Dealing with Territorial Cleavages in Constitutional Transitions

October 2013

1. Summary of Proposed Project

This project concerns the issues arising from territorially concentrated, politically salient, collective demands for constitutional accommodation in contexts of constitutional transition. It examines the experiences of a significant number of countries that have had to deal with pressures for territorial autonomy as part of attempted or successful constitutional transitions (and sometimes a broader set of issues simultaneously). “Constitutional transitions” in this project concerns two distinctive but related types of processes:

- Constitutional transitions from authoritarian to democratic rule, often post-conflict, but also in environments of on-going or potential conflict; and
- Constitutional transitions (actual or potential) within functioning electoral democracies in response to claims for territorial autonomy (and where political violence possibly is or has been a central issue).

The project will produce:

- an edited volume (to be published by Oxford University Press) drawing together and analyzing numerous case studies along with thematic and synthetic chapters;
- working papers available on an on-line, open source basis, and posted as the project progresses;
- an issue paper, to be issued early in the process that would be designed to give practitioners in the field a preliminary source of reflection and guidance; and
- a policy manual drafted on the basis of the findings of the project and designed to guide principals and advisors engaged in such transitional processes.

Project findings will be reviewed at a major conference bringing together the authors and other academic experts, as well as advisors and principals, notably from countries currently dealing with such transitional challenges.

This project will make an important contribution to the policy and academic communities. There are substantial literatures on:

- the social and political factors shaping transitions to democracy, including in post-conflict environments;
- the processes involved in these transitions, including the strategies and tactics as well as the legal instruments; and
- constitutional design to accommodate territorial political mobilization within democratic states.

However, there is little that focuses on comparisons of transitional processes to democracy and/or post-conflict environments where dealing with a new territorial structure for the state has been a central issue. The project will devote particular attention to those aspects of constitutional processes that relate to the territorial dimension of constitutional transition and design. Its case studies will include “successes” as well as blocked or failed processes.

2. The Policy Question

Attempted constitutional transitions are often fraught, and can be especially so in countries with major territorial cleavages and demands for autonomy or even independence. Such challenges may come from one region or several and they may be seen as existential (with a threat of separation) or not. The political context of such challenges will vary by country and within countries, and over time. For example, when an old authoritarian regime has been defeated, there may be clear victors, who can manage the process of transition, or there may be an unresolved competition for power amongst different factions. The old regime may be weakened but still in office; the state may be functioning relatively normally or
have “failed”; the army may be united and loyal or neither. Questions of national security, elite views on national identity and nation-building, and the structure of competition among political factions will profoundly shape the response to claims for autonomy. The international community (regional or great powers) may be actively engaged in trying to aid or influence the transition in both kinds of cases. The dynamics of each country’s process will be shaped by such factors, and will shift as alliances and positions evolve and as various tests of political or military strength (through elections and referendums or armed conflict) alter the balance of power. All of this could be true in a country challenged by deep class, religious or ethnic cleavages that does not have a significant territorial dimension, but they can be even more complex when there are demands to restructure the state to empower regionally concentrated minorities.

Clearly, the depth and nature of the cleavages vary greatly across countries. There may be a distinct regional minority facing a hostile majority, or a number of territorially distinct populations seeking autonomy. There may not be one single group which constitutes the majority. The distribution of distinct linguistic, ethnic or religious populations may be geographically concentrated or interspersed. There may be cross-cutting cleavages—such as ethnicity and religion. The geometry of such divisions will influence the views and weight of different groups and be fundamental to the challenge of managing the process and design of new constitutional arrangements.

What unites the case studies for this project is that the issue of a territorial restructuring of the state is, or ought to be, on the constitutional agenda. There may be a basic and fundamental disagreement on whether territorial restructuring should occur. Alternatively, even if there is broad support for or acceptance of such a restructuring, views on exactly what it entails may differ significantly. There are four broad approaches to institutional design that may address such territorial challenges:

- **Federalism**: the classic approach to constitutionalizing territorial devolution, now practiced in some 28 countries with a majority of the population of democracies. While highly varied in design, it is essentially symmetrical in that all regional governments normally have largely the same powers. It can include special measures to represent regions, or regional governments, within central institutions.
- **Special autonomy arrangements**: These are asymmetric arrangements in which one or a few regions have elected governments with powers unique to them. Other regions may not have elected governments at all. Federations occasionally have such special autonomy arrangements for particular regions.
- **Consociationalism**: This involves power-sharing among highly mobilized identity groups in which they make joint decisions; on some issues, each group may have a veto. It can involve elements of “segmental autonomy,” which may be territorial (when the model overlaps with federalism) or non-territorial (e.g. cultural or educational institutions).
- **Unitary government**: There are no regional governments with constitutionally protected autonomy and demands for greater autonomy that would be constitutionalized are refused. However, there may be certain concessions within a unitary framework, such as language rights or representational arrangements that promote a minority’s place in state institutions. Of course, the policy may be one of repression and assimilation (or the less oppressive integration),1 which it is hoped will solve the problem over time.

