resultant positioning tells something about the skew of strength/weakness of each of the groups as viewed from a topic perspective. Another option is to ‘pre-orthogonally position’ only the UN representatives and one set each of the representatives from the State and the aspiring secessionist group. This hybrid option thus has the capability to provide a sense of the skew of the two remaining groups.

The tremendous value of these pre-positioned orthogonal sets is that it assures a set comprising the State and the aspiring secessionist. Each of those sets is then available to participate, when required, in any of the other Syntegrations, for example involving R0 and R-1 systems. This affords a way to establish a link and thus the flow of information and its interpretations between the Meta-Level Negotiations with the portfolio of Peace Talks Negotiations.

The important point here is that based on the way the orthogonal sets are harnessed, account is taken of the trade-off that goes with it. The choice of which option is a matter for the facilitators to discuss with the groups, as part of the behind the scenes positioning that must be achieved in order to have got to this stage.

5.3.1.2.2 Pre-Talks Negotiations – Design of the Process of Internal Self-Determination Negotiations

Once Meta-Level Negotiations have agreed on the broad parameters of Peace Talks negotiations including identifying the systems that comprise the layers of recursion, the question of the design of the Peace Talks negotiations arises. Continuing with respecting the principle of non-hierarchical negotiations and an agenda formed after negotiators have gained an appreciation of the issues involved from the perspective of the multiple systems represented, Team Syntegrity® is chosen as the protocol for these negotiations.

The objective here is to bring together the triadic levels of recursion into negotiation so that designed via negotiations is the process design of Peace Talks (which includes flanking

processes like monitoring, feedback correction processes and participant criteria for the Peace Talks). What I am seeking to convey here is that:

- 1) These triadic levels of recursion need to negotiate with each other, and
- 2) The issues negotiated at the 'Pre-Talks' relate to matters of design in specific the 'process' of the way participants come together to design matters of content which is what the 'Peace Talks' are about.

Thus, there are two types of negotiations. Both are negotiating design issues. The 'Pre-Talks' negotiations pertain to matters of 'process' and the 'Peace Talks' negotiations relate to matters of 'content'.

I say design is negotiated in the sense that this is where the issues of the design are discussed to understand their ramifications. Concerning the design of the solution there may be various options and each carries its own ramifications. It is valuable to note here the difference between negotiating the solution (e.g. unitary or devolved form of governance) and negotiating the terms of a unitary or devolved form of government. Indeed, what may result when the terms are negotiated is a hybrid which is more unitary or devolved. The resultant solution can then be put to the decision makers for their approval or not. In this regard the decision makers may have more than one solution on the table and those solutions may themselves be negotiated by the different camps of decision makers.

The above is an example of content negotiations. Now let us look at an example of 'process' negotiations and use the example of monitoring, in specific the neutrality of monitoring. Here an aspect of monitoring is - who will do the monitoring? Will the monitoring be carried out by representatives of the international community and if so will it be one entity (e.g. UN) or many (comprising various countries each of who is acceptable to the opposing protagonist) entities that come together (as done under the SLMM)? Or, will monitoring be carried out by locals where each monitors the other? In turn both these options open the question as to access to monitoring in each context (military, reconstruction projects), the criteria upon which the monitoring results are compared and

what happens in the instance when actual results show marked deviation from the criteria or a discernable pattern of growing deviation. For this reason Pre-Talks process negotiators need to understand the content issues, although the criteria upon which monitoring results will be compared are a matter for content negotiations to agree upon. What the process negotiations need to resolve is the process matters that apply to monitoring. Examples of these are that monitoring is established for substantive issues (e.g. ceasefire, major reconstruction projects), that criteria be established upon which comparison is to be made, a process is set in place to report deviation and most importantly a process is designed to do something about it.

It is important to recognize that the participant criteria for this ‘design of process negotiation’ are those with skills in ‘process’ design and who have a healthy understanding of the type of content issues facing Sri Lanka. The type of skill-set sought is the type displayed in this thesis.

Based on R-1 comprising four systems, (the Tamils, the Sinhalese, the Muslims and other minor communities each of which gravitates toward autonomy (albeit different degrees of autonomy) and R0 seeking to cohere these systems, the proposal is for each of these systems to be represented by six participants. Amongst the six participants from each of the R-1 systems the objective is that at least some of these be direct representatives of the R-2 embedded systems.

As may be obvious, like the Meta-Level Negotiations, potential exists to deliberately position each of the five sets of groups (meaning the cohesive and autonomous seeking systems) across each of the orthogonal sets. However, this is not advocated except limited to one pre-positioned orthogonal set of the type of full-time professionals that Chilcott refers to for the purposes of running a ‘multi-system representative’ Peace Talks Secretariat. That set of full-time professionals forming the orthogonal set is to comprise one representative from each of the systems (State, Sinhalese, Tamils, Muslims and Others and one representative from an R-2 system).

The proposal here is to employ that orthogonal set in a full-time professional capacity to run a multi-system Peace Talks Secretariat which maps and diagnoses the progress of the

Peace Talks in terms of topics, their findings, their design solutions, agreements, etc. This is what in VSM terms would be the S4 Development Directorate. Not only is the work of this Development Directorate tremendously important, it is very complex given the complexity of the portfolio of Peace Talks that needs to occur to address the diversity of issues that participants would want to raise and have solved. The objective of this Peace Talks Secretariat is to find the gaps and figure out what needs to be done so that such matters are addressed. This ‘multi-system representative’ Peace Secretariat would report to each of the orthogonal sets of the ‘Meta-Level Negotiations’ team. This way, the communications channel is formalized so that the influence of the meta-level negotiators can be harnessed when it is required to correct anomalies.

If the decision is taken to pre-position each of the five sets of groups (meaning the State, Sinhalese, Tamils, Muslims and Others) comprising orthogonal sets of mono-representative groups, those orthogonal sets are then available to establish Peace Secretariats (S4 Development Directorates) for each of the R-1 systems and one for the R0 system. There is value in employing this type of design in this way, but it needs to be weighted against the ramifications that arise given that the potential exists that the Peace Talks may result in the R-1 systems migrating from being communal based to be territorially based (e.g. Provinces).

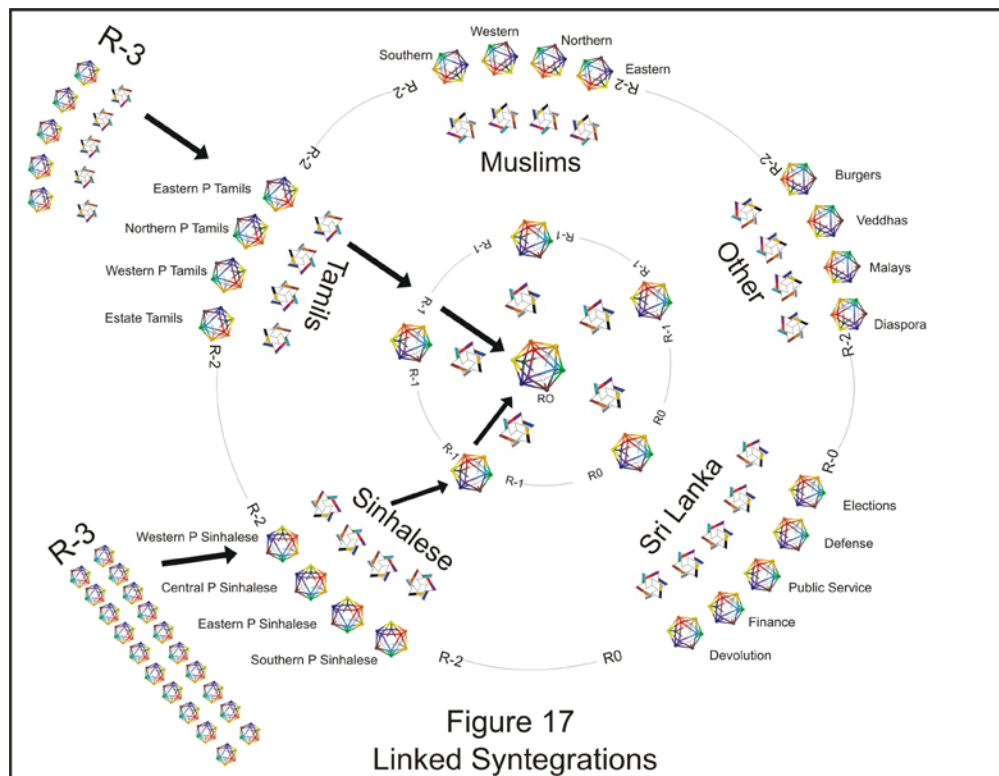
5.3.1.2.3 Peace Talks Negotiations

Let us recall, there are two interrelated parts to these negotiations which create a third and it is vital the negotiations spanning the systems belonging to the three levels of recursion (R0, R-1 and R-2) be exercised. One part pertains to negotiations between the State (R0), whose focus is matters of cohesion, and each and every one of the embedded systems within the next level of recursion (R-1), whose focus gravitates to varying degrees of autonomy. The other set pertains to each system within R-1 negotiating with its embedded systems (R-2). It provides an avenue for R-2 systems to surface and negotiate for their content needs and to negotiate the type of autonomy they seek in the context of the cohesive requirements that their meta-level (R-1) seeks to negotiate. The third part is that by doing so the opportunity is created for solution designs (required by R-1 of R0) to surface (as content in R-2 systems) and be verified in the bi-directional R-2 Syntegrations.

The variety handling capability of Team Syntegrity® and the linked architecture it affords is proposed as the cornerstone of these negotiations where content needs to be expansively addressed without it resulting in overload.

If time permitted and all citizens were sufficiently interested in being consulted and contributing to the identification of problems and their solutions, the question of representation would not arise. Yet quite apart from anything else, time and resources are unlikely to be devoted to such a degree despite the gravity of the situation facing Sri Lanka. Thus the question arises - who really is interested in contributing to designing the solution path for Sri Lanka and how many are they likely to involve?

The numbers used here are based on that number being minimally 750 participants based on the double set of negotiations required - refer Figure 9 and more specifically Figure 17. The double set would be between R0 and the systems that comprise R-1 and the other set would be between each of the systems belonging to R-1 and each of their embedded systems.



There are two outstanding questions whose answers need to be incorporated into the design of these negotiations. They are - in the event that a system lacks clarity as to who will represent it, how will that representative, or better still concatenation of representatives, be recognised? In saying this, the representative needs to have an understanding of the way the current system operates, its advantages and problems and an idea of the type of future system sought. Ways of finding that skilled representative or concatenation of representatives is addressed within the proposal below. The other question is - how is the principle of equality between systems to be respected so that it is neither top-down driven nor bottom-up driven given the ramifications that each carries? A way of addressing this is by bi-directionally connecting these processes which has the added value of verification and/or modification by lower levels of recursion. This too is built into the proposal.

Taking the systems belonging to R-2 (e.g. Tamils in the Northern Province, Muslims of the Eastern Province, Sinhalese of the Southern Province) as the lowest level of recursion significantly dealt with here, the proposal is to begin addressing design considerations at this level and therefore consult those systems that are embedded within that level of recursion – refer Figure 9 that appears in Chapter 3 and Figure 17.

The results of those individual R-3 consultations are then circulated to merge with the results of their peer systems belonging to R-3 and move into negotiations at the next level of recursion and so on until they reach R0. Note, what primarily moves into the higher levels of recursion is residual variety. The results of those solutions applying to that residual variety reached at R-1 and R0 move back recursively across the array of embedded systems to verify and inform modifications so that they move upwards once again through the recursive layers of negotiations to emerge in negotiations at R0 level Peace Talks. This iterative approach in search of change and resolution will be repeated until substantive matters reach agreement. To this end the influence of the three groups of meta-level negotiators can be brought to bear. Many topics will be the focus of discussion and design. However, underpinning these negotiations will be the issue of how the balance of cohesion and autonomy is to be designed between R0 and R-1 and between R-1 and R-2.

Whilst there are many large group participatory intervention processes that can be employed to engage in airing concerns and solutions, the one advocated here is Team Syntegrity®. The reasons for the selection are the same as before along with the vital

linkages that the architecture affords. Undoubtedly, this includes the linkage power of the orthogonal sets and the less appreciated ‘gradients of structural multi-topic’ exposure that participants are afforded (refer Table 9). I expect understanding of this variety gave Beer the insight to suggest that any one participant has the variety at the end of a Syntegration to represent the discourse and findings of that Syntegration having directly participated in four topic discussions and having direct contact with at least one participant who was directly involved with the other eight topics. Harnessing both these features plus the connectivity a ‘topic concatenation’ affords is what is proposed for this tiered set of linked Peace Talks negotiations.

Table 9 - Participant Exposure













Topic Colour	Yellow Topic	Orange Topic	White Critic	Light Blue Critic
Yellow 	topic	Team Member (Self)	Critic (Self)	Critic
Orange 	Team Member (Self)	topic	Critic (Self)	Critic
Green	.....	critic	Team Member	Team Member
Brown 	critic	.....	Team Member	Team Member
Black 	Team Member	Team Member	Team Member	.....
White 	critic	critic	topic	Critic
Silver 	critic	Team Member	Team Member	Critic
Gold 	critic	Team Member	Critic	Team Member
D Blue 	Team Member	critic	Team Member	Critic
L Blue 	critic	Critic	Critic	topic
Purple 	Team Member	critic	Critic	Team Member
Red 	Team Member	Team Member	.....	Team Member

Table 9 – Participant Exposure

The proposal is reflected in Figure 17. It incorporates different permutations of ways of linking the informational flow between the Syntegrations and thus accommodating content that may well proliferate once more people are offered the opportunity to contribute towards the identification of problems and design of solutions which importantly extends

beyond 'their own group' and the ethnically labelled crisis. It also provides the basis upon which representatives can be selected who having participated at a Syntegration have been given the opportunity not just to be aware of a wide spectrum of issues but have an understanding of the nature of the way those issues interact and are interrelated.

