

From Good Governance to Inept Governance

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After just one and half years in office, the *Yahapalana* government is in a crisis of sorts. It is not a crisis about the government's stability. Actually, the joint opposition led by former President Mahinda Rajapaksa is in disarray and there is no immediate threat to the government from within or outside parliament. The crisis is marked by the increasing and continuing alienation of the Sirisena-Wickremasinghe administration from its political support bases. The fact that the leaders of the government don't seem to care is pushing it into a crisis of legitimacy as well.

Meanwhile, the bond issue controversy of the Central Bank emerged as a source of great vulnerability for the government. It ate into the core of the *Yahapalana* government's politico-moral claims. It also laid bare deep divisions that seem to exist between the two main centers of power within the so-called National Unity government: The Prime Minister, who represents the parliamentary power centre of the government, tried to keep the Central Bank Governor for another term in office on the grounds that no wrong doing had occurred in the bond issue. In contrast, the President, the head of the executive centre of power, wanted Arjuna Mahendran out.

At one level, the simmering crisis within the Sirisena-Wickremasinghe government is not entirely surprising. Its crisis is largely made up of the vast chasm that exists between the reformist expectations it generated during the two election campaigns, and the actual delivery of those promises by the government during its first half year in office. Failure of reformist governments to fulfill the reformist promises made during an election campaign is not a new thing. It happened to the reformist People's Alliance (PA) government in Sri Lanka in 1994. It was repeated during 2002-2003 when the United National Party (UNP) came to power with a reformist agenda.

The problem this time around has two dimensions. The country can hardly afford a third-time failure which is more dangerous politically than in the two previous occasions. Second, the key players of the government have abandoned their adherence to the very principles of good governance which they themselves advocated and popularized just one-and-half years ago.

The *Yahapalana* regime's governance failure is starkly visible in four areas: (a) eradicating political and bureaucratic

corruption, (b) managing the economy, (c) the peace-building and reconciliation project, and (d) constitutional reform. In all these areas, the performance record shows that the government has been ineffective, inexperienced, inept and incompetent.

Corruption

The promise to eradicate corruption contained two basic commitments. The first was to make the new government exemplary in good governance by inaugurating a culture of politics and governance free of corruption. That entailed that ministers and officials of the new government were not only corruption-free, but also appeared to be so. The second was the launching of investigations, leading to prosecution, into corruption allegations against the politicians and officials of the previous government.

On both these commitments, the government's performance record has been unsatisfactory. In particular, it does not satisfy those who campaigned for a regime change precisely on account of corruption-free governance. The slowness and delays in investigations and prosecution of the allegedly corrupt politicians and officials of the previous regime are probably due to institutional and procedural reasons as well. A *Yahapalana* regime has to work within the limits of the Rule of Law and democratic procedures. It cannot arbitrarily arrest, torture, lock up and hurl before courts its political opponents merely because there are stories and suspicions of corruption and abuse of power. *Yahapalana* requires procedural fidelity in corruption investigations, particularly when deposed political opponents are the targets of suspicion and allegations.

This has posed a huge dilemma for the government from the very beginning. Sri Lanka's law enforcement agencies – the police, Attorney General's department and courts – suffered a severe institutional collapse during the past United People's Freedom Alliance (UPFA) administration. Large-scale white-collar corruption, the so-called financial crimes, involving professional politicians, senior government officials and big businessmen are complex affairs. These are not crimes committed by amateurs. Rather they are organized crimes, sometimes interspersed with cross-border and global transactions. Successful investigation and prosecution of such crimes would be time-consuming even by European standards.

However, these delays have posed a problem for the government because of the public perception that the two power centers of the government have entered into separate ‘deals’ with politicians of the Rajapaksa-camp to serve their own political agendas. This ‘deal-making’ is very much a part of the Janatha Vimukthi Peramuna (JVP) propaganda that, for understandable reasons, is targeting the government’s moral claims to *Yahapalanaya*. The government’s failure to counter this propaganda comes from two sources. First, the government’s opening of doors to corrupt elements of the Rajapaksa regime under the banner of ‘national unity government’ has given the impression to the public that the post-election *Yahapalana* regime is a ‘coalition of the corrupt.’ The second is the growing public perception that the ministers of the *Yahapalana* regime have also resumed the usual business of corruption, while at the same time calling the Rajapaksa kettle black. Social media has been quite effective in creating this particular public perception.

In brief, what is apparent now is that the *Yahapalana* government has already lost the propaganda war for *Yahapalanaya*. Its moral claims to clean, corruption free, and transparent governance suffer from a fairly serious deficit of credibility.

Managing the Economy

It has been an open secret that the *Yahapalana* government inherited a debt-ridden economy in serious crisis from the UPFA. Repairing it requires a herculean effort. The *Yahapalana* crowd, particularly those in the PM’s camp, are obviously aware of it. However, all the steps they have taken to correct the economy have not worked as yet. Worse still, Sri Lanka’s economic crisis is becoming unmanageable, particularly in a tricky global environment.

