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LOCAL GOVERNMENT LOCAL GOVERNANCE LOCAL DEMOCRACY



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GUEST EDITORIAL: Local Government, Local Governance, Local Democracy

‘When I use a word,’ Humpty Dumpty said in rather a scornful tone, ‘it means just what I choose it to mean — neither more nor less.’ The question is,’ said Alice, ‘whether you can make words mean so many different things.’
— Lewis Carroll, *Through the Looking Glass*

The shock result of the February 2018 local government election, on a high turnout exceeding 75%, has triggered governmental instability and continuing turmoil within the ‘good governance’ touting coalition that rode to power in the presidential election of January 2015, and stabilised itself after the August 2015 parliamentary election.

Three years later, the single-largest share of the votes cast (44.7%) was received by a new player: the Sri Lanka *Podujana Peramuna* (SLPP—Peoples’ Front), which is the new political vehicle of former president Mahinda Rajapaksa. The United National Party (UNP)/United National Front (UNF) led by Prime Minister Ranil Wickremesinghe slumped to 32.6% in the polls; which is reminiscent of its dismal electoral performance during the Rajapaksa reign. Meanwhile the Sri Lanka Freedom Party (SLFP)/United Peoples Freedom Alliance (UPFA) aligned with President Maithripala Sirisena collapsed to 13.3% of the popular vote, as its former supporters decamped en-masse to the SLPP.

Only to its own surprise, the *Janatha Vimukthi Peramuna* (JVP—Peoples’ Liberation Front) was unable to break into double figures in percentage terms, scoring 6.3% of the popular vote.¹ Other significant outcomes in relation to ethnic minority parties include the swing against the Tamil National Alliance (TNA) in the North and East and the Tamil Progressive Alliance (TPA) in the Hill-Country, to the advantage of their traditional rivals (All-Ceylon Tamil Congress and Eelam Peoples Democratic Party, and Ceylon Workers Congress respectively); as well as the expansion in the electoral footprint of the All-Ceylon *Makkal* Congress (ACMC—Peoples’ Congress) in the Eastern and North-Central provinces to the detriment of the Sri Lanka Muslim Congress (SLMC).

At least two-thirds of local councils are now controlled by loyalists of the former strongman. Through local alliances with the rump SLFP/UPFA, the SLPP has also secured some councils where the UNP was the single largest party. Quarrels between factions of the undivided SLFP became secondary to the common goal of denying its historic rival the opportunity to recover the ground it had lost in local government whilst largely out of state power since 1994. All three parties, it is alleged, have oiled post-poll political transactions to achieve majorities, with financial inducements to wavering councillors. In the North and East too, there have been unlikely combinations between antagonistic parties such as the TNA and EPDP against the ACTC; while the UNP and the ACMC have teamed up against the SLMC in a settling of intra-Muslim scores.

No doubt, as was clear from the repeated deferral of this election, this local government election promised to be a referendum on the current government’s record in office. Local

issues were not of concern in the election – despite valiant efforts by certain candidates, especially from some independent lists and minor parties, as well as some community-based-organisations. This is unremarkable in so far as the main parties have strong centralising instincts in the management of power and resources. Local government exists it seems only to provide an arena for institutionalised party-politics at local level, and to facilitate political clientelism: not only between voters and their representatives; but also the local councillors and their patrons in provincial and national politics.

Thus in a case-study of a municipal council in the Eastern Province of Sri Lanka some years ago, Aliff² analysed the voting behaviour and perceptions of the local citizenry as follows: “The local people readily recognize the dominant presence in the local arena of regional and national level political actors ... The result is that they do not recognize an autonomous, local political domain, but rather recognize the role of [the Cabinet Minister of regional origin] in addressing local issues”.

The voters themselves are by now accustomed to this game crafted by their rulers, which is to discipline and channel their political activity into electoral competition and passivity in-between. Spencer³ has commented on this “paradox of a combination of very high levels of political participation with very low levels of expectation of the actions of politicians”, which he cautions is not unique to this country. Politics in Sri Lanka has long been electoralised, but evidently is a long way from being democratised.

In this local election too, a host of considerations to do with national politics and policy were pre-eminent in the minds of politicians and

the public alike. The fact that the election was conducted on the same day in all electorates – barring one where an election petition is pending – and parts of the island, instead of in staggered fashion to the convenience and advantage of the ruling party at the centre, gave the contest a national flavour too.

Among the Sinhala majority electorate, there is general disillusionment in the performance of the government in relation to its management of the economy, including cost-of-living; decent job creation; and marketisation of state subsidies; to outrage over the Central Bank bond scam and ‘persecution’ of the Rajapaksa clan and its associates in relation to corruption and abuse of power; frustration over the instability of the ruling coalition and public dissension between its main constituents; and the perception that “the minorities” are politically flexing themselves under a government, which they helped make, and is therefore beholden to them.

The stalling of the constitutional reform process towards greater power-sharing with regions and ethno-religious minorities, and lethargic progress on post-war reconciliation and accountability, are a matter of unhappiness only to those of insignificance. This legacy from the decades of war and ethnic conflict appears destined for cold storage in the months if not years ahead.

The consequences of the outcome of the poll are dismal; and not only for the constituents of the current government. There is little doubt that it emboldened the perpetrators of the violence against the businesses and other property, mosques and homes of the Muslim minority in the Central Province, shortly after the election. Indeed, a few newly minted local councillors of the *Sri Lanka Podujana Peramuna* were

taken into custody, after some delay, for visibly leading the mobs; and it may be assumed that those who partook in the arson and assaults are the vote-bank of that party. The countdown has begun for the restoration of the previous regime or some mutation thereof over the course of 2019-2020.

The first part of this editorial has briefly sketched the election result and its signposting of the future; now it turns to the event of the local government election itself; before in its third section introducing the articles that follow; and in its final part concluding with a critique of local governance as the reinvention of local government and its erasure of local democracy.

The Election as Event

Irrespective of the political fallout, the 2018 local government election was already of consequence for several reasons. Firstly, this poll was held almost seven years after the previous one in 2011. Most local government bodies (*pradeshiya sabhas*, urban councils and municipal councils) completed their four-year term as of May 2015; while the remainder were extended for some months by executive order.

Residents continued to be taxed, through local rates, without representation on the use of revenues in local government bodies. However, did the public really mind or notice any difference in their absence? An unelected provincial official, the Commissioner for Local Government, managed the affairs of the local authorities in the interim. Those most exercised over this situation appeared to be politicians, and in some cases the staff of the councils: both of whose indifference or downright callousness towards those unfortunate enough to need their services is renowned.

Meanwhile, the stock of local politicians has never been lower than in the past decade. The newspapers have been filled with reports of thuggish behaviour, embezzlement of public funds, appalling sexual violence and killings perpetrated by councillors including Chairmen. It is widely perceived that people enter politics to enrich themselves through access to development contracts and in the procurement of goods and services. The need to secure approvals from local authorities for residential and commercial purposes becomes another source of income for councillors and public officials.

In these circumstances, it is doubtful that the public would mourn the abolition of elected bodies or their diminution in scope. Those who are not politically networked would favour having to deal with one institution instead, preferably the District or Divisional Secretariats; staffed by state officials and regarded as more competent and professional than local authorities, their members and their staff.

A second feature of this election was the introduction of a mixed or hybrid electoral system, in place of the pure proportional representation one that was in use since 1991. This reform has been canvassed on a number of occasions and was introduced in 2012 and amended in 2017. Under the previous system, voters cast their ballot for the party of their choice and could mark up to three preferences for the candidate/s of their choice. The battle for ‘preferences’, seen as indicative of the popularity of the candidate and the basis for claim to leadership of the council, created ructions within the same party culminating in many instances in intra-party violence between candidates and their supporters. Further, as candidates were elected on the basis of the

parliamentary electorate, they had to cover a large area when canvassing for votes spiking their expenses.

The new system allocates 40% of seats on a proportional representation system where candidates on the party-list, known as ‘additional persons’, are selected on the basis of the percentage of votes received by that party; while 60% of the seats are assigned on the basis of direct election and representation of single or multi-member wards within the electorate. The former element is of particular concern to small parties and parties of local (ethnic and religious) minorities, who may not win a ward but hope for representation on the basis of the total number of votes polled across the electorate. The latter element is an attempt to restore the connection between councillors and a defined part of the electorate demarcated in a ward. Residents now have an identified individual to take up their issues; while this individual has an identified geographical constituency to serve. In the past, voters often complained that councillors refused to take up their cases unless they were known supporters of the individual. “Did you vote for me?” was often the first question asked, they complain. The increase in the number of seats under the new electoral system to around 8,691 (with Elpitiya *Pradeshiya Sabha* yet to be elected) has understandably not been greeted with enthusiasm by the general public. There is no inherent correlation between the number of councillors and the quality of representation of local residents.

A third feature of this election was the novelty of a 25% quota for women’s representation in all local bodies, when no such temporary special measure is in force in the other tiers of government, where women are near absent

too. Despite universal franchise since 1931 and the active participation of women in local and national politics thereafter – including the distinction of election of the world's first woman head of government in 1960 – the representation of women in elected assemblies in Sri Lanka has been shameful. It has hovered around 2% in local government; 4% in provincial councils; and under 6% in Parliament.⁴ Political parties of all ideologies have restricted nominations to women on their ticket to under 7%; and many of these women are selected on the basis of familial relationships with established male politicians or notable families in that area.

The experience and outcome of the quota have been mixed for women candidates. On the one hand, as expected there has been an exponential increase in the number of women now elected to local authorities. This would never have happened without this step of positive action. On the other hand, women continue to be marginalised by male-dominated political parties, such that they were corralled onto the party-list (50% of which has to be filled by women) where they have to campaign across the entire electoral district to pull in votes but are not guaranteed a seat in return. There would have been greater advantage to women in nomination to wards but the mandatory requirement for their nomination is only 10%. It is the party that wields power in the selection of women for wards and in determining selection of members from among the party-list.⁵

In fact, to placate male politicians who feel threatened by the quota, it was pegged at only 25% (lower than the 33% that women's organisations have demanded and the 52% proportion of women in the population); the total number of seats has been increased by 33%. In other words, the entry of women

in greater numbers has not been offset by any reduction in the number of men in local government authorities. Further, while there has been no official disaggregation of the results by the Election Commission or the Ministry of Provincial Councils and Local Government, it is estimated that the representation of women has not reached the minimum of 25% but rather averages 22% island-wide: ranging from 16% in Mullaithivu to 24% in Colombo and Matara.⁶

The second section above has discussed three features of the 2018 Local Government election, aside from its result which was analysed in the opening section. Section three below briefly introduces the articles that follow on the general theme of '*Local Government, Local Governance and Local Democracy*'.

Content of this issue

The opening contribution by *Vidura Munasinghe* is an ethnographic account of voter behaviour in four flashpoints during the previous government's tenure. His analysis of the results is sobering to say the least. Excepting ethnic and religious minorities, many among the Sinhalese majority who have been directly harmed by actions and omissions of the previous regime, have consciously supported the *Sri Lanka Podujana Peramuna* in this poll. Why this is so, is one of his questions within a larger critique of the representative democracy system valorised by liberal civil society inside and outside Sri Lanka.

One of those sites, and the focus of much solidarity by land rights groups elsewhere, is Paanama in the Eastern province. In their paper, *Buddhima Padmasiri* and *Samanthi Gunawardana* explain through interviews with local activists struggling for the right to return to their confiscated land, how and why they

chose to shift from associational politics to electoral politics. They argue that the ‘Citizen’s Forum’ promoted by external non-governmental organisations played a useful albeit limited intermediary role between the activists and the previous local council; and was also a platform for women’s leadership.

Pradeep Peiris argues that there is apathy by most to the Citizen’s Forum and other participatory governance initiatives, as they choose or are compelled to utilise party-based and/or network-based loyalty systems instead; and equal disinterest among local politicians and bureaucrats in the participation of people in local government. Drawing on field research in three districts where non-governmental organisations have been engaged in sustained participatory governance initiatives, he concludes that these are undermined by the reality that there is nothing particularly ‘local’ about local politics in Sri Lanka.

In an interview taking-off from the 2018 local government, *Rohini Weerasinghe* connects the experiences of women in politics to the oldest power structure in the world: patriarchy. She argues there is a correlation between the lack of recognition of women’s economic contribution and their marginalisation in politics, including by ‘good governance’ touting civil society organisations. In her view, women’s increased representation in local government allows for women *qua* women to participate in those institutions; and for councils to become more cognisant of women’s issues and perspectives.

Another section of society excluded from local government, and in this instance not only representation but even in delivery of public services, are Hill-Country Tamils resident within the plantations. *R. Ramesh* and *A. R. Nanthakumar* critically analyse the 2017

amendment Bill to the *Pradeshiya Sabhas Act*, advocated as a remedy to this problem, in the context of historical legal and structural discrimination of the people in the estate sector. They argue that the full inclusion of this persistently neglected group in local government is needed for greater realisation of their hard-won right to citizenship of Sri Lanka.

Meanwhile *MeeNilankco Theiventhan* analyses the shortcomings of the *pradeshiya sabhas* as local democratic institutions in the Northern Province. His paper locates these institutions in the context of decades of conflict and post-war challenges to local residents. He also reminds us of the sidelining of elected bodies by the unelected but far more powerful decentralised institutions of central government at local level, the Divisional Secretariat.

Finally, *B. Skanthakumar* delves into the role and functions of local authorities, also arguing that the local administrative system of divisional and district secretariats is disabling of the former. He takes note of the existing opportunities for people’s participation in the *pradeshiya sabhas*, unlike in other local bodies, but is doubtful that it can be more meaningful without restructuring the state, its relationship with the regions and with citizens.

Civil Society and the ‘Local’

This final section offers some concluding observations on the appropriation of the ‘local’ by civil society organisations; and in particular, its reception of ‘local governance’.

Mohan and Stokke⁷ among others have drawn attention to the discursive convergence between the ‘new’ Right (World Bank, liberals and some non-governmental organisations) and the ‘new’ Left (post-Marxists and other non-

governmental organisations) in the ‘local’ as the site for ‘participation’ and ‘empowerment’ and through the agency of ‘civil society’. Of course, civil society is not restricted to NGOs but includes market institutions such as business associations which also ‘participate’ in, and are ‘empowered’ by, the decentralisation of service delivery in ‘local governance’.

‘Governance’, as is well known, is a term invented by the World Bank to circumvent the restriction upon it from direct intervention in the form of government or political system of its member states. It is defined by the Bank as “the manner in which power is exercised in the management of a country’s economic and social resources for development”.⁸ In the foreword to that landmark report, the then President of the World Bank informs us that “Good governance is an essential complement to sound economic policies. Efficient and accountable management by the public sector and a predictable and transparent policy framework are critical to the efficiency of markets and governments, and hence to economic development.”

‘Local governance’ has become as ubiquitous as ‘governance’ or ‘good governance’ in the discourse of Sri Lankan policymakers, academics, non-governmental organisations and civil society activists; but as Humpty Dumpty insists in the epigraph above: taken to mean only what each chooses it to mean. Among some, there is a romanticisation of the ‘local’ as a natural space for democratic participation and equitable development; somehow magically free of the social inequalities and power relations so evident everywhere else.

For clarity, I adopt Desai and Imrie’s definition of ‘local governance’ as “an array of ways in which the interplay of state, market and society is ordered”.⁹ What this means in practice

according to them, is “an active agenda to slim down the state, arrest high levels of public expenditure, increase efficiency in the provision of public services and extend the role of the private sector in service provision”.

This process – of scaling down the public sector and reducing its role as a producer of goods and services including at local-level such as housing, pre-schools, maternity clinics, traditional medicine clinics and dispensaries, and the delivery of public services such as solid waste management, street cleaning, and water and sanitation – has been underway in Sri Lanka for decades, and with the determined support of successive governments, multilateral donors and international non-governmental organisations, under the rubric of ‘public-private partnerships’.

An institutional expression of ‘local governance’ is the attempt to create metropolitan authorities encompassing and superseding multiple local government bodies, such as in the ‘Western Region Megapolis Plan’¹⁰, where policy development and implementation is removed from elected officials and arrogated by unelected technocrats. In effect, ‘local governance’ displaces local democracy, while co-opting civil society through ‘participation’ as market-friendly actors, thereby turning citizens into consumers whose relationship with local government is contractualised in ‘Citizens Charters’ and ‘Citizen’s Report-Cards’.

In their practice of ‘participatory governance’, non-governmental organisations with their toolkit of dialogue with local councillors, public observation of council meetings, and advocacy around the council budget (not to be confused with participatory budgeting) – wittingly or not – propagate the belief that “the ‘empowerment’ of the powerless could be achieved within the existing social order without any significant

negative effects upon the power of the powerful.”¹¹

A related issue is that conventional civil society perspectives on local governance presume the existence of a unified community at local-level, with common interests in the efficient application of resources for public good; opposition to malpractices; and consensus on priorities for residents. These assumptions are rooted in an imaginary rural society where villagers are more or less alike, live interdependently and without serious social conflict. In an acute deconstruction of ‘participation’, ‘empowerment’ and the ‘village’, Stirrat concludes: ‘Community is more marked in the breach than by its presence.’¹²

Where ‘civil society’ disappoints, has the parliamentary Left been more consistent on local democracy? In this election, the *Janatha Vimukthi Peramuna* (JVP) campaigned on the platform of ‘Power to the Village’. What did they mean by this slogan? According to one of its national leaders, its plan is to establish a “council” in each ward it wins for the purpose of “developing” the village and coming up with spending plans based on the available resources. How will such a council be composed? It “will include distinguished persons in the village such as school principals, religious leaders, Grama Sevaka and other government employees”.¹³ In other words, it is not power to the marginalised, but to the local elite: whom the JVP presumes are representative of the “people of the village”

and can govern in the best interests of all. Neither does the JVP, itself an advocate for the unitary state, aim to challenge the stranglehold over budgetary resources exerted by provincial and central governments, which enervates local government.

The ‘no power’ or ‘harmony’ view of democracy and development has yet to yield any evidence of the narrowing of inequalities of income and wealth; leave alone redistributive justice for those whom Subcomandante Marcos described as in the “basement of society”. Instead, the dispossessed are counselled to be patient and look to the future. To borrow from Lewis Carroll again, “the rule is jam tomorrow and jam yesterday – but never jam today”.

In a survey of Latin America, Petras and Veltmeyer claim that the strategic objective of this ‘local approach’ is “to encourage the poor to use the market in their economics and elections in their politics; to seek change and improvements in their lives within the local spaces of the power structure rather than challenging it; and to change themselves (to empower or capacitate themselves to ‘act’) rather than the system.”¹⁴

Is there any resonance with the experience in Sri Lanka? If so, what does this mean for democratic praxis? These are matters for further debate.

B. Skanthakumar

Notes

- ¹ The statistics are from Samarasinghe, S. W. R. de A. (2018). "Ups and Downs of Sri Lankan Politics and Looming Political Uncertainty: Local Government Elections", *The Island*, February 13, 2018, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=179798.
- ² Aliff, Seenii Mohamed (2013). "Role of Local Governments in Building Democracy: A Study of Akkaraipattu Municipal Council of Sri Lanka", *Journal of African & Asian Local Government Studies*, Vol. 2, No. 1: 32-47, p. 38.
- ³ Spencer, Jonathan (2007). *Anthropology, Politics and the State: Democracy and Violence in South Asia*. Cambridge University Press: Cambridge, p. 93.
- ⁴ Kodikara, Chulani (2013). "Local Government Without Women", *The Island*, June 10, 2013, http://www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=80934.
- ⁵ For a primer on the labyrinthine new electoral system, see Kodikara, Chulani and Kumudini Samuel (2018). "The Significance of the 25% Quota for Women in Local Government". *groundviews.org*, February 07, 2018, <https://groundviews.org/2018/02/07/the-significance-of-the-25-quota-for-women-in-local-government/>.
- ⁶ Peoples' Action for Free and Fair Elections (2018). *Women's Representation in Local Governance 2018*. PAFFREL Resource Centre: Colombo.
- ⁷ Mohan, Giles and Kristian Stokke (2000). "Participatory development and empowerment: the dangers of 'localism'", *Third World Quarterly*, Vol. 21, No. 2: 247-268.
- ⁸ World Bank (1992). *Governance and Development*. World Bank: Washington D. C., p. 1.
- ⁹ Desai, Vandana and Rob Imrie (1998). "The new managerialism in local governance: North-South dimensions", *Third World Quarterly*, Vol. 19, No. 4: 635-650, p. 635.
- ¹⁰ Ministry of Megapolis and Western Development (2016). *The Megapolis Western Region Master Plan – 2030: Sri Lanka From Island to Continent*, pp. 219-220, https://drive.google.com/file/d/1G-GtIjc-sOZ_tO6p-2-LEGKQsQlF9zpB/view.
- ¹¹ Mayo, Marjorie and Gary Craig (eds.) (1995). *Community Empowerment: A Reader in Participation and Development*. Zed Books: London & New Jersey, p. 5.
- ¹² Stirrat, R. L. (1996). 'The New Orthodoxy and Old Truths: Participation, Empowerment and Other Buzz Words'. In Bastian, Sunil and Nicola Bastian (eds.), *Assessing Participation: A Debate from South Asia*. Konark Publishers: New Delhi, p. 72.
- ¹³ "Vote for the 'bell' – Power for the village/town", *lankatruth.com*, February 02, 2018, <http://www.lankatruth.com/en/2018/02/vote-for-the-bell-power-for-the-village-town/>.
- ¹⁴ Petras, James and Henry Veltmeyer (2011). *Social Movements in Latin America: Neoliberalism and Popular Resistance*. Palgrave Macmillan: New York, p. 136.