At the centre of Figure 17 is a single Syntegration whose participants represent R0 (Sri Lanka) and each of its embedded systems (R-1). Whilst the systems belonging to R-1, who seek various degrees of autonomy, is a matter for the Meta-Level Negotiations to identify, for our purposes here they are identified as the four communities - Sinhalese, Tamils, Muslims and Others. Each of these five systems (includes a Syntegration for R0 whose purpose is explained a few paragraphs ahead) send six representatives to participate at this Syntegration which is devoted to addressing issues that pertain to the relationship between R0 and systems belonging to R-1. Recall our old problem of the GoSL collapsing to represent missing embedded systems (referred to in Chapter Three). This composition of representatives is one very effective way of overcoming that problem.

It would also be realistic that issues pertaining to the relationship amongst the embedded systems would be part of these negotiations. If so, it may result in a supplementary set of negotiations that may also use the Syntegration protocol. In that case, the opportunity is there for that Syntegration, which may be a Short Form, to comprise an orthogonal set of representatives from each of the R-1 system Syntegrations. On the other hand, instead of opting for a Short Form, the balance participants for a 30 person Syntegration would be nominated by each of the R-1 systems. There is also scope for bi-lateral (or more) negotiations between R-1 systems and for this too the Syntegration protocol can be used for it affords the orthogonal set to report back to each of the systems.

An important point needs to be addressed when one or more orthogonal sets are to be used bi-directionally to link Syntegrations. The linkage of informational flow that occurs as a consequence of an orthogonal set feeding from a previous Syntegration into a new Syntegration is well known. To get a sense of the onward reach of utilising the orthogonal set Truss and Cullen have calculated it would take twelve levels of recursions of Syntegrations to reach over seven billion people. Yet the question is - what are the variety

considerations and logistical implications when the orthogonal set is to be re-used to move backwards so as to verify or modify agreements reached at the newer Syntegration?

To discuss the full impact of this let us use the example of the two innermost sets of Syntegrations as shown in Figure 17. Here we have the participants of the centremost Syntegration (let us call it TS9) comprise the orthogonal sets of the next five outer layers of Syntegrations (let us call them TS8a, TS8b, ... TS8e). Now if we want each of those orthogonal sets (from TS8a, TS8b) to report back to their home base as the same composition of people that went into the new Syntegration (TS9) and with the ‘power of the direct coverage of the new Syntegration’s twelve topics that an orthogonal set affords’ then it means the new Syntegration (TS9) orthogonal sets have to be pre-positioned so that the composition of its set is preserved. Therefore, at the new Syntegration the optimization of participant preferences for ‘topic allocation’ needs to be done at the level of the orthogonal composition of the participant groups with a second tier of optimization of topic allocations done within each of those orthogonal sets. On the other hand, the choice is for the usual participant ‘topic optimization’ to occur across participants as individuals which means new permutations of participants will form the orthogonal sets in the new Syntegration (TS9). This type of ‘process’ consideration is a matter for the ‘Pre-Talks Process Negotiations’ to address.

Having sorted out the logistics, the question is - what criteria inform the decision upon which to compose the orthogonal sets of the new Syntegration? Applying variety engineering thinking the solution lies in understanding the way the reporting back information is utilized by the recipient. For example, if each of the recipients is to utilize the information in other Syntegrations (let us call them TS7a, TS7b, ...) and require its original orthogonal set to be participants without outsiders (from other groups) involved in the TS7 series of Syntegrations then it is required that the old orthogonal set (from TS8a, TS8b, ...) be pre-positioned in the new Syntegration (TS9). This decision concerning utilization of old orthogonal sets is a matter for the ‘follow-through’ on TS8x Syntegrations or those organising TS7x Syntegrations to make and negotiate acceptance with the organizer of TS9 Syntegration if pre-positioned orthogonal sets are required. There is no requirement that all orthogonal sets that go into a Syntegration be treated the same. The Syntegration logistics are flexible enough to treat various orthogonal sets differently.

Let us now look at the next outer layer (from the centre) of Syntegrations on Figure 17. Their proposed use pertains to two types of systems, namely the systems belonging to R-1 and R0 itself. The purpose of each of these Syntegrations is for that system to figure out its consolidated position from which it will enter into negotiations.

Thus for the Syntegration pertaining to R0 the GoSL as representative of that system would be expected to minimally address the consolidated position on matters of cohesion which it seeks to negotiate with its embedded autonomous systems. To draw on that thinking, it may opt to hold a third and fourth tier of Syntegrations (or employ other participatory techniques) to ascertain positions as they pertain to different subject domains (e.g. finance, military, foreign policy, language, devolution, etc) or provincial geographical terrains.

For the Syntegrations pertaining to each of the systems belonging to R-1 (i.e. Sinhalese, Tamils, Muslims, and Others) the objective is threefold. One, to figure out its consolidated position on the autonomy it seeks in its relationship with R0 and its counterpart the cohesion it abides by. The third objective is the cohesive relationship it seeks with its embedded systems (R-2). This latter cohesive position (by R-1) is what it negotiates with its embedded systems (R-2). In turn these embedded systems (R-2) are offered the opportunity to figure out their consolidate positions in a third layer of Syntegrations having been informed, if required, by a fourth layer of Syntegrations comprising representatives of the people (refer Figure 17).

Overall, as part of the these negotiated positions, participants require an understanding of how things currently work as they pertain to various subject domains and require that once the principles have been agree upon, that the manner of their achievement be designed. The Syntegration process by the way it is structured offers the opportunity for participants to gain this knowledge and apply it to design considerations.

As mentioned earlier the Syntegrations themselves are an iterative process. To get this meaningfully started so that the representation of the people can be figured out, linkage needs to work from bottom up where participation includes voluntary participation besides acceptance of invitations. Using the Syntegration protocol this is done via orthogonal sets

or a single person representation emanating from a Syntegration as indicated by the arrows in Figure 17.

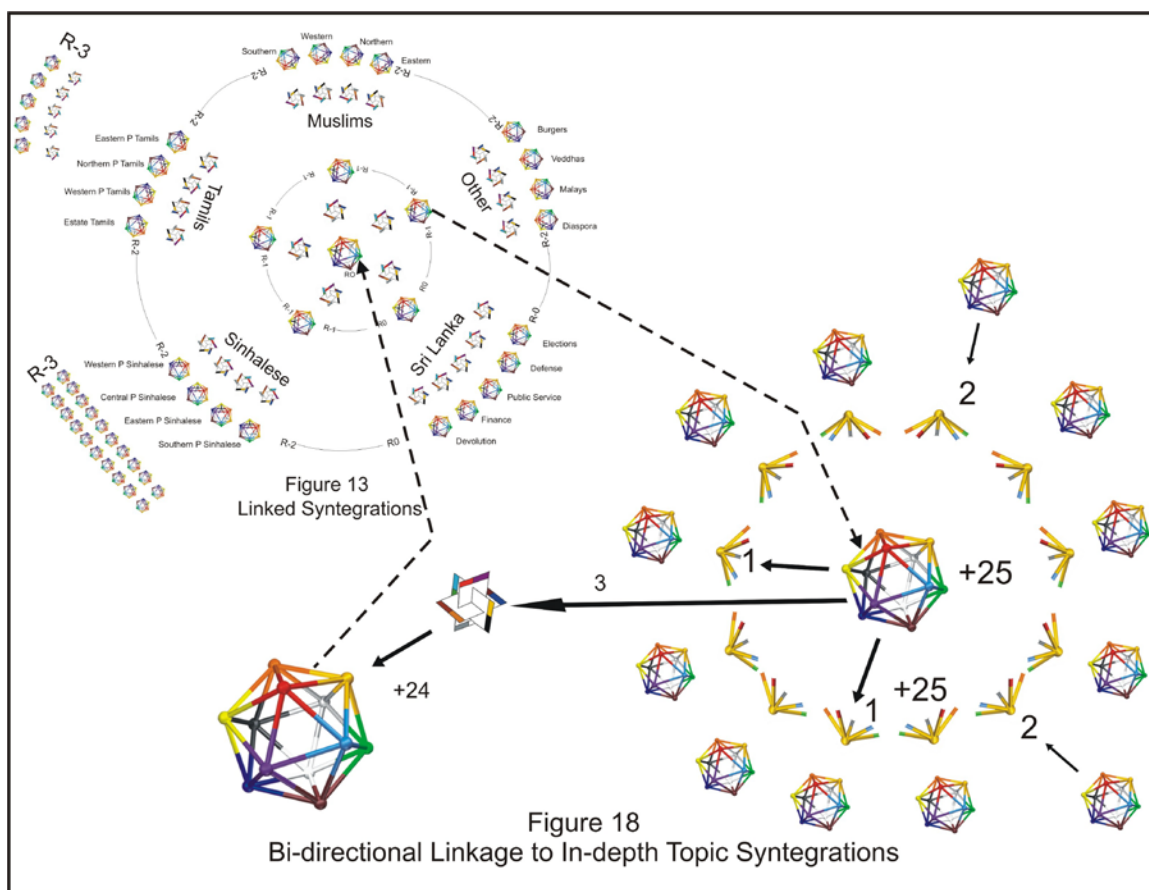
Let us pause to apply this to the concrete example for the Sinhalese where a consolidated position has so far been elusive and with the Tamils where despite the LTTE's strong stance on its consolidated negotiation position there is a well recognised community amongst the Tamils who do not share secessionist aspirations. Notable amongst this latter group are those referred to as the 'moderate Tamils' and those that agree with the position articulated by such political parties as the TULF, CWC and the emerging political wing of the Karuna faction.

Having advocated the application of the principle of 'Redundancy of Potential Command' the objective is to bring a wider spectrum of players together to design and negotiate solutions. The fourth layer (and if required further outer layers) of Syntegrations contained in Figure 17 is aimed at accommodating such numbers and variety so that segments of society (like civil, business, professional, religious, political, public service, diaspora, etc.) can participate. Whilst none of these individual groups are expected to hold the solution, McCulloch's 'Redundancy of Potential Command' suggests that various permutations of the groupings may hold the variety absorbing capacity to design various elements of the solution. Since Team Syntegrity® is non-hierarchical it holds the potential to find such concatenations and upon its realisation have it deliberated upon and accepted by other groups. This way, individual communities are afforded the opportunity to better understand their requirements and design what it takes for them to minimally survive in the environment in which they are situated. This understanding then serves to inform them of their manoeuvrability when they are called upon to negotiate solutions to accommodate requirements from/with a set comprising more communities.

The objective of the second tier of Syntegrations is to identify the solution space within which each of the systems belonging to R-1 has room to negotiate when it enters into the Syntegration at the centre. Feeding into this second tier of Syntegrations is a linked set of Syntegrations spanning outer layers.

Using the example of the Sinhalese and given what is known as the ‘lack of southern consensus’ and the diversity of representatives of various Sinhalese communities, it is proposed to hold 30 Syntegrations as shown in tier five of Figure 17. These 900 participants will come from various groups and form Syntegration groupings of their own nomination. Such groupings may include groupings of Buddhist Sinhalese, Sinhalese speaking Sinhalese, Sinhalese from the professional communities, Sinhalese from various Provinces, and various groupings of political parties. These Syntegrations will serve to strengthen the focus of those communities, including the design of their own solutions. Each of these 30 Syntegrations will be invited to choose one representative to take the findings of their Syntegration into the next tier of Syntegrations and participate in understanding the amalgam of issues and then design solutions pertinent to that level of recursion. If participant numbers are smaller then less Syntegrations can be held at tier five and more than one representative will be drawn from each tier five Syntegration. If the numbers are still smaller another option is to start with five Syntegration which total 150 participants. A choice for some groups that are more consolidated in their position is to skip the fourth layer of Syntegrations and start at the third layer with a 30 person Syntegration. An orthogonal set from the third layer feeds into the second layer of Syntegrations. The permutations are many.

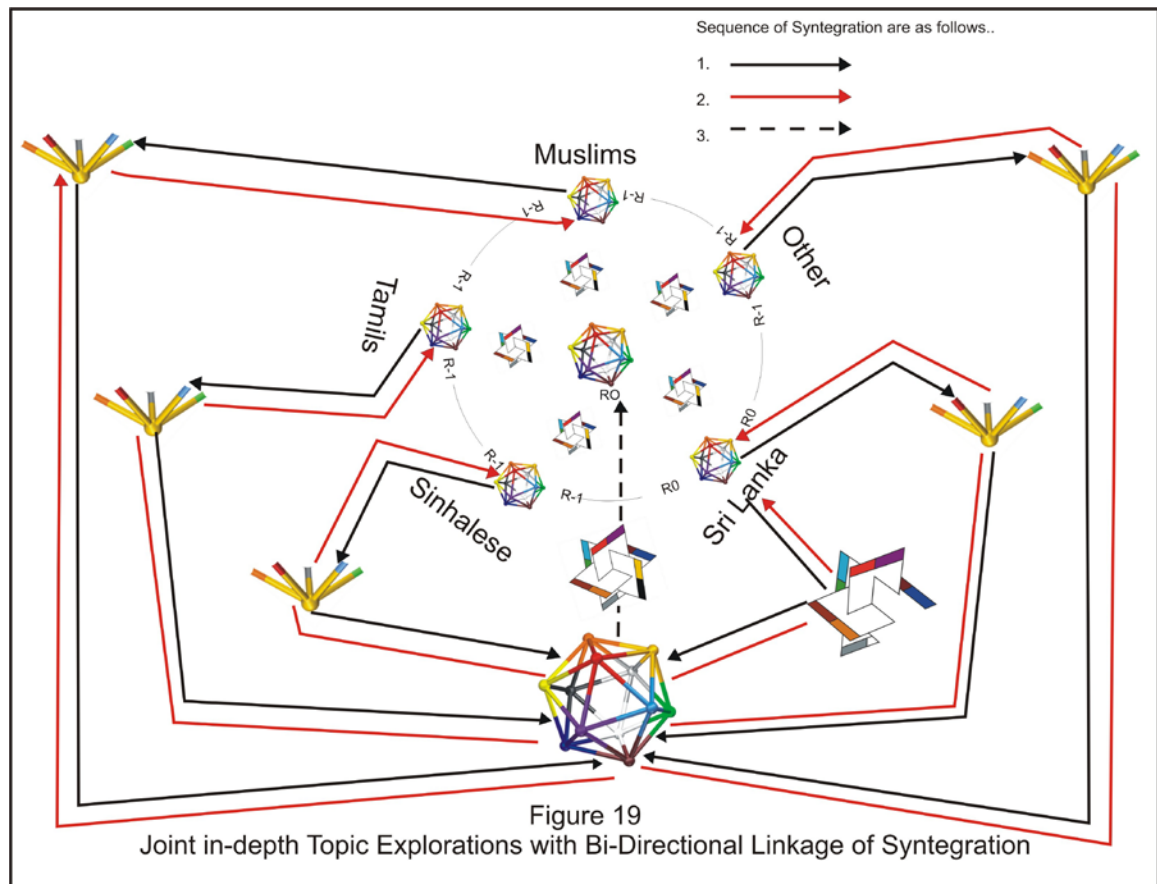
Whilst the pattern of linked Syntegrations will be determined based on the number of participants wanting to participate, the essential objective being pursued here is for communities to be gradually built up so that they are positioned not just to solve their problems but to solve problems of the larger community – refer Figure 18. The key to achieving this latter objective is the ‘orthogonal linkage, plus the ‘double topic’ position of each participant and the exposure to all topics that each participant is exposed to (so long as they actively participate).