During the transitional phase, one or more of these options may be on the table, and there will be debates about the specifics of the most likely model. In cases where there is to be devolution to regions, there may be a question as to definition of the regions or the need for a process to determine their definition. There will also be issues about the powers to be devolved and possibly about representative arrangements within the central legislature, executive, courts and administration. A particularly sensitive question can be whether there is a right to secession.

Such issues can stir up deep emotions and pose existential questions about the very nature of the country. The debates can be further complicated—or constrained—by the interests and actions of international actors, whether they be neighboring states concerned about regional stability and/or the demands of their own minorities, or the broader international community with geo-political or humanitarian concerns. Success in dealing with these major substantive

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1 For the distinction between ‘assimilation’ and ‘integration’, see S. Choudhry (Ed.) Constitutional Design for Divided Societies: Integration or Accommodation? (OUP, 2008): Chs. 1 and 2.
issues will depend on the nature of the territorial cleavages, the views of key leaders, and the processes adopted or available for constitutional change. Getting to an agreement can be a major challenge. The processes adopted to try to achieve constitutional change can play a central role. In this regard, some prominent questions are:

- Is there acceptance of the need for some sort of constitutional dialogue or drafting process? If not, why and what are the implications? Has there been mediation or any other process to seek agreement on basic principles prior to the constitutional process? Have there been factors that have encouraged key factions to compromise?
- Who is to participate in the constitutional process? Elected officials only? Have elections been held, and if so, were they reasonably fair and were they held throughout the country? If elections have not been (or cannot be) held, how is it decided who participates in the constitutional process? If there has been violence, are there representatives of those who were in revolt? Of regional groups that have not engaged in violence? Has an effective end to the violence been agreed? Are all leading political groups prepared to engage?
- Is the main forum for constitutional drafting to be the legislature of the existing state (which may simultaneously have more traditional roles in the governing of the state), or a separate specialist body? In light of the territorial cleavages, what issues of legitimacy arise in constituting the drafting body? What is the decision-rule within this body? Is the constitutional process taking place under an existing constitution and its rules for constitutional amendment, an interim constitution, or some other quasi-constitutional framework? If under an interim constitution or quasi-constitutional framework, what was the process for adopting them?
- If it is agreed to create regional institutions, what is the process and timing for creating such institutions? Would regional elections precede the ratification of the constitution?
- What is the procedure for ratifying new constitutional arrangements agreed to in negotiations?
- Throughout the process, have international actors been instrumental? In shaping (or limiting) outcomes? In providing assistance and expertise?

In sum, questions of prior agreement on principles, participation, interim arrangements, legality and decision-making forums, ratification, the involvement of international actors, and the sequencing of key steps (elections, negotiations, creation of regions, ratification) can all be important.

Moreover, countries in transition often face myriad demanding issues, so that constitution-making can compete for attention or priority with the formation and management of government in a difficult economic and social context, or with addressing major security issues such as the reform of the military or the demobilization and integration of rebel forces. Such other demands on politicians can have a major impact on any effort to resolve major constitutional issues.

This project will need to consider all of these factors, but its particular focus will be on the processes and substantive issues that relate to the territorial dimension of constitutional design.

3. The Political Context and Choice of Case Studies

The world has seen a remarkable spread of democracy over the last fifty years— with decolonization, the collapse of dictatorships in Southern Europe and Latin America, the end of the Soviet Union, and the exhaustion of dictatorships in several African and Asian countries. Of course, the process is not always successful and reverses are possible. But a striking development in many countries as they democratize is the adoption of federalism or devolution, consociationalism, or special autonomy arrangements. While authoritarian regimes are by their nature centralized, democracy releases the popular forces in a society, which often demand devolution or power-sharing. Our case studies are intended to include examples of each of the four approaches to the management of territorial pluralism described above, with a focus on countries that have experienced conflict (at least at the regional level) and/or have been engaged in a major constitutional transition towards democracy or greater democracy. They exclude countries that are still early in their transitional process (such as Myanmar and Yemen) but we expect they would be strongly interested in the findings of our project.