‘Waiting for Mahinda *mahaththaya*’: 2018 Local Government Election¹

VIDURA PRABATH MUNASINGHE

The author provides an ethnographic account of voter behaviour in four flashpoints during the previous government’s tenure in this analysis of the local government election process and its result in the recently concluded local elections of 2018.

1. Introduction

The local government election for 337 local government bodies in Sri Lanka (except Elpitiya Pradeshiya Sabha),² was held on 10 February 2018. This election and its results captured special attention due to two main reasons:

- This was the first election held under the new electoral system which was introduced to give the opportunity for the community to be represented by community-based leaders on a ward basis – instead of the proportional representation system which benefited local elites and those with close connections to political parties – and thereby strengthen representative democracy in local government bodies.
- The Sri Lanka Podujana Peramuna (SLPP)/Joint Opposition (JO), whose election campaign was fronted by former president Mahinda Rajapaksa, won a great majority of the local government bodies by defeating the partners of the present coalition government, i.e. the Sri Lanka Freedom Party (SLFP)/United Peoples’ Freedom Alliance (UPFA) and the United National Party (UNP)/United National Front (UNF).³

The prime objective of this article is to examine the said local government election process and its result, to find out whether the main purpose of introducing a new electoral system has been achieved, i.e. strengthening representative

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democracy in local government bodies. As a secondary objective, the multiple implications manifested during the election campaign and in its result are identified. I focus on four research sites where controversial events took place during Mahinda Rajapaksa's presidency. These field study locations are:

- Uma Oya project affected areas:⁴ electoral wards of Makulella, Egodagama, Kirioruwa, Diganatenna, Liyangahawela and Dulgolla of the Bandarawela Pradeshiya Sabha; Bindunuwewa and Kinigama of Bandarawela Municipal Council; and Heeloya, Dowa, Ella, Balalkatuwa and Demodara of Ella Pradeshiya Sabha.
- Aluthgama anti-Muslim violence affected area:⁵ electoral ward of Dharga Town in Beruwala Pradeshiya Sabha.
- Paanama land-grabbing affected areas:⁶ electoral wards of Paanama West, Paanama Central, Paanama North, Paanama South and Shastrawela of Lahugala Pradeshiya Sabha.
- Weliweriya-Rathupaswala contaminated drinking water affected area:⁷ electoral wards of Rathupaswala, Nedunagamuwa and Weliweriya in Gampaha Pradeshiya Sabha and Sivuralutenna of Mahara Pradeshiya Sabha.

2. Observations on the Campaigns

The Election Commission announced the date of the Local Government elections on 01 November 2017, and the SLPP/JO, launching its election campaign led by Mahinda Rajapaksa, held its first mass scale election rally in Anuradhapura on the 17th of the same month.⁸ Thereafter, the SLPP frequently

organised such massive rallies in different places. In comparison to this, smaller election rallies of the UPFA/SLFP, which were attended by President Maithripala Sirisena,⁹ commenced on 10 January 2018¹⁰ while the election rallies of the UNP/UNF, which were attended by Prime Minister Ranil Wickremesinghe, commenced on 18 January 2018.¹¹

What was reiterated at SLPP/JO events was that this election should be turned into a referendum on the present coalition government; and thereby used as the first step towards toppling it. The main slogan which could be heard over and over again throughout their campaign was *Mahinda agamethi karamu* ("Let's make Mahinda the Prime Minister"). The election propaganda of the SLPP/JO entirely took the nature of a national election. Locally important needs of the relevant local government areas were hardly ever expressed during this campaign.

The UPFA/SLFP too made national level issues as the main topic of their campaign. The President's levelling of accusations continuously against the UNP, regarding the bond scam in particular, was one of the key features of its campaign. The UNP/UNF in its election rallies, accused the Ministers who have joined the coalition government representing the SLFP, of having obstructed legal actions against the crimes and corruption that had been committed during Rajapaksa's regime.

The electronic and the print media allocated a greater proportion of their daily news bulletin to express views on these national level issues of the main political parties. Thus the atmosphere reminded people of a national and not a local government election.

3. Observations from the Field

The SLPP/JO held large-scale election rallies, with the participation of Mahinda Rajapaksa, in the main cities related to all the above mentioned sites (Uma Oya; Dharga Town; Paanama; and Weliweriya. The SLPP/JO was the only party to have a mass rally in the main town related to the Uma Oya site (Bandarawela). In these rallies, Mahinda Rajapaksa and the national-level leaders of that party acted as the key speakers; and the candidates who contested in the relevant local government bodies hardly had the opportunity to speak. This situation was worse particularly in the ward of Dharga Town where the two candidates of the ward did not get any opportunity during the entire election campaign period to speak at any of the pocket meetings in the area. All those opportunities were made use of by Rohitha Abeygunawardena and Piyal Nishantha De Silva, SLPP/JO supporting Members of Parliament of the same district (Kalutara).

Compared to the other parties during their election campaign, the SLPP/JO gave minimum effort to speak to community members through house-to-house visits and pocket meetings, and to introduce their candidate in the relevant ward to the community. Their main election propaganda strategy was to promote the image of Mahinda Rajapaksa through massive rallies and poster campaigns. Even the local candidates of that party always requested people to vote for their party considering it to be a vote cast for the former President.

There are many incidents which clearly show that voters accepted this request and voted accordingly in the election. For example, people elected the candidate from SLPP for Dowa electoral ward of Ella Pradeshiya Sabha, despite his having died of a heart attack during

the campaign and prior to election day. In certain other areas, there was competition between candidates to display who is closest to Mahinda Rajapaksa. The candidate who contested for Dulgolla ward of Bandarawela Pradeshiya Sabha under Independent Group 2 had a poster campaign using the photograph of the former president under the title *Mahinda Samaga* ("Together with Mahinda"). He was even able to out-poll the official candidate from the SLPP. Eventually, he won that ward defeating candidates from all the other parties including the SLPP. Meanwhile an SLPP candidate in Paanama continuously highlighted during his propaganda campaign that he is a relation of Mahinda Rajapaksa on his mother's side. The SLPP candidate for Walatara ward in Beruwala Pradeshiya Sabha celebrated his sister's wedding during the election campaign with the participation of Mahinda Rajapaksa and a large number of invitees from the area spending a huge amount of money.

Six out of seven local government bodies in the field sites were won by the SLPP.¹² One female candidate from the UNP explained this situation:

"The contestants of the other parties were village-level community leaders. The *Pohottuwa* [Bud symbol of the SLPP] presented a former president. The result is clear. How can a village leader contest against a [former] president?".¹³

Although the UNP made considerable effort to include persons who are locally active and have a local voter base onto their candidate list, sometimes there were doubts on its genuineness. Several leaders of the 'Movement to Protect Panampattuwa' – who worked with great commitment in the Paanama land struggle – had been given nomination by the UNP.

But most of them had been included on the proportional representation list, rather than given the opportunity to contest in the wards. This can be seen as a strategy to obtain the support of the village leaders with a community base in the area, but to get the traditional party candidate elected from the ward.

This was made clear when the UNP awarded bonus seats (allocated on the basis of total number of votes received) to the defeated candidates on the proportional list from Hulannuge and Lahugala wards; instead of village leaders from the Paanama wards (which the UNP won). The chief organiser of that area took this decision with the ulterior motive of using candidates on the proportional list of Hulannuge and Lahugala wards to organise his propaganda campaign in the forthcoming Eastern Provincial Council election campaign, later this year.¹⁴

In the field research locations there were two occasions where the agreements that had been reached between parties at national level had a negative impact on providing opportunities to local leaders.

In this election, as in the August 2015 parliamentary election, the Jathika Hela Urumaya (JHU) contested jointly with the UNP/UNF. Due to this national level agreement, a member of the JHU in Paanama without a base in the community had to be given candidature on the UNP list without giving such opportunity to an active youth who is very popular in the community. For this very reason, Paanama North electoral ward, which the UNP could have easily won, was secured by only 10 votes, according to one local informant.¹⁵

Meanwhile Patali Champika Ranawaka, the Leader of the JHU, was a speaker at the UNP/UNF rally held in Beruwala. The Muslim community in Dharga town feel that he justified the involvement of the Bodu Bala Sena in the attacks targeting Muslims in 2014 (during the Rajapaksa government of which he was a prominent member). Many UNP supporters of that area were of the view that due to Ranawaka's presence on the UNP stage, a number of (Muslim) UNP supporters abstained from voting.¹⁶

4. SLPP Setbacks

In Bandarawela Pradeshiya Sabha (Badulla district), of the electoral wards affected by the Uma Oya project (commenced by the Mahinda Rajapaksa government), all except for Dulgolla (see above – which was anyway secured by a Rajapaksa loyalist) were won by the SLPP. Of the remainder of the wards in that Pradeshiya Sabha (that is, those not affected by the project), all except for Nayabeddaawattha were also won by the SLPP.

In the Bandarawela Municipal Council, the SLPP did not contest under its own party symbol. Instead, it fielded an independent group jointly with the SLFP and the Ceylon Workers Congress (CWC). This independent group secured all the wards in the Municipal Council. However, the SLPP was defeated in three out of five wards in the Ella Pradeshiya Sabha that are affected by the Uma Oya hydro and irrigation project i.e. Ella, Ballakatuwa and Demodara.

In Beruwela Pradeshiya Sabha (Kalutara district), the SLPP was defeated in the ward of Dharga Town that came under attack of Sinhala Buddhist extremists in 2014 (during the previous government). However, except for the wards of Welipitiya, Maggona and Malewana,

the rest of the wards in Beruwala Pradeshiya Sabha were won by the SLPP.

In Lahugala Pradeshiya Sabha (Ampara district), out of the five wards in which there are people affected by the Paanama land-grab (which began during the Rajapaksa government), the SLPP was only able to secure Paanama Central ward (the UNP won three and the SLFP one). Apart from the wards in the Paanama area; the remaining six wards in Lahugala Pradeshiya Sabha (that is those not affected by the land grab) were won by the SLPP.

In Gampaha Pradeshiya Sabha (Gampaha district), the SLPP was able to secure an overwhelming victory in the wards which experienced the contaminated drinking water issue in Weliweriya (during the Rajapaksa government), as well as those in Mahara Pradeshiya Sabha, with the exception of just one ward (Enderamulla-1) in both Pradeshiya Sabhas.

5. Reading the Result

According to the election results described above, it is clear that – except in the area subject to the Weliweriya – Rathupaswala drinking water controversy and brutal attack on protestors – in Bandarawela, Beruwela and Lahugala, the SLPP has failed to secure the landslide victory depicted by their overall island-wide result. Therefore, it could be assumed that people in these field survey sites still bear a grudge against Mahinda Rajapaksa for the harms suffered by them which took place during his presidency.

However, in order to understand the underlying reality, the ethnic composition of the wards that the SLPP has lost should be studied. The majority of the population in Nayabeddawatta

ward that the SLPP lost in Bandarawela Pradeshiya Sabha; as well as those of the wards of Ella, Ballakatuwa and Demodara in Ella Pradeshiya Sabha, are Hill-Country Tamils (who overwhelmingly supported the Sirisena candidacy in the January 2015 presidential election and voted for the UNP/UNF in the August 2015 parliamentary election). Similarly, the Muslim community forms the majority of the population in the wards of Dharga Town, Welivitiya, Maggona and Malewana that the SLPP lost in Beruwala Pradeshiya Sabha. This minority community also opposed the previous government in 2015. Likewise, Enderamulla-1 which is the only ward the SLPP lost in Mahara Pradeshiya Sabha, is the only area where Sinhalese are a numerical minority (it is a Muslim majority electorate).

Bandarawela Municipal Council, where Muslim and Tamil communities are usually decisive in deciding elections, was won by an independent group backed by the SLPP, SLFP and the CWC (thus gathering votes of non-Sinhala communities supportive of the SLFP and CWC candidates). The leader of that independent group is currently a strong supporter of Mahinda Rajapaksa; and previously held the office of Mayor¹⁷ for over 20 years representing the UNP.¹⁸ To explain this confusing scenario, this independent group were not official candidates of the SLPP. Thus, none of their candidates participated in the SLPP election rally in Bandarawela town which was addressed by Rajapaksa. Neither did the former president call upon people to vote for that independent group, despite some of his supporters contesting on that independent list.

It is true that in Lahugala Pradeshiya Sabha, where the majority of the population in the five wards that faced the land-grab issue in Paanama are Sinhalese, the SLPP lost in

four out of five wards. However, this result should be interpreted in the context of the result of previous elections in that division. Traditionally, this area is a UNP stronghold and it won all the five wards in the 2011 Local Government election. This time they won only three wards; while one ward was won by the UPFA and the other by the SLPP. According to the views expressed by residents of Paanama, the SLPP result is not a setback but an advance in a former UNP stronghold.

"We thought the UNP would win this ward by a great majority. However, they won only by 10 votes. More people voted for Mahinda than expected."¹⁹

By the manner the SLPP executed its election campaign in areas of multi-ethnic composition it is clear that it has realised it is difficult to win the support of non-Sinhala communities. For instance, the strategy adopted by the SLPP to win the Beruwala Pradeshiya Sabha was to focus on winning the Sinhala-majority wards by a great majority; rather than making efforts at getting more votes in wards such as Dharga Town where the numerical majority are Muslims.

In their election propaganda in Sinhala majority wards, the SLPP charged the present government with being one formed with the support of minority communities and thereby dancing to their tune rather than the wishes of the majority community. The SLPP appeal to the Sinhala majority was to strengthen Mahinda Rajapaksa in order to recover that community's lost superiority.

6. Janatha Vimukthi Peramuna (JVP) and Bandarawela campaign

The JVP had formed an organisation named 'Peoples' Front Against Uma Oya Multi-Destructive Project' with the support of community activists from affected areas. It also organised many protests including a highly successful *Hartal* which brought Bandarawela town to a standstill and led to the direct intervention of the President in mediating this issue.

At the 2018 local government election, this movement contested as an Independent Group in the Bandarawela Pradeshiya Sabha and Bandarawela Municipal Council. Instead of an election campaign similar to that of the mainstream political parties, based on national-level power politics and needs, the approach the JVP took was to highlight the crucial issue of people in the area – which is the destructive consequences of the Uma Oya project on their homes, land, livelihood and water supply.

Also the Peoples' Front presented a local development plan for the two local bodies. Although this movement was clearly backed by the JVP, in the submission of nominations, the opportunities to contest were equally divided between the JVP's own supporters and non-JVP leaders of the movement. There were no large-scale rallies in its election campaign. Their approach was to raise awareness among people by explaining their future plans through house-to-house canvassing and by holding pocket meetings in different places. Although the JVP organised rallies throughout the island, none were organised in Bandarawela. Instead the Independent Group decided its own strategy which was to campaign using community networks.²⁰

However, there were occasions where some persons (particularly a Buddhist monk) who participated as speakers in the pocket meetings of the Independent Group made contradictory statements. The monk emphasised that every vote cast for the Independent Group was a vote for the JVP. Such statements undermined the positive approach of the JVP towards the Independent Group. In fact, the JVP's approach in Bandarawela should be appreciated in terms of the promotion of representative democracy at the local government level. This unique step taken by the JVP enthused people elsewhere and raised expectations of a victory against the mainstream parties in the Bandarawela Pradeshiya Sabha. Unfortunately this hope was not reflected in the election result. It was the SLPP that gained an overwhelming victory in Bandarawela Pradeshiya Sabha.²¹ This result is a blow to those who believed that the new electoral system allows for local aspirations and local people to come to the fore in local government.

7. Waiting for Mahinda mahaththaya

In its election campaign the SLPP repeatedly asked people to make use of this election as an opportunity to protest against the coalition government. It further requested people to make this the first move to bring Mahinda Rajapaksa back into power.

From the election results in the four field research locations, it is clear that many people have indeed taken the chance to express their displeasure in the present government. There are multiple reasons for such disappointment.

People in Paanama are disappointed in the present government's failure to give any solution to their demand for return of their land. After

the change of government, they accused a powerful UNP minister of planning to continue the proposed hotel project on their lands.²²

People in Dharga town are frustrated that the present government has failed to bring any of the Sinhala Buddhist perpetrators of the 2014 attacks before the law.²³

People of Weliweriya are angry with the broken promise of the present President, who visited them during the 2015 presidential election campaign and promised to solve all their problems. But up to date he has failed to make any positive intervention; even regarding the cases that were filed against the villagers by the company allegedly responsible for the contamination of water.²⁴

People affected by the Uma Oya project in Bandarawela are furious with the present government for proceeding with the destructive project. Although it was initiated by the Rajapaksa government, only 20% of the project had been completed by the end of 2014; whereas the remainder has been implemented by the current government.

Further, the residents complain that most of the damage was caused by the sudden halting of the excavation of the tunnel for a few months after the change of government in 2015 (when all development projects associated with the previous regime were suspended). They also believe that the present government failed to take immediate steps to stop the water leakage inside the tunnel.²⁵ Moreover, dissatisfaction about payment of compensation for cracked and damaged houses; problems related to payment of compensation for destruction of cultivation; and the reduction in fertiliser subsidy by the government, too have become major factors to the political disadvantage of the present

government. In summary, the people have expressed their displeasure over the failure of the coalition government to work out practical solutions to their problems.

Nevertheless, the paradox is that people in these four sites, who are unhappy with the actions and inactions of the government, have expressed their sentiment by resorting to vote in favour of the very person who is responsible for beginning or adding to their troubles.

Significantly, what was revealed through our interviews is that the majority of the people have no faith or confidence in Mahinda Rajapaksa's ability or interest in bringing them better solutions. Instead, what people expect from him is simply a change – even if it is negative in nature – in place of a government that has failed to make any meaningful change to their lives. It seems that the reason for people to reach this conclusion is that they believe Mahinda Rajapaksa to be a strong leader who is authoritative and action-oriented. This is connected with the image his supporters always attribute to him, i.e. as “the hero who won the war.”

The quotes below illustrate the perceptions and thinking of persons in the field research locations towards the Rajapaksa comeback campaign in the 2018 local government elections:

“This government did nothing. The only person who can solve this issue is Mahinda *mahaththaya*. He is the one who created the problem [of land-grabbing by the military]; and he is the only one who can solve it. If he doesn't solve this, we will have to give up our struggle and forget about all this. At least it is an end to our suffering” – one who lost lands in Paanama²⁶

“The [glove manufacturing] factory had to be removed from the area because Mahinda *mahaththaya* instructed to do so. Otherwise, it wouldn't have been removed. We were attacked but Basil [Rajapaksa] is responsible for that” – villager in Weliweriya²⁷

“Even this time, I voted for Maithri[pala Sirisena]. That is because we were attacked [for protesting against water contamination]. However, I respect Mahinda for ending the war” – leader of Siyane Environment Protection Movement²⁸

“Our fight against the factory was not a political one. The factory was constructed in 1994. We voiced our grievances from time to time. It was [Gampaha district SLFP leader] Reggie Ranatunga *mahaththaya* who supported us those days. Then it was Prasanna Ranatunga *mahaththaya*. It is true that we were assaulted, but compensation was paid. Mahinda *mahaththaya* himself solved the problem” – person active in the Siyane Environment Protection Movement²⁹

“We received some compensation [for property damage from the Uma Oya project] because Mahinda *mahaththaya* drilled the tunnel” – villager in Kolathanna, Bandarawela³⁰

8. Conclusion

Karu Jayasuriya, Speaker of the Parliament, when placing his signature on the *Local Authorities Elections (Amendment) Bill* to assent to its enactment, said in the presence of the media in October 2017, that the most significant feature of this new electoral system is that it provides voters a direct opportunity of electing a representative for their area; and

is therefore a vital step in taking representative democracy to the local level.³¹

After the local government election that was held under the said new electoral system, Member of Parliament Bandula Gunawardana (who supports the Sri Lanka Podujana Peramuna/Joint Opposition), stated at a press conference that this result is a victory for former President Mahinda Rajapaksa. He further said that even if a coconut husk had been presented as a local candidate by the SLPP, it would have won through the charisma of Mahinda Rajapaksa.