Here too, the *Yahapalana* government’s failure is two-fold. The first is the lack of a well thought out vision and programme to re-build the economy with short, medium and long-term strategies marked by policy clarity and consistency. Although the Prime Minister and Dr. Harsha de Silva had initially talked about a social market economy, the government’s actual economic policy became disastrously contradictory between its interim budget in early 2015 and the annual budget in November. The lack of policy consistency, as demonstrated in the haphazard reversal of several key budget proposals, led to serious erosion of public confidence in the new government’s economic recovery strategy, if it had one at all.

The second failure was part of the general malaise of the *Yahapalana* government – its inability to tell the people the actual nature and the severity of the economic crisis well in advance. When the government leaders began to tell the people that the economy was in a really bad shape, it was a little too late. Although in actual fact Sri Lanka’s present economic crisis has been in the making for nearly a decade, the progressive decline of the productive capacity of the country’s export economy is a legacy of the war economy that saw the

expansion of the service and financial sectors at the expense of the manufacturing sectors. The mounting debt crisis is a direct product of the ‘borrow-and-invest policy’ of the previous government. The lack of a major increase in foreign direct investments has been part of a global pattern, amidst periodic shifts in the global economy. The crisis has also been exacerbated by the short-term prosperity strategies of the previous government.

The UNP has boasted about its economic policy wizardry, with experts and technocrats galore. However, the record of *Yahapalanaya* for eighteen months only suggests otherwise.

Peace-building and Reconciliation

One of the most promising commitments of the *Yahapalana* coalition, during as well as after the January 2015 transition, was to re-launch the peace-building and reconciliation project with the active participation of the Tamil and Muslim communities and international well-wishers. The latter included the UN, the USA, Europe, and India. The overwhelming electoral support the government received from Tamil and Muslim voters and parties provided a strong foundation for new peace-building and reconciliation initiatives. The government has also found in Mangala Samaraweera a foreign minister capable of speaking to the international community in a language of democracy, reconciliation and peace. Additionally, the government has sent out some commendable positive signals, such as the singing of the national anthem in Tamil, to the minority and international communities.

However, the slowness in the implementation of commitments made in the joint resolution at the UNHRC in Geneva point to an emerging problem for the government both in its domestic and foreign policy fronts. Particularly disappointing in this regard is the government’s slowness in initiating concrete steps towards transitional justice and a postwar political settlement to the ethnic conflict. These are themes that are foremost in the minds of Tamil people and Tamil political parties.

On the question of Transitional Justice, the government is obviously under pressure from the military establishment. The Rajapaksa camp is happy to arouse Sinhalese nationalist sentiments and even military opposition to the process, seizing upon proposed Transitional Justice mechanisms such as international/hybrid courts. Within the government coalition too, there is opposition to most of the Transitional Justice proposals. President Sirisena has taken a position of waver and indecision on this vital issue, leaving room for the speculation that the President and the Prime Minister do not see eye to eye on peace-building and reconciliation.

More worrying are the signs that the two power centers of the government are not coordinating their efforts to implement a joint peace-building and reconciliation programme. It is now public knowledge that President Sirisena is not consulted either by the Prime Minister or the Minister of

External Affairs on any of these matters. This does not bode well for the government's flagship project of peace-building and reconciliation. Its failure will have serious domestic as well as international consequences. If the *Yahapalana* government adopts a strategy of mere promises and active procrastination on the Geneva commitments, the loss of the present international support from the West and India will soon be irretrievable.

Constitutional Reform

Constitutional reform is another exciting initiative for which the *Yahapalana* government has claimed, and received, a great deal of political credit. The 19th Amendment to the Constitution that curtailed the powers of the President and restored some measure of autonomy to parliament, received near universal applause, although it did not please those who were committed to the total abolition of the executive presidential system. However, the government promised to continue the process and complete it within a limited and specific time frame.

The public consultation process, which is now over, is a commendable measure to engage the citizens, even to a limited extent, in the constitutional reform process. Its report provides reform proposals from a wide variety of perspectives. As the report clearly reflects, Sri Lankan society is deeply divided on fundamental issues of constitutional reform such as the nature of the state, the place of Buddhism, devolution, minority rights, and electoral reforms.

The task of the government now is to take this process forward through the Constitutional Assembly mechanism. However, the prospects for its success do not seem all that bright. Among the reasons for this is the lack of consensus among the coalition partners of the government on almost all the key reform issues. Some are for the total abolition of the presidential system while others are for its retention. Some are for the continuation of the unitary state model while others want enhanced devolution. Small parties want only minor changes to the existing system of proportional representation while the big parties have been pushing for a mixed system.

Meanwhile, the Prime Minister and the UNP want a totally new constitution. The President and the Sri Lanka Freedom Party (SLFP) under his leadership do not support the UNP's approach. They first want electoral reforms and to move forward on a step-by-step basis. These differences between the two centers of the government have now become public, giving confusing signals to the people. If the two centers do not work together for a joint constitutional reform project, Sri Lanka will have lost another opportunity for political reforms.