It is very likely that individual Syntegrations will produce similar topics and yet different solutions. To address such topics and develop a composite solution a new Syntegration comprising participants of the topic team members of the previous Syntegrations can be conducted. To illustrate the power of this joint in-depth topic Syntegration refer Figure 19. For example, after the Syntegrations involving R-1 if each of them addressed the issue of finance a joint topic Syntegration could be conducted where the participants comprise the topic members from each of the four races and the State. In addition the State could send an orthogonal set which by default includes one of the topic members. The results of the fresh Syntegration could then feed back to each of the race communities via their topic members. Additionally, there is the choice of sending an orthogonal set from the joint Syntegration to join another meta-level Syntegration. The permutations are many.

The important point of the joint Syntegration is that it brings the communities together to design a solution (in this instance addressing financial issues). No longer is it a case of

proposing solutions to each other. Rather the solution's generative process has now been structurally positioned to be collaboratively designed.

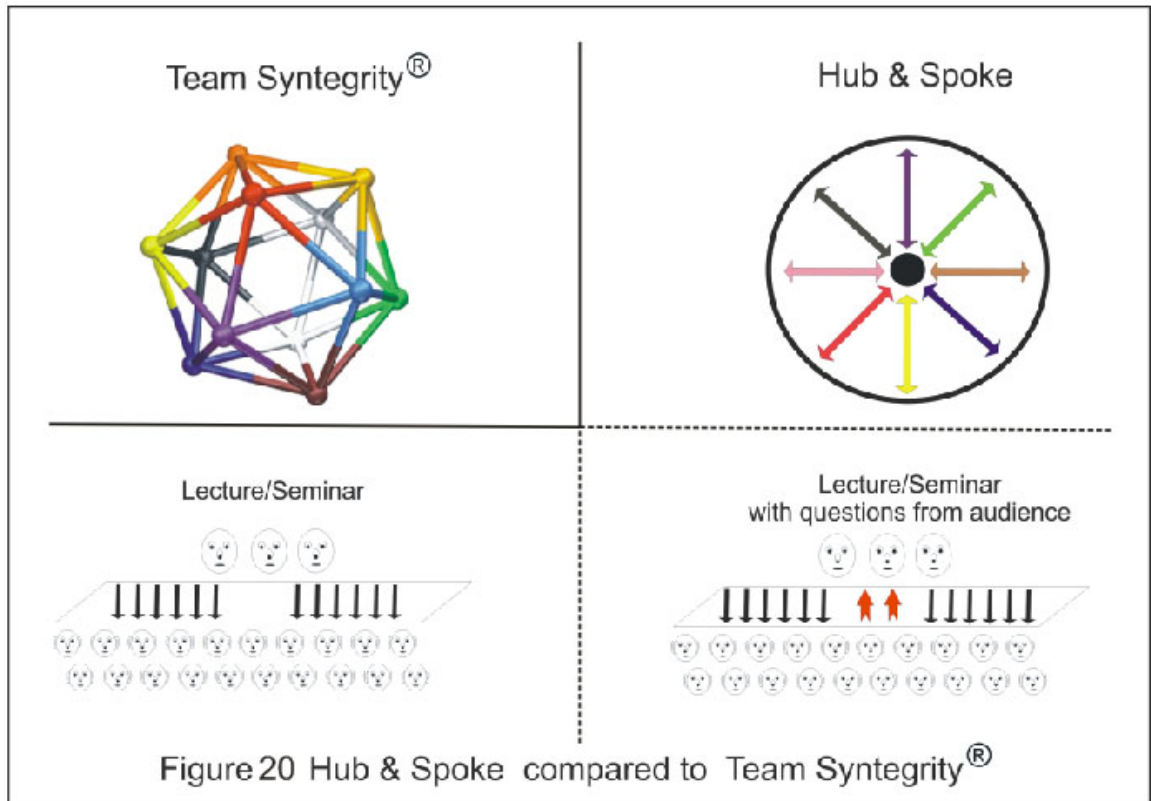


Incidentally, instead of using the 'single orthogonal set' those participants could instead be subject matter experts or users. There is also scope for this type of Syntegration to be informed by what was referred to above as Citizen Juries or supplementary papers which are provided to the participants as background material as a prelude to a Syntegration.

The value of this type of resultant solution from a new Syntegration is that it overcomes the more frequently employed process of consultation by a hub group which then chooses or develops a composite solution. Whilst that hub group may submit the composite solution to those consulted or a higher ranking body for approval the fact remains the hub group is constrained by its variety absorbing power which is less than if those that were consulted could interact with each other and be part of the process that designs the composite

solution. It is this type of diverse interaction unconstrained by everything having to be filtered by the hub (refer Figure 20) that is the great strength of Team Syntegrity®.

Contextualising this to Sri Lanka, there are two solution design points to be made. One concerns solution design in the context of hub groups and the other concerns in-depth exploration of an amalgam of similar topics.



Hub group consultation is the protocol adopted by APRC where only political parties have the right of participation and to propose solution designs. As De Silva states “The proceedings of the representatives of the All Party Conference as it meandered along for nearly a(n) year lacked any degree of transparency; except for occasional soliloquies by its Chairman; nor does it appear to have invited any representations from the public who were not called upon to make them known.” (De Silva, 2007)

Given the complexity of issues facing Sri Lanka and warranting constitutional design, in-depth exploration of topics is likely to be required on many fronts. One of the most obvious is whether the architecture of governance is to be based on the principles of a

unitary or devolved style of government and in the latter context whether it is to be a federal or confederal model. Before continuing further, a point should be made regarding the distinction between federal and confederal which is sometimes not well known.

The traditional definition of a confederation is a body whose laws are binding only on sovereigns. This means that confederate legislation has to be transformed into internal legislation in each member state in order to be binding on that state's citizens and court system. ... (In contrast) federal legislation may extend rights and obligations directly on individuals in each member state. ... It is the force to coerce and compel, rather than propose and persuade that is the distinguishing characteristic between a federation and a confederation. (Knutsen, 2004)

One would certainly expect that Syntegrations involving R-1 systems (the second tier of Syntegrations from the centre) would have, as one of their topics, addressed the topic of the mode of governance they desire with R0 and their peer systems. Syntegrations emanating from the lower levels of recursion may also find different solutions of modes of government that they propose for the relationship with R0. For example, from within the Sinhalese community it would not be surprising to find them articulate a unitary state of government and caution against devolution. De Silva, an exponent of a unitary style of government for Sri Lanka, writing on federalism says –

After the Thirteenth Amendment had been in operation for over a decade in the seven provinces outside the North and East, manned by elected councils that were not hostile to the centre, devolution was not viewed with the same degree of suspicion and disfavour and was not seen as obstructing central government policies or as being in competition with the centre, but in many cases as a supplementary arm of the center. The possibility of disastrous consequences arising from a hostile administration as that of the maverick Chief Minister Varadharaja Perumal (as protégé of the RAW) in the North-Eastern Province in 1989 and his declaration of UDI, leading to its dissolution do not seem to have been fully appreciated, despite their ominous significance for the future. (De Silva, 2007)

On the other hand, in more recent years both the UNP and the SLFP have been receptive and proposed constitutional solutions based on a federal model.

Moving to the separatist Tamils, the expectation there is for proposals to include anything but a unitary model. At the 2002 Oslo Peace Talks a federal model was proposed and seemed to gain a favourable reception by the GoSL and the LTTE. However, it was a confederal model that was implied in the ISGA proposal by the LTTE. From within the Muslim community indications are that those located in the Eastern Province have a

marked interest in devolution, particularly if it holds the option of a merger of the Northern and Eastern Provinces for it would mean that the Muslims are the minority in the South and in the North. Even more important is the contrast to the current state of play where there is much evidence to suggest the Muslims have benefited from the Sinhalese-Tamil conflict. For example, the GoSL have found it beneficial to grant benefits to the Muslims to show that minorities are not disadvantaged. In the early years of conflict, the Tamils also sought the approval of Muslims and thus were receptive to granting Muslim privileges. That however has changed since the 1989 forced evacuations of Muslims by the LTTE.

Faced with the need to agree upon the principles and architecture upon which the Constitution of Sri Lanka is designed, the situation moves beyond decrying each others' solutions to designing a mutually acceptable solution. There are two points worthy of recognition here. Firstly, if resolution cannot be reached then the matter has the potential to go to the UN for resolution should the Tamil separatists formally apply for recognition of their Statehood and most importantly for their ISO 3166 status which is the prelude to participating, in their own right as opposed to under proxy, in the international interchange systems. This carries ramifications to both those seeking preservation of the current island-wide territorial integrity of Sri Lanka and for those seeking separation in the absence of meaningful autonomy. Common to both is the requirement of evidence of equal rights in the conduct of negotiations and proposals. Secondly in the bid to drive homemade solutions it does require the understanding of the plethora of issues and concerns that the various sides perceive.

The proposal is that coming from the outer layers of recursion and working towards R-1 are Syntegrations aimed at understanding positions and solutions offered from those layers. This builds a solid foundation of understanding of the gradients of requirements of each community. Signals from within each community indicate its potential to manoeuvre when it comes to the time of negotiations with peer communities at R-1 and/or R0. As far as I am aware no process in Sri Lanka has to date been conducted to elicit this type of 'community based foundation'¹²⁶. With each R-1 community having gained this

¹²⁶ Rather what has happened is a community is brought into negotiation with another community and from there is sought to design a mutually acceptable solution. Should by chance such solution materialise or

understanding of requirements, concerns and solution prospects, its representatives can then be brought together to explore the topic in depth both from a technical viewpoint (e.g. aided by subject matter experts from various countries) and from a perspective of designing a mutually agreeable solution.

One would expect that this joint community devoted to in-depth exploration of a topic comprising all five topic members from each of the communities (plus possibly the meta-level system Sri Lanka) aided by subject matter experts may be consumed by the initial airing of grievances, concerns and requirements during a Syntegration. This should be encouraged for it serves to clarify the issues, to communicate understanding to others and by doing works reciprocally and fosters two outcomes. Firstly, it serves to break down barriers as they communicate with each other about their situations. Secondly, Team Syntegrity® being non-hierarchical and given its protocol of structurally positioning participants on four issues (two topics as team members and two topics as critics) begins to move the opportunity from partisan airing to designing solutions in the context of recognising concurrent relationships. All of this may not be achieved in the first Syntegration between the systems embedded within R-1 or for that matter in the first Syntegration between R0 and its embedded systems. It may take a few Syntegrations to absorb the variety sufficient to produce a mutually agreed upon solution. The important purpose of the Team Syntegration negotiations is they have moved from traditional acceptance/decline of proposals to joint design of solutions where participants are no longer positioned in enclaves of their communities or responsible for designing single topic solutions.

5.3.2 Other Matters

There are many other matters that need to be addressed in a bid to return to and sustain negotiations to the point of resolution of the strong, weak and conceptual signals of crisis. From amongst these I want to make two observations which warrant research. They pertain to international facilitatory type assistance and domestic decision making.

aspects of solution materialise, it inevitably generates resistance from within the community. Such has been the case many times with the Sinhalese community.

Undoubtedly there is an interaction between the recursive layers within the domestic systems and the environment in which they are situated. In this regard, there is an interactive role that the international community plays in the process of what is sometimes categorized as peacebuilding, peacemaking and peacekeeping. This thesis, coming from an organizational cybernetic perspective, has deliberated upon what it takes to build peace and processes useful for peacemaking.

In Sri Lanka, the task of initiating peacebuilding has mostly been taken up by the diplomatic community. This initiative has largely been prompted by the atrocities of war and the international campaign, in recent years by the LTTE and GoSL, to get the international community to exert their influence to initiate and sustain peace efforts.

Research is required to understand from a variety absorbing perspective the functionality of facilitation, mediation and monitoring which has fallen, exclusively to date, to the international community in one way or another. Particularly important is the relationship between these roles. For example - what is the relationship between monitoring and the mediation role when the monitoring of results shows clear non-compliance with agreed parameters? Also - what is the difference between having a sovereign State as the single facilitator compared to and/or working with persons of international stature as was the case with Northern Ireland? Chilcott described this as the –

Fifth lesson: international mediation by a person of stature to chair the talks was crucial. Senator Mitchell, a very accomplished American politician and a Catholic, was critical to the talks' success. He was supported by a Canadian general (who enjoyed the Protestants' confidence) and an ex-PM of Finland (for Nordic balance). Senator Mitchell's role was hands-on throughout. (Chilcott, 2007)

Today Norway, and in the past India, being a single entity facilitating the peace process, gets slated from time to time by different protagonists as being biased. What difference could it make if there were multiple outsiders who worked individually with the various protagonists, as was the case with Northern Ireland? In what way will it contribute towards absorbing the issue of neutrality and allegations of external interference?