This statement obviously implies that the new electoral system, which was created exerting a lot of effort over a long period of time, has failed to strengthen representative democracy. The way the political parties of this country acted in the election process shows that they have taken

action to subvert those expectations. The mass media too has made a considerable contribution in that regard.

Further, this election result reveals that the SLPP, which intends to gain the governing power in future (most probably in 2019/20), places confidence in its Sinhala voter base. This election result too, has proved that Mahinda Rajapaksa is not attractive to non-Sinhala ethnic communities. Further, (Sinhala) people choose Mahinda Rajapaksa not because they always expect goodness and justice from him, but because he is considered to be strong and decisive as against the weakness and wavering of the coalition government.

Thus, it is not wrong to analyse the political change that people expect to achieve in 2019/2020 as a complex expression of utter disappointment in the present scenario.

Notes

¹ The contribution of Prabhath Hemantha Kumara, Malinga Jayaratne, Ishan Chamara and Lakshan Abeywardane, Research Assistants at the Law & Society Trust, is gratefully acknowledged. The author also expresses his sincere thanks to Asanka Perera and Suresh Perera for their support in Bandarawela and Weliweriya.

² The nominations submitted by the Democratic United National Front (DUNF) for Elpitiya Pradeshiya Sabha were rejected on a technicality. A petition was filed with the Supreme Court, by the said party, against the decision of the Election Commission. The Supreme Court issued an enjoining order staying the holding of the election in that Pradeshiya Sabha until the hearing of the petition is concluded.

³ While the SLPP secured outright 231 of the 336 local government bodies for which elections were held, the UNP of which the Prime Minister is leader, is the single largest group in 34 bodies, and the UPFA and SLFP of which the President is the leader, won a majority of seats in 2 bodies and 7 bodies respectively. [However, post-election brokering between the political parties (including in the North and East) means that unlikely combinations will change the balance of power in local authorities where no one party has an absolute majority—ED].

⁴ Under the Uma Oya Multipurpose Development Project, drilling of a 3.35 km tunnel for the hydro power plant began in 2014 December. After a few days ground water started to leak into the tunnel. As a result over 7,000 houses on

the surface of the tunnel have been damaged and ground water has dried out in a large extent of farm lands. Public unrest over this sudden devastation erupted and people organised under the umbrella organisation named the 'Peoples' Front against Uma Oya Multi Destructive Project' which is led by the Janatha Vimukthi Peramuna (JVP).

⁵ In June 2014 an organised group of Sinhala Buddhists attacked Muslims in Dharga Town in Aluthgama. The Sinhala-Buddhist extremist organisation, Bodu Bala Sena (BBS) was accused of promoting violence and spreading hatred against Muslims. The then government was accused of protecting the leaders of BBS and not taking prompt action to stop the violence. Hundreds of properties owned by Muslims were

destroyed and at least three were killed in mob violence.

⁶ In 2010, the government forcibly removed about 350 families – who had been cultivating land for over 40 years in the villages of Ragamwela, Ullessa, Gangethenna, Egodathenna and Shastrawela belonging to Paanama and Shastrawela wards – acquiring those lands for a military establishment. Later, the military changed the use those lands from ‘national security’ to tourism-promotion under its control. The people who cultivated these lands were residents of Paanama West, Paanama Central, Paanama North, Paanama South and Shastrawela wards, and a prolonged protest campaign was launched by the organisation named ‘Movement to Protect Paanampaththuwa’ that was formed by them.

⁷ After revealing that ground water in 28 Grama Niladhari Divisions in Weliweriya-Rathupaswala area have been contaminated from the disposed chemicals of a rubber gloves manufacturing factory owned by the Hayleys Group, local people organised as ‘Siyane Environment Protection Movement (SEPM)’ to demand the removal of the factory from the area and for provision of clean watery. On August 1 2013, army troops attacked one of the protests of the SEPM, killing three youth and injuring over 50.

⁸ “SLPP’s first local government election rally in A’Pura”, *Daily News*, 24 October 2017, <http://www.dailynews.lk/2017/10/24/local/132223/slpp%E2%80%99s-first-local-government-election-rally-%E2%80%99pura>.

⁹ They contested as SLFP in some areas and as the UPFA in others.

¹⁰ “Massive crowd present at the inaugural rally of the series”, *Daily News*, 11 January 2018, <http://www.dailynews.lk/2018/01/11/political/139630/massive-crowd-present-inaugural-rally-series>.

¹¹ “UNP to launch election campaign today”, *Daily News*, 18 January 2018, <http://www.dailynews.lk/2018/01/18/political/140316/unp-launch-election-campaign-today>.

¹² UNP had received 152 more votes than SLPP in Ella Pradeshiya Sabha to secure power.

¹³ Interview dated 10.03.2018.

¹⁴ *Ibid.*

¹⁵ Interview dated 10.03.2018.

¹⁶ Interview dated 10.03.2018.

¹⁷ Bandarawela Urban Council was made a Municipal Council in 2011.

¹⁸ In the presidential election campaign in 2010, Nalin Sooriyage crossed over from the UNP to support Mahinda Rajapaksa, and thereafter has been a strong supporter of the ex-President.

¹⁹ Interview dated 10.03.2018.

²⁰ The main rally in which the Leader of JVP participated was not held in Bandarawela town, but in Ballakatuwa in Ella Pradeshiya Sabha where the JVP contested under their party logo.

²¹ The election result of the Bandarawela Pradeshiya Sabha:

Sri Lanka Podujana Peramuna	9,509
United National Party	7,148
United People’s Freedom Alliance	4,476
Independent Group 1	3, 319
Independent Group 2	1, 943

²² Interview dated 10/03/2018.

²³ Interview dated 26/02/2018.

²⁴ Interview dated 15/03/2018.

²⁵ Interview dated 09/03/2018.

²⁶ Interview dated 10/03/2018.

²⁷ Interview dated 15/03/2018.

²⁸ Interview dated 27/02/2018.

²⁹ Interview dated 16/03/2018.

³⁰ Interview dated 08/03/2018.

³¹ “Speaker signs LG Polls (Amended) Act”, *Daily Mirror*, 12 October 2017, <http://www.dailymirror.lk/article/Speaker-signs-LG-Polls-Amendment-Act-138333.html>.

From Associational to Electoral Politics: A continuation of the land rights struggle in Paanama

BUDDHIMA PADMASIRI AND SAMANTHI J. GUNAWARDANA

In their paper, the authors explain through interviews with local activists struggling for the right to return to their confiscated land, how and why they chose to shift from associational politics to electoral politics. They argue that the 'Citizen's Forum' promoted by external non-governmental organisations played a useful albeit limited intermediary role between the activists and the previous local council; and was also a platform for women's leadership.

1. Introduction

The Pradeshiya Sabha (divisional council) elections held on the 10th of February 2018 was notable for a number of reasons as noted by Munasinghe in this issue. In addition to the election being the first held under the new electoral system and the entry of the *Sri Lanka Podujana Peramuna* (SLPP), the election also saw the enactment of a quota for women's representation. In this paper, we argue that the election highlights and helps to understand the engagement of rural communities including women, within the electoral process, both as voters and as candidates.

In Sri Lanka, the widespread participation of rural communities in associationalism¹ is common; and especially among women. *Samurdhi* associations, funeral committees, rural development societies and farmers' societies are some examples in the 20th century (Uyangoda and de Mel, 2012: 22). In post-war Sri Lanka, rural associationalism is widespread with respect to organised movements to secure access to a vital natural resource: land. These struggles are manifested across ethnic and geographical lines, from Keppapilavu in the northern Mullaitivu district; to the long-standing struggle of *Malayaha* (Hill Country) Tamils in tea and rubber plantation districts; to the communities affected by the Uma

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Oya Multipurpose Development in the Uva province. Women have been at the forefront of many such movements, which often mobilise narratives connecting land loss to gender injustice.

Yet, accounts of transition from rural associationalism and grassroots activism to electoral politics are limited. Where this transition is observed, individuals are noted to be mainly “from local elite families who already have resources arising from socio-economic and cultural capital” (Uyangoda and de Mel, 2012: 22). However, in the 2018 local government elections, many individuals who had previously participated in or led grassroots movements stood for election, as a strategy to further their movement aims or seek resolutions to struggles within their communities. This included activists against the Uma Oya project, activists from the *Malayaha* community, and women activists from Batticaloa (Emmanuel, 2018).

This paper examines the transformation of associational politics to electoral politics among local community members and activists involved in a land rights movement in Paanama, a village in the Eastern province of Sri Lanka. This paper is derived from a long-term project examining women’s livelihood and women’s economic activities in post-war Sri Lanka. Initial fieldwork in Paanama was conducted in January 2015 immediately after the presidential election and change of regime. The initial interviews in 2015 were designed to gain knowledge of women’s livelihoods, and the impact of the loss of land (see Gunawardana *et. al.* 2018). The authors again visited Paanama in January 2017. This visit followed the dissolution of local government bodies in 2015, and the passage of the *Local Authorities Elections [Amendment] Act No. 1 of 2016*. Through this *Act*, a 25% mandatory quota for women’s representation was introduced

into the local government system. The third visit was in December 2017, two months prior to the recent elections. Follow-up telephone interviews were conducted after the conclusion of the February 2018 elections.

Villagers have long engaged with the *Paanama Pattuwa Surakeeme Sanvidanaya* (Paanama Pattu² Protection Organisation—PPPO), created by the people of Paanama in the 1980’s to address governance and administrative issues in their villages. The community faced several barriers with regard to access to their land and land rights since the 1990s, when agricultural lands were acquired for military use, or became inaccessible owing to the armed conflict in that area. In 2010, under the Rajapaksa government, they were forcibly evicted from their land by the military and police. The PPPO later became a primary platform mobilised by the movement to engage with the land acquisitions. Community members engaged in a long-term campaign to regain their land (referred to as a ‘land struggle’ from hereon). The 2018 local government election was seen by local activists as a space and an opportunity to extend their land struggle by seeking a voice in the Lahugala divisional council (*Pradeshiya Sabha*)³ to engage at a political level. Entering electoral politics was not a sudden decision made by the activists but rather, a part of their long-term strategy.

2. Political Canvassing in the 2011 Local Election

The details of the Paanama land struggle have been well documented elsewhere (Piyadasa 2016). In brief, the contested lands in Paanama were passed on as an inheritance from parents to the current owners who claim a right to the land according to their customary rights. The primary use of this land was in *chena* cultivation, which is carried out mainly by women. Most of the

income from the cultivation went directly to the women. Since the eviction in 2010, the villagers have faced various difficulties in accessing their land due to the construction of an elephant fence surrounding it; and the land-grab by the state. They also faced difficulties from the local council in implementing favourable decisions for restitution taken by national-level authorities (interview with activist Nimal, January 2017).⁴

Local councils are important for land rights because of the power vested in local councils in relation to land administration under Sri Lankan law. In the words of a leading activist:

“It is the local council which gives the licence to everything relating to land, constructions and so on. If we capture its power, we believe we can solve most of the issues” (interview with activist Nimal, January 2017).

Strategising engagement with the local government election was therefore crucial to their land struggle. In the beginning, Paanama activists engaged in electoral politics (a) by viewing local elections as a strategic opportunity; and (b) by taking on the role of party supporters. After their eviction in 2010, one of the initial initiatives taken by the PPPO was to change the balance of power among the political parties represented in the divisional council; and to form a local administration which was not an extension of the Rajapaksa government at the centre. As with past governments, the Sri Lanka Freedom Party-led United Peoples Freedom Alliance regime used local government to advance their development agenda using the authority of the central government.

To strengthen their support at the divisional council level, and to engage with the local council authorities more pragmatically, the

activists hoped to change the political party holding the majority of seats in the local body. To achieve this, activists supported the main opposition United National Party (UNP)⁵ in the 2011 local government elections; and put forward a woman candidate, in the person of a villager from a politically-connected family, to contest in Paanama South (interview with activist Nimal, January 2017). Most of the members of the PPPO supported the UNP by canvassing for that party and by displaying its campaign posters.

Following the 2011 election, the Lahugala *Pradeshiya Sabha* was established with a UNP majority and four SLFP members in the opposition (Daily News, 2011). The activists viewed this as a victory. Not only had their preferred party won control of the council, but they had also defeated the ruling party at the centre; which had condoned their expulsion and had harassed them in their struggle to return to their land (interview with activist Nimal, January 2017). The woman activist who contested in Paanama South also won a seat in the council. This was significant as she had previously made representations to the local authority on behalf of those evicted from their land. As the next section will show, engagement in electoral politics gradually increased, as did the lobbying of the *Pradeshiya Sabha*, such that the PPPO became a widely recognised pressure group within the Lahugala community and its political landscape.

3. Engagement through the Citizens Forum 2013-2017

The Citizen’s Forum was first established in 2013 (interview with activist Maya, December 2017) with the support of the Active Citizenship for Development Network (see Peiris in this issue). The objective was

to strengthen people's participation in local governance by facilitating citizen engagement in decision-making in local councils, including through their participation in the public gallery and through petitioning.

Land struggle activists actively engaged with the Citizens Forum (CF). At the time of our field research in January and again December of 2017, the CF had 24 members, of whom 22 were women.⁶ Moreover, nearly all of their office-bearers were women. The members expressed pride in the level and extent of women's participation in the CF; which created space in their view for discussion among them on engagement with the local council.

The Lahugala divisional council was one of the few councils in the country with a UNP majority after the 2011 local elections. This also meant that the council was not representative of the ruling coalition, but rather aligned with the main opposition party at the centre. The activists later saw this as a limitation in achieving their objective as the council was not politically linked to the government nor enjoyed its patronage (interview with activist Sandya, December 2017). Further, there was disappointment in not receiving the anticipated level of support from the UNP councillors they had helped elect (interview with activist Nimal, January 2017).

Those women activists who were interviewed reported their belief that the Citizen's Forum was both a useful platform for more significant people's participation in decision-making and a space for greater women's representation and leadership:

What we do is governance, when we need something, we ask or request it. If we do not get it, we have to have discussions with the

right people and work out a way to get the things that we need (interview with activist Sandya, January 2017).

Through their engagement with the Citizen's Forum, members of the land struggle reported that they have been able to direct the divisional council to look into the welfare of villagers. Some achievements they noted were: addressing the shortage of medicine in the local hospital; provision of electric lamp-posts to light the streets; and getting vaccinations for their animals (interview with activists Sandya and Maya, January 2017). This platform was later used to lobby for their land rights struggle by building awareness among the broader community and other stakeholders, as well as obtaining information on their case through the new Right to Information Act (interview with activist Maya, December 2017).

4. From Citizens Forum to Electoral Politics

By January 2017, members of the Citizen's Forum were discussing the inclusion of their women members in ward nominee lists for the 2018 local council election, using the women's quota. This election had two main entry points for candidates. One, as direct contestants to demarcated wards created under the first-past-the-post voting system; the other, through the proportional representation based party list under which the political parties appoint candidates to bonus seats based on the total number of votes obtained (see *Local Authorities Elections [Amendment] Act No. 16 of 2017*).

Members of the Citizen's Forum felt that existing levels of participation in decision-making in the local council remained limited for the villagers; despite their success in matters of general community welfare. They further

believed that there should be a minimum number of members of the Citizen's Forum (CF) and the land struggle in the local council to highlight their concerns. This was especially the case for activist members of the CF involved in the land struggle, which to-date had received no definitive solution, and as such were stuck in fruitless petitions to the council on their plight. They pointed out that ultimate decision-making power to consider or discard their proposals for resolution of the dispute lies with the divisional council. This was a critical reason which led activists to consider electoral politics and to engage in the 2018 election as contestants. Their disappointing experience since the 2011 election – of limited influence on the council as voters and constituents – also confirmed them in this belief. As one activist noted:

“Electoral politics will help us better if we have some power within the *Pradeshiya Sabha* because sometimes [the councillors] do not let us speak about our issues (interview with activist Nimal, December 2017).”

After the change of government in 2015, Cabinet approval was achieved to release most of the land acquired by the state.⁷ However, this has not been implemented by local authorities, including the District Secretary. Activists also reported new obstacles based on commercial interest. According to them, a prominent regional politician in the central government does not permit the release of their land, as he has plans to use it for tourism development (interview with activist Nimal, December 2017).”

As such, as of January 2017 local activists were considering contesting the 2018 local government elections as an independent group, comprising mostly the women members of the Citizen's Forum:

“... now we are having discussions about whether we should introduce a women team into the *Pradeshiya Sabha*. There will be fifteen positions: eleven will be elected directly and [what] we want is for nine of them to be female. We are trying to figure out how to fight in this election. How to fund it? Who is favoured by the people? How not to be divided by the current parties? How to present ourselves as an independent party? We are trying to raise money for the campaign. If at least two women get into the divisional council, then neither of the main parties will have a majority. So these two people will be the ones holding the balance of power (interview with activist Nimal, January 2017).

However, at time of field-research eleven months later in December 2017 and two months prior to the elections, the activists of the land struggle and the Citizen's Forum were faced with another option: which was to contest in the wards or be appointed on the list, through the UNP.

The activists believed that they had a better chance of being nominated through the UNP ward list, paving the way for representation in the divisional council to seek resolution to the land struggle within a decision-making body. In turn, the major political parties appeared keen to nominate local activists given their widespread community reach:

“...we know that at least two or three women will get in from the wards. [The parties] tell us that we can contest [with them] in the election, and they will give us a bonus seat too, but we keep telling them that we have done work for the people and that we do not need a bonus seat to be selected. In Lahugala there are five bonus seats. The council used to

have eleven seats, but now that has increased to eighteen. Thirteen will be elected from the wards and five will be appointed from the party list ... There are five wards in our villages, and we have nominated five women to contest. Our aim is to send at least three or four women into the council, because then we will have some chance of facing our challenges" (interview with activist Nimal, December 2017).

Under the new system, and in line with the objectives of the Citizen's Forum (CF), with the introduction of the women's quota, it was certain there would be an increase in women's representation in the divisional council. The CF was of the assumption that having more women in the council is sensible as women are more likely to challenge the corrupt practices of local bodies:

When it is a man, he can be bribed with a bottle. But when there is a woman you cannot do that (interview with Nimal, January 2017).

Ultimately, the activists chose to contest on existing party lines and supported the UNP as it is presently the main parliamentary force in the central government. Their assumption was that this would put them a better position in negotiating the release of their land from state authorities.

Sometime ago some villagers were talking about backing the [*Sri Lanka Podujana Peramuna*—SLPP] to take control of the council, so I explained to them that the central government is UNP and that they will not allow the SLPP *Pradeshiya Sabha* chairman to do any work in the village. That's how politics works. So I told them that if you want anything done for the village, you must

elect a UNPer as chairman (interview with activist Sandya, December 2017).

Three members from the land struggle movement were nominated by the UNP, of whom two were women. The activist who contested and won the 2011 election from Paanama South again contested in this election in the same ward and won her seat.

5. Outcome of 2018 Election and Limits to Electoral Politics

In the 2018 local government election, the SLPP headed by former president Mahinda Rajapaksa – under whose administration the eviction of the Paanama villagers had occurred – won the majority in Lahugala divisional council with seven members. The UNP came second with five members and the SLFP faction under the leadership of the incumbent President was placed third, also with five members (Elections Commission, 2018). The activists were initially told that they would be given the two bonus seats allocated to the UNP. However, this was not done. In March 2018, it was reported that the UNP had given these bonus seats to two candidates in the Lahugala ward – unconnected to the CF and PPPO – who had been unsuccessful in their campaign (telephone interview with activist Sandya, March 2018). However, as noted above, the woman activist who contested from Paanama South won her ward, and is now a member of the *Pradeshiya Sabha* again.

6. Conclusion

Villagers in Paanama engaged with electoral politics as a strategy to regain lost land. The transition from rural associationalism to electoral politics was not a sudden decision made by them; but one that was well thought-

out in light of the limitations of associationalism and being mere electoral supporters. Pursuing their primary goal of acquiring access to and use of their cultivation land since 2010, the activists had a long history of engagement with local governance through the PPPO and the Citizen's Forum. Responding to the space introduced by measures in the new local government law such as the women's quota and the mixed electoral system, the activists strategised on their options including deciding whether to contest independently or with the UNP. In a context where widespread barriers to women's participation have been noted during the local elections, the Paanama case is unusual owing to the encouragement and support women received to contest the elections from the PPPO and the Citizen's Forum.