Two Power Centers

The question of two power centers within the *Yahapalana* coalition government seems to loom large over its stability and continuity. In theory, the two power centers, one at the executive and the other at the legislature, identified with the SLFP and UNP respectively, are not a bad thing. It provides

the much needed institutional mechanism of checks-and-balances, so crucially needed by modern democratic governance as a bulwark against compulsions towards authoritarianism. Sri Lanka's experience in illiberal governance since the 1970s has been largely due to the absence of formal or informal systems of checks and balances to prevent the arbitrary and tyrannical exercise of state power.

There is also a flip side to it, as it is now becoming clear. The two power centers are developing their own rival political agendas in view of the forthcoming local governmental elections, as well as parliamentary and presidential elections scheduled for several years later. The primary reason for this somewhat unusual situation is the unfortunate condition in which President Sirisena finds himself as the leader of the Sri Lanka Freedom Party (SLFP) and the United People's Freedom Alliance (UPFA). He became the presidential candidate of the joint opposition late last year by defecting from both these entities. Soon after being elected as the president, the leadership of the SLFP and the UPFA – the party and the coalition that functioned as his primary political rivals – was forced on him. The SLFP's party constitution says that the president of the country, if he is from SLFP, should be the party leader. When elected as the President from the joint opposition, Mr. Sirisena was still a member of the SLFP and the UPFA!

The SLFP faction of the *Yahapalana* government, except President Sirisena, for good reason, does not appear to share the *Yahapalana* agenda. There are no compelling reasons for them to do so since they were not partners in the *Yahapalana* coalition. They in fact campaigned vehemently against it. For reasons of power and personal politics, they are with the *Yahapalana* government, even occupying cabinet positions, providing a power-base and parliamentary votes to President Sirisena. This is the strange composition and outcome of the so-called 'national unity government', so ardently promoted by Prime Minister Wickremasinghe. For all practical purposes, the induction of a section of the SLFP to the government has undermined and weakened the *Yahapalana* agenda and its political legitimacy. Thus, the *Yahapalana* regime is now caught up in a trap of its own making. Unless well managed, the contradictions between the government's two power centers may even lead to the coalition's collapse.

Already there are signs that these contradictions are sharpening. The SLFP ministers – over two dozen in numbers – seem to be rather uncomfortable with sharing governmental power with their traditional rival, the UNP and the much-hated opponent, Ranil Wickremasinghe. They would be happier if a government of the SLFP, minus Mahinda Rajapaksa and his family, is formed under President Sirisena and a Prime minister was appointed from among their own ranks. And these are indeed sentiments and desires some of the SLFP ministers have publicly expressed.

Whither the *Yahapalana* Government?

What will this entail with regard to the future of the Sirisena-Wickremasinghe coalition government? Will it collapse, as some have been predicting and anticipating? There is actually

no likelihood of the government collapsing, the primary reason being the inability of the joint opposition, led by Mahinda Rajapaksa and his non-SLFP parliamentary colleagues, to sustain a credible parliamentary threat to the government. In fact, the joint-opposition is in disarray, despite some early signs of it emerging as a credible threat to the government. President Sirisena's main success in the domestic front is his uncanny ability to keep the Rajapaksa threat at bay by using tactics that are not in the *Yahapalanaya* text book. For example, offering cabinet positions to Rajapaksa loyalists as material inducement to change their political allegiance can in no way be appreciated as a *Yahapalanaya* act!

Thus, the government will continue with a secure parliamentary majority, but with weakened public support,

diminishing political credibility and an increasing legitimacy deficit. If the government continues with its clinical disregard for its growing credibility and legitimacy crisis, it will soon have damaging consequences for the country's democratic political order. Self-serving politicians and their party cohorts continue to make their families and bank managers happy, amidst growing popular discontent and even international isolation. Another chance for political change and reform, with so much popular backing and expectations, will go to waste. Citizens will turn negative and cynical about the capacity of politicians and political parties to give leadership to any significant process of political transformation. The retrieval of the democratic reform agenda, after such a severe setback, would once again be difficult for some time to come.

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IN CONVERSATION WITH DR. KUMARI JAYAWARDENA ON FEMINISM

Dr. Jayawardena speaks on some of the key themes emerging from her works on feminism and women's rights movements, especially in the 'Third World', including Sri Lanka. Some of the key issues discussed relate to, inter alia, the relationship between anti-colonial nationalist struggles and feminism in the 'Third World', feminism and the role of women's rights movements in Sri Lanka, the attitudes of conservative politicians to women's participation in politics, and research in the area of feminist-studies.



IN CONVERSATION WITH DR. KUMARI JAYAWARDENA ON *NOBODIES TO SOMEBODIES*

The discussion focuses on the research gap the book sought to fill and Dr. Jayawardena's experience conducting research on the topic. She discusses 'class', the key category examined in the work, how and in what ways it differed from other categories such as 'caste' and 'ethnicity', its relationship to gender, and the tensions that existed, not only between these different forms of consciousness but also between the new-rich nobodies and the old-rich somebodies.