- Federalism and devolution: The earliest federations were largely the product of separate entities “coming together” to form a new, federal country. Since the Second World War, federalism has been adopted by countries
where pressures for regional autonomy become important as the country democratizes or as a region mobilizes politically. This pathway to federalism is called “holding together,” where the devolved arrangements are intended to accommodate demands for territorial autonomy and stabilize the political structure of the country. This dynamic was present in the following proposed case studies:

- **Ethiopia:** A coalition of rebel groups, led by a minority faction, opted for “ethnic” federalism as a way to stabilize their alliances after winning the civil war and prevent the breakup of the country. Initially relatively democratic, the regime has become more authoritarian while still promoting its federal vision.
- **India:** The trauma of partition weighed on the transition to independence. India adopted a very deliberate and staged approach to constitution-making, including the restructuring of its states on a linguistic basis in order to maintain its territorial integrity.
- **Iraq:** Kurdistan’s effective autonomy was at the root of the adoption of a federal model, which was intended to be symmetric but has in practice turned out to be quite different. The process was hurried and left major issues unresolved and the key populations unreconciled to the new constitutional order.
- **Kenya:** Writing a new constitution was a condition of the accord reached following the communal violence after national elections. During the transitional period, Kenya’s governing arrangements had some consociational aspects (power-sharing amongst the major parties), and the new constitution has significant devolution.
- **Nepal:** A very unstable constellation of political parties emerged in elections after the end of the insurgency and overthrow of the king. A weak consensus emerged on federalism, but after five years the constituent assembly and national leadership proved unable to determine the most basic features of the federation, forcing elections.
- **Nigeria:** The constitution was written under military direction over an extended period following a civil war and it provided for a fundamental increase in the number of states in the federation (from three to 36). Since the return to civilian rule, there have been abortive attempts to change parts of the constitution.
- **Spain:** The post-Franco era was still strongly marked by the divisions of the civil war almost forty years before. There was a regional insurgency in the Basque country. Democratization gave priority to regionalization, initially of an asymmetric variety. A current issue is the right of the autonomous communities to hold referendums on autonomy.
- **South Africa:** The internal insurgency and external pressure led the apartheid regime to negotiate with the ANC and others on a new regime. The interim arrangements were consociational. The constitution is mildly federal, to reflect concessions to the non-black minorities and the Inkatha party.

- **Consociationalism:** A number of European countries have had consociational arrangements for periods of their history. The approach has been adopted in Northern Ireland, a non-federal example. While it is rarely a “first choice” to manage territorial cleavages, it can be useful in situations of deep distrust where minorities are not prepared to envisage any form of majoritarian government. South Africa also went through a consociational phase, prior to concluding its new constitution; while the ultimate model was devolutionary or federal, the use of consociationalism as part of the transition process merits close attention, as it does in Kenya. Our proposed case studies are both examples where consociationalism has been combined with federalism in the longer-term arrangements:
  - **Cyprus:** So far, a “failed” case, but one in which the United Nations and outside powers have been deeply involved.
  - **Bosnia-Herzegovina:** A consociational federation was created by the Dayton Agreement.

- **Special autonomy arrangements:** These are relatively infrequent for regions that are contiguous with the main territory of a country. The most remarkable example in recent years is the very asymmetric devolution in the United Kingdom to Scotland, Wales and Northern Ireland while England remains without devolved government. Our proposed case studies are:
As Indonesia democratized, it agreed to special autonomy for Aceh, where there had been a serious insurrection. Devolution in the rest of the country has been very limited.

Philippines (Mindanao): After many years of on-and-off negotiations an agreement is emerging that is intended to end the insurrection. There is no scheme of devolution for the rest of the country.

- **Unitary government**: Many governments fear autonomy arrangements to separatist regions can be the first step to the breakup of the country. There may also be ideological or normative views about the “nation” that are deeply hostile to recognizing territorially concentrated minorities (especially where they make distinctive claims to reconstitute the state along plurinational lines). Our proposed case studies are:
  - **Bolivia**: Constitutional reform was conducted in a highly volatile environment, steered by the country’s first indigenous majority government against strong opposition from the traditional elites and non-indigenous groups. The latter failed to achieve the regional autonomy they sought.
  - **Sri Lanka**: After many years of debate about devolution options and a brutal civil war, the government emerged victorious militarily and has decided against further devolution than the already very limited arrangements.