All of these strategies were instrumentally conducted as a means to strengthen their

struggle for the right to land. Even though the activists were not able to enter the Lahugala Divisional Council through the UNP party-list, they have not given up the will to engage with the local authority through the Citizen's Forum. The Paanama case study is a good example of how rural associationalism can transform into electoral politics not only as part of the political agendas of local elites and ruling parties but also based on the needs of the people.

Given both the long-standing and ever burgeoning resource-based rights movements emerging in post-war Sri Lanka, further explorations of how rural and non-elite communities engage with, respond to and participate in local governance is warranted. Moreover, a close look at women's political participation in these movements can shed light on gendered everyday politics and their contestation.

Notes

¹ By associationalism we mean the organised coming together of groups and individuals to promote their common interests based on shared experience of oppression, place, ethnic, class and/or gender identity.

² *Pattu* refers to an identified area of land in Sinhala.

³ Lahugala Pradeshiya Sabha consists of 11 wards: Kandahindagama, Hulannuge, Dewalagoda, Pansalgoda, Perani Lahugala, Lahugala, Paanama West, Shasthrawela, Paanama Central, Paanama North and Paanama South. The land acquisition had taken place in the area which comes under the six villages of Ragamwela, Ullessa, Ganethenna, Egodathenna and Shastrawela, belonging to Paanama and Shastrawela wards.

⁴ In order to protect anonymity and confidentiality of informants, pseudonyms are used in this article.

⁵ From 2004 till 2015, the United National Party (UNP) was in the opposition at the centre. However, after the Presidential election of 2015, where the UNP backed the Common Opposition Candidate, it established the government and assumed the prime ministership.

⁶ One of its active women members passed away in late December 2017.

⁷ On 11.02.2015 a Cabinet Decision was issued to release the lands under the control of the Air-Force in the Paanama area to landless people, except the 25 acres in which buildings had already been constructed, see <https://www.news.lk/cabinet-decussions/item/6160-decisions-taken-at-the-cabinet-meeting-held-on-11th-february-2015>.

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Politics of Citizens (Non-)Participation in Local Governance

PRADEEP PEIRIS

Pradeep Peiris argues that there is apathy by most to the Citizen's Forum and other participatory governance initiatives, as they choose or are compelled to utilise party-based and/or network-based loyalty systems instead; and equal disinterest among local politicians and bureaucrats in the participation of people in local government. Drawing on field research in three districts where non-governmental organisations have been engaged in sustained participatory governance initiatives, he concludes that these are undermined by the reality that there is nothing particularly 'local' about local politics in Sri Lanka.

1. Introduction

This essay examines the rationale for increased citizen participation in local governance and how such participation is vital for deepening democracy. It is on such rationale that various civil society organisations venture into capacity-building projects to increase citizen participation.

However, it also observes that although democratic citizen participation in local governance is largely absent, people do maintain access to the local councils through party-based and network-based loyalties.

Within this framework, the paper will discuss some findings of an evaluation conducted for an international agency to examine the politics of citizen participation in local governance based on the experiences of its partners in Sri Lanka.

The main conceptual finding is that there is a fundamental fallacy in the expectation of donors and civil society organisations that local governance and local democracy provide a space where citizens are empowered to have "direct participation and control over immediate locales" (Held 1996: 289). In fact, neither citizens nor politicians show clear interest in, or enthusiasm for, participatory governance.

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2. Local Government as a Site for Local Democracy

In the political theory of democracy, local government is generally seen as a site where the average citizen, especially the subalterns [those socially, politically and geographically marginalised], can enjoy more democracy. Unlike in the national and provincial levels, there is comparatively less distance between the representatives and the voters at the local level.

Therefore, local government provides more space for common people in the periphery to take part in governance to increase the conditions for greater social inclusion (Stoker 1991).

In addition, such participation ensures that the interests, values and traditions of the local communities are represented in governance. Local governance is instrumental in decentralising both public administration and development. As the members of these local councils are elected through democratic elections, in theory, local communities can participate closely in the decision making of affairs affecting them. Therefore, local government with public participation certainly contributes towards expanding, enriching and deepening the practice of democracy (Uyangoda 2015).

It is for these reasons that many development agencies and local civil society agencies have invested in increasing citizen participation in local governance as an obvious strategy to increase local democracy. Numerous programmes, costing millions of rupees, have been and are being implemented across many parts of the country to raise citizen awareness on local government and encourage citizen engagement in local councils through public galleries and participatory budgeting. The stakeholders – citizens, bureaucrats, and local

politicians – have benefited from these local governance programmes conducted by various non-governmental organisations (NGOs). For many years, these programmes have provided training to people as well as local government officers on various aspects of participatory governance, in addition to the material assistance extended to facilitate citizen participation in local governance (Akurugoda 2018).

3. Active Citizenship for Development Network (ACDN)

The initiatives taken by the Centre for Society and Religion (CSR), National Fisheries Solidarity Movement (NAFSO) and the Uva Community Development Centre (UCDC) who have combined their efforts to form the Active Citizenship for Development Network (ACDN) yielded some valuable insights into the relationship between citizens and local governance.

They have made multiple interventions such as forming Citizens Forums (CF's), trainings for in-house staff in capacity building – specifically developing alternative budget proposals and monitoring the Pradeshiya Sabha (PS) through the public gallery and standing committees – and petitioning. These initiatives aim to increase citizens' participation in decision making processes to ensure participatory governance, accountability and fair representation in their respective local government institutions.

Although the ACDN has implemented these initiatives in five districts, this paper is based on field-study conducted in Bandarawela (Badulla district), Lahugala (Ampara district), and Trincomalee Town and Gravets (Trincomalee district) alone. These PSs were selected as locations where the ACDN witnessed comparatively high levels of success. Although

these initiatives generally aimed to achieve one common outcome – increased citizen participation in local government – their actions or interventions differ from one place to another.

Thus the Citizens Forum (CF) in Paanama primarily focuses its energies on the Paanama land issue, where the original inhabitants have been deprived of access to their lands located on the potentially lucrative beach front¹. The CF in Trincomalee concentrates on the regular needs of the community and works towards collectively flagging them to the Local Authority (LA). The CF in Bandarawela mainly functioned as a platform on which local community-based organisations (CBOs) could voice their concerns and hopefully get them addressed by interacting with their LA. Of course, in addition to the CF interventions, the three partners have engaged in many other local and national issues to strengthen citizen participation in governance in general.

4. Citizen Participation is Exclusive to Elections

The response of the authorities, politicians, as well as citizens to these participatory governance initiatives not only highlights the challenges to such projects, but also the nature of politics at the local level. Despite years of the prevalence of functional CFs, villagers in the respective localities record poor levels of participation in local governance.

In order to inquire into the impact of CF initiatives, the level of participation of the villagers in the localities where CFs were functional was compared with other localities in the respective local government areas. The findings revealed that the level of citizen participation in the villages where CFs were not located was not very different to villages where CFs were functioning.

Table 1 depicts the level of participation in the villages where CFs were functioning. Aside from rallies in Bandarawela and Paanama, participation in other activities was not significant, especially considering that these are the people who came under the focus of CF advocacy activities. The higher level of participation in protests and rallies among the people of Paanama and Bandarawela was expected as these two groups were at the core of the ongoing national level protest campaigns against the Paanama land issue and the Uma Oya project². There was very low level, if not no participation, in budget preparation and the public galleries in both locations.

Table 1: Citizens Participation in ACDN Locations

Interventions	Paanama	Trincomalee	Bandarawela
Participatory Budgeting	5.6%	2%	0
Development Priority	27.8%	19.6%	24%
Participating at Public Gallery	3.7%	9.8%	0
Member of Standing Committee	22.2%	15.7%	18%
Signed Petition	31.5%	29.4%	28%
Participated in protests and/or rallies	55.6%	15.7%	74%

Source: Social Scientists' Association, Evaluation of CAFOD-supported Participatory Governance Programmes in Sri Lanka (2017)

Poor citizen participation is certainly not a ground-breaking finding. Previous studies have already noted that despite numerous interventions by the government as well as development agencies, citizen participation in local government continues to be very weak (Uyangoda 2011; Peiris and Schubert 2016). The initiatives of many participatory governance

projects – such as Citizen Forums, Public Galleries, and Participatory Budgeting– have not survived beyond the project term of the implementation agencies, despite large sums of funds being spent on persuading the citizens, politicians, and bureaucrats (Uyangoda 2015).

However, Sri Lankans demonstrate great enthusiasm in electoral participation not only at national level elections but also at local government ones. For example, the February 10, 2018 local government election recorded over 70% voter turnout across the country. This high level of interest shown at the time of elections cannot be seen in between elections; not only at the national level, but even at the local level of governance.

Therefore, it is interesting to inquire as to why citizens' participation in local government is alarmingly poor. Does that mean citizens have no access to local government at all? Or do citizens employ different strategies to realise their interests that are external to (liberal) democratic participation?

5. Strictly Procedural Democracy

Answers to the above questions rest in the nature of democracy that we practice; as well as in the nature of the political system within which the state-society relationship is defined. Firstly, the current form of liberal democratic practice generally "elicits mass loyalty but avoids participation" (Habermas 1973: 648). What we have embraced as 'democracy', is what some theorists call 'procedural democracy'. Procedural democracy does not expect citizens to be active in every sphere of governance, after electing their representatives through free and fair elections. Therefore, the democratic discourse among citizens, as well as its institutional design, does not generally encourage citizen

participation in the governance process outside of election times.

6. Shrinking Scope of Local Authorities (LAs)

The scope for citizen participation in local councils continues to shrink as the jurisdiction of the local councils is increasingly restricted by way of powers being transferred to other government and private institutions. For instance, the functional aspect of many of the powers previously entrusted to the PS has been transferred to the DS or other administrative establishments of the central government, such as the Road Development Authority³. Hence the public has less of a need to interact with the PS on a regular basis.

One informant, the former Gender Adviser of OXFAM Sri Lanka, recalled how the Australia Community Rehabilitation Program (ACRP) for strengthening civil society identified the administrative arm of the state as the main link between the civil society and state because, ironically enough, the elected arm appointed by the people themselves has become more or less redundant. She further noted that the issues the community was grappling with required that any intervening organisation worked with the administrative arm, as opposed to the elected one, to produce relevant and effective results⁴.

7. Institutional and Political Dominance of the Centre

Although successive governments have continued to boast about their commitment to decentralisation and devolution of powers, they have actually practiced the exact opposite. The agencies of the central government such as the offices of the District and Divisional Secretariats; local offices of various ministries

and departments; Grama Niladharis; Samurdhi officers; Cultivation Officers; and Family Health Officers, play a more dominant role in regular civic life than the elected PSs.

Uyangoda (2015: 210) succinctly illustrating this dominance of the centre, states that “in the specific pattern of state formation in Sri Lanka during the post-colonial phase, agencies of the executive branch of the central government have become dominant over local government institutions in local governance”.

Many other studies have also warned about the vulnerability of local governance to the dominance of central government institutions (Pratchett and Wilson 1996; Hettige 2008; Uyangoda 2011). This has been compounded by the political patronage system which further binds the regions to the centre in terms of both financial and political survival.

Although local government representatives get elected from their respective local areas, these actors are agents or local-level vote collectors of national politicians; mainly belonging to either the Sri Lanka Freedom Party (SLFP) or the United National Party (UNP). Therefore, rather than aggregating local opinion to influence the centre, in practice they represent the centre and assist national level politicians to execute their projects. Hence, it could be said that local (and even provincial) government structures have been set up to convey the policies and patronage of the centre to the grassroots, and not to communicate grassroots needs and aspirations to the centre as assumed (Peiris 2018).

There is a strong body of scholarship arguing that patron-client relationships play a key role in forming and sustaining the relationship between the politician and the voter (Jupp 1978; Kearney

1973; Uyangoda 2010; Peiris 2018). Local level politicians act as mediators and brokers in these patron-client networks between national level politicians and citizens at the grassroots (Hettige 1984; Peiris 2018). National level politicians, in turn, sustain a team of individuals as their local level agents by providing various patronage goods to amass votes during times of elections (Jiggins 1979; Hettige 1984; Perera 1985; Peiris 2014).

The function of local level politicians is very much reflective of these realities and attendant calculations. For instance, in the course of field interviews, a female member of the Lahugala PS thanked her party's national-level politician, responsible for the district, for the assistance and sponsorship she was given in her local campaign.

8. Local Politicians as Mediators not Representatives

While they gradually become less important and relevant to the lives of citizens, politicians at the local level have also lost public trust and respect at the same time. Despite being elected by the votes of local communities, the local councillors are hardly perceived by the people as their representatives.

Discussions with the communities in our field locations revealed that it is common sense among the people that local politicians are mere local henchmen of national politicians. Although people pay respect to these local politicians in their presence; in their absence, they are cynically referred to as *kontharathkarayo* (contractors) because they accumulate their wealth through contracts of village development projects in their respective areas.

Uyangoda (2015: 212) has also highlighted similar negative attitudes towards local politicians observed during his research in Kurunegala.

“Expressions such as ‘corrupt’ (*dushitha*), ‘useless’ (*wedakatanethi*) and ‘ever ready to take bribes’ (*pagamaruwo*), and ‘not committed to serving the community’ (*gamatawedaknokarana*) were epithets which people often used when they articulated their attitudes to local government institutions as well as personnel attached to them.”

Citizens are not only well aware of the true nature of politics, but are also well accustomed to the realities of local governance. As discussions with the community groups during fieldwork revealed, people in fact expect to receive patronage rather than policy responses. Often their interaction with local level politicians – and even national ones at that – is very much based on this expectation.

Politics has become less and less about policies and decidedly more about material gain, both on the part of politicians as well as the public. Therefore, local authorities do not function in the same way that liberal democratic theory expects; whereby people send their representatives to their local councils to make policy decisions that represent the interests of the community. Instead, people send their representatives to the local authorities based on their party affiliation, kinship, caste groups, etc. with the expectation that they would address their needs; not by implementing policies, but by distributing patronage.

9. Lack of Support for A Rights-Based Approach

In this context where citizens who participate in local government matters are often found

to be beneficiaries of local politicians, local level politicians in power do not welcome independent citizen participation in their activities or any one making policy-related suggestions such as what projects need to be implemented in the area, or criticising the work of local authorities.

They mainly expect the citizens to be passive recipients of the patronage goods they distribute, and to supply votes in exchange for such goods (Peiris 2014). Therefore, people find it rational to approach politicians through various local power networks (temple committees, kinship networks, other cultural networks, etc.) in order to meet their individual needs, rather than fighting for their rights collectively.

The experience of the Paanama CF is a case in point. It was clearly visible that the land struggle led by the Paanama CF had not been attractive to many in the area. On the one hand, only a small group of people in the area were affected by the land issue, while on the other hand local politicians from both main parties, the UNP and the SLFP, did not clearly support the affected communities.

Therefore, the Paanama CF intervention has turned out to be a struggle of a few in the area against a powerful group of political, bureaucratic and business elites who clearly receive the support of the politicians of the local council. The Paanama CF has been able to sustain its struggle mainly due to the support it receives from many national and regional civil society groups and well-wishers from outside of the area.

Unlike Paanama CF, Trincomalee and Bandarawela CFs seem to be working in collaboration with their respective local councils

and managed to secure the participation of local politicians. In Trincomalee, officials were not aware of the existence of the CF, but they recognised the activities of the CF by the name of the coordinator. Such good communication between project officers, local politicians, and bureaucrats certainly assists the community organisation in obtaining access to the local authorities as well as to receive the latter's cooperation for interventions carried out by community groups.

However, this amicable relationship between the local authorities and CFs does not guarantee increased citizen participation in local governance. Interviews with local government officials (both elected and appointed) suggested that neither elected nor appointed officers expect the engagement of the CF in the decision-making process, and they also do not believe in making provision for such collaboration⁵.

10. Conclusion

Politics at the local level is not really local, as it often is a manifestation of national level political aspirations. As a consequence, local government has failed to create productive democratic spaces in strengthening local democracy. This paper has identified multiple factors that have transformed the Local Authorities from an agent of deepening democracy to an instrument that connects national-level clientelistic politics with local communities.

The common sense rationale in this space is not to take part in collective struggles for common

goals, but rather to seek individual connectivity with the patronage network to secure individual benefits. In this context, it is quite rational for citizens to participate in elections while avoiding collective activism.

Bearing this in mind, any participatory governance programme is inherently exposed to either of the following two risks: i) being absorbed into the existing patronage network within villages or ii) being treated as organisations that are a hindrance to the dominance of those in power, de-legitimised and sidelined. If the programme is subsequently absorbed into the existing patronage network, it will fail to empower citizens despite its capacity to win the support of the political leadership. On the other hand, if politicians begin to perceive such programmes as a hindrance to their dominance, local activists will face antagonism from the political authority, preventing possibilities of encouraging a democratic citizen-politician nexus.

Utilitarian calculations, under the existing political system of the country, undoubtedly would encourage people to work with the political authority as subjects than citizens; whereby they put forward their needs instead of their rights. Unfortunately, we may have to recognise the rationale of the average individual who participates in the patronage system as a reasonable political act. Therefore, one should not be surprised to observe a lack of citizen participation in governance, even where advocacy for participatory governance is dramatically increased.

Notes

¹ Paanama (sometimes spelled Panama) comprises a few villages in Ampara in the south-east of Sri Lanka, where traditionally the people lived from farming, fishing and agriculture. Starting in 2003, the villagers' land began to be confiscated by state actors, resulting in around 350 families being evicted or displaced from their homes and deprived of their means of livelihood. At the end of the war in 2009, this land was taken over by the armed forces. In 2010, the villagers filed a complaint with the Human Rights Commission regional office in Ampara, which carried out an investigation and reported that they had been unfairly treated seeing as the land had been previously occupied by them. In 2011, the issue was taken up by civil society including CAFOD partners, and in 2012 the PARL (People's Alliance for Right to Land) was set up to co-ordinate support for communities affected by land grabbing. In February 2015, shortly after the

presidential elections which led to a change of government, a cabinet decision was taken to release 340 acres of the confiscated land, with the remaining 25 acres excluded due to construction work by the Navy already being in progress. However, the central government decision was not implemented. Threats, intimidation, and legal action have continued at the local level to prevent the villagers regaining their land. The latest action in the campaign was a petition with 20,000 local and international signatures handed in to the Presidential Secretariat office on June 14, 2017.

² The Uma Oya Multi-Purpose Development project began with Iranian funding in 2008, with initially no environmental clearance. To manage public opposition to this arbitrary action, the government commissioned an Environmental Impact Assessment (EIA), calling for public reviews over 30 working days. Despite objections that the EIA was inadequate, the project

formally began towards the end of 2010. The project today has resulted in a serious shortage of water in the previously self-sufficient Bandarawela region, in addition to causing many householders to leave their houses due to severe cracks and sometimes instances of houses sinking into the ground. Similar to Paanama, the Uma Oya issue has mainly to do with decision-making of the central government, and therefore attempted remedial action also transcends the local level.

³ Key Informant Interview with Programme Officer, Federation of Sri Lanka Local Government Authorities, Colombo, July 20, 2017.

⁴ Key Informant Interview with former Gender Adviser of OXFAM Sri Lanka, Colombo, July 26, 2017.

⁵ Key Informant Interviews with ex-PS Chairman, Vice Chairman, and current Secretaries of Trincomalee Town and Gravets, Lahugala and Bandarawela, between March 31 – April 8, 2017.

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‘Biology is not destiny’: Women’s Political Participation in Sri Lanka

ROHINI WEERASINGHE

In this interview taking-off from the 2018 local government, *Rohini Weerasinghe* connects the experiences of women in politics to the oldest power structure in the world: patriarchy. She argues there is a correlation between the lack of recognition of women’s economic contribution and their marginalisation in politics, including by ‘good governance’ touting civil society organisations. In her view, women’s increased representation in local government allows for women *qua* women to participate in those institutions; and for councils to become more cognisant of women’s issues and perspectives

1. Introduction

In the crucial 1993 Western Provincial Council election, *Rohini Weerasinghe* was nominated by the *Desha Vimukthi Janatha Pakshaya* (‘Peoples Party for National Liberation’ associated with the late Nihal Perera) of which she was a politburo member, to contest as part of the winning Peoples’ Alliance opposition coalition. Born in Balangoda and educated in Colombo, her first lessons of leadership as a child were learned from her parents. As vice-president of the students’ council at Peradeniya university in 1966, she was in the leadership of a campus upsurge that year. It was reading *The Female Eunuch* by Germaine Greer (first published in 1970 and introduced to her by Susil Sirivardhana), that sparked her feminist consciousness.