Research is warranted in the area of making a distinction between the process of designing peace solutions and their acceptance. To date, the primary people permitted to design the peace solutions have been political parties, based presumably on the assumption that they are the representatives of the people. In the case of the LTTE, the self-nominated representatives of the Tamil people, who have taken the leadership initiative to wage war on their behalf and run a civil administrative system in the geographical terrain they control.

Yet this thesis has proposed a process for designing peace solutions where a wider spectrum of the community is involved. The design of those solutions will need to be negotiated and this has been factored into the protocol. There is however, a difference between designers negotiating solutions and the people or their representatives approving of those solutions. Based on understanding the distinction between the power of authority (of the people) and power of delegation (by the people to their representative) research is warranted as to the way decision making is to be conducted in the context of various issues. Ironically, here we are back to the well known issue of cohesion and autonomy. It is pervasive.

5.3.3 Tying the Threads Together

Unlike in earlier years, Sri Lanka is now particularly well placed to enter into the phase of solution design taking into account a wide spectrum of interacting issues. This is not only because the gravity and multiplicity of crises have presented themselves, but because there has been a climate to find out how others have overcome or avoided or contained the types of crises encountered in Sri Lanka.

The revival of Peace Talks in 2002 gave occasion to more experts being invited to visit Sri Lanka to advise of their experiences, particularly from South Africa and Northern Ireland where they have been involved in conflict resolution and Constitution making. Many Sri Lankan delegations have also been invited to many countries (e.g. Switzerland, South Africa, Germany, India, Australia, Canada, etc) to study their governance structures, particularly their constitutions. Various subject matter experts from those countries have

been invited to speak in Sri Lanka. Matters of media freedom, humanitarian rights, and anti-corruption have also been the focus at various forums. Thus Sri Lanka has been exposed to a plethora of ideas and is knowledgeable of many options exercised in other countries and situations.

Segments of society active in the peace process or politically influential with protagonists have been naturally privy to more detailed talks by foreign experts on various subjects and participated in workshops. They have been mostly conducted on the popular ‘hub and spoke’ basis where formal interaction is via the filter of what the ‘head table’ or facilitator is willing to entertain. Another valuable on-going capacity building activity, funded by foreign agencies, are grassroots workshops aimed at bridging the gap between communities. Yet both these types of workshops are mostly stand-alone with little or no connection to interrelated topics, or higher levels of recursion.

The discussion notably absent in Sri Lanka is bringing topics into interaction with each other and understanding their impact across multiple layers of recursion and the systems which comprise them. It is this very complex void that the protocol of Team Syntegrity® and its interlinked and iterative architecture seek to fill.

The proposal is to conduct three types of Syntegrations - pertaining to Meta-Level Negotiations, Pre-Talks Process Negotiations and Peace Talks Negotiations. An outline of the profile of these Syntegrations is provided in Table 10. The sequence of the portfolio of Peace Talks Syntegrations is provided in Figure 21.

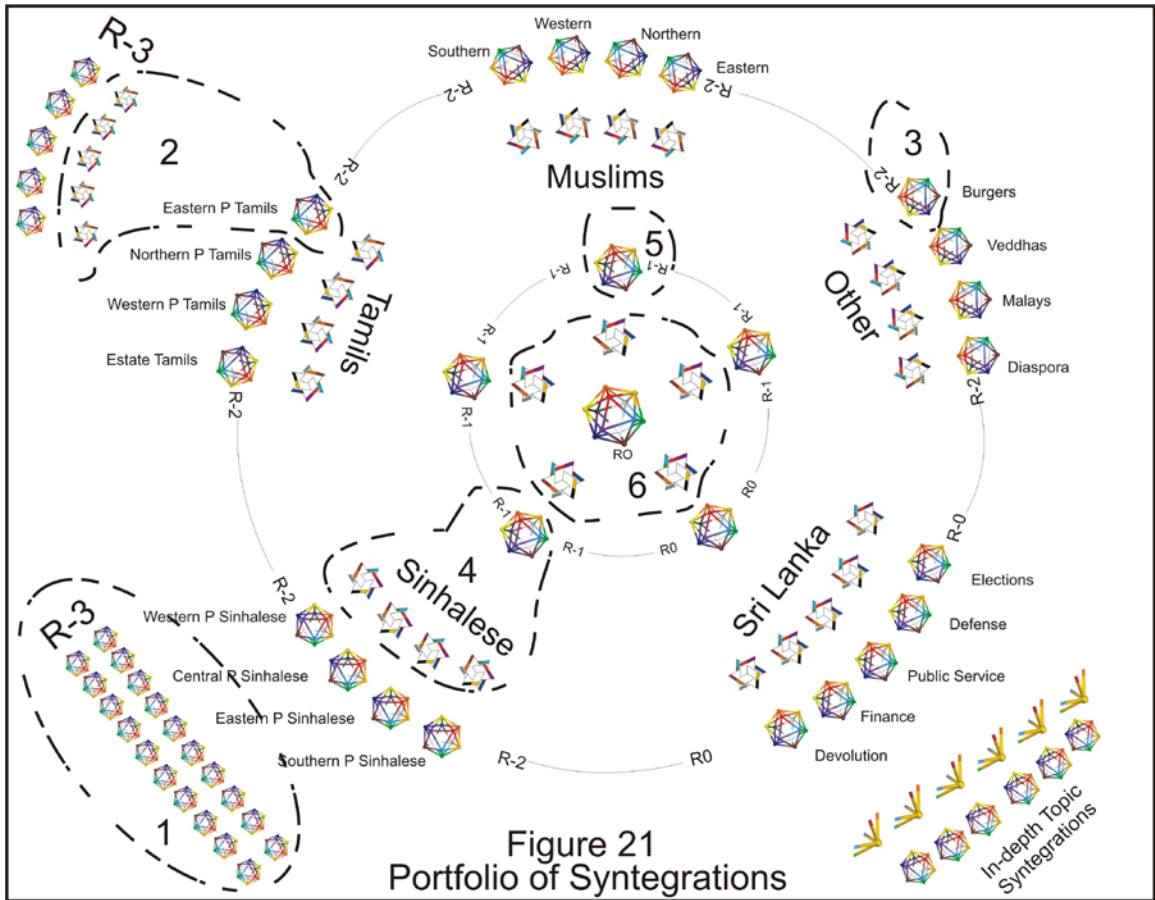


Table 10 - Profile of Syntegrations

Syntegration involving	Starting purpose ...	Participants	Comments
Meta-Level Negotiations	<p>Promoting Peace Talks and the principles upon which resolution is to be architected by Sri Lanka and its embedded systems.</p> <p>Identification of the systems within each of the levels of recursion pertinent to resolution based on internal self-determination.</p> <p>To guide the Meta-Level Negotiations between the State and aggrieved non-state actor in working out the outline of the broad parameters of Peace Negotiations.</p>	<p>Participation from the triadic recursion levels comprising representation from the:-</p> <ul style="list-style-type: none"> • Aspiring secessionists Tamils (R-1). • GoSL representing Sri Lanka the Parent State (R0). • Five permanent members of the UN Security Council (R+1). 	<p>If Peace Talks fail and it is not due to sabotage by the secessionist then a prima facie case for secession exists if all three aspects of equality (namely, evidence of historical inequality pertaining to substantive matters, and non-achievement of their rectification in negotiations, plus evidence of equality in the manner of governance proposed by the secessionist) can be substantiated.</p>
Pre-Talks Negotiations – Design of the Process of Negotiations	<p>Designing the processes for Peace Talks which pertain to negotiation, monitoring, feedback, verification, etc.</p>	<p>Six participants (with process design skills) each from R0 and R-1 systems (Sinhalese, Tamils, Muslims and Other) with few of them specifically representing R-2 systems (e.g. a provincial or religious system).</p>	<p>The orthogonal set forming the ‘multi-system representative’ Peace Secretariat would report to each of the orthogonal sets of the ‘Meta-Level Negotiations’ team. This way, the communications channel is formalized so that the influence of the meta-level negotiators can be harnessed when it is required to correct anomalies.</p>

Syntegegration involving	Starting purpose ...	Participants	Comments
Peace Talks Negotiations			
1. R-3 systems (light green Syntegegrations) of each of the embedded systems within each of the R-2 systems.	What issues need to be addressed in Sri Lanka and solutions proposed?	Voluntary and by invitation of those known to have shown interest in the issues facing Sri Lanka.	Representatives of R-2 systems are chosen from these Syntegegrations. They can be either single participants or orthogonal sets from the R-3 Syntegegrations. Content issues are likely to be more orientated towards matters of everyday living. Example, cost of living, employment, school admissions, education, transport, return of land of IDPs, corruption, business climate like FX parity values and interest rates, subsidies, incentives.
2. Negotiation between R-2 and R-3 (dark green Syntegegrations) e.g. Western Province Sinhalese R-2 and from R-3 such systems as monolingual Sinhala speaking community, Buddhist-Sinhalese community, Christian-Sinhalese community, Professional Sinhalese community, etc.	<ul style="list-style-type: none"> • Gaining an understanding of the relationship between issues as identified by the R-3 systems within that R-2 community. • Forming a consolidated view of the issues that need to be addressed in Sri Lanka and solutions proposed. 	Representatives from Syntegegrations involving R-3 and those invited to attend, particularly those having experience with governing (political) or administrating (public service) the Provinces (or what comprises the identity of the particular R-2 system)	Provides an avenue for each community to consolidate on its requirements and understand its trade-off capabilities. Addresses issues of cohesion-autonomy and seeks resolution of residual variety from R-3 Syntegegrations.
3. Each R-2 System (dark green Syntegegrations). e.g. Estate Tamil Community or Western Province Sinhalese Community, or Eastern Province Muslim Community.	<ul style="list-style-type: none"> • Forming a consolidated view of the issues that need to be addressed and solutions proposed. • What is the design of the autonomous-cohesive relationship between the R-2 systems and its R-1 system? • What is the future identity of R-1 systems and in what way is it sought to be different? 	Orthogonal set representatives from each 'R-3 and R-2 Syntegegration' and experienced political and if desired public servants including military representatives.	This Syntegegration could form part of the 'R-2 and R-3 Syntegegrations' referred to earlier. The choice is a matter for the 'process designers' to negotiate.

Syntegration involving	Starting purpose ...	Participants	Comments
4. Negotiations between R-1 per community and its embedded R-2 Systems (red Syntegrations)	<ul style="list-style-type: none"> ○ Gaining an understanding of the relationship between issues as identified by the R-2 systems within that R-1 community. ○ What is the design of the autonomous-cohesive relationship between the R-2 systems and their R-1 system? 	Orthogonal representatives from Syntegrations involving R-2 and those invited to attend, particularly those having experience with governing (political) or administrating (public service) the Provinces (or what comprises the identity of the particular R-1 system)	<p>It is important to monitor (by the Peace Secretariat) the principles and architecture of the equality relationship between the cohesive R-1 and the autonomous R-2 systems and compare that against the principles and architecture that is agreed upon concerning the cohesive-autonomous relationship/s between R0 and R-1 systems.</p> <p>The results should be reported to each of the orthogonal sets belonging to the Meta-Level Negotiations.</p> <p>Addresses issues of cohesion-autonomy and seeks resolution of residual variety from R-3 Syntegrations.</p>
5. Each R-1 system (red Syntegrations)	<ul style="list-style-type: none"> ● Forming a consolidated view of the issues that need to be addressed and solutions proposed. ● What is the desired design of the autonomous-cohesive relationship between the R-2 systems and its R-1 system? ● What is the future identity of R-1 systems and in what way is it sought to be different? 	Orthogonal set representatives of the Syntegration pertaining to ‘Negotiations between R-1 per community & its embedded R-2 Systems’ and experienced political and if desired public servants including military representatives.	The results of these Syntegrations may warrant follow-up Topic Syntegrations which then report back to an orthogonal set of its emanating Syntegration. Or resulting Topic Syntegration may feed into a fresh Syntegration of the type from which the Topic Syntegration emanated.
<p>Topic Syntegrations</p> <p>These in-depth explorations could be chosen as a consequence of any of the Syntegrations.</p>	<ul style="list-style-type: none"> ● Gaining an in-depth understanding of the topic as it pertains to Sri Lanka and aided by subject matter experts 	Five members of the topic from the emanating Syntegration.	<p>These Syntegrations are likely to emanate from Syntegrations involving each of the R-1 systems and each of the R-2 systems.</p> <p>The results of these topic Syntegrations need to feed back into a repeat of the type of Syntegration from which they emanated.</p>

Syntegration involving	Starting purpose ...	Participants	Comments
<p>6. Negotiation between the various R-1 Systems and R0</p>	<ul style="list-style-type: none"> Gaining an understanding of the relationship between issues as identified by the various R-1 systems and the cohesive issues facing R0. What is the design of the autonomous-cohesive relationship between the R-1 systems and their R0 system? <p>What is the future identity of R-1 systems and in what way is it sought to be different?</p>	<p>Orthogonal set representatives of the 'R-1 Syntegration' and the R0 set of Syntegrations as shown on Figure 20.</p>	<p>Substantive issues which do not result in mutual agreement need to be referred to the lower levels of recursion where re-negotiation may result in a change of position and thus resolution.</p> <p>An important issue here is the Tamil requirement for autonomy as distinct from equality.</p>
<p>7. Verification & Modification</p> <p>These Syntegrations seek verification and/or modification of requirements from their predecessor Syntegration</p>	<ul style="list-style-type: none"> Seeking to absorb substantive domains of residual variety particularly those that do not gain resolution at the negotiations between R0 and R-1. 	<p>The new Syntegration involving a lower level of recursion needs to comprise at least one orthogonal set from the Syntegration from the recursion level above and one orthogonal set of participants from the Syntegration that is the same as this new Syntegration.</p> <p>For example, let's use the new 'verification and mediation' Syntegration as emanating from a 'negotiations between the various R-1 and R0' Syntegration. Additionally, let us assume this new Syntegration pertains to the system of 'R-1 Tamils'. To achieve linkage of the flow and interpretation of information the participants for the new Syntegration would minimally include an orthogonal set from R0 and another from the old R-1 Tamil Syntegration.</p>	<p>The results from this new Syntegration would then feed into an even newer generation of a Syntegration. To establish linkage, once again the orthogonal sets would be utilized.</p> <p>Using the same example mentioned in the column to the left, the new 'verification and Modification' R-1 Syntegration would provide an orthogonal set of participants to participate at the new 'R-1 and R0 negotiation'. This new Syntegration would also be provided with participants from the old 'R-1 and R0 negotiation'.</p>

The important point of Figure 9 and such Figures as 18 and 21 is not the names of the recursive embedments and topics but the linkage of the way negotiations are built ground-up thus giving the opportunity for various segments of society to raise their issues and very importantly for them to join in the process of designing solutions that are not one-sided. This one-sidedness is overcome by the multiple topic positioning that a participant holds in the Team Syntegrity® process plus by the ‘Peace Talks’ negotiations not being a standalone process. The latter is achieved by the recursive linkage of ‘Peace Talks’ negotiations involving R0 and R-1 being clearly linked to the ‘Meta-Level’ negotiations through the commonality of systems’ represented. At the Meta-Level negotiations the issue of the principle of equal rights in terms of its interpretation for preserving territorial integrity or secession is expected to be part of the deliberations. If so, no longer will it be adequate for protagonists to merely state that territorial integrity or secession is the goal. Clarity needs to be sought, minimally concerning the principle of equal rights, as to what achieving those goals entails with the representatives of the UN Security Council¹²⁷ acting as a sounding board. Furthermore, this proposal does away with the practice of laying the onus on one side or the other to propose solutions. This has happened many times, ranging from the ISGA proposal, to the 2000 constitutional proposals and the latest 2007 APRC proposal. Certainly they have been designed with the (semblance of the) other side in mind. However, the other side has not been involved in the design of the solution.