How territorial cleavages are managed has shifted from a matter of purely domestic to international concern. Federalism and devolution have often been promoted by experts and the international community—the United Nations, various governments, NGOs—to resolve difficult conflicts. The international community has been engaged in almost all of the recent cases above. These and others—the countries associated with the “Arab Spring,” Myanmar, Thailand, Uganda, and the DRC, to cite a few—have greatly raised the policy relevance of understanding effective options for the processes for dealing with both territorial cleavages and institutional arrangements. There is an urgent need for a better understanding of both the successes and failures, and of the opportunities and limits associated with these processes and arrangements. This need is particularly acute because the success of international efforts to promote particular models—whether federalism in Iraq and Sudan or consociationalism in Bosnia-Herzegovina and Cyprus—has been limited or a failure.

### 4. Current Debate and State of Knowledge

This project will operate at the intersection of three distinct yet interrelated areas of study and practice:

- First, the social and political factors shaping major constitutional transitions, whether in an environment of continuing or past conflict or from authoritarian to more democratic governance.
- Secondly, the processes of such transitions, including the strategies, tactics and legal and policy instruments brought to bear.
- Thirdly, constitutional design as it relates especially to the accommodation or management of distinct territorial and/or minority populations. This includes federalism and devolution, asymmetric autonomy, and power-sharing arrangements, such as consociationalism.

A voluminous literature exists on these three subjects, which varies in its degree of engagement with territorial cleavages. More fundamentally, there is little that focuses in a comparative way on the intersection of these issues in societies that have grappled with territorially based political mobilization.

The substantial literature on the political and social factors shaping constitutional transitions has focused on transitions from authoritarian rule to democracy and it provides no synthetic work on the particular challenges of countries with strong territorial cleavages. It is weakly tied to important literatures on constitutional design, as well as to the literature on transitional processes.

On transitional processes, Interpeace’s very useful *Constitution-Making and Reform* (2011) has full discussions of constitutional processes and instruments, but has only passing references to constitution-making in the context of territorially-based conflicts. Moreover, its intellectual and policy home is in the field of conflict resolution and transitions after violent civil war. It does not address the technical yet vital issues of participation, sequencing, interim arrangements,
approval processes and the role of international actors in relation to territorial cleavages, leaving an important dimension of the relationship between constitution-making and broader processes of democratization not fully explored. It also does not address questions of processes and instruments in democracies with functioning electoral machinery and representative institutions, which in cases such as Bolivia, India, the Philippines and Sri Lanka has complicated the negotiation and management of territorial conflicts.

Finally, there is a large literature on constitutional design, including how it should address territorial cleavages.\(^2\) For federalism studies, the Forum of Federations’ ambitious Global Dialogue series has volumes on constitutional origins as well as many aspects of federal constitutional structures, but its focus is largely on long-established federations (Ethiopia, South Africa, and Spain being exceptions). Moreover, the constitutional literature has been enriched in recent years by the work around “consociationalism” and “plurinationalism.” But this literature does not contextualize these design choices in the context of constitutional transitions, either from authoritarianism to democracy or transitions within a functioning electoral democracy.

5. Project Methodology and Outputs

The project will be led by the Center for Constitutional Transitions at the New York University School of Law (Constitutional Transitions) in conjunction with two policy partners: the Forum of Federations and the International Institute for Democracy and Electoral Assistance (International IDEA). Constitutional Transitions is the world’s first university-based center that generates and mobilizes knowledge in support of constitution building. The Forum of Federations, an international NGO based in Ottawa, is the leading international network on federalism, and is supported by 10 federal countries. International IDEA, an international organization based in Stockholm and the Hague with 28 member-states, works on many aspects of democratic institutions, including constitutional reform. Both the Forum of Federations and International IDEA have agreed to provide financial support to the project over two or three years. The Mediation Support Unit in the United Nations’ Department of Political Affairs has indicated an interest in being associated with the project. This concept note will be used to approach other potential partners and sponsors.

As noted at the outset, this project will produce three main sets of outputs: an edited volume, an on-line working paper series, and a set of policy publications. These outputs are described below, as well as their individual components, which include: (a) case studies, (b) thematic papers, (c) an issue paper, and (d) a policy manual.