Following contact with the feminist scholar-activist Kumari Jayawardena, she became part of the women’s movement after 1977, initially with the *Kantha Handa* (‘Voice of Women’) group. Postgraduate study on the Development Studies master’s programme at the Institute of Social Studies in The Hague between 1981 and 1982, specialising in ‘Women and Development’, was another radicalising influence. She became convenor of the *Kantha Shakthi* (‘Strength of Women’) organisation (founded on February 4th, 1983), which was resourced through voluntary labour, personal donations, and her income as a freelance researcher. The organisation raised the consciousness of women graphite-shed workers

Rohini Weerasinghe was interviewed by *B. Skanthakumar*. The transcription was by *Wasana Nalawatta*.

in Colombo; women workers in the Katunayake free trade zone (reaching them through medical and legal advice); and rural working women in many parts of the island; and also published a monthly newspaper of the same name in Sinhala and English largely written and edited by her.

In the course of the recent election campaign, female politicians reportedly were told by others that women's political participation detracts from their assumed 'primary' role which is as mother and care-giver, that is, within the private or domestic sphere. This belief was apparently held by some women voters too. How is it that despite women's enormous economic contribution as domestic workers in the Middle-East, in export agriculture (especially tea and rubber), in export industries, as well as in food production; near universal rates of literacy for women and men; higher female participation in higher education than male; visibility (albeit not equitable representation) of women in leadership positions in the public, private and non-governmental sectors etc., that these social and gender norms are so prevalent and persistent?

Such views on women's 'primary' role should have been challenged then and there by the women themselves. I don't know whether they did so or not. Biology isn't destiny. Motherhood is not only biological but social: both empowering and disempowering of women. Not only women candidates but their male and female allies also should have challenged those views. I don't know how much support they received from their families and from women's groups. But when I contested in 1993, I didn't face such prejudices. On the contrary I received impressive and encouraging support from the youth of the *Janatha Vimukthi Peramuna*

(JVP—'National Liberation Front') and many other male social and political activists. Slogans such as "*Kantha Vimukthi-ta Jayawewa*" ('victory to women's liberation') were picked up mostly by these men and women. The Sri Lanka Freedom Party [main constituent of the Peoples' Alliance] tried to corner me, and not give time to speak, and so on, but I was able to stand my ground. And this too soon after the repression of the JVP and during the [ruling] United National Party's *beeshanaya* (terror) period; when one left one's home not expecting to return to it. That is because behind me was a political organisation [the *Desha Vimukthi Janatha Pakshaya*]; with leaders and cadres supportive of women's liberation. During the Local Government election, women lacked support from their political parties and party leaders. These party leaders still think that biology is destiny. It was the German fascists led by Hitler who said that women's place is with children and in the kitchen and church [*kinder, küche, kirche*]. Sadly our 'democratic' political leaders of the 21st century still believe the same.

2. Sexual Division of Labour

On this sexual division of labour, which relegates women into reproduction: it's an age-old practice, deeply rooted, and accepted by the masses and by culture. If you look at the examples of other countries, how was this challenged? In China, the situation of women was horrible. You may have heard of Mao Zedong's famous statement on the four thick ropes binding the Chinese people prior to the 1949 Revolution, especially the peasantry in relation to political, clan and religious bonds and women in relation to masculinity. They were able to challenge such oppression in China, because Mao and the Communist Party under his leadership also challenged them. Likewise in the former Soviet Union under Lenin. Here in

Sri Lanka has there ever been a political party challenging the sexual division of labour and violence against women? There was nothing except a small party like the DVJP when Nihal Silva was its leader.

Women's economic contribution is not recognised. Domestic work abroad by Sri Lankan women is the highest source of foreign exchange into the country, but are women migrant workers recognised? So in all these sectors: plantation sector, the garment sector, as housemaids and other migrant workers, women's enormous contribution to agriculture and food production, small trade and small industries, is invisible. What is the appreciation or recognition that women get? How is the reality of women's work shown or concealed in the official statistics in terms of women's labour force participation? It is a myth that women only work in the private domestic sphere.

Most women in Sri Lanka come from economically and socially disadvantaged families in the rural areas. Why do they migrate to the Middle East leaving their children behind? The root causes are the breakdown of the rural economy mainly agriculture, lack of infrastructure, lack of facilities and lack of employment for rural people. You cannot stop migration of women through laws [i.e. circular banning trans-national migration of women with children under the age of five years]. None of the governments have implemented the Women's Charter of 1993 or the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) or the Covenants on Economic, Social and Cultural Rights (ICESCR) and Civil and Political Rights (ICCPR) which include policies for the promotion of the rights of women.

What does literacy mean within this given education system? Literacy is very useful because in comparison with countries like Bangladesh or India, women in Sri Lanka are able to read with their high level of literacy [over 92% and almost equivalent to that of men]. They can understand printed material. That is an advantage. But literacy by itself does nothing to challenge the subordinate status of women, the sexual division of labour, and the stereotypes, myths and prejudices imposed on women by society and internalised by women themselves which limit their horizons. If we want to march towards a modern society, the recognition and acceptance of women as equal citizens is a foremost priority in the country. We don't have a modern education system, which equips the citizens with life-related awareness such as the environment, human rights and women's rights.

There should be a conducive political and social environment for the mass of women to openly do politics. This is not the case in Sri Lanka. Historically, women everywhere have faced obstacles in entering any male-dominated domain including sports, university education, professions such as medicine and so on. Women face such situations because patriarchy is the oldest power structure in the world. This is why my former teacher [at the ISS] Dr. Maria Mies titled her famous book, *Women: The Last Colony* (of man). Her observation indicates how old and how obstinate patriarchy is. This is why structural changes in society are needed for women's equal participation in politics. Now, the recent local government election happened within the existing social-political paradigm of liberal democratic dependent capitalism. The public-private dichotomy, affecting not only women but the whole society, is deeply rooted in the soil and not challenged by dependent capitalism. Even in the advanced capitalist West,

women at the individual level have to fight very hard to get men to help with housework and childcare.

In recent amendments to the local government election law, the number of local government seats was increased by 33%, presumably to overcome the objection and resistance of political parties and male politicians, to accommodate the 25% quota for women's political representation through reduction of the number of male representatives. What does this manoeuvre signify about the recent hard-won victory of temporary special measures to correct the gross exclusion of women in politics and the broader struggle for equality?

The number of local councils [*Pradeshiya* or Divisional, Urban and Municipal] at present is 341 and the estimated number of members to be elected was 8,486. Actually, the international campaign for greater women's representation in politics demands a quota of 33% for women in elected bodies. However, Parliament only approved a lesser number of 25%. No women's rights advocate asked for an increase of 33% in the number of local government seats. What was asked, is to reserve that percentage for women, out of the existing number. That is the meaning of a quota.

Now the cost of maintaining these bodies, with their excessive number of councillors, is projected to shoot up to Rs. 34 billion from Rs 21 billion previously.¹ This decision to increase the number of seats by a third, at absurd expense, is not due to lack of understanding on the part of politicians. The people are already burdened with the cost of living and endless other difficulties. The political parties and the Parliament have put an additional burden on the people to maintain these politicians. What

was expected by bringing more women into local government, is to facilitate and enhance women's agency for women's concerns at the local level; and to take up issues at the community level from women's perspective – that is, respecting inclusivity, equality, justice and transparency – to address the problems of women heads of households, the security and safety of children, economic and social justice to the poor (most of whom are women), and so much more. This is why women are needed in the local councils.

What has happened instead, through expansion of the number of seats, is placing an additional burden on the common people. This shows the greed for power and the corrupt and degenerated political culture, lack of commitment to democracy, unconcern for and indifference to the public, and lack of internal democracy within these authoritarian and patriarchal political parties. It was not necessary to increase the total number of seats by so much. This is to do with the greed for power; because men don't want to share power by giving place to a woman. They want it all for themselves.

Some women who did make it onto the nomination lists, faced intimidation and thuggery from male candidates, including from within their own party or list. Sexist and misogynistic statements were made by male politicians on election platforms. There was no disciplinary action taken by the political party hierarchy against these male perpetrators, nor was there critical coverage by mainstream media. What does this say about the relationship between women, politics and violence?

Actually this may come into the open on the political platform during election campaigns, but it has been the experience of women whenever they tried to enter any new field. The

whole society is male dominated; and therefore so are most professions, trades and occupations. So women who want to enter into politics, face this challenge. Now look at the fight of the few women three-wheeler drivers. At the beginning, they were not allowed to park their vehicles at three-wheeler stands by male drivers. In cricket, women are getting step-motherly treatment. Men's cricket is given all encouragement and is celebrated; but women don't get any attention. Is the political leadership enlightened on women's issues? Are they not misogynist? Are they not patriarchal? And within their parties, why don't they instil discipline? These features are deeply ingrained in political parties.

That doesn't mean we can't or shouldn't do anything about it! There is a lot that can be done including campaigning with the political parties, and working with their leadership, on discrimination against and harassment of women. There is a big need for a wider socio-political movement beyond non-governmental organisations (NGOs) which includes women and taking up women's issues. It is very disappointing that certain movements for justice in recent times were male-dominated as are so-called citizens' movements. They have forgotten that 'citizens' include women. The leaders of these groups are of the view that there are no women in this country who can get on to the public platform and address mass meetings or participate in media conferences. I call them '*Bamunas*' as like the Brahmins of ancient India, they have archaic and derogatory views on women. It is the same in the male-dominated NGOs. There are huge micro-credit organisations like the Women's Bank and Women's Development Federation but these are male-dominated. The law on violence against women is not properly implemented. The police are not trained on applying the Domestic Violence Act to complaints from women. Look

at the appointment of the Minister of Women's Affairs: did we ever have a single person who knows the subject and is committed to uprooting injustice to women?

Women's role in the political parties so far has been to make tea for men and do similar things. The male politicians use the women for canvassing, but otherwise women are not given the stage during meetings and nor are they in decision-making positions or in leadership positions. So the relationship between the political parties and women, is one of subordination and exploitation of women within and by the parties. See, there are five women associated with *Kantha Shakthi* who contested in this recent election from Balangoda and Tangalle. Some of them brought votes to their respective parties, but at least two of them have been deprived of their rightful seats by the *Pohottuwa* [Mahinda Rajapakse aligned *Sri Lanka Podujana Peramuna* – 'Peoples' Front'] party leadership. These are premeditated actions.

Beyond this important step for greater democracy, and greater democratisation of the electoral system, through increased representation of women, how do we ensure that women's political participation is substantive and not symbolic and of benefit to women's priorities for local government in particular?

This is a very important beginning. From around 2% representation in local government, we have come to somewhere around 25%. But we should not stop there. We have to take this forward and demand at least 50%. The women elected should be identified, and they should be organised as women irrespective of political affiliations. The organising should be on two levels: within each council, and also across all local government bodies. Women's groups should engage with

them. The women members should be given orientation in the performance of their duties. There should be regular monitoring of their work and support regarding the problems they face, to give them the external support needed. They should be guided on how to use the resources of the council, and its internal procedures. Their awareness of local problems and priorities of marginalised groups within the community should be raised, such as women-

heads of households especially in the North and East; livelihood issues; poor quality of infrastructure; transport and communication; satisfactory school bus service; land rights; rights of communities to natural resources especially water, springs etc. They should be trained on boosting their self-confidence, skills, personalities, and of course, on women's rights, justice and equality.

Notes

- ¹ Sirimanna, Bandula, "Cost for LG bodies doubles with increase in numbers", Sunday Times, February 11, 2018, <http://www.sundaytimes.lk/180211/business-times/cost-for-lg-bodies-doubles-with-increase-in-members-281443.html>.

Including the Excluded: Local Government Services and the Plantation Community

R. RAMESH AND A. R. NANTHAKUMAR

R. Ramesh and A. R. Nanthakumar critically analyse the 2017 amendment Bill to the *Pradeshiya Sabhas Act*, advocated as a remedy to this problem, in the context of historical legal and structural discrimination of the people in the estate sector. They argue that the full inclusion of this persistently neglected group in local government is needed for greater realisation of their hard-won right to citizenship of Sri Lanka.

1. Introduction

This paper endeavours to discuss briefly the new Bill (dated October 13, 2017) to amend the *Pradeshiya Sabha* (PS henceforth) Act, No. 15 of 1987, its flaws and also the ways and means that could make the amendment a meaningful victory for the plantation community to obtain substantial benefits from local government authorities. In fact, local governance in the plantation sector has specific problems concerning social citizenship, minority rights, ethnicity, exclusion from and access to local democracy and its quality, stemming from persistent legal and institutional discrimination prevailing in PS service delivery in the plantation sector.

The *Pradeshiya Sabhas* (Divisional Councils) are a crucial local government institution meant to serve local communities and promote local democracy. However, they have not succeeded in delivering actual benefits to the plantation community, as certain provisions of the Act of 1987 prevent them from gaining access to essential public services supplied by the PS, including public health, housing, road construction, pre-school, water, sanitation, and so forth. Although the community has been exercising franchise rights to elect members from their ethnic group to represent them at PSs over the last two decades, the PSs are not legally obligated to serve this community owing

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to these legal impediments. This makes them not accountable to estate residents. Moreover, there has been a general perception that estate management must be held responsible for the well-being and development of those who work and live under the purview of privately-owned plantations.

Recently, following long-standing advocacy and lobbying, a *Bill*¹ has been introduced in Parliament with the view to amending the current *Act* and thereby enable this community to obtain PS services. In this background, this paper seeks to answer the following questions: How could the *Bill* mete out justice to this community in enjoying public services and social rights in their entirety without being subject to any hindrances? How could this Bill be made a meaningful victory for this community? Based on the analysis of relevant primary data, the *Pradeshiya Sabhas Act* of 1987 and the *Bill* for its amendment of 2017, the paper argues that institutional reform and effective implementation of the draft amendment are of vital importance in making the amended *Act* of benefit to this community.

In general, it is envisaged that public institutions and local government bodies shall be established to ensure that public services and development programs are implemented, administered and streamlined with a sense of impartiality, fairness and accountability in compliance with the needs and aspirations of citizens. It is further expected that all section of citizenry should be able to access public services in a fair and equal manner without any discrimination on the grounds of race, religion, caste, origin, heritage or region so that they can fulfil their needs (Navaratna-Bandara 2009). The PS's constitute part of the third tier of the Sri Lankan state apparatus and are obligated to uphold the notion of local democracy and local development in a manner

as to reach all segments of society within the principles of impartiality and fairness. Nevertheless, owing to its inherited flaws in its operation, the quality of the services of PSs in terms of access, fairness, equality, equity, efficiency and sustainability have progressively deteriorated in general, and in the plantation sector in particular.

The concept of local governance as a subject of inquiry and discussion in the geographical areas in which the plantation community predominates, has emerged very recently among academics, policy-makers as well as political activists. The establishment of provincial councils, PSs and subsequent reforms to local government since the mid-1980s, have provided some impetus for this interest in local governance. It also marks a shift in plantation politics, which had for decades been dominated by issues relating to citizenship, wages, labour rights and education.

As the PS *Act* contains legal impediments in delivering services, a new generation of intellectuals and political activists of the plantation community has begun to focus on this issue to show how reforms could be made in the government structures at local level in order to ensure social citizenship rights. In fact, the access to institutions of governance and right of participation in the governance process and service delivery is not only a minority rights claim but also a democratic right.

This article has been organised in the following manner: the introduction discusses the background of the issue and its significance; the second section briefly provides an account of the missing link between the plantation community and PS; the third section examines the legal impediments of the current *Act* in accessing PS services in the plantations; the fourth section

explains the new *Bill* to amend to the PS *Act* and its flaws; followed by the conclusion to the above discussion.

2. The Plantation Community and the *Pradeshiya Sabhas*

The *Pradeshiya Sabhas* were established by *Act No.15* of 1987 subsequent to the introduction of provincial councils. As per the *Act*, the purpose of establishing the PS is to regulate, control and administer all matters relating to “public health, public utility services and public thoroughfares and generally with protection and promotion of the comfort, convenience, and welfare of the people and all amenities within such area” (s. 3). Further, the preamble to the *Act* states that the purpose of the establishment of PSs is to “provide greater opportunities for the people to participate effectively in decision-making process relating to administrative and development activities at a local level”.

Nevertheless, in the case of the plantation community, this objective remains merely a dream as they have limited space for participation in local government. There are significant numbers of Hill-Country Tamils resident in at least 05 Municipalities, 05 Urban Councils and 102 *Pradeshiya Sabhas* in the Central, Uva, Western and Sabaragamuwa provinces. On many occasions, the plantation people are a deciding factor in the local electorate including of the leadership of several PSs in Nuwara Eliya and Badulla districts. However, several studies have highlighted that the PSs in particular are less likely to provide their services to the plantation community living in areas under their purview. Moreover, they do not engage in any satisfactory development activities meant for the social betterment of these people, utilising their budgetary allocations (Hettige 2003; Vijesandiran 2011;

Vijesandiran and Ramesh 2013; Institute of Social Development 2011; Bastian *et. al.* 2014).

The plantation community, which predominantly consists of a Tamil community of recent Indian origin, is the fourth largest ethnic community in Sri Lanka. In 1815, the British brought the entire island under their control and subsequently introduced economic changes that led to the introduction of a new community of people with the cultivation of plantation crops in the hill country. These Tamils from South India, who settled down in Sri Lanka, are generally referred to as Tamils of Indian Origin, Up-Country Tamils, Plantation Tamils or Hill-Country People. The plantations are recognised as the home of the Hill-Country Tamils, where they have lived for ages. Until 1948, the Plantation Tamils were not discriminated against in terms of citizenship, as every inhabitant was a British subject. However, just six months after independence, the United National Party (UNP) government passed *Citizenship Act No. 18* of 1948 which deprived millions of Plantation Tamils of their citizenship rights. Though it is stated that the citizenship problem was solved in 2003 (*Grant of Citizenship to Persons of Indian Origin Act, No. 35* of 2003), the original legislation has been the cause of many problems of the plantation community in general.

The plantations, managed by private companies, enjoy considerable autonomy within the local context. They not only control the landed property, but also roads and other amenities falling within their boundaries. Quite surprisingly, even today, management continues to have the power of certifying national identity card (NIC) applications, death certificates, electricity connections and so forth. Most worker families still live in housing settlements located on the plantations which

are owned by the plantation companies. Given the enclave nature of the plantation community and their lack of citizenship rights until fairly recently, trade unions and non-governmental organisations (NGOs) have provided the main link between the community and public institutions for several years.

Since the late 1980s, the plantation community have gradually been absorbed into public services in a limited way amidst the legal and institutional barriers. The lack of political willingness of successive governments and the dysfunctional relationship between public institutions and plantation management continue to limit their access to public services and specifically to the PS. Although there is a widely held notion that the legal form of citizenship improves access to public services; provides greater space to enjoy social citizenship; and end years of marginalisation in governance, this has not been the case of the plantation community even after 2003. The communalistic policies of successive governments have been behind the present state of affairs where the estate settlements are left out of the state administrative machinery and the purview of the local government bodies. The British, who ruled this country in the pre-independence era and the chauvinistic Sinhala leaders who gained power after independence, legislated and implemented laws that promoted discriminations and marginalised the plantation people from all forms of governance.

3. *Pradeshiya Sabhas Act (as unamended) and Service Delivery*

In relation to the plantation community, the *Pradeshiya Sabhas Act* of 1987, which is in force now, may be seen as an extension of earlier legislation on village committees. The *Village*

Communities Ordinance of 1938 was initially worded in a way that was discriminatory of ‘Indian Tamils’ living in the estates, whom it intended to exclude from franchise rights in the election of village councils. Eventually the phrase ‘Indian Tamils’ was removed and replaced by the more neutral “the persons who live in the houses provided by the plantation management” (Navaratna-Bandara 2017: 23). The exclusion of Up-Country Tamils living in the estates allowed the British Plantation Raj to keep the workers out of local politics. The legacies of this system still exist in local governance; even though there have been measures taken to accommodate estate residents in local representative institutions.

It has long been argued that the current *PS Act* does not explicitly stipulate anything about estates though villages are mentioned. For instance, s. 2(1) of the *PS Act* states that the subject Minister may

“declare any area to be a Pradeshiya Sabha area for the purposes of this Act and shall define the administrative limits of the area so declared. The administrative limits of every Pradeshiya Sabha area so declared shall, as far as possible, correspond to limits of an Assistant Government Agent’s division excluding any areas comprised in a Municipality or a town... which falls within the limits of such Assistant Government Agent’s division”.