The important distinction of this proposal is that the design of solutions is a collaborative effort which brings together the systems in their recursive relationships. In that capacity their gravitation towards cohesion and autonomy will influence the co-design of the solution. As Beer (1994g) was known to say, data itself does not supply cohesion, it is the interpretation between individuals that procures cohesion and this is another aspect that is sought to be harnessed in co-designing solutions. In turn, amongst other matters, the VSM informs us that this calls for anti-oscillatory processes to be set in place and the need for functionality which addresses matters of communication channels, homeostasis, monitoring, auditing, co-ordination, and future positioning to adapt one’s identity to ensure survival. As discussed in Chapter Three, the consistency of the application of principles is

¹²⁷ The Security Council has been selected in recognition of the power vested in it by virtue of Article 25 of the UN Charter which requires that Members of the UN agree to accept and carry out the decisions of the Security Council.

part of the solution proposed in terms of functionality. Through the linkage of recursive systems in designing solutions the consistency of principles can be monitored. In this regard, the outcomes of Syntegrations (or any other process aiding the generation of requirements, solution designs and negotiations thereof) need to be mapped (by the multi-representative Peace Secretariat) both in terms of content and functionality so that gaps in the design of solutions can be identified.

It is pertinent to point out something that Beer stated. –

Recursive embedments are not objectively given, however. We choose them, by recognizing processes that have special meaning for us, because they give meaning to our own human experience. Structure is attention to process. The structure of embedments now advanced is my choice, and the terms that are chosen to denote the embedded systems need the support of the connotations provided for them in this Chapter. Thus it is the validity of the processes that are discussed as creating the architecture of consciousness that is truly in question, not whether the processes that are the structure have been given the best (still less the ‘correct’) available names. (Beer, 1994e, brackets in source)

Whilst the interpretations argued in this thesis enable me to take a position on the identity of these recursive embedments the process design proposed here keeps it open to the Meta-Level Negotiations to mutually agree upon these systems. In this regard, it is important to realise that the ‘process’ proposed can accommodate the negotiations to be conducted by a certain combination of systems and for that combination of systems to design a change in the recursive position of the systems and the way they govern themselves in the context of their relationships with each other. An example of this transition may turn out to be a change from systems belonging to R-1 moving from being communally-based to geographically-based or some hybrid thereof.

Another potentially critical consideration is the distinction between autonomy and equality. Does the granting and implementation of equality in terms of substantive matters like race, language, religion and culture do away with the need for a devolved system of governance and thus autonomy? On the surface it appears the Tamil argument for autonomy is based on the inequality interpretation of their experiences. Thus the question arises - if such inequality can be eradicated does that mean that the demand for autonomy evaporates? The findings of Organizational Cybernetics suggest not. Embedded systems need autonomy so that they are positioned to generate their own variety to absorb the variety

required to ensure the survival of their identity. Thus, the demand for autonomy remains and so too the meta-level identity requirement which relies on cohesion. As Stokes states, and as mentioned in Chapter Three –

By means of identity discrete and separate elements are brought into common or shared arrangement one with the other. Identity is the pattern that connects. Another way to say this is that identity is the mode of integration of otherwise heterogeneous elements under the aegis of a single sign complex. A failure of integration means that the identity project has failed or has come unstuck. (Stokes, 2004)

Yet the question of autonomy is not an overarching one, in the sense of it applying to everything. If it was there would be no way of achieving the integration at the higher level of recursion. Rather the question from a cybernetic perspective is - to maintain that identity of that mode of integration what cohesive requirements need to prevail as they pertain to which variables? It is these variables which can be described as subject domains and/or functionality that need to be identified and scoped in terms of the way it is to apply to cohesion and autonomy in the context of the various levels of recursion. As the Indian Constitution has shown it is not the labelling of the Constitution as unitary or devolved that matters and with which Organizational Cybernetics concurs - cohesion and autonomy co-exist in the relationship between different levels of recursion. The question is – to which subject domains and functions does which form of governance apply? This was attempted in the 13th Amendment to the Sri Lankan Constitution, but its weaknesses are legendary and require remedy. In saying this, it is fair to recognize that the phase space within which a remedy lies is probably very limited given the requirements of the various systems within the various levels of recursion. It is understanding what propels those requirements that hold hope for an acceptable solution to be designed. Ironically, as it involves itself in such design so grows cohesion.

I propose that what brought people into cohesive groups was the shared information that had changed them into purposive individuals. Data themselves do not supply this cohesion. It is the interpretation between individuals that procures group cohesion. (Beer, 1994g).

The permutation and sequence of the portfolio of Syntegrations will depend on the number of participants and the outcome of Syntegrations. Like the architecture of the Team Syntegrity® protocol which follows an iterative pattern of three sets of meetings, a set of three iterations is proposed to link the various Peace Talks Syntegrations thus forming a looped and reverberating informational flow. The design of the Syntegration portfolio, which needs to be dynamically designed based on the outcomes of the progressive Syntegrations, is a matter for the multi-system represented Peace Secretariat to design.

Absorbing the variety associated with designing peace solutions will almost certainly take time given the plethora of content that will emerge when wider participation is permitted which itself was advocated so that a dynamic concatenation of reliability is available. The question is whether like full-time Military Generals, Defence Ministers and their staff, the equivalent will be appointed to ‘wage’ peace.

Whilst Team Syntegrity® has been employed in the corporate world and for Peace Negotiations involving opposing protagonists, as far as I am aware Team Syntegrity® with bi-directional linkage across multiple levels of recursion has not been previously applied

Future Research

To aid a cybernetic diagnosis of the Sri Lanka Peace Talks a language is required which is capable of distinguishing the relationships between various stakeholders and the components that each stakeholder represents.

To meet this purpose, a narrative of Sri Lanka is provided which is then translated to a contextualised VSM. For example - how does the VSM capture a merger negotiation where an entity’s identity appears in multiple domains, albeit with different nuances? How does the VSM capture a merger negotiation given there is minimally at least four phases?

These are:-

1. Gaining agreement of (warring) parties to enter into negotiation,
2. Being in the negotiation phase, where once dormant stakeholders get affected by the negotiations taking place and thus need to participate and negotiate the nature of the evolving relationships,
3. After negotiation when the merger is taking place since it does not happen in an instant, and
4. After merger.

The objective is to discuss the art and science of the way the VSM operation itself is applied and in particular to:-

- Gauge the appropriateness of the way the VSM is applied in this instance given the rigour and coherence of what the VSM enables, 6
- Consider the traps and quandaries encountered, and
- Canvass improvements, etc.

Such is the variety that S4 has to model if serious attention is to be given to the design of the negotiation phases, especially given the lag times involved in creating the channels that reach across to connect the parties to dialogue and the capacities entailed.

The value of this Sri Lankan case study is that wedged in the negotiation is the prospect to consider options for how Sri Lanka wants to govern itself.

Conclusion

In this final stretch of this thesis the imperative in correspondence with the reality facing Sri Lanka is not only to return to Peace Talks but to sustain them to the point of conclusion where the terms of peaceful co-existence are mutually agreed upon. Thus the question that has been addressed is what would be the environment that could support the most variety for Peace Talks outcomes.

Concerning styles of governance, this mapping brings to focus the need for the S1s to employ consultation with embedded and peer entities and to address cohesion issues which to date has been conspicuously missing in the negotiation process. Note, whilst it makes political sense that the LTTE given its autocratic mode of governance would not engage in consultation with its embedded entities, this is a requirement that emerges under a merged SL. This opens a twofold question pertaining to (1) embedded entities, and (2) peer entities.

Concerning embedded entities, it poses the question whether an S1 under a merged Sri Lanka, can operate its lower level of recursions on autocratic (let's call it benevolent) rather than democratic 'resource bargaining' principles. Whilst cybernetically we may advocate otherwise, it is an option open to an S1 to exercise and thus gives the right to that S1 (e.g. LTTE representing Tamils) to obviate consultation with its embedded entities. However, resource bargaining will still be called upon among peer LTTE entities which is indeed what will provide the avenue to consider how the S1s cohere into a merged Sri Lankan identity.

For this reason, an option is for the GoSL to extricate itself from being reduced to representing the Sinhalese, and get to thinking and acting with meta-level consciousness. On the other hand, given that the majority in the GoSL is Sinhalese, an alternative is to recognise the GoSL as representing the Sinhalese, and allow other race representation (e.g. Muslims) in the negotiation process which together then considers the meta-level identity and institution that will represent the race merged Sri Lanka. This is the critical closure that identity provides that has been missing from the Peace Negotiations, and which will provide the logic for autonomous demands to close in on itself. Currently the architecture of the negotiations has called upon no such meta-level identity to be framed and what we have is autonomous demands (e.g. as specified in the 2003 ISGA and the 1976 Vaddukkodai Resolution) which earns rejection from the GoSL and results in an impasse.

The inherent value in the 'consultative cohesive' process proposed is that in the embedded instance it provides each S1 the experience of negotiating identity as a meta-level entity which principles it can then apply in its negotiations for designing the meta-level identity which forms the merged Sri Lanka. On the other hand, if it does not engage in the

‘consultative cohesive’ process and opts for unilateral imposition, then it is reasonable to argue reciprocity and expect those unilateral principles to be imposed by the meta-level institution of the merged Sri Lanka. Now this is a powerful reciprocity argument to encourage the S1s to consult with their embedded entities and in so doing provides the opportunity to overcome unilateral decisions that negatively impact on subsumed entities and provides the variety to generate workable solutions.

As Blay says, post-decolonization is uncharted territory where each makes its own interpretation and pursues it. The entrée into negotiations has been the need for ISO 3166 accreditation. Mandatory/Monopoly enlisting representation from the five Permanent Members of the UN Security Council is unique. So too is the application design of the bi-directional linkage of TS across multiple levels of recursion. Once the wide spectrum of participants are invited to overcome the unreliability of the political and public service system, it opens the conversation to a plethora of content, well beyond the immediacy of peace/conflict, to everyday living issues like cost of leaving, the economic balance between self sufficiency and globalization, the effectiveness of the public service, language issues in the context of employment, civil administration, schooling and race identity.

Whilst Peace Talks is the trigger that initiates the dialogue, they are inextricably linked to the multiplicity of intertwined crises that beset Sri Lanka. The ‘process design’ and meta-level logic proposed in this thesis offers the prospect, if employed, for Sri Lankans to design encompassing solutions, which after all is part and parcel of designing a new structure of governance.

As Antonio Machado once said “Traveller, there is no path. Paths are made by walking”.

Chapter Six

Concluding Contribution

*The world is round and the place
that might seem like the end
may also be the beginning.
- Ivy Baker Priest*

This final chapter ties together the various strands of this thesis to show the manner in which the chapters cohere and to substantiate the conceptual contribution of the findings.

Through the lens of Organizational Cybernetics and in the context of my comprehension of Sri Lanka's history, this thesis addresses crises from the perspective of those prevailing and those potentially developing in Sri Lanka. Whilst matters of Sri Lankan content pervade this dissertation, the contribution of this thesis pertains to matters of process, both in terms of diagnosis and solution proposed. Whilst the diagnosis (addressed in Chapter Three) pertains to matters of history, the solution proposed (presented in Chapter Five) has sought to cater for weak signals (covered in Chapter Four) which given time may develop strength and require resolution in the quest for harmonious relationships across the ethnic communities and a more even distribution of wealth across the population of Sri Lanka.

To achieve the objective of systemically diagnosing key aspects of what ails Sri Lanka and to provide design intervention processes, this thesis progressively introduces the reader to a multi-disciplinary working understanding of Organizational Cybernetics, Sri Lankan history and touches on matters of philosophy, international law, finance and politics. By doing so, it caters for a knowledgeable cybernetic readership or an audience conversant with Sri Lankan matters, but not both.

Having taken the reader through this interwoven terrain and established the language and appreciation of the multi-disciplinary filters applied to formulate the thinking that produced the diagnosis and solution proposed in this thesis, this chapter discusses in: -

- Part I a summary of the findings of this thesis. This can then be used in terms of Ashby's Law of Requisite Variety to conceptually evaluate the extent of additional variety absorbed by the findings of this thesis as compared to what has taken place and currently takes place in the quest for peace in Sri Lanka. It can also be used in terms of probability to evaluate the abductive based hypothesis which was proposed in Chapter One.
- Part II a hidden thread which is applicable in general for sovereignty based conflicts where secession is threatened. By doing so, it also opens the thesis to a readership who are neither conversant with Organizational Cybernetics nor Sri Lanka's conflict, but who are interested in addressing sovereignty based conflicts.