Case Studies: The project will be based on highly structured case studies (approx. 8,000 words each), designed to promote systematic comparison. Scholars will be consulted on a template that will guide the structuring of the case studies so as to permit comparison across cases within a solid theoretical framework. The analysis will distinguish two broad subject areas:

- **The underlying social and political factors, including the geo-political context, as they relate to institutional options for devolution or federalism:** This will include examination of the structure of conflict in the society, identity patterns and grievances, the nature and history of territorial cleavages, political leadership and parties, and the issues associated with devolution options (including the number and character of politico-territorial units, and their responsibilities) as well as power-sharing and representative provisions within the central government. External pressures and constraints will also be examined.

- **The processes and instruments of constitution-making:** This will include an examination of the particular issues with which actors are engaged in consultations and negotiations and the stages in these processes (for peace-making, interim arrangements, and final constitutional drafting and approval including the relevant procedures and rules and transitional arrangements for bringing the new constitution fully into force). Particular attention will be paid to the

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sequencing of critical events such as national and regional elections, the naming of regional governments, capacity building for new governments and the transfer of powers to regional governments. The roles of experts, outside state actors, and international organizations will be considered.

It is proposed that the case studies focus particularly on countries that have dealt with either a constitutional transition from authoritarian rule to constitutional democracy where there is a territorial dimension, or a demand for autonomy or federalism within a democracy (including cases where this may have been rejected in the end). The fourteen suggested cases are set out earlier in this document. It would be premature to include countries such as Libya, Myanmar and Yemen in the project because their transitions are in their early stages. However, experts and practitioners on these and other current transitions will be invited to the conference that will launch the conclusions of the project, and some may also be invited to the initial authors’ meeting.

The authors of the case studies will be leading experts on the politics of the countries; if the lead author is not a country national, a country national will be a co-author where possible.

**Thematic Papers**: Three papers will be prepared on cross-cutting themes. The first presentation on these thematic papers will help shape the project template and provide case study authors with helpful context for their work. The proposed themes for these papers are:

- The political and social factors shaping major constitutional transitions, including in conflictual or post-conflict environments;
- The strategies and tactics, as well as the legal and policy instruments, used in constitutional transitions; and,
- Institutional design options (federal, devolved, asymmetric, consociational, unitary) for managing deep territorial cleavages.

The final drafts of the thematic papers (approx. 8,000 words) will draw upon the case studies and should be major synthesized contributions to understanding these issues.

**Issue Paper**: This non-academic paper (10,000 words) will be drafted after the initial authors’ conference. It will provide a preliminary set of observations on the issues and be intended to be helpful to principals and practitioners currently engaged in relevant processes.

**Policy Manual**: This would draw upon the case studies, thematic papers, and issue paper (20,000 words). The audience would be advisors and negotiators working in the field.

These components will be published in the following formats:

- **Online Working Paper Series** (featuring the country case studies and the thematic papers)
- **Edited Volume** (combining country case studies and the thematic papers, and a broader synthetic overview)
- **Policy Publications** (the policy manual and issue paper)

6. **Proposed Timetable**

The following timetable is proposed, with public products or events indicated in italics. The dates are tentative. Working papers would be posted at various times throughout the process.

- **October-November 2013**: Preparation of draft template (maximum 10 pp.), final list of case studies and of thematic papers, commissioning of authors.
- **First quarter 2014**: Authors’ conference, where authors would make initial presentations (powerpoint) on their cases or themes and the draft template would be discussed for revision.
• April-May 2014: Draft template approved.
• Summer 2014: Preparation of Issue Paper.
• Late autumn 2014: Thematic papers and case studies submitted for review by authors in advance of presentation at the launch conference (below). Release of Issue Paper.
• Winter 2014-15: Launch conference for authors, other experts, participants in current relevant constitutional processes, NGOs, etc.
• Early 2015: Revised thematic papers and case studies for submitted for final editing.
• Early summer 2015: Publication of Policy Manual.
• Autumn 2015: Publication of Edited Volume.