However, there is no specific inclusion of the estate within the PS area either. The exclusion of estate residents as incorporated in the amended *Village Communities Ordinance* of 1938 has been extended to the current *PS Act*. This is unsurprising as the statelessness issue of the plantation community had not been solved at the time when the *Act* was formulated in 1987.

As the estate settlements have not been absorbed into the control or the administrative structure of the *Pradeshiya Sabhas*, the utilisation of its funds for the development needs of the plantation community is a violation of the rules and regulations of the *Pradeshiya Sabhas Act*. It is evident that not only the areas of estate production but also human settlements within the plantations have been recognised as the private property of the estate administration. Thus if any physical development is performed in any area within the plantations, utilising public finances, then the area where such development is implemented must be handed over to the *Pradeshiya Sabha*. This is made clear in s. 33 of the *Act* that deals with roads and other development work that benefit individual property owners.

"The Pradeshiya Sabha may, at the request of the owner or owners of or more estates or industrial enterprises situated within its limits, in any case in which the Pradeshiya Sabha is of opinion that the public interest would not otherwise justify the construction or maintenance of a road in such a locality, contract with such owner or owners, for the construction or maintenance of a road for the service of the estate or estates, or the enterprise or enterprises in question, subject to the payment of such contribution towards the expenses of such construction or maintenance as may be approved by the Pradeshiya Sabha and subject to the condition that by an appropriate instrument such road is constituted a public road and is vested in the Pradeshiya Sabha, and all such agreed contributions shall be deemed to be special rates imposed upon the lands benefited, and shall be recoverable in the same manner as a rate imposed under this Act,

and all the provisions of this Act relating to rates shall apply thereto."

Section 33 has been seen as a major impediment to reap the benefits of development projects of the PS and very clearly delineates estates as individual or private properties and prevent estates from being included in development projects. More importantly, this *Act* fails to demarcate the difference between an industry and a community. The estates do not merely consist of tea and rubber gardens; apart from that hundreds of thousands of poor people live in these plantations who deserve public services to fulfil their basic social needs. Quite interestingly, this section states that any activity undertaken in the estates by PS has to be at the request of the owner or with the consent of the owner. Although the *Act* considers plantation lands as private property, it must be understood that the ultimate owner of the land is the Sri Lankan state. Estate lands were vested in the Land Reform Commission (LRC), subsequent to nationalisation in 1975, which has powers to make decisions on their use. It could be argued that the Regional Plantation Companies are not owners of estate lands; they undertake a business in those lands leased by the government after 1995 (Bastian *et. al.* 2014: 5).

In other words, plantation companies are merely managing the lands for a profit. It is the responsibility of the PS and its political representatives to mark the difference between agro-industry and the community. After all, the plantation community are full citizens of this country who have lived here on the estates for generations, making their livelihood under deplorable living and working conditions, while making a remarkable contribution to the national economy. The institutionalised discrimination against this community is not only a denial of their citizenship and democratic

rights, but also poses challenges to national development goals.

Additionally, ss. 19(xiv) and 19(xxii) of the *Pradeshiya Sabhas Act* prescribe that the funds (generated through tax and other sources) of the PSs have to be invested for village development, renewal, enhancement, and maintenance work, integrated development of villages and the development activities of rural women and their enhancement. By omission of mention of estates, these sub-sections too preclude utilising public funds for developmental and other activities in the plantations. The relevant legal provisions are as follows:

“to spend any part of the Pradeshiya Sabha Fund for the construction or alteration, improvement or maintenance of village works, and for the purpose of administering any property vested in or acquired by or otherwise transferred to the Pradeshiya Sabha, or of carrying out the provisions of this Act or any by-law made or deemed by virtue of any written law to have been made thereunder” [s. 19(xiv)]; and

“to spend any part of the Pradeshiya Sabha Fund, in promoting rural women’s development activities, integrated development of selected villages, community development projects, and in making grants to rural development projects, Gramodaya Mandalayas and rural development organisations qualified to be represented on Gramodaya Mandalayas” [s. 19(xxii)].

Although these provisions are a significant legal hindrance to reap the funds of PS, it is also notable that a considerable amount of

development work has been carried out by PSs in the plantations, mainly construction of roads, footpaths and water supply. However, these are projects financially supported by members of Parliament and provincial councils but implemented by the PS. Those services based on the own revenue of the PS, such as public health, pre-schools, maintaining roads, street lamps, cultural enhancement, housing and many other services are less likely to reach this community due to legal obstacles (Vijesandiran and Ramesh, 2013).

Political factors also play a key role in extending services to the plantation community. For instance, in some cases where the PS is controlled by a political party of the plantation community, the PS is more likely to prioritise community development of the estates from the funds received from line ministries, members of Parliament and provincial councils and donor agencies. When the control of a PS is with plantation political parties and representatives, it enables them to even utilise the PS revenues (generated through tax, rents, service charges, fines and licenses) for estates – though it is inadequate for large-scale infrastructure development. This does not happen where plantation political parties and representatives are a permanent minority in the PSs, namely in the districts of Badulla, Kandy, Ratnapura and Kegalle. It could be also argued that by undertaking public works from PS funds amidst legal barriers, there is always the risk of legal action against the councils.

The above discussion indicates that continuation of some policies and laws enacted during the statelessness period seem to have an enduring impact among plantation people in general and from governance perspectives in particular. This, in its turn, provides the avenues to subvert the quality of government, quality of public ser-

vices, institutional quality and eventually, citizenship rights.

Apart from legal discrimination in accessing PS services, there has been visible discrepancy in terms of availability of local government institutions in the plantations. The Nuwara Eliya district provides a clear example. The Nuwara Eliya and Ambagamuwa *Pradeshiya Sabhas* are the only two PSs where Plantation Tamils are able to form a majority; whereas there should be at least 14 such local government authorities in proportion to their population distribution in that district. Even in the Nuwara Eliya district they are underrepresented. According to the 2012 census, the population of Nuwara Eliya PS was 210,968, which is over 30 times larger than the artificially created Weli-Oya PS in the Mullaithivu district where the population is only 6,949 (6,937 Sinhalese and 10 Tamils). Meanwhile in Ambagamuwa PS the population is 203,976, which is 29 times larger than the Welioya PS.²

As the evidence shows, an inadequate number of PSs remains a barrier not only to access services but also to gain access to those institutions and relevant information to enjoy some form of services. This particularly affects some segments of the plantation community as estate settlements are geographically isolated. Accessibility is a condition for local democracy. Spatial accessibility becomes a major concern in the plantations where the physical distance between citizens and local government authorities remain high. The large geographical areas of some PSs becomes a crucial concern among women in the plantations whose relationship with these institutions is severely limited. As a result, they are further marginalised and placed outside the governance and political structure at the local level. Therefore, they are unaware of the value

and relevance of these institutions and develop a distrust towards these institutions.

Uyangoda argues that (2013: 390) “when local government institutions have no institutional awareness of communities that are marginalised from the process of governance because of non-sensitivity to the very existence of marginality, it creates barriers to accessibility”. This could be observed in the plantations where there is no proper mechanism to establish the institutional link between PSs and this community, which afflicts the entire community in general and women in particular. This amply depicts the need of institutional arrangements and reforms, in addition to legal amendments, to accommodate the Plantation people in general and women in PS services.

4. The Bill to Amend the PS Act

Since the mid-1990s, civil society organisations, NGOs, political representatives and intellectuals have been lobbying with successive governments to amend the provisions that inhibit the plantation community from accessing legally mandated public services. In 1994, the Institute of Social Development (ISD), a Kandy-based NGO initiated an advocacy campaign together with others with a view of getting the attention of politicians, bureaucrats and the media on this issue. Discussions with relevant government ministers, awareness-raising among *Pradeshiya Sabha* members and estate residential communities, as well as studies on the impact of exclusion are some of the activities carried out towards the amendment of the 1987 *Act*. After two decades of debate and advocacy, a *Bill* to this effect has now been presented to Parliament.

During the 2011 PS elections, all the plantation politicians gave an assurance to the public that

amendments to the PS Act will be brought. Further, parliamentarians represented this community raised the issue at the Consultative Committee of the Ministry of Provincial Councils and Local Government. Further, the ISD and some political parties and NGOs in collaboration with other stakeholders submitted proposed amendments at the request of then subject Minister, A. L. M. Athaullah (Institute of Social Development 2011).

All these initiatives urged relevant political and administrative bodies to identify the gaps in the PS Act and to proceed with relevant amendments which led to the debates and discussions for responsive local governance under the theme of inclusion of the plantation settlement into the jurisdiction of local government. Against this background, a *Bill* was submitted in 2017 to amend the *Act*.

According to the *Bill*, the legal provisions that denied services to the estate community have been repealed. For instance, as per the *Bill*, s. 19 of the PS *Act* which precluded the spending of PS funds for the estate sector, should substitute “improvement or maintenance of village works” for “improvement or maintenance of village works or estate settlements” (cl. 2(1)). Likewise, reference to “integrated development of selected villages” is replaced by “integrated development of selected villages and estate settlements” (cl. 2(2)). It is therefore likely that a larger part of PS funds can be earmarked for development activities in estate settlements, if the *Bill* is passed into law.

Further, the *Bill* has revised s. 33 and states that *Pradeshiya Sabha* funds may be utilised to “facilitate the residents of the respective plantation regions with roads, wells and other common amenities necessary for the welfare of such residents”, upon adoption of a special

resolution of the *Pradeshiya Sabha* and in concurrence with the administrative authority of the relevant estate (cl. 3(2)). “Plantation regions” are defined in the *Bill* as those “areas coming under the Divisional Secretary’s Divisions in the Districts in the Central, Uva, Sabaragamuwa, Southern, Western and North Central Provinces, where the resident labourers live in the estates in which tea, rubber, coconut and oil palm are cultivated” (cl. 3(2)).

Some provisions in the *Bill* need to be amended, for instance, cl. 3 states that developmental activities in the estates will be undertaken “in concurrence of the administrative authority of the relevant estate”, in other words, the estate management. This phrase enables the Regional Plantation Companies to exercise their authority over human settlements within the estate premises in *Pradeshiya Sabha* funded activities. On some occasions, this may even lead to unnecessary conflicts between estate management and the political authority in implementing development work.

This situation places PS officials and members under great difficulty in getting approval, finding locations and land for certain development activities within the estate. Even at present, the new housing projects for estate workers encounters the very same problem in getting approval and finding a plot of land for new houses. Therefore, this *Bill* needs to be amended in a manner so as to deliver public services without hindrance.

Further, apart from legal amendments, enabling the plantation community to fully access PS services requires creation of new local government institutions in the plantation sector. It was proposed in October 2017 to establish four new PSs in the Nuwara Eliya district taking into account the large population

and geographical areas of Ambagamuwa and Nuwara Eliya PSs. Accordingly, new PSs have been created in Maskeliya, Norwood, Agarapatana and Kotagala with effect from February 14, 2018³ [that is, after the 2018 Local Government election].

Yet, there is a need for more PSs to be established in plantation areas taking population and geographical distance into account. When there are an adequate number of PSs, it is more likely that the sense of feeling about public services and its significance; institutional awareness; social relations with the PS and its services and rules and regulations, will grow in the estates. Moreover, the plantation people need to realize their rights and duties as citizens and develop their civic virtues and skills to fight for their social rights, public services and against unfair treatment by officials.

At the same time, when citizens feel that these institutions do not have the capacity to provide services and fulfil their needs, they become accustomed not to access these institutions and they will also not have a reason to trust these institutions. Thus, success of the amendment depends on building productive relationships between the PS and the plantation community, trust, mutual respect and recognition and upholding equality before law principles in service delivery, policies and procedures. This is indeed a matter of supply and demand. PSs have to work under the established norms, rules and regulations within the framework of procedural justice; and the plantation community will have to fulfil their roles and responsibility as citizens to enjoy the services.

Poverty, marginalisation and many other forms of discrimination make local government less accessible to the plantation people and there is no proper mechanism, policies and procedures

to address the social needs of this community through local councils. Therefore, the plantation community are sceptical about institutional capacity and efficacy of the PS. In fact, this community is in urgent need of the intervention of the PS for crucial services such as estate infrastructure, water, sanitation, housing, pre-school education, library facilities, public health, subsidies for poor families, and so forth.

These are the immediate needs of this community as they do not get sufficient welfare services from the plantation management. Poor wages and socio-economic conditions further push this community to seek public services at the local level. Women in the plantations are in dire need of food assistance, maternity benefits, child care, nutrition and health support. In many cases, due to absence of PS services, the plantation women turn to NGOs for their assistance, though it is not sufficient. Moreover, women aspire to participate in local governance in order to voice their aspirations and demands and thereby get them incorporated in the policies and programmes of the PS.

Nevertheless, in practice, institutional and structural barriers continue to limit their participation in local governance. Unless the PS creates an effective mechanism to ensure participation of the community, the proposed amendment is unlikely to have a substantial impact on the plantation community in general and women in particular. Although enhancing public participation in PS sittings remain a key expectation, it has not been effectively practiced. PS members too dislike to empower peoples participation due to the corrupt political nature of local government institutions. Further, gender budgeting and participatory budgeting are not observable in PS; and most of the members are unaware of these concepts. These strategies remain vital to address needs

and aspirations of women and children in this community.

The patriarchal nature of this community and local government institutions also have negative implications in gaining access to PS services by women. The lack of informal networks and patron-client relationships further disadvantage women from enjoying PS services. Moreover, it is also necessary to employ Tamil-speaking public officials in PSs to overcome language barriers of accessing public services. In many instances, the ethnic majority and the Sinhalese language continue to dominate institutional working, service delivery and organisational citizenship behaviour, even in PSs where the plantation community are a numerical majority. Thus, monolingual domination and majoritarian practices exclude deserving people from PS services as there is no institutional mechanism to serve Tamil-speaking service-seekers.

With regard to local taxes and rates, currently PSs do not collect revenues directly from the plantation community. This is because the community were not included in local governance and therefore also exempted from local taxation. Nevertheless, once the *Act* is amended, measures need to be introduced to collect taxes and other charges to finance public services to the plantations and to create a sense of feeling about their right to access services as legal entitlements and improve their civic virtues and skills to participate, demand and fight for their social rights. It is also pertinent to note that, currently, according to section 134(4) of the PS *Act*, the RPCs are liable to pay an acreage tax (called levy) for the entire cultivation land, while the plantation community are not liable to pay rates on their housing as they are resident on the land for the purpose of its cultivation.

5. Conclusion

Although the plantation community has been enjoying franchise rights in local government elections since the 1980s, they are unable to reap substantial benefits from local governance and democracy. This calls into question the quality of local government, meaningful decentralisation, citizens' participation in local governance, inclusive democracy and citizenship. In the post war context, reconciliation, national integration, state reform and power sharing have been the subject of much discussion. In ethnically diverse societies like Sri Lanka, in the context of the post-war situation, political and administrative reforms are essential to accommodate excluded and disadvantaged sections in governance.

Above all, amendment to the PS *Act* of 1987 also needs to be looked at beyond its traditional service delivery function, although that continues to be its key mandate. From the perspective of ethnic minorities, local government is of special significance to numerical minorities with their local presence. Local government is the main institutional level of the state and governance to which the local communities have direct access. Given the fact that the Sri Lankan state is a majoritarian state, its institutions of governance that represent the structures of the central government are mostly detached from local citizens in general; and ethnic minorities and the marginalised in particular. Addressing the question of detachment, marginalisation in local democracy or estrangement of minority ethnic citizens in the periphery, calls for strengthening local government in those areas to facilitate citizens participation in local governance.

Being the lowest tier of the existing institutions of elected governance, a new approach to local government can make it a better link

between minority citizens in the periphery and the state, which requires restructuring and reforming local governance in a manner as to accommodate all segments of society as rightful citizens of the country. It is also imperative to uphold the quality of government principles such as impartiality, fairness, equality before law in exercising powers and implementing policies

and programs of local government institutions regardless of ethnicity, politics, gender, caste, profession and social background, which is most likely to improve and ensure equal access to local government services to all segments together with the amendment to the PS Act of 1987.

Notes

¹ *Pradeshiya Sabhas Amendment: A Bill to amend the Pradeshiya Sabhas Act, No. 15 of 1987*. Gazette of the Democratic Socialist Republic of Sri Lanka, Part II of October 13, 2017.

² Department of Census and Statistics. (2012). Population by Ethnicity and Districts based on Divisional Secretariat

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³ *Order of the Minister of Provincial Councils and Local Government under the Pradeshiya Sabhas Act, No. 15 of 1987*, Gazette Extraordinary of the Democratic Socialist Republic of Sri Lanka No. 2043/57, November 02, 2017.

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Local Governance: Problems of Democracy

MEE NILANKCO THEIVENTHRAN

MeeNilankco Theiventhan analyses the shortcomings of the *pradeshiya sabhas* as local democratic institutions in the Northern province. His paper locates these institutions in the context of decades of conflict and post-war challenges to local residents. He also reminds us of the sidelining of elected bodies by the unelected but far more powerful decentralised institutions of central government at local level, the Divisional Secretariat.

1. Introduction

The long overdue local government elections which took place in February have created renewed interest in local governance. Local governance is not new to Sri Lanka. Within the Sri Lankan polity, besides the election of an Executive President and formation of government from among those elected to Parliament at the national level, there is provision at provincial level under the 13th Amendment to the *Constitution* in 1987, for a system of elected Provincial Councils. At local level, there is historical evidence of an indigenous system of local government (in the form of *Gamsabhas* as well as *Ratasabhas*) which existed in Sri Lanka, but fell into disuse with the advent of colonial rule. Elected bodies of local government were established under British colonial rule over the 1930s and 1940s (Kanesalingam 1970, Leitan 1990, Dainis 2015).

It is significant that the current local government institutions, namely Municipal Councils, Urban Councils and *Pradeshiya Sabhas*, were granted constitutional recognition for the first time under the 13th Amendment to the *Constitution*. Local government is a subject that is devolved on Provincial Councils. The powers of these local councils are moreover enshrined in the *Constitution* and it is specified that Provincial Councils (PCs) may only increase those powers, but not take them away.

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However, local governance in Sri Lanka, particularly in the post-colonial phase of the country's history, evolved amid some contradictory and competing factors. Since independence, the Sri Lankan state underwent a continuing process of centralisation of power and authority, to arrive at the Executive Presidential form of government, introduced by the *Constitution* of 1978 (Uyangoda 2013). Meanwhile, there has also been pressure to decentralise and devolve. A case for administrative decentralisation has been made as far back as the early 1950s. Equally, there have also been arguments for moving away from administrative decentralisation and instituting a system of political power-sharing in the form of federalism. This argument emanated from the perspective of the ethnic minorities.

Paradoxically, the minorities' plea for province-based federalism only served to reinforce the case for minimal decentralisation while strengthening the lowest possible units of local governance instead of province-based units of power-sharing. In recent years, some advocates of strengthening local government have even argued in favour of a modified version of India's *Panchayat Raj* system of local government (Uyangoda 2015). Decentralisation vs. devolution remains a continuing theme in the political debate on local governance in Sri Lanka.

Given that the people of the North have borne the brunt of the civil war, local government in the region has an important role to play in mediating the relationship between the state and post-war communities. As a structure of governance that is close to the citizen, engagement with local authorities is considered an important metric for measuring the extent to which citizens in the former war zones have begun to engage with the state.

As an intermediary between the citizen and the state, as exemplified by the central government, local authorities play a key role in ensuring the smooth functioning of democracy and development in the country (Hettiarachchi 2015). Given that democratisation at the local level and targeted development are key platforms in the reconciliation agenda of the Government of Sri Lanka, local government structures and their relationship with the Centre as well as the citizens can be recognized as key actors in any effort to achieve reconciliation at the local level.

This is particularly important in the context of the increased development activities taking place in these areas. Empirical evidence, however, is that despite a great deal of development projects undertaken in these areas, most of the citizens are not included in the planning or designing of these projects, although they may have been involved as voluntary workers. Thus, the local government authorities have a significant role to play in ensuring that the voices of the citizens are heard in the development processes taking place at the local level.

But in many instances, the citizens are unaware of the extent to which they can shape policies and practices at the local level, through the local authority and local representatives. Given the importance of the role of local authorities to democracy, development and the process of reconciliation in Sri Lanka, there is a pressing need to promote the awareness of citizens of the function of local authorities and strengthen the practice of democracy at the local level.

This essay outlines the main findings of field studies in the North on local governance and the impact of local government bodies functioning in the Northern Province and their shortcomings. Extensive fieldwork was

conducted in 2016 by a team of researchers attached to the Social Scientists' Association, with the author as lead researcher; and field research was conducted in all five districts of the Northern Province.