Overall the uniqueness of this thesis is the application of Organizational Cybernetics to a national level of recursion where the contribution is the quest to transition from war to the heuristic experience of peace.

Part I – Summary of Thesis Findings

To date negotiations, whether war or Peace Talks, have been contained to two parties - the GoSL and those who have asserted themselves as representatives of the aggrieved Tamil community. In contrast, this thesis proposes that participation at Peace Talks be extended beyond two party negotiations to involve representatives from multiple layers of recursion. In specific, recognising that pro-active negotiators negotiate a primary position whilst keeping an attractive 'contingency' option exercisable, it is posited that internal self-determination is negotiated taking into consideration the option of external self-determination. Thus, the Parent State seeking to preserve the territorial integrity of its borders would seek in its internal self-determination negotiations to position itself so as to ensure it averts external self-determination. In contrast, the representatives of the aggrieved embedded system would position itself to keep the options open so that it can secure external self-determination should internal self-determination negotiations not produce the desired results, in principle or in practice.

Additionally, despite the on-going and varied types of negotiations the right of territorial integrity versus the right of self-determination has to date presented as an undecidable proposition in Sri Lanka. In a bid to resolve that proposition this thesis searched for a meta-level logic that was capable of absorbing the residual variety given the objective of restoring island-wide ethnic harmony. Applying the concept of operational viability as would be required by the new State, such meta-level logic was found at the UN level of recursion due to UN State Membership being the gateway predominately used to gain access to the international interchange systems. This thesis posits that the need to participate in the international interchange systems, which is a contingency requirement, draws the aspiring secessionist to comply with UN requirements of peace and equality. In turn to absorb the resultant UN driven variety this draws the Parent State to respond and stake its counterclaim with evidence of equality on substantive matters. To the extent the Parent State does not, it acts as an incentive for it to return to Peace Talks and design equality into its rules of governance and thereby ensure the territorial integrity of its borders.

To absorb this complex set of residual issues and focusing on ‘process’ design considerations this thesis proposes a three pronged set of interrelated internal self-determination negotiations, viz:

- a) Meta-Level Negotiations
- b) Pre-Talks Negotiations - Design of the Process of Negotiations
- c) Peace Talks Negotiations

Recognising the need to absorb residual variety and the way ‘contingency’ positioning is used in negotiations, the participants proposed for the Meta-Level Negotiations comprise representatives from the Parent State, namely the GoSL (R0), the aspiring secessionist Tamils (R-1) and those from the UN, particularly the Security Council veto powers (R+1). The focus of this negotiation, which could be characterised as setting the framework for supervising internal self-determination negotiations, is to determine which systems will have the right of representation at the Peace Talk Negotiations and agree on the principles which will apply at the other two prongs of the negotiations.

Those called upon to participate in the Pre-Talks Negotiations, whose objective is to negotiate and agree upon the design of the negotiation processes that will be employed for Peace Talk Negotiations, are those seeking cohesion and autonomy in the context of internal self-determination. Chapter Five proposed such participation include representation from the State (R0) and each of its embedded ethnic systems (R-1) and in turn what each R-1 system perceives at this early stage as its embedded systems (R-2). Additionally, a segment representative of the diversity of participants of those involved in Pre-Talk Negotiations can potentially form the nucleus of what could be aptly described as a Development Directorate that keeps track of and maps the interrelation of content that is addressed at the Peace Talks Negotiations. These results could be used to dynamically adapt plans for on-going phases of Peace Talks and to inform those involved with supervising the negotiations (i.e. the triadic participants of the Meta-Level Negotiations) so that they are positioned to influence corrective action where required.

Overall, the protocol of Team Syntegrity was advocated as the process for negotiations where the objective of the negotiations was to propose design solutions. In this regard, it is important to make a distinction between proposing solutions and the process of decision making which accepts or rejects the proposed solution design/s. This thesis addressed the former. Decision making is considered to be a matter for the Head of State, parliament, and referendums by the people.

Sri Lankans have long held the view that the quest for peace is a domestic matter for them to negotiate and achieve. Thus the objective of Peace Talks Negotiations is for Sri Lankans to address whatever comprises that content. This thesis proposes interlocking negotiations (refer Figure 9) thus enabling pivotal systems to be positioned both in their cohesive and autonomous roles and by so doing positions embedded systems to exercise their autonomy to design the nature of the way they cohere to their meta-level system, which in the context of internal self-determination is ultimately Sri Lanka.

Building from the periphery of people to the centre of power and wanting to invoke the ability to verify and/or contest negotiated propositions, a cascade of interlocking and bi-directional set of negotiations using the protocol of Team Syntegrity was proposed (refer Figure 21). Realising that no group, whatever their specialisation, would be able to provide

the requisite variety to address the diversity and depth of interrelated issues that need to be addressed, and recognising the inherent unreliability of components which are alerted to and resolved by McCulloch's Redundancy of Potential Command, Team Syntegrity's orthogonal set is used as a way of figuring out who will represent the various systems at the negotiations devoted to designing solutions. In doing so, the dependence on exclusivity of representation at Peace Talks being accorded to politicians has also been overcome.

The proposal for representation from the multiple systems embedded within the Sri Lankan layer of recursion is more than that Muslims warrant a place at the negotiations table alongside Tamils. What this thesis argues is that the Sinhalese also warrant a place and this system must not be conflated with the meta-level system, Sri Lanka. To combine them into one is to walk into the trap of fulfilling the accusation that the GoSL who is the representative of Sri Lanka is also the representative of the Sinhalese. The diagnosis conducted in Chapter Three evidences this architectural flaw in the composition of the 2002-2003 Peace Talks, the ISGA, PTOMS and the triple set of Peace Secretariats. This untangling of systems is a critical finding of Chapter Three and arose as a consequence of applying the concept of recursion and understanding the principle of cohesion and autonomy. It also distinguishes the LTTE in internal self-determination negotiations as representing the Tamils, or more specifically that segment of aspiring secessionists in the absence of equality.

What the interrelated three-pronged set of proposed negotiations achieves is room for multiple representations from each of the communities and by so doing overcomes the exclusivity accorded to the LTTE, and provides for representation by the GoSL to be distinguished from representatives of the Sinhalese. Additionally, the composition of the Meta-Level Negotiations gives recognition to what has been referred to as the 'contingency' position where the aspiring secessionist sees itself on par with the GoSL. Concurrently and in contrast, the Peace Talks Negotiations position the GoSL as a state actor with the LTTE as one of the representatives of the Tamil embedded system.

By so doing, what the three-pronged negotiation set has achieved is designed negotiations so that it obviates the question as to whether negotiations between the GoSL and LTTE is a peer-to-peer negotiation or a negotiation between a supervening system and an embedded

system. In my view, the latter relationship pertains to internal self-determination and the former to secession. However, what the three-pronged negotiations achieve is that they factor in elements of the ‘contingency’ of external self-determination whilst focusing on internal self-determination negotiations.

Additionally Chapter Three proposed the concept of Principle Based Negotiations of the calibre that lends itself for use by oneself and others thereby evidencing equality/fairness. A set of principles, borrowed from Organizational Cybernetics, was accordingly proposed for the negotiations and these very principles were also proposed to be used to diagnose and propose solutions in this thesis.

What Chapter Four achieves is it brings focus on the type of content that internal self-determination negotiations will be called upon to address. Here there was an extensive discussion on the unit of devolution in the context of internal self-determination (its relationship to viability and fiscal equalization) and external self-determination (its pre-architected boundaries). Thus understanding ‘contingency’ positioning it was held that those opting to preserve territorial integrity will argue for small geographical units of devolution so that should external self-determination result, pockets of landmass can be saved so a large tract of contiguous landmass is not risked to secession. In contrast, those wanting to keep the contingency of secession open will opt for devolution built on large contiguous landmasses. Indeed, examination of the proposals put forward by the various protagonists evidences this pattern, which pragmatically substantiates the parallel ‘contingency’ negotiations theory put forward in this thesis.

Reflection on the connection of Chapter Four and Two, shows that in the ubiquitous quest for requisite variety Bhaskar’s philosophical framework in the Domain of the Real and the Domain of the Actual whilst it may not always empirically evidence itself (refer Table 2) are vital elements of variety which need to be addressed in designing robust systems for they may exercise themselves in the future. Thus it heeds one to consider the constitutional issues discussed in Chapter Four under the caption of designing ultrastable systems, from the perspective of the philosophy which was introduced in Chapter Two which there was presented from the viewpoint of what constitutes proof and what is reality.

The significance of this thesis from an Organization Cybernetics perspective is that besides using that framework for diagnostic purposes, it has been heavily used to design a solution. From a peace perspective, what commenced as a journey to understand Sri Lankan crises has begun to traverse a more general path of 'process' solution proposals that are relevant to the broader context of sovereignty based conflicts. This is discussed next.

Part II – Assessment to Gauge Preparedness for Secession and its Aversion

This thesis has grappled with the complex terrain of the quest for peace in an ethnically triggered conflict where Sri Lanka's sovereignty is perceived to be threatened. I say 'perceived' because one interpretation is that the threat is just that and no more. It is a posturing or a position that is made known to gain leverage so as to achieve a different result in which they are interested. Another is that such threat and the wish to achieve it is an extremist view which moderates do not share. Another is that prospects for peace are realistically only possible via negotiations with moderates (from each side) and thus the extremists need to be annihilated, particularly when associated with terrorism.

This perceived generalisation is applicable whether the context is Sri Lanka or another facing the heat of the threat of secession.

What this array of perceptions shows, particularly the last, is that the opposing protagonists (i.e. Parent State or aspiring secessionist) does factor the threat of secession and/or terrorism into their response strategy - one side to achieve secession and the other to avert it. The variety employed to absorb the bid (or aversion) for secession is mostly done in the theatre of war whether by the military or terrorist/freedom fighters. The heavy toll paid by each side is evidenced in death, injury and the harshness of monumental financial debt as the years of war mount. It is to avert that toll that Peace Talks are proposed.

The evidence of war indicates it is attractive both rationally and emotively. Each side is so convinced of their ability to avert or achieve secession, as the case may be, that they go to

war on it. Certainly, there are other reasons for war, like cordoning off territory, handsome profit margins for 'war purchasing' decision makers and a leverage tool at peace talks. Yet the threat of secession does play a particularly significant emotional role in what drives the war.

To the Parent State emotionally charged with the need to preserve territorial integrity, the threat of secession is like a red flag to a bull upon which rests the argument for war. Equally the aggrieved community aspiring and denied equal status respond emotively, convinced of their right to secede. Each community slants its propaganda to convince its younger generation to join the war to uphold the rights of their community.

It is this emotional appeal that I want to address as the findings of this thesis show that secession from the perspective of operational viability is a matter for the international community to decide. Certainly, that international position is one of the many facets of the decision that has to be taken. Yet the point remains it is a matter for the international community and thus is an arena for action where the bid (or aversion) for secession must compulsorily take place.

Thus, the vehemence of bloodshed of war alone is not enough. Indeed I would go as far as to state that international approval is mandatory. If recognition of secession is achieved or averted in the international arena the domestic solution is almost immaterial.

Whilst the international position will not be known until a domestic actor takes an overt position (e.g. declaration of independence), the international positioning at any one time can be assessed.

That assessment in turn can be used for two very valuable purposes - one, as leverage into Peace Talks and the other as a means to counter the propaganda that is directed at the warrior potential of the younger, or any, generation.

For example, if the Parent State can show in its assessment that it can with a high degree of confidence count on one of the permanent representatives on the UN Security Council exercising its veto power, then it obviates or at least substantially reduces the need for war.

On the other hand, to the extent the aspiring secessionist can indicate its strength in its gaining UN Security Council approval for its bid for secession it likewise reduces the need for war. Here the need is to avoid the exercise of veto power and to gain the approval of nine of the fifteen Security Council members - Article 26 (3) of the UN Charter.

The significance of this type of assessment is a little recognised but significant variable is found that warrants amplification in order to counteract the attraction of war, particularly the rationale for its intensity. Equally important is that this assessment can be done by institutions competent in the politics of international relations. Such institutions could range from civil society organisations, to political organizations, to the Parent State, to the aspiring secessionist, to international donors, to the UN itself. Certainly, each organisation's assessment findings would be different.

Reputable organisations conducting such assessment and publishing the results, has the distinct potential to change the dependence on war in the way it is used as leverage into and at Peace Talks.

Likewise, such assessment would be useful to counteract propaganda. It would serve to build an understanding not only of geo-political-economic interests but to come to terms with the process and procedures of what it takes to achieve secession and viability. To the extent such amplification succeeds it will be evidenced in reduced numbers who opt for war as their countervailing strategy.

Future research is required to address this 'assessment' proposal. In particular, it requires research into what it takes to achieve operational viability for a new State and as a different issue it needs to figure out the different means by which international recognition of statehood is achieved. In terms of variety absorption, it also requires that each case of threatened sovereignty be assessed based on the distinction between gaining operational viability (as for example Taiwan has achieved) compared to gaining operational viability in the capacity of a fully recognised sovereign State (as for example Montenegro has achieved).

Another Beginning

A distinction is warranted between conceptualising a solution, securing agreement to pursue its implementation, implementing the design of the solution and as a still different distinction dynamically adapting the design so as to achieve the objective

What this thesis has achieved is the uniqueness of applying Organizational Cybernetics to conceptually design a solution to transform sovereign based conflicts to a more peaceful environment.

Having conceptualised the many facets of the solution, which is the contribution of this thesis, the next phase is to move the thesis from its obvious status on a bookshelf to the minds of influencers so that decision makers can make informed choices in the journey for peace.

As this conceptualised thesis closes it forms a bridge to another beginning - the journey for the quest of application.