7. Expertise and personnel

The project will be led by George Anderson and Sujit Choudhry, both of whom have extensive experience coordinating projects and editing comparative volumes. They will be assisted by a project director, Asanga Welikala. Their short biographies are in the annex. Partner organizations will also be invited to join a management committee overseeing the project.
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Biographies of Project Leads

George Anderson is a Visiting Fellow with Constitutional Transitions and a Senior Global Fellow from Practice & Government with the Global Fellows Program at NYU Law in 2013-14. He was a civil servant in the Canadian government, with senior appointments in the Energy, Finance, Foreign Affairs and Finance departments before becoming Deputy Minister of Intergovernmental Affairs (1996-2002) and Natural Resources (2002-2005). He was President of the Forum of Federations, an international NGO supported by nine countries, from 2005-2011, and an expert member of the stand-by team of the Mediation Support Unit, United Nations in 2012-13. He continues to work with the United Nations on the constitutional transition in Yemen. He has worked or lectured in over 25 countries. Mr. Anderson was educated at Queen’s, Oxford and the École Nationale d’Administration in Paris, and was a Fellow at Harvard’s Center for International Affairs (1992-93). He is the author of Federalism: An Introduction (OUP, 2008) and Fiscal Federalism: An Introduction (OUP, 2010), which have been translated into 22 and 12 languages respectively. He also is the editor of Oil and Gas in Federal Systems and Internal Markets and Multilevel Governance (both OUP, 2012) and co-editor of Federal Rivers (Edward Elgar, 2014). Mr. Anderson served as a mentor at the Trudeau Foundation (2011) and as the Vice-Chair for the Board of Trustees at Queen’s University. He is a Member of the Advisory Committee for the Mowat Centre, University of Toronto.

Sujit Choudhry is the Cecelia Goetz Professor of Law and Faculty Director of Constitutional Transitions. Professor Choudhry is an internationally recognized authority on comparative constitutional law and comparative constitutional development. Recently, he has written on constitutional design as a tool to manage the transition from violent conflict to peaceful democratic politics, especially in ethnically divided societies. He has published over sixty articles, chapters and reports. His edited collections include Constitutional Design for Divided Societies: Integration or Accommodation (Oxford, 2008) and The Migration of Constitutional Ideas (Cambridge, 2006). He sits on the Board of Editors of the International Journal of Constitutional Law, is a member of the Editorial Board of the Constitutional Court Review (South Africa), and is on the Board of Advisers for the Cambridge Studies in Constitutional Law. In 2010, he was one of four Canadians to receive the Trudeau Fellowship, the Canadian equivalent of the MacArthur Fellowship. Professor Choudhry provides constitutional advice to a broad range of public sector and private sector organizations, and is extensively involved in public policy development. Internationally, he is a member of the United Nations Mediation Roster, was a consultant to the United Nations Development Program and the World Bank Institute at the World Bank, has worked with the International Institute for Democracy and Electoral Assistance in the Middle East and North Africa, the Forum of Federations in Sri Lanka and the Canadian Bar Association in Nepal, and was an intern at the Legal Resources Centre in South Africa and the World Health Organization in Geneva.

Asanga Welikala is the Project Director. His LL.B and LLM degrees are from the University of Hull, UK, where he also won the F.W. Taylor Prize for the most outstanding performance by an LLM student. Mr. Welikala's research interests lie in comparative (especially Commonwealth) constitutional law and applied constitutional theory, and he is currently completing his PhD thesis on plurinational constitutionalism as applied to Sri Lanka at the University of Edinburgh. In early 2013, Mr. Welikala was appointed ESRC Teaching Fellow in Public Law at Edinburgh Law School. He teaches in three major public law courses: Public Law of the United Kingdom and Scotland (PLUS), Public Law and Individual Rights (PLAIR), and Constitutional Law Honours. In the academic year 2013-14, he is acting Course Organiser for the PLUS and Honours courses. Mr. Welikala is also a Senior Researcher of the Centre for Policy Alternatives (CPA), Sri Lanka. His most recent publication is the two-volume edited collection (2012) The Sri Lankan Republic at 40: Reflections on Constitutional History, Theory and Practice (Colombo: CPA). In addition to Sri Lanka, he has worked on aspects of constitutional and legal reform in a number of countries including the Maldives, Nepal, Indonesia, Thailand, Nagorno-Karabakh, Ethiopia (Ogaden), Libya and Egypt. In 2004-5, during the constitution-making process in Iraq, Mr. Welikala was a Legal Officer in the Office of Constitutional Support, United Nations Assistance Mission for Iraq (UNAMI), in Baghdad. In that capacity, he coordinated and contributed to the UN’s substantive input in the areas of federalism, fiscal and financial arrangements, the constitutional regulation of the oil and gas sector, and the bill of rights.