2. Background

The institutionalisation and spread of democratic institutions in the aftermath of a protracted conflict is widely accepted as a means to manage conflict and bring about reconciliation. Moreover, the spread of democratisation may also serve to mitigate the risk of further violence and conflict while ensuring inclusion of the communities in mainstream political processes.

However, recent scholarship has also shown that there is always a trade-off between efforts to bring about democracy and efforts to secure peace, with the risk of an adverse effect on long-term peace (Mitchell, Gates and Hegre 1999; Kim and Rousseau 2013; Reuveny and Li 2003; Mansfield and Snyder, 1995). As a result, the spread of democratisation in conflict affected areas has to go hand in hand with democratic evaluation as well as a constant evaluation of the challenges, opportunities and risks that may either mitigate or exacerbate conflict in the future.

The people of a locality generally elect their local authority, and hence the traditional case for local government rests on the prospect of popular participation at grassroots level. Being the democratic agency that is closest to the people and can thus focus on the local community unlike a central (or for that matter regional or provincial) government that is more concerned with issues at higher levels. Pragmatically speaking, local authorities can attend to the mundane but nevertheless

important matters in the locality; and provide those services that in accordance with the principle of subsidiarity can be best provided at local level (Leitan 2015). In this respect local governance could be the cornerstone marking the return of local democracy to the war-torn regions and a resurrection of the national democratic process.

Since the end of the war between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) in 2009, the conduct of elections in war-torn areas seemed high priority for both local and international actors in Sri Lanka. To the GoSL, holding local government elections in these areas was part of what the President referred to as his "new national political-military strategy". To the international community, speedy conduct of these elections would activate mechanisms that would enable war-affected communities to play a role in their governance.

Thus, elections to the Eastern Provincial Council were held in 2008; while in the Northern Province, local government elections were initially held for two local authorities in 2009. However, elections to all but two of the remaining local authorities were held in 2011 – alongside elections to local authorities in all other provinces – that let 32 of the 34 local governance bodies to function in the Northern Province. Notably, these elections seemed the first real engagement with local government for many of the voters in the North, as no Provincial Council election was held since the dissolution of the North Eastern Provincial Council in 1991, and elections to Local Authorities held in 1983 and 1998 had a poor turnout owing to the violent situation that prevailed.

3. Significance of Local Government

Local Governance refers to institutions established at the lowest level within a polity. The case for local government traditionally rested on the value of participatory development, which addresses the needs, aspirations and priorities as identified by the people at grassroots level, to be incorporated into the mechanisms of planning and plan implementation at the regional or provincial and national levels.

Thus, the concept of local governance as democracy assumes that for democracy to be effective there should be a large measure of local self-governance. The other side of this assumption is that good local-governance is a pre-condition for the diffusion of democracy across difference levels of governance structures (Harris, Stokke and Tornquist 2004).

Institutions of local government vary in form from country to country. At one end of the spectrum are local councils as in Britain and Scandinavian countries, designed as institutions of local self-government. Subject to national objectives, they provide a variety of services to the local community. At the other end are local councils that have a subordinate role and entrusted with a much limited range of activity, which they perform under rigid central control and supervision. Between the two lie a variety of arrangements, dictated by historical circumstances, influences of dominant ideology, social structure and technology within the society (Stokke and Oldfield 2004).

The recent emphasis on local governance by academics as well as policy makers has three distinct sources. The first is the perceived link between democracy, decentralisation and development. From this perspective, increased

participation of citizens at the provincial and local levels leads not only to better governance through diffusion of the structures of authority, but also to better management of economic resources and development efforts. Local level planning, participatory budgeting and local inputs for development priorities are the expected outcomes of the democracy-decentralisation-development nexus.

The second source of interest is linked to the global-local dialectic said to have resulted from the process of globalisation. Paradoxically, globalisation with its emphasis on global processes has also generated local dynamics of both governance and development, along with the process of capital moving into areas that were earlier considered to be both peripheral and marginal to development. 'Empowerment of the local' is an aspect of this global-local dynamic.

The third comes from a concern for better strategies of nation-building in multi-ethnic and plural societies where minorities are increasingly excluded from the domain of state power through the working of ethnic-majoritarian democracy. The argument in this regard is that strong decentralisation through devolution will offer the minorities better access to the state, public resources and benefits of development.

Local government and its effectiveness pale beside the dominant presence of higher levels of governance.

In the process of consolidating democracy and establishing a system to manage diversity peacefully, devolution of power has become an important element that cannot, however, be regarded as a solution in itself. Democracy does not guarantee fair representation for all interest groups, as majority rule could permanently shut minorities out of power. In circumstances

of politically mobilised ethnic consciousness, a unitary state is prone to leave minority ethnic groups feeling powerless, insecure and excluded.

The local population readily recognises the dominant presence of regional and national level political actors in the local arena. As a result, local people do not recognise an autonomous local political domain but instead look up to MPs and central government Ministers to address local issues. This is to be expected since local residents are conscious that many local issues remain unresolved for lack of resources and want of organisational capacity on the part of the *Pradeshiya Sabhas* to resolve the problems in its region, so that local inhabitants look for help from national and regional leaders, rather than their local representatives, to solve their problems.

The Pradeshiya Sabhas and Divisional Secretariats hesitate to coordinate their efforts in view of likely bad feelings that may result from overlapping power orbits, besides the stronger executive power of the DS.

Another contributory factor for local government institutions to appear feeble in the eye of the public is the continuing dominance of central government institutions in the local context. In this context, the dominant role played by supra-national bodies and their agents also militates against the local authority. Besides, various line ministry officials act independently of the local authority, and several state-sponsored development and service provision activities are organized and delivered with nearly no reference to the *Pradeshiya Sabhas* (PS) or its members.

In this regard, the role of the office of the Divisional Secretary (DS) is also relevant because the area of authority of the DS often overlaps that of the PS as envisaged in the

Pradeshiya Sabha Act. This seems a deliberate act on the part of the national political leadership at the time to facilitate integration of the local administration with the elected local body in the interest of better coordination of local level development and other activities. In fact, it was decided at the time to make the DS the executive officer working with the PS, but the plan was aborted owing to resistance from administrative officers.

Ever since, the PS and the DS offices function almost independently of each other. The DS office, being the secretariat coordinating the activities of various state and other agencies at the local level, has close links to local communities. It is for this reason that many local people visit the DS office frequently, for a variety of purposes concerning land, income support, permits, licenses, National Identity Cards, certificates of all manner, registration of vehicles, etc. As a result, the DS office towers over the PS office as a local institution that deals with the day-to-day issues of the people. Yet, being the local administrative arm of the central government and other external agencies, the DS office is often guided by pressures emanating from rather than by pressures from below coming from the local community.

The DS functions through a network of *Gram Niladhari*s, who are salaried state functionaries operating in sub-regions of the Division. There are besides other local level officers such as *Samurdhi* officers, Rural Development Officers and social service officers who also maintain close contact with the office of the DS. The PS, on the other hand, has no regular, salaried officers functioning at the community level. The elected PS members although living in their own village do not engage in PS work on a regular or full-time basis, as they usually have other commitments including their own occupation.

They also lack a regular budget that will help them with a regular program of activities.

The PS depends almost entirely on funds allocated by the central government, and the earnings of a PS in a rural area are not substantial, unlike in developed, urban areas where the local council generates considerable revenue from local businesses, and even households in the form of annual assessment taxes. For example, in an area like Mullaitivu with no large business enterprises and mostly poor local residents, the local council cannot generate much revenue on its own. This diminishes the revenue base of the local authority. As a result, the PS is unable to meet the various demands of the local residents. It should, however, be noted that Mullaitivu is not resource poor. Its many local resources, are at present beyond the control of local authorities, and if due administrative clearance is obtained, the local authority can expand the scope of activities of the PS and, by extension, its performance.

The Pradeshiya Sabhas confront serious logistical obstacles.

The PS is the only local forum where elected representatives from all communities within a specific area meet and discuss issues faced by them and try to solve them. The local leaders usually live among their respective communities comprising their electors and, to be re-elected, need sustained support from the community. They are aware of the problems faced by the people and like to do whatever they can to help. But, given the limited resources that the PS has at its disposal, they are subject to the financial constraints under which the PS functions.

As said earlier, many of the functions formally assigned to the PS are not the exclusive concern of the local authority. This is partly or wholly due to the inability of the PS to

develop and implement comprehensive projects and programs to meet the requirements of the area and its inhabitants. While resource constraints constitute a major obstacle, lack of organisational capacity is another challenge that needs to be overcome.

Although the PS is statutorily eligible to deal with the needs of the local inhabitants in matters such as utility services, public health, roads, community development and environment, it can hardly make a dent in any. The result is that either other institutions play a bigger role in most if not all issues or the needs of the people remain unfulfilled.

Lack of knowledge, transparency, and accountability has led to a decline in the quality of service delivery of Pradeshiya Sabhas.

Members of the PS participate in the affairs of the local authority at the level of the general body and through committees. They discuss budget, activities, performance, and other issues. But the lack of knowledge, skill and training make the members not very competent. Further, no effective channels exist for the local people to have an opportunity to present their views on the affairs of the PS. As a household survey revealed, most inhabitants in remote settlements are unaware of what is done by the PS and appear to have no control over the priorities of the PS. In fact, very little reaches these settlements through projects and programmes of the PS.

Antipathy towards the Provincial Council system has arrested the smooth functioning of the PS system, and the loyalty of the civil servants serving in the Pradeshiya Sabhas is divided in favour of the District Secretariat, being the arm of the central government.

Currently, local government authorities such as *Pradeshiya Sabhas* are under the Provincial Councils and not the central government. While the connection between local government bodies and the Provincial Councils seems logical in terms of democratic state structures, complications do arise during transitional periods.

Divisional Secretariats continue as the arms of the central government with scant concern for Provincial Councils or *Pradeshiya Sabhas*. Public servants at the Divisional Secretariats, often central government employees, do not feel an obligation to serve the *Pradeshiya Sabhas*. This indifference does not spring from antipathy towards local government bodies themselves, but towards the Provincial Council system as a whole. Devolution of power to the Provincial Councils is something that the Sri Lankan bureaucracy at various levels has yet come to terms with.

On the other hand, the Northern Provincial Council has failed to create its own administrative arms at local and divisional levels, but for appointing several officials to provide services at the Divisional Secretariat. The system operates through ad hoc arrangements to make the Divisional Secretariats perform tasks for both central government and the Provincial Council. Such ad hoc arrangements are attributed to lack of staff, finance, office space and time. But, the entire purpose of devolution of power seems to be lost in the process owing to such style of management.

Reflecting on the local government system in North in essence, its paradox comprises the following: whereas representatives may be less democratic because they are somewhat autonomous of their constituencies, democratic organisations may not be representative of the popular will. Notably these divisions have been

thrust to the forefront of the political agenda by the inadequacies of systems of representation and by the incapacity of representatives to embody popular will.

4. Conclusion

There are several challenges ahead which need to be properly addressed to have an effective local government system which will enable people to come to terms with the post-war situation and further peace building efforts, and to make people comfortable with power sharing at the local level as a way of meaningful decentralisation.

Conflict and violence at local-level can undermine broader attempts to consolidate peace through democracy by causing ‘disruption from below’ that fosters insecurity, exacerbates differences, challenges capacity for security and boosts intolerance. Robust local democracy is better fitted than a municipal authority lacking in legitimacy and cooperation from the public to manage and contain such ‘disruption from below’. There is, however, a risk of empowerment at the local level leading to the advent of ‘warlord politics’ in the event of a strong, intolerant, corrupt leadership already being in place or emerging from the post-war environment.

Democracy at the local level augments peace-building processes and broadens the basis of peace at the community and local levels. Strong systems of local democracy diffuse values of tolerance, inclusion, accountability, and citizen participation through a wider network of participatory government.

Two key recommendations emerge from the field study in the North. Firstly, strengthening local governance for peace and state building is

not a quick fix and requires time, commitment and resources. Secondly, effective post war local governance interventions require careful addressing key issues as outlined below.

The role of local government in basic service delivery lies at the nexus between peace-building, state-building and recovery. Frequently in post-war settings, the overwhelming humanitarian needs together with the inability of the local government to respond, necessitates reliance on the centre for humanitarian aid, which hinders achievement of sustained peace dividends achieved in the early recovery process. Hence, a further concern and likely obstacle to the recovery and development process is the potential dependence on humanitarian aid. To mitigate the consequent dilemma,

local government should be empowered and organised to handle humanitarian aid on its own, rather than await the centre.

The fragile status of local government authorities pointed to their failure to grasp in a timely and appropriate manner, basic service delivery to contribute substantively to the peace-building agenda. The consolidation of peace dividends, for example, depends heavily on the legitimacy of the state and a semblance of normalcy for the returning populations. The lack of minimum intervention by the central government to respond to the most basic needs of the local population has made peace-building, reconciliation among broken communities and enhancement of social cohesion a serious challenge.

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Local Government in Sri Lanka: More State, Less Democracy

B. SKANTHAKUMAR

B. Skanthakumar delves into the role and functions of local authorities, also arguing that the local administrative system of divisional and district secretariats is disabling of the former. He takes note of the existing opportunities for people's participation in the *pradeshiya sabhas*, unlike in other local bodies, but is doubtful that it can be more meaningful without restructuring the state, its relationship with the regions and with citizens.

1. Introduction

Local government according to Uyangoda has been a site of debate for competing ideas of the “post-colonial state, public administration, development, state-citizen relations and institutional organisation of state power” since the 1930s (2015: 150). Those committed to a unitarist view of the state have been most interested in the decentralisation of administration as a countervailing ideology to those demanding federalism and the self-government of the regions.

Beyond the legal-constitutional debate on state reform in Sri Lanka, the interest of powerful actors in local government should be situated within broader shifts in the global and national political economy of states. Harriss, Stokke and Tornquist relate the interest of powerful actors including government, international development agencies and international non-governmental organisations in local government reform to current development discourses “that emphasise local partnerships between actors in state, market and society. The common assumption is that mutually enabling relations between decentralised state institutions, local businesses and civil associations will generate economic growth, poverty alleviation and good governance” (2005: 3).

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Sri Lanka, since the late colonial era, has had parallel structures to deliver public services to local communities. In this article the

framework and functions of the District (and Divisional) Secretariat, as well as the *Pradeshiya Sabha*, are outlined. It is argued that elected local authorities are undermined in power and influence by the local administrative structure. Local democracy (as distinct from local government or its neoliberal cousin, local governance) is therefore a chimera; and will remain so until there is increased autonomy of units presently on the periphery of the polity, matched by a political economy supportive of the democratic organisation of local communities.

2. Local Administration

The older and stronger governmental structure at local-level is the institution of the District Secretary (also known as Government Agent—GA) at district-level; and its sub-unit, the Divisional Secretary (formerly Assistant Government Agent—AGA) at the divisional-level of each district. These officials are career civil servants, appointed by central government and subject to transfer to other parts of the island. To support their work within each division, there is another state official known as the *Gram Niladhari* (GN—village officer); of whom there should be one in each of the 14,022 GN divisions across the country.

The central government thereby ensures that its writ extends to the very smallest of administrative units (the GN division), through a chain of command that originates from central government in Colombo. Leitan (1996: 120) has observed that following limited self-government in 1931, the formation of a Board of Ministers with individual departmental briefs fostered “a system of vertical departmentalism, with almost every department whose functions made it necessary to operate in the field, creating its own vertical line organization downwards from Colombo, sometimes to the level of the villages”.

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The lineage and endurance of this structure reflects the strong centralisation of power and authority in national-level institutions and mechanisms, as inherited from the British colonial administration and enhanced by the post-colonial state.

3. Local Authorities

Meanwhile, the directly elected local government authorities in rural and urban areas form the more recent and weaker political structure. Historically, “local government was viewed”, by the colonial administration, “as the initial training ground for the establishment of democratic institutions at the national level” (Marga Institute: 2011: 4). This is argued to underscore the potential role of local government authorities in democratising the political and public administrative system.

An alternative reading would be to understand local authorities as a ‘spring-board’ or ‘nursery’ for ambitious individuals seeking higher office. Consequently, these individuals are likely to be disinterested in pushing for enlargement of the powers of local government bodies which implies curtailing the authority of central and provincial government and therefore of provincial and national politicians – potentially including themselves in the future.

The decision-making body of these authorities is composed of politicians fielded by national and regional political parties as well as from independent lists. However, the chief administrative officer¹ of these bodies – responsible for the daily operations of the respective authority – is appointed by, and answerable to, the Ministry of Provincial and Local Government Affairs. Through this office, the central government exerts its influence, and indeed direct authority, over matters and

institutions of local government bodies without being visibly interventionist in their affairs.²

4. District and Divisional Coordinating Committees

Further, a direct role for central government has been reintroduced through the device of District and Divisional Coordinating Committees chaired by powerful politicians with vote-banks in those areas. The Divisional Secretariat as well as the *Pradeshiya Sabha* is represented on this committee, sometimes along with a couple of international and national non-governmental organisations engaged in local development projects.

National politicians who might have been expected to favour local government representatives of the same political colour bypass the *Pradeshiya Sabha* and prefer to use the Divisional Secretariat bureaucracy instead. Uyangoda (2012: 375) explains that, “this is primarily because of the fact that local councils have only a limited capacity to dispense public resources and favours due to their narrow mandate and thin resource base.”

Ostensibly, a mechanism for the ‘coordination’ of inter-related measures for community uplift, in reality, these Coordinating Committees allow for national-level politicians in government, the opportunity to intervene and direct local government administration and expenditure plans according to their preferences. Outside of the formal administrative and elected system of local government, in fact, it is in these Committees where key decisions affecting local communities are being made; but neither accessible nor accountable to those communities nor often their local representatives.

In addition, parliamentarians can use their decentralised development budget to finance local projects that interest them (for a variety of reasons) and to benefit local groups of importance to them. As observed by Gunatilaka (2000: 125), “incumbent regimes at each level of government routinely divert infrastructure development funds to localities within their jurisdictions that supported them at the elections, and withhold them from localities that supported the opposition”.

5. 13th Amendment

The *Pradeshiya Sabha* or Divisional Council was created in 1987, subsequent to the 13th Amendment to the Constitution of Sri Lanka. By this amendment the supervision of the administration of local authorities, that is whether municipal councils or urban councils or *Pradeshiya Sabhas*, is brought under the purview of Provincial Councils.

However, the *Pradeshiya Sabhas* only began operating after local government elections under the proportional representation system, were conducted in 1991 (Warnapala 1993: 18-19). The spatial limit of the *Pradeshiya Sabha* corresponds to that of the Divisional Secretariat in that area, excluding any Urban Councils and Municipal Councils that may exist within the Division. The objective is to harmonise the jurisdiction of central government and local government structures within the same geographical area. As of 2018 there are 276 such Divisional Councils (in addition to 40 Urban Councils and 24 Municipal Councils).

It is widely admitted that instead of strengthening local government, as the original proponents of provincial government had assumed, there has been further weakening of local bodies because of the particular scheme of

devolution adopted in the 13th Amendment to the Constitution.³

The powers of Provincial Councils over local government are subject to two caveats: namely, that the constitution, form, and structure, of local authorities shall be determined “by law”, that is, the will of the national legislature; and that they may not reduce the powers of local authorities, while being free to add to those powers.⁴

The purpose of the first clause is clearly to emphasise the supremacy of central government over provincial government in the matter of the establishment and/or merger and/or boundary delimitation of local bodies (of particular significance in the context of Tamil claims for self-determination). The object of the second clause is to restrict provincial authorities from expanding their powers over local administration, while being at liberty to devolve some of its own powers to local bodies. However, there is no evidence of such benevolence by Provincial Councils in past decades. Further, local government institutions are supervised by the Provincial Commissioner of Local Government based in the provincial capital, who is herself/himself under the control of the central government appointed Local Government Commissioner in Colombo.

The preceding discussion has outlined the current administrative system and the inter-relationship between its components, as well as the relatively limited ambit of authority of local government, while drawing attention to the thrust towards centralisation of power by the national-level government. The section below turns to examination of the local arms of the state, that is the Divisional Secretariat and the *Grama Niladhari*, before returning to the *Pradeshiya Sabhas* by way of contrast.

5. Divisional Secretariats

The Divisional Secretariat is headed by a Divisional Secretary who is the senior administrative officer in charge of that Division. Following the introduction of the regional or provincial tier of government, the Divisional Secretary is now responsible for local-level implementation and management of subjects devolved to the Provincial Councils, as delegated by Provincial statutes or by the Governor of the Province⁵ (who is a nominee of the President and therefore central government).