Appendix 1 - The Atlantic Charter

The President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them;

Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance;

Eighth, they believe that all of the nations of the world, for realistic as well as spiritual reasons must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

Franklin D. Roosevelt

Winston S. Churchill

Source: Samuel Rosenman, ed., Public Papers and Addresses of Franklin D. Roosevelt, vol.10 (1938-1950), 314 Available at: <http://usinfo.state.gov/usa/infousa/facts/democrac/53.htm> [accessed 25 January 2007]

Appendix 2 - The Thimpu Declaration

At Thimpu, in July 1985, all six Tamil Liberation Organisations, consisting of the Eelam Peoples Revolutionary Liberation Front (EPRLF), the Eelam Revolutionary Organisation (EROS), the Liberation Tigers of Tamil Eelam (LTTE), the Peoples Liberation Organisation of Tamil Eelam (PLOTE), the Tamil Eelam Liberation Organisation (TELO), and the Parliamentary Tamil United Liberation Front (TULF), jointly and unanimously declared:

"It is our considered view that any meaningful solution to the Tamil national question must be based on the following four cardinal principles -

- 1. recognition of the Tamils of Ceylon as a nation*
- 2. recognition of the existence of an identified homeland for the Tamils in the island of Sri Lanka*
- 3. recognition of the right of self determination of the Tamil nation*
- 4. recognition of the right to citizenship and the fundamental rights of all Tamils who look upon the island as their country.*

"Different countries have fashioned different systems of governments to ensure these principles. We have demanded and struggled for an independent Tamil state as the answer to this problem arising out of the denial of these basic rights of our people... However, in view of our earnest desire for peace, we are prepared to give consideration to any set of proposals, in keeping with the above-mentioned principles, that the Sri Lankan government may place before us."

Available at: <http://www.tamilnation.org/saty/870215pathofreason.htm> [accessed 3 November 2006]

Appendix 3 - P-TOMS Agreement

Memorandum of Understanding (“MOU”) **for the Establishment of a Post-Tsunami Operational Management Structure (“P-TOMS”)**

Preamble

WHEREAS the tsunami that struck Sri Lanka on December 26, 2004 (the “tsunami”) destroyed human lives and property on an unprecedented scale;

WHEREAS there is an urgent need for all communities, Sinhala, Tamil, Muslim and others, to cooperate on humanitarian grounds in the face of this common adversity;

WHEREAS the equitable allocation of post-tsunami funds to all parts of Sri Lanka struck by the tsunami will be based on accepted needs assessments;

WHEREAS in recognition of this urgent humanitarian need and in a spirit of partnership, the Government of Sri Lanka (the “GOSL”) and the Liberation Tigers of Tamil Eelam (the “LTTE”) (the “Parties”) have resolved to work together, in good faith and using their best efforts, to deliver expeditious relief, rehabilitation, reconstruction and development to the coastal communities in the six districts of Ampara, Batticaloa, Jaffna, Kilinochchi, Mullaitivu and Trincomalee (“the Six Districts”) and to facilitate and expedite the process of rebuilding the affected areas;

WHEREAS there is a need for establishing P-TOMS to facilitate such cooperation among communities, and between the Parties;

NOW, THEREFORE, in consideration of the foregoing the Parties have entered into this MOU and agreed as follows:

1. Structure

- a. An integrated operational management structure shall be established for the purpose of planning, implementing and coordinating post-tsunami work. Such structure shall consist of:
 - i. The Post-Tsunami Coastal Reconstruction Committee (the “High-Level Committee”);
 - ii. The Post-Tsunami Coastal Reconstruction Committee for the Six Districts (the “Regional Committee”); and

- iii. Post-Tsunami Coastal Reconstruction Committees for each of the Ampara, Batticaloa, Jaffna, Kilinochchi, Mullaitivu, and Trincomalee districts (the "District Committees").
- b. The High-Level Committee, the Regional Committee and the District Committees shall discharge of their functions in such a manner as to address the concerns of all persons in the Tsunami Disaster Zone (the "TDZ", as defined below) and shall do so without discrimination against any person on grounds such as ethnic origin, sex, language, religion, political or other opinion, social origin, birth or other status.

2. Scope

- a. The scope of the High-Level Committee, the Regional Committee, and the District Committees shall be limited to performing the functions defined in Sections 5(b), 6(b), and 8(b), respectively, and having effect exclusively within the TDZ (as defined below), as further specified by Section 6(a) in the case of the Regional Committee and by Section 8(a) in the case of the District Committees.
- b. The Tsunami Disaster Zone (the "TDZ") shall be defined as the area affected by the tsunami.
- c. The TDZ shall include all that tsunami-affected land area of Sri Lanka, which is adjacent to the sea, lying within a limit of 2 kilometres landwards from the mean low water line.
- d. The High-Level Committee may decide to bring additional land areas within the TDZ; provided, however, that all such land areas must have been directly impacted by the tsunami or directly affected by the displacement and resettlement of persons as a result of the tsunami.
- e. New proposals for measures to be adopted in, or affecting the coastal areas covered by seawater, shall be undertaken under the aegis of an international agency. Such proposals might include measures to recover material lost to the sea during the tsunami, the cleaning up of shores and beaches affected, even when covered by seawater, and the repairing and construction of jetties or commercial fisheries harbours affected by the tsunami.
- f. The Ceasefire Agreement, dated as of 23 February 2002, between the GOSL and the LTTE, shall continue in full force and effect, and nothing in this MOU shall be construed to prejudice such agreement or alter its terms in any way.

3. Period of Operation

- a. This MOU shall enter into force from the date it is executed by both Parties (the "Commencement Date"), and continue in operation for a period of one year from the Commencement Date.

- b. The Parties shall by consensus have the option to extend this MOU for an additional period or periods.

4. Cost and Expenses

The donors shall be requested to cover all costs and expenses incurred relating to the establishment and functioning of the P-TOMS.

5. High-Level Committee

- a. Geographic Scope. The High-Level Committee shall act exclusively in relation to the TDZ.
- b. Functions. The High-Level Committee shall perform the following functions:
 - i. Formulation of policies for the equitable allocation and disbursement of donor funds in the TDZ based on needs assessments submitted to the High-Level Committee, guided by the principle that funds should be allocated in proportion to the number of affected persons and the extent of damage;
 - ii. Provision of advisory services; and
 - iii. Monitoring of the functioning of P-TOMS.
- c. Composition. The High-Level Committee shall consist of the following members:
 - i. 1 nominee by GOSL;
 - ii. 1 nominee by LTTE; and
 - iii. 1 nominee by Muslim parties.
- d. Alternates. Each nominating party shall designate one alternate, who will be authorized to attend meetings and act on behalf of the member only in the event he or she is unable to attend due to illness, necessary travel or other exigent circumstances.
- e. Chairperson. The High-Level Committee shall select one of the members of the High-Level Committee to serve as the chairperson to conduct and coordinate its meetings. The role of the chair shall rotate among the members, with each chairperson serving for two months.
- f. Observers. The High-Level Committee shall have one observer representing multilateral donors and one observer representing bilateral donors attend its meetings. The observers shall be nominated by the multilateral donor community and the bilateral donor community, respectively.
- g. Decision Making.
 - i. The High-Level Committee shall strive to make decisions based on consensus. All members shall work together in good faith and use their best efforts to reach a common agreement before the High-Level Committee makes any decisions.
 - ii. In the event that consensus cannot be reached, the members shall immediately enter into an extensive consultation procedure with their

nominating parties and the donor community with the aim to reach an agreement and to ensure continued cooperation in the High-Level Committee.

iii. In the event that consensus can still not be reached the nominating parties may, after having followed the consultation procedure laid down in Section 5(g, i and ii) and after having given 14 days notice, suspend the cooperation in the High-Level Committee.

- h. Location. The High-Level Committee shall be located in Colombo.
- i. Procedures. The High-Level Committee shall determine its own procedures for the discharge of its functions.
- j. Servicing Secretariat. The High-Level Committee shall establish a small, independent secretariat with adequate staff.

6. Regional Committee

- a. Geographic Scope. The Regional Committee shall act exclusively within those areas of the TDZ in the Six Districts.
- b. Functions. The Regional Committee shall perform the following functions:
 - i. Development of strategies for implementation and prioritization of post-tsunami emergency relief, rehabilitation, reconstruction and development measures;
 - ii. Project approval and management, with respect to projects for post-tsunami relief, rehabilitation, reconstruction and development;
 - iii. Overall monitoring of projects; and
 - iv. Fund management, with respect to the fund specifically defined in Section 7.
- c. Composition. The Regional Committee shall consist of the following members:
 - i. 2 members nominated by GOSL, out of which one will serve as Deputy Chairperson;
 - ii. 5 members nominated by LTTE, out of which one will serve as Chairperson;
 - iii. 3 members nominated by the Muslim parties, out of which one will serve as Deputy Chairperson;
 - iv. The Regional Committee shall have a proper gender balance.
- d. Observers. The Regional Committee shall have one observer representing multilateral donors and one observer representing bilateral donors attend its meetings. The observers shall be nominated by the multilateral donor community and the bilateral donor community, respectively. Other observers may be invited to attend the meetings of the Regional Committee.
- e. Decision Making.
 - i. The Regional Committee shall strive to make decisions based on consensus. All members shall work together in good faith and use their best efforts to

- reach a common agreement before the Regional Committee makes any decisions.
- ii. In the event that consensus cannot be reached, decisions shall be made by a simple majority of the Regional Committee. In the event of equality of votes, the Chairperson can exercise a casting vote.
 - iii. Notwithstanding paragraph iv below, in the event that a decision is taken on an issue having an adverse effect on a minority group, acknowledged by at least two members of the Regional Committee, approval will require two thirds majority (seven members) of the Regional Committee.
 - iv. In the event that a proposal from a District Committee does not get a simple majority in the Regional Committee and at least two members of the Regional Committee request redressing of the decision relating to the proposal, the rejection will require two thirds majority (seven members) of the Regional Committee.
- f. Location. The Regional Committee shall be located in Killinochchi.
 - g. Procedures. The Regional Committee, in consultation with the High-Level Committee, shall determine the procedures for the discharge of its functions.
 - h. Servicing Secretariat. A small Secretariat for the Six Districts shall be set up and may draw staff from the Secretariat for Immediate Humanitarian and Rehabilitation Needs (SIHRN). The Secretariat shall be named as the Regional Secretariat for Post-tsunami Coastal Reconstruction and Development (RSPCRD), and shall provide secretarial and administrative services to the Regional Committee.
 - i. Project Management Unit. A Project Management Unit (the "PMU") shall be established to manage the projects approved by the Regional Committee.
 - j. Accounting. The Regional Committee shall appoint a suitably qualified, independent accountant.

7. Regional Fund

- a. There shall be a Post-Tsunami Coastal Fund for the Six Districts (the "Regional Fund"), consisting of unspecified (program) and secretariat funds. The unspecified (program) funds shall consist exclusively of foreign funds while the secretariat funds shall consist of both foreign and local funds.
- b. The Parties shall appoint a suitable multi-lateral agency to be the Custodian of the Regional Fund.
- c. The purpose of the Regional Fund shall be to expeditiously make available funds, following proper approved procedures, to facilitate and accelerate the relief, rehabilitation, reconstruction and development program in the tsunami-affected areas of the Six Districts.

- d. The Parties and the Custodian shall agree on a mechanism for the establishment and operation of the Regional Fund.

8. District Committees

- a. Geographic Scope. Each District Committee shall act exclusively in relation to those areas of the TDZ within its district.
- b. Functions. Each District Committee shall perform the following functions within its district:
 - i. Identification of needs;
 - ii. Prioritization of needs;
 - iii. To generate, receive, appraise and prioritize project proposals from various stakeholders and submit recommendations to the Regional Committee; and
 - iv. To monitor and report on project progress to the Regional Committee.
- c. Composition and Decision Making. The Districts Committees, already established and well-functioning, shall continue their work. The District Committees may further discuss and decide on issues relating to their composition and decision-making. Adequate Muslim representation shall be ensured. The District Committee shall also have a proper gender balance.
- d. Location. Each District Committee shall be located within its district.
- e. Servicing Secretariat. A small Servicing Secretariat shall provide secretarial and administrative services to the District Committees.

9. Execution

This MOU may be executed in duplicate, both texts being equally authentic.

Appendix 4 - ISGA Proposal

**THE PROPOSAL BY THE LIBERATION TIGERS OF TAMIL EELAM
ON BEHALF OF THE TAMIL PEOPLE
FOR AN AGREEMENT TO ESTABLISH
AN INTERIM SELF-GOVERNING AUTHORITY
FOR THE NORTHEAST OF THE ISLAND OF SRI LANKA**

Consistent with the principles of the rule of law, the human rights and equality of all persons, and the right to self-determination of Peoples,

Determined to bring lasting peace to all persons of the island of Sri Lanka,

Acknowledging with appreciation the services of the Royal Norwegian Government, the Norwegian People, and the international community in attempting to bring peace to the island,

Recognizing that a peaceful resolution is a real possibility, despite the challenging history of the peace process between the Tamil people and the Sinhala people.

Determined to establish an interim self-governing authority for the NorthEast region and to provide for the urgent needs of the people of the NorthEast by formulating laws and policies and, effectively and expeditiously executing all resettlement, rehabilitation, reconstruction, and development in the NorthEast, while the process for reaching a final settlement remains ongoing.

