

## Preface

The publication of *The Sri Lankan Republic at 40: Reflections on Constitutional History, Theory and Practice* is not only a commemoration of the first autochthonous constitution for Sri Lanka and the establishment of a republic. It is also an occasion to reflect on, as this edited work inimitably does, the values that informed that transformation, the consequences they intentionally and unintentionally continue to have for the body politic of the republic, and which bear upon the challenge of moving the polity from its current post-war phase to the desired post-conflict one. In all of these respects, *The Sri Lankan Republic at 40* is especially relevant and crucially informative. It provokes thought, reflection and debate for contemporary constitutional discourse and design. It highlights the lessons to be learnt and thereby, the reconciliation that should underpin the constitution of a united, pluralist and liberal democratic Sri Lanka, reflecting and representing the aspirations of all of its peoples.

The chapters in this volume chart the course from the liberal democratic post-colonial constitutional inheritance to the promulgation of the republic as part of the nation- and state-building project. It sheds light on the sources and continuing consequences of populist majoritarianism – the slide into authoritarianism, the exacerbation of ethnic discontent and the clash of nationalisms, the nurturing of extremism and terrorism and the resulting, immensely damaging and devastating, war of almost three decades.

Constitution-making is perhaps not over in Sri Lanka; it certainly ought not to be. When it is resumed in earnest, with conviction and without the politics of hurt and harm and hate which have infected previous exercises, *The Sri Lankan Republic at 40* will stand to remind of the dangers of the centralisation of power and its consolidation by the

regime of the day. Through its critiques and through its elucidation of concepts and values refined through contemporary constitutional discourse, it will contribute to that transformation to a post-conflict society so desired and deserved by all of the peoples of Sri Lanka.

The Centre for Policy Alternatives (CPA) is proud to publish this volume as one of a number of publications of the Centre, which have focused on the challenges of democratic governance and conflict transformation in Sri Lanka from a liberal democratic perspective. *The Sri Lankan Republic at 40* is the latest in a series of CPA publications on states of emergency, electoral reform, the Thirteenth Amendment and provincial devolution, federalism and along with the Berghof Foundation, the edited work on all proposals for power-sharing in Sri Lanka spanning seven decades.

CPA is particularly proud to be associated on this publication with its invaluable partner of over a decade, the Friedrich Naumann Stiftung für die Freiheit (FNF), Sri Lanka Office. Our partnership with the FNF has been both strong and rich in the dissemination of liberal democratic values through research and advocacy, which our two organisations are firmly imbued with and committed to, all too often in inhospitable climes. Long may it endure, and enlighten constitution-making for a united, peaceful and prosperous, liberal democratic Sri Lanka.

Special thanks go to the galaxy of contributors, academics and practitioners both national and international. Their contributions make this volume a veritable treasure trove of constitutional expertise and experience, which in turn locates the Sri Lankan experience of constitution-making within the wider international context of intellectual debate and empirical circumstance. CPA gratefully acknowledges their taking time off busy schedules to focus on the challenge of constitution-making in Sri Lanka, to refresh perspectives, introduce and refine concepts that could guide us in our reflections and current deliberations.

Very special thanks go to Asanga Welikala, Senior Researcher in the Legal & Constitutional Unit of CPA and currently a doctoral candidate in the School of Law at the University of Edinburgh, who conceived of this volume of which he is the editor as well as a contributing author. Notwithstanding the demands on time and energy on account of his thesis and teaching schedule, Asanga's enthusiasm for and commitment to this volume has been inspired and unrelenting, both in respect of its conceptual design and realisation. The galaxy of international and national contributors to this volume is a testament to the regard in which he is held in the field of constitutional law.

CPA hopes and trusts that *The Sri Lankan Republic at 40* will inform and enrich constitutional discourse and design in Sri Lanka, and in this regard, constitute an important and valuable contribution towards a way out of our current travails.

Dr Paikiasothy Saravanamuttu  
Executive Director  
Centre for Policy Alternatives