At the same time, the Divisional Secretary continues to be the local agent of the District Secretary based in the District Secretariat (*kachcheri*) – on non-devolved subjects that are under the control of the central government – as was the situation prior to the establishment of Provincial Councils. Therefore the Divisional Secretary has a “dual reporting line” (Slater 1997: 255): to the central government for programmes initiated and funded from Colombo, and to the provincial council for programmes under its direction.

The core functions of the Divisional Secretariat (DS), as set out by its line ministry in central government upon its establishment, are to:⁶ (1) take responsibility for service delivery at the divisional level; (2) provide and facilitate service delivery at the divisional level, without visiting of district, regional or national institutions; (3) increase accountability to the people; and (4) take action to implement national and provincial policies at the divisional level. The fourth listed role underlines that the DS is the local mechanism for the central government.

The Divisional Secretariat (DS) is the key local institution for the planning, implementation, and monitoring of development projects

within the division (Jayatunga 2004: 234). It coordinates, or attempts to, the activities of government officers, community-based organisations, and non-governmental organisations, engaged in socio-economic development work. The DS is the source of social assistance to low-income households through food stamps, cash-transfers (*samurdhi*), housing and sanitation materials. In times of disasters and emergencies (droughts, floods, landslides, cyclones etc.), it is the DS office that provides dry food rations, arranges temporary shelter and other immediate assistance to the affected and displaced.

Many of these services and roles are delivered by field officers, who unlike other colleagues permanently based within the Secretariat, are expected to be present and active in the community. These officers face a number of constraints including the range of their duties, the geographical spread of the division, the modest travelling or fuel allowance received for their activities, and the requirement to be at the Secretariat office at least two days a week including the 'Public Day' (Wednesday), when a walk-in service to any member of the public is in operation.

The DS has three main sources of revenue: (i) national budget allocations; (ii) funds from national and international non-governmental organisations for development projects and programmes; and (iii) fees from issue of permits (for e.g. for transport of timber); and licenses (for e.g. registration of vehicles, driver's license, births and marriages etc.).

Appointment to the position of Divisional Secretary was once made within the civil or administrative service, as is desirable when it is assumed that public officials should be selected on the basis of merit and competence.

Subsequently this authority was arrogated by the government through the Cabinet of Ministers, directly politicising the selection and transfer (either as a favour or a punitive action) of the Divisional Secretary or DS. One former senior public administrator claims that this had made the DS more subservient to the local governing party parliamentarian or even provincial or local government representative, who is able to influence the decision-making in the Cabinet (Devendra 2004: 67).

6. Grama Niladhari

The *Grama Niladharis* (GN) is the representative of the central government at local level.⁷ Therefore, this individual may be the state official with whom most citizens have the greatest regular interaction, especially in *Pradeshiya Sabha* divisions. The office was created in 1962 replacing the post of 'Village Headman'. As a public officer, appointments are not hereditary or by status as was the case with the Headman, but rather through an open and competitive examination. Also unlike the Headman, the GN does not necessarily originate from his/her place of posting; which is thought to offer greater fairness in conduct and independence of action.

A prerequisite is that the candidate should be over 21 years and under 30 years of age, and have three Advanced-Level examination passes. Initially a male-only preserve, it was only as late as 1986 that women began to be appointed as *Grama Niladharis*, and they remain few in number. Once selected, GNs receive three months of training before appointment including two weeks at a district secretariat and six-weeks at a divisional secretariat.

The *Grama Niladhari* is the link between the citizen and the divisional secretariat. S/he will

have the official forms that need to be completed and attested by her/him when registering births and deaths. Her/his letter confirming one's identity and former address in that locality is required when applying for or replacing important documentation such as the national identity card or passport; or in seeking to change one's electoral registration to a different district; or in applying for certain public and private sector jobs; or prior to registration for foreign employment. The acquisition of private land by the state, or authorisation for use or occupation of state lands by private individuals may be through this public official. The *Gram Niladhari* is expected to maintain peace and order in the community and to mediate and resolve disputes that occur (de Almeida Guneratne and Pinto-Jayawardena 2012).

Such power – with only appeal to the Divisional Secretary as recourse to its alleged abuse – is therefore accompanied by claims irrespective of region, ethnicity and religion, of political favouritism (rewarding supporters of local politicians or of the governing party at the centre) in the distribution of state relief; the solicitation of gifts or cash in return for signed letters and receipt of application forms for benefits; and sexual bribes as gratification for certification of eligibility for social welfare goods and services to women-headed-households and authorisation of the Family Background Report as precondition for out-country migration of women with young children.

7. Pradeshiya Sabhas

The *Pradeshiya Sabha* is the most recent of Sri Lanka's local government institutions; replacing the Development Councils and *Pradeshiya Mandalas* created after 1980 in an earlier and failed attempt at power-sharing between the State and the regions.⁸ The functions,

composition and structure of the *Pradeshiya Sabha* are discussed below.

The purpose of the *Pradeshiya Sabha* in the language of its statute of establishment, is the “regulation, control and administration of all matters relating to public health, public utility services and public thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the people and all amenities within such area”?

The revenue streams available to *Pradeshiya Sabhas* are:

- Rates i.e. household assessment tax;
- Rents i.e. on buildings constructed with public funds to be let to private individuals (e.g. traders);
- Assigned Revenues e.g. Stamp Duty fees; trade and business taxes; entertainment tax; licenses;
- Borrowings;
- Government Transfers.

The first three sources are of local origin and the remainder are external. However, virtually all local authorities are unable to operate on the revenues that are self-generated and depend on central government for transfers. On average, as much as sixty percent of their budgets originate from the central government and are necessary even for recurrent expenditure such as the payment of salaries and wages of staff. There is relatively little available for capital investment including development projects.

Pradeshiya Sabhas, unlike the Divisional Secretariat which coexists within the same administrative area, comprise directly elected members. Members serve in an honorary capacity, that is, they receive a modest allowance

and not a salary. As they continue to be engaged in their own occupations, they are not present in the PS secretariat at all times. In addition to the monthly ‘general assembly’ of all members, they are expected to attend the (monthly at most) meetings of standing committees, and the weekly ‘Public Day’ when their constituents can meet them at the secretariat.

No official disaggregated data is available on the ethnic and gender composition of the members of *Pradeshiya Sabhas*. Women are grossly under-represented in all institutions for democracy in Sri Lanka despite comprising a numerical majority of the population. In 2011, out of a total of 4,466 members in local authorities, only 90 (that is, 2.01%) were women (Kodikara 2012: 8). While there was a quota for the nomination (as distinct from representation) of youth – defined as anyone between the ages of 18 and 35 – such that this group should constitute at least 40 percent of the party list, there was none for women until the electoral reforms of 2016-2017.¹⁰

The commonly cited barriers to increased women’s participation in electoral politics, including at the local level, are: opposition from male kin (husband/father/son); campaign finances; lack of enthusiasm and support from political parties; political violence; and the social stigma attached to women’s activity in traditionally male spaces (Leitan and Withanachchi 2012: 308).

The key member of the *Pradeshiya Sabha* is the ‘Chairman’, who is the nominee of the political party that commands the support of most members. Among those elected to the *Pradeshiya Sabha*, the view is that its Chairmanship should be conferred on the individual who receives the highest number of votes. However, the political party that controls

the Council generally makes the decision based upon its own rationality which can include patron-client relationships with top and regional-level leaders of the party; as well as a host of local considerations (ethnicity, religion, caste etc.). The stipulated term in office is four years but local body elections have often been postponed, such as after 2015 when their term ended and until the February 2018 poll.

In principle, the Chairman may delegate any of her/his powers or authority to the Vice-Chairman or the Secretary or other public official of the Council. In practice, the Chairman being the “chief executive officer”¹¹ is a power to himself; and more or less the sole decision-maker provided he enjoys sufficient support within the governing group. As the preparation of the annual budget of the *Pradeshiya Sabha* is undertaken by the Chairman in his capacity as the chief accounting officer of the council, his authority and influence is paramount.

7.1 Participatory Administration and Development

The preamble to the *Act* observes that the purpose of *Pradeshiya Sabhas* is *inter alia*, “to provide greater opportunities for the people to participate effectively in decision-making process relating to administrative and development activities at a local level”. As promising as this sounds, more than 25 years later, it is doubtful whether it is even an aspiration for the public officials involved to achieve people’s participation in local government, outside of as electors to the councils and/or as beneficiaries of welfare and livelihood assistance.

Further, the promise of participatory development is belied by the objective reality

that the planning functions of local government institutions have been assumed by the Urban Development Authority which is a department of central government (and under the previous government a subject of the Ministry of Defence). The principle of ‘subsidiarity’, where plans should be formulated at the level of its remit, for instance divisional development plans at the divisional level, is not followed (Woiwode 2009: 81-82).

7.2 Standing and Ad-Hoc Committees

Under the enabling enactment, four committees shall be constituted to advise the *Pradeshiya Sabha* on matters of (1) Finance and Policy Planning; (2) Housing and Community Development; (3) Technical Services; and (4) Environment and Amenities.¹² The committee on Finance and Policy Planning is seen as the most prestigious as it deliberates on budgeting and development plans. It is therefore chaired by the *Pradeshiya Sabha* chairman.

Membership of these committees may either consist solely of the *Pradeshiya Sabha* members themselves or “partly of members of the *Sabha* and partly of other inhabitants of the *Pradeshiya Sabha* area”, that is residents drawn from the constituency.

In addition to the aforementioned four named committees, the *Pradeshiya Sabha* may also appoint on an *ad-hoc* basis, any number of additional advisory committees “with reference to any of its powers, duties and functions”. In these committees too there is potential for participation by the public (Keerthirathna 2012).

However, the reality is that these committees are under-utilised and under-valued. Additionally, the discretion on the part of

the members of the council as to whether to include members of the public in these committees is unfortunate.¹³ It allows councillors to monopolise the decision-making process and discourages greater transparency and accountability towards the electorate, as well as participation of local citizens.

7.3 Functions

The functions of the *Pradeshiya Sabha* are outlined in general terms in section 3 of the *Pradeshiya Sabhas Act*, No 15 of 1987; and similarly to Municipal Councils and Urban Councils are mainly related to the: “regulation, control and administration of all matters relating to public health, public utility services and public thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the people and all amenities within such area”.

However, in addition to similar functions as the Municipal Councils and Urban Councils, the *Pradeshiya Sabhas* are also assigned certain development activities as noted below including employment programmes; rural women’s entrepreneurship; commercial and industrial enterprises for public services; community health facilities; housing schemes; agricultural and livestock projects and village works programmes.

- provision of public utilities such as street lighting, water-supply, and electricity;
- maintenance of public parks, gardens and open spaces;
- maintenance of public roads, streets, canals and bridges;
- maintenance of drains;
- ensuring collection and disposal of street refuse and house refuse;
- maintenance of public markets;

- maintenance of all public buildings constructed with pradeshiya sabha funds;
- ensure proper and adequate toilets on public and private property;
- provision of community health facilities such as maternal and child health as well as indigenous medicine (for e.g. ayurvedic) clinics; training of midwives; and health education;
- housing and other relief and rehabilitation schemes for victims of natural disasters;
- establish and regulate ferries for water transport;
- experimental agriculture and techniques in breeding of animals;
- promotion of religious and cultural activities including the organisation of ceremonies and festivals, maintenance of Buddhist Sunday schools, establishment of cultural centres, literary festivals including publication of books, award ceremonies;
- submit to the relevant state authorities a programme for development of educational facilities including schools, playground, libraries, hostels etc.;
- organise employment programmes;
- promoting rural women's development projects, grant-making to community development projects;
- providing relief to the poor, and the rehabilitation of the destitute and persons with disabilities (mental, physical or social);
- engage in commercial and industrial enterprises that produce articles and goods for the public services and public utilities operated by municipal and urban councils;
- licensing of slaughter houses;
- regulation, inspection and control of bakeries, eateries;
- regulation, inspection and control of dairies and sale of milk;
- regulation, supervision and control of breweries and aerated water manufacturers;
- regulation and control of industrial waste;
- regulation and control of itinerant vendors;
- regulation, supervision and control of businesses and trades.

Immediately apparent is the breadth of activities and the associated costs which would be onerous even to the best-funded of local authorities such as the Colombo Municipal Council. Unsurprisingly, one study concluded: "Due to a combination of reasons, the chief of which is the inadequacy of financial resources, the functions exercised by local authorities are extremely limited; and local government remains largely dissociated from the development process" (Leitan 1978: 94). The situation is unchanged after many decades.

Further, it is important to recall that central government agencies have, over the course of time, assumed responsibility for some local government functions. For instance, the laying of water and sewerage pipes is now increasingly conducted by the National Water Supply and Drainage Board; the supply of electricity to consumers is directly handled by the Ceylon Electricity Board; the construction of houses is undertaken by the National Housing Development Authority; the management and maintenance of government rest-houses is under the control of the Urban Development Authority (Marga Institute 2011: 19), and so on. The reason usually advanced is that local authorities lack the financial resources to undertake these responsibilities, which is true.

What is hardly ever discussed is, why this is so? The monopolisation of public revenues by central government to the detriment of provincial and local government is rarely questioned. The deliberate policy of starving other tiers of government of revenues and making these tiers dependent on central government for their operations is not openly discussed, even by members of these bodies.¹⁴ In effect, local government, similar to provincial government, is set up to fail; allowing central government to appear to be the only entity

able to take real decisions and matched by the resources to execute them – thereby boosting the latter's own legitimacy before the people.

The vast majority of constituents have adjusted their expectations of the *Pradeshiya Sabha* accordingly. In their minds, its role is to ensure that the main roads used by the public are in good condition; that drains are regularly cleaned to minimise flooding and reduce public health issues (especially vector-borne diseases); that main streets and public buildings are lit; and that facilities be provided for the *pola* (market fair). In cities and towns, most residents consider the minimum obligation of urban and municipal councils to be the collection and disposal of household waste; the maintenance of street lighting; the upkeep of cemeteries and crematoriums; the repair of roads and drains; and the catching of stray dogs.

8. Conclusion

This article has drawn attention to the ‘elephant in the room’ in discussions of local government, which is the existence and superior authority and capacity of the decentralised units of central government at local-level. It has identified the main features of the District and Divisional Secretariats and its long reach into households especially in rural areas through the institution of the *Gram Niladhari*. It proceeds to outline the structure, functions and sources of revenue of the largest number of local authorities known as the *Pradeshiya Sabha* or Divisional Council. It briefly discusses the limited scope for the involvement of local residents within these councils, despite one of the express purposes for the creation of this institution being to enhance

opportunities for the effective participation of the people in decision-making relating to administrative and development activities.

What does local government translate to in Sri Lanka? More State, Less Democracy. The expansive role of central government through the decentralised state administrative institutions of the District and Divisional Secretariats, and increasingly the direct role of state agencies in the provision of services in what were formerly spheres of responsibility of elected local authorities, illuminates the weight of the state in local government. Meanwhile the elected local bodies are playgrounds for venal politicians, lacking in resources and ambition to undertake more than the most basic of functions, and disinterested in deepening the democratic participation of the community in the management of its affairs. Indeed, conceptions of local democracy beyond the periodic exercise of franchise at elections are all but absent in the people’s imagination. Neither are there political parties or social movements that strive to raise these low expectations among the public.

Having differentiated between the minimalist procedural democracy endorsed by liberals, governments and multilaterals, and the maximalist substantive democracy associated with progressive social movements, Harriss, Stokke and Tornquist (2005: 6) remind us that “the test for democracy is not about the existence of formal democratic rights and institutions, but whether they have real meaning for people”. If so, then local government in Sri Lanka has failed the test of local democracy.

Notes

- ¹ The office-holder is known as the ‘Municipal Commissioner’ in Municipal Councils, and the ‘Secretary’ in Urban Councils and *Pradeshiya Sabhas*.
- ² Ministerial interference extended to using government-appointed Commissioners for Local Government to dissolve local government bodies “without consulting its elected members”, according to Warnapala (1993: 11).
- ³ See, for instance, the testimony in section 8.95 of Sri Lanka (2011: 276).
- ⁴ Article 154A of the *Constitution of the Democratic Socialist Republic of Sri Lanka* 1978, as amended by s. 7 of the *Thirteenth Amendment to the Constitution*, 1987.
- ⁵ S. 3 (2), *Transfer of Powers (Divisional Secretaries) Act*, No. 58 of 1992.
- ⁶ Circular No. 21/92 of 21 May 1992, Ministry of Public Administration, Provincial Councils and Home Affairs as cited in Damayanthi (2011: 26, fn.13).
- ⁷ Initially designated as ‘*Grama Sevaka*'; lobbying by them for an improvement in status, changed their title to ‘*Grama Sevaka Niladharis*', and finally dropping ‘*Sevaka*' from the title.
- ⁸ For a brief chronology of these reforms see Leitan (2011: 6). These bodies replaced the Village Councils and Town Councils created by the British colonial administration and should not be confused with the *gamsabhas* or ‘village councils' that existed in some

parts of the island prior to, and in some instances during, European colonialism between the 16th and early 19th centuries. According to the Report of the Donoughmore Commission of 1928, the Village Council was revived in the 1870s “to enable it effectively to deal with questions of tillage and irrigation and with sanitation and to settle disputes arising from a complicated system of inheritance”, as quoted in Kanesalingam (1971: 8).

- ⁹ S. 3, *Pradeshiya Sabhas Act*, No 15 of 1987.
- ¹⁰ *Local Authorities Elections (Amendment) Act*, No. 1 of 2016 and *Local Authorities Elections (Amendment) Act*, No. 16 of 2017.
- ¹¹ S. 8 (1), *Pradeshiya Sabhas Act*, No 15 of 1987.
- ¹² S. 12 (1) and (2), *Pradeshiya Sabhas Act*, No 15 of 1987.
- ¹³ In a conversation with a long-standing *Pradeshiya Sabha* member in Nuwara Eliya district in 2015, he appeared to believe that only elected members could serve on these committees and was unaware that there is statutory provision for the representation and participation of the public.
- ¹⁴ The charge of under-funding of local government authorities is decades old. “One of the basic causes of the crisis facing local government has, of course, been the inadequacy of finance *vis-a-vis* the functions assigned to local government authorities under the various statutes”, commented Kanesalingam (1971: 4) reflecting on the situation in the early to mid-1960s.

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CONTRIBUTORS

Vidura Munasinghe

'Waiting for Mahinda *mahaththaya*': Local Government Elections 2018

Buddhima Padmasiri & Samanthi Gunawardana

From Associational to Electoral Politics: A continuation of the land rights struggle in Paanama

Pradeep Peiris

Politics of Citizens (Non-) Participation in Governance

Rohini Weerasinghe

'Biology is not destiny': Women's Political Participation in Sri Lanka

R. Ramesh & A. R. Nanthakumar

Including the Excluded: Plantation Communities and Local Government Services

MeeNilankco Theiventhran

Local Governance: Problems of Democracy

B. Skanthakumar

Local Government in Sri Lanka: More State, Less Democracy

Local Government, Local Governance and Local Democracy

This joint issue of the LST Review focuses on Local Government, Local Governance and Local Democracy.

Vidura Munasinghe offers an ethnography of voter behaviour in four flashpoints during the previous government's tenure in an original discussion of the 2018 local government election result.

Buddhima Padmasiri and Samanthi Gunawardena argue based on interviews with land rights activists in Paanama, how and why they consciously shifted from associational politics including the 'Citizen's Forum' to electoral politics as candidates of a major political party.

Pradeep Peiris contests civil society enthusiasm for 'Citizen's Forums' and 'participatory governance' in general, contrasting these initiatives with the party-based and/or network-based patronage relations which bond local people to national politicians.

Rohini Weerasinghe argues there is a correlation between the lack of recognition of women's economic contribution and their marginalisation in political and civil society, asserting the endurance of the oldest form of oppression in human society: patriarchy.

R. Ramesh and A. R. Nanthakumar critically analyse the 2017 amendment *Bill* to the *Pradeshiya Sabhas Act* in the context of historical legal and structural discrimination of the Hill Country Tamil people in the estate sector.

MeeNilankco Theiventhran analyses deficits of the *pradeshiya sabhas* as democratic institutions in the Northern province, locating their dysfunction in an environment shaped by decades of conflict and post-war challenges as well as the competing presence of unelected but potent decentralised institutions of central government.

B. Skanthakumar pursues the dualism of local government and local administration through analysis of their roles and functions within a unitary state structure – mindful of existing albeit limited opportunities for people's participation in the *pradeshiya sabhas* – but doubtful of its capacity for democratisation.