Being aware that the history of the relations between the Tamil People and the Sinhala People has been a process of broken promises and unilateral abrogation, by successive governments of Sri Lanka, of pacts and agreements solemnly entered into between the government of Sri Lanka (GOSL) and the elected representatives of the Tamil People,

Bearing in mind that successive Governments of Sri Lanka have perpetrated persecution, discrimination, State violence and State-orchestrated violence against the Tamil People,

Noting that the Tamil people mandated their elected representatives to establish an independent sovereign, secular State for the Tamil people in the elections subsequent to the Vaddukoddai Resolution of 1976,

Bearing in mind that the Tamil armed struggle as a measure of self-defense and as a means for the realisation of the Tamil right to self-determination arose only after more than four decades of non-violent and peaceful constitutional struggle proved to be futile and due to the absence of means to resolve the conflict peacefully,

Recalling that the Liberation Tigers of Tamil Eelam (LTTE) first took measures towards peace by unilaterally declaring the ceasefire in December, 2000 and again in December, 2001, opening highways, facilitating trade and the free movement of people, and entering into peace negotiations in good faith in the hope of creating an environment conducive to the return of normalcy and a just resolution of the conflict,

Taking Note of the political courage of the present GOSL in reciprocating to the 2001 ceasefire,

Realizing that the war in the island of Sri Lanka was principally confined to the NorthEast, resulting in the destruction of the social, economic, administrative, and physical infrastructure of that area, and that the NorthEast still remains the region in the island of Sri Lanka affected by war,

Recognising that the majority of the Tamil People in the NorthEast, by their actions in the general elections held in the year 2000, gave their mandate acknowledging the LTTE as their authentic representative,

Knowing that the LTTE exercises effective control and jurisdiction over the majority of the NorthEast area of the island of Sri Lanka,

Realising that reaching a final negotiated settlement and the implementation thereof is expected to be a long process,

Affirming the necessity for the safe and free return of all refugees and displaced persons and their urgent need for unimpeded access to their homes and secure livelihoods at land and sea in the NorthEast,

Mindful that institutions and services provided by the GOSL have proved to be inadequate to meet the urgent needs of the people of the NorthEast,

Recognising the failure of the Sub-committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) and other Sub-Committees formed during the peace negotiations, which failure was due to the composition of such Sub-Committees, which repeatedly led to inaction,

Acknowledging the recognition by the GOSL of the necessity for an Interim Authority, as mentioned in its 2000 election manifesto,

Realising that maintenance of law and order is an essential pre-requisite for a just and free society,

Recognising the need for raising revenue to meet the urgent needs for the Resettlement, Rehabilitation, Reconstruction and Development of the NorthEast region, which has been devastated by war, and for the carrying out of any function of Government,

Recognising the importance of control over land in resettlement, rehabilitation, reconstruction and development,

Mindful that the Tamils did not participate in the making of the 1972 and 1978 constitutions, which institutionalized discrimination and denied them an effective role in the decision-making process,

Noting the practice in international relations over the last decade of solving conflicts between Peoples through agreement between the parties to the conflict on terms of equality and through innovative and imaginative measures,

***Relying** on international precedents for establishing interim governing arrangements in war-torn countries having the force of law based solely on pacts or agreements between the warring parties recognized by the international community,*

***Noting** that measures such as the Ceasefire Agreement, including the role of the Sri Lanka Monitoring Mission (SLMM), and, the establishment of the SIHRN and the NorthEast Reconstruction Fund (NERF) constitute valid precedents for making such arrangements,*

Wherefore, the Parties, namely the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka, hereby agree to the following provisions:

1. Interim Self-Governing Authority

An Interim Self-Governing Authority (ISGA) shall be established comprised of the eight districts namely: Amparai, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee and Vavuniya in the NorthEast, until a final negotiated settlement is reached and implemented.

Representatives of the Muslim community have the right to participate in formulation of their role in the ISGA.

2. Composition of the ISGA

- 2.1. The ISGA shall consist of such number of members as may be determined by the Parties to this Agreement.
- 2.2. The composition of the ISGA shall be:
 - 2.2.a. Members appointed by the LTTE,
 - 2.2.b. Members appointed by the GOSL, and
 - 2.2.c. Members appointed by the Muslim community in the NorthEast.
- 2.3. The number of members will be determined to ensure:
 - 2.3.a. An absolute majority of the LTTE appointees in the ISGA.
 - 2.3.b. Subject to (a) above, the Muslim and Sinhala Communities in the NorthEast shall have representation in the ISGA.
- 2.4. The Chairperson shall be elected by a majority vote of the ISGA and shall serve as the Chief Executive of the ISGA.
- 2.5. The Chairperson shall appoint the Chief Administrator for the NorthEast and such other officers as may be required to assist in the performance of his/her duties. The Chairperson shall have the powers to suspend or terminate any such appointment.

3. Elections

The provisions of Clauses 2.2 and 2.3 shall continue until elections for the ISGA are held. Such elections shall be held at the expiry of five years of the coming into force of this Agreement, if no final settlement has been reached and implemented by the end of the said period of five years. An independent Election Commission, appointed by the ISGA, shall conduct free and fair elections in accordance with international democratic principles and standards under international observation.

4. Human Rights

The people of the NorthEast shall be accorded all rights as are provided under international human rights law. Every law, regulation, rule, order or decision of the ISGA shall conform to internationally accepted standards of human rights protection. There shall be an independent Human Rights Commission, appointed by the ISGA, which shall ensure the compliance with all such human rights obligations. The Commission will seek the assistance of international human rights bodies to facilitate the rapid establishment of an effective regime for protecting human rights. The Commission shall be entitled to receive petitions from any individual person, award compensation to any such affected person, and ensure that such person's rights are restored.

5. Secularism

No religion shall be given the foremost place in the NorthEast.

6. Prohibition against Discrimination

The ISGA shall ensure that there is no discrimination on grounds of religion, race, caste, national or regional origin, age or gender in the NorthEast.

7. Prevention of Bribery and Corruption.

The ISGA shall ensure that no bribery or corruption is permitted in or under its administration.

8. Protection of All Communities

No law, regulation, rule, order or decision that confers a privilege or imposes a disability on any community, which is not conferred or imposed on any other community, shall be made concerning culture or religion.

9. Jurisdiction of the ISGA.

9.1. The ISGA shall have plenary power for the governance of the NorthEast including powers in relation to resettlement, rehabilitation, reconstruction, and development, including improvement and upgrading of existing services and facilities (hereinafter referred to as RRRD), raising revenue including imposition of taxes, revenue, levies and duties, law and order, and over land.

These powers shall include all powers and functions in relation to regional administration exercised by the GOSL in and for the NorthEast.

9.2. The detailed modalities for the exercise of such powers and the performance of such functions shall be subject to further discussion by the parties to this agreement.

10. Separation of Powers

Separate institutions for the administration of justice shall be established for the NorthEast, and judicial powers shall be vested in such institutions. The ISGA shall take appropriate measures to ensure the independence of the judges.

Subject to Clauses 4 (Human Rights) and 22 (Settlement of Disputes), of this Agreement, the institutions created under this clause shall have sole and exclusive jurisdiction to resolve all disputes concerning the interpretation and implementation of this agreement and any other disputes arising in or under this agreement or any provision thereof.

11. Finance

The ISGA shall prepare an annual budget.

There shall be a Financial Commission consisting of members appointed by the ISGA. The members should have distinguished themselves or held high office in the fields of finance, administration or business. This Commission shall make recommendations as to the amount out of the Consolidated Fund to be allocated to the NorthEast. The GOSL shall make its good faith efforts to implement the recommendation.

The ISGA will, giving due consideration to an equitable distribution, determine the use of funds placed at its disposal. These funds shall include the NorthEast General Fund, the NorthEast Reconstruction Fund (NERF) and the Special Fund.

The GOSL agrees that any and all of its expenditures in or for the NorthEast shall be subject to the control of the ISGA.

11.1. NorthEast General Fund

The NorthEast General Fund shall be under the control of ISGA and shall consist of:

- 11.1.a. The proceeds of all grants and loans made by the GOSL to the ISGA and the proceeds of all other loans made to the ISGA.
- 11.1.b. All allocations by the GOSL from agreements with states, institutions and/or other organizations earmarked in any such agreements for the NorthEast.
- 11.1.c. All other receipts of the ISGA, other than the funds specified below.

11.2. NorthEast Reconstruction Fund

The NERF shall continue to exist in its present form except that control over it will be transferred to the ISGA.

All grants given for the reconstruction of the NorthEast, will be received through the NERF. Utilization of resources from NERF will be directly determined and supervised by the ISGA.

11.3. Special Fund

All loans and any grants which cannot be channeled through the NERF for the specific purpose of RRRD will be received into the Special Fund. As in the case of other Funds, the ISGA shall control the Special Fund.

12. Powers to Borrow, Receive Aid and Trade.

The ISGA shall have powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly, and engage in or regulate internal and external trade.

13. Accounting and Auditing of Funds.

13.1. The ISGA shall appoint an Auditor General.

13.2. All Funds referred to in this Agreement shall be operated, maintained and audited in accordance with internationally accepted accounting and auditing standards. The accounts will be audited by the Auditor General. The auditing of all moneys received from international sources shall be subjected to approval by an internationally-reputed firm appointed by the ISGA.

14. District Committees.

14.1. In the effective exercise of its legislative and executive powers, the ISGA may create District Committees to carry out administration in the districts and delegate to such Committees, such powers as the ISGA may determine. The Chairpersons of such committees shall be appointed by the ISGA from amongst its members in order to serve as a liaison between the ISGA and the Committees.

14.2. The other members of the Committees shall also be appointed by the ISGA, which shall have the powers to suspend or terminate any such appointment. In appointing such members, due consideration shall be given to ensure representation of all communities.

14.3. The Committees will function directly under the ISGA.

14.4. The Chief Administrator of the ISGA shall appoint Principal Executive Officers in the districts, who shall also function as the Secretaries to the Committees. The Chief Administrator shall have the powers to suspend or terminate any such appointment.

14.5. All activities and functions of the Committees shall be coordinated through the respective Secretaries to the Committees.

14.6. Sub-committees may also be appointed to facilitate administration.

15. Administration

As part of the exercise of its executive powers the ISGA shall have direction and control over any and all administrative structures and personnel in the NorthEast pertaining to the powers set out in Clause 9 of this Agreement.

The ISGA may, at its discretion, create expert advisory committees in necessary areas. These areas will include but are not limited to Economic Affairs, Financial Affairs, Judicial Affairs, Resettlement and Rehabilitation Affairs, Development of Infrastructure, and Essential Services.

16. Administration of Land

Since land is vital to the exercise of the powers set out in Clause 9 (jurisdiction of the ISGA), the ISGA shall have the power to alienate and determine the appropriate use of all land in the NorthEast that is not privately owned.

The ISGA shall appoint a Special Commission on Administration of Land to inquire into and report on the rights of dispossessed people over land and land subject to encroachment, notwithstanding the lapse of any time relating to prescription.

The ISGA shall determine the term of competencies of the Special Commission.

17. Resettlement of Occupied Lands

The occupation of land by the armed forces of the GOSL, and the denial to the rightful civilian owners of unfettered access to such land, is a violation of the norms of international law. Such land must be immediately vacated and restored to the possession of the previous owners. The GOSL must also compensate the owners for the past dispossession of their land.

The ISGA shall be responsible for the resettlement and rehabilitation of displaced civilians and refugees in such lands.

18. Marine and off-shore resources

The ISGA shall have control over the marine and offshore resources of the adjacent seas and the power to regulate access thereto.

19. Natural Resources

The ISGA will have control over the natural resources in the NorthEast region. Existing agreements relating to any such natural resources will continue in force. The GOSL shall ensure that all monies due under such agreements are paid to the ISGA. Any future changes to such existing agreements should be made with the concurrence of the ISGA. Future agreements shall be entered into with the ISGA.

20. Water Use

Upper riparian users of river systems have a duty to ensure that there is a fair, equitable and reasonable use of water resources by lower riparian users. The GOSL and the ISGA shall ensure that this internationally recognized principle is followed in the use of water resources.

21. Agreements and contracts

All future agreements concerning matters under the jurisdiction of the ISGA shall be made with the ISGA. Existing agreements will continue, but the GOSL shall ensure that all proceeds under such agreements are paid to the ISGA. Any changes to such existing agreements should be made with the concurrence of the ISGA.

22. Settlement of Disputes

Where a dispute arises between the Parties to this Agreement as to its interpretation or implementation, and it cannot be resolved by any other means acceptable to the Parties including conciliation by the Royal Norwegian Government, there shall be an arbitration before a tribunal consisting of three members, two of whom shall be appointed by each Party. The third member, who shall be the Chairperson of the tribunal, shall be appointed jointly by the Parties concerned. In the event of any disagreement over the appointment of the Chairperson, the Parties shall ask the President of the International Court of Justice to appoint the Chairperson.

In the determination of any dispute the arbitrators shall ensure the parity of status of the LTTE and the GOSL and shall resolve disputes by reference only to the provisions of this Agreement.

The decision of the arbitrators shall be final and conclusive and it shall be binding on the Parties to the dispute.

23. Operational Period

This Agreement shall continue until a new Government for the NorthEast, pursuant to a permanent negotiated settlement, is established. The Parties will negotiate in good faith to reach such a settlement as early as possible.

Provided, however, that at the end of four years if no final agreement has been reached between the Parties to this agreement, both Parties shall engage in negotiations in good faith for the purpose of adding, clarifying, and strengthening the terms of this Agreement.

Charter of the United Nations

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I: PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II: MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III: ORGANS

Article 7

1. There are established as the principal organs of the United Nations:
 - a General Assembly
 - a Security Council
 - an Economic and Social Council
 - a Trusteeship Council
 - an International Court of Justice
 - and a Secretariat.
2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV: THE GENERAL ASSEMBLY

Composition

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.
2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.
4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.
2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:
 - a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
 - b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the

rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V: THE SECURITY COUNCIL

Composition

Article 23

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Functions and Powers

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Voting

Article 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII: ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they remember.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII: REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.
2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX: INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X: THE ECONOMIC AND SOCIAL COUNCIL

Composition

Article 61

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.
4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.
2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.
2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.
3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

Voting

Article 67

1. Each member of the Economic and Social Council shall have one vote.
2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

Procedure

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI: DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII: INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

- a. territories now held under mandate;
- b. territories which may be detached from enemy states as a result of the Second World War; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

2. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

3. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly shall assist the General Assembly in carrying out these functions.

CHAPTER XIII: THE TRUSTEESHIP COUNCIL

Composition

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;

- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and
 - c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.
2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV: THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV: THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI: MISCELLANEOUS PROVISIONS

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII: TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII: AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.
3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX: RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.
2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

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