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democracy to help rebuild society PAGE 6



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Ruins of a statue of Buddha,
Pollonaruwa.





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Pilgrims hike Adam's peak, Ratnapura, Sri Lanka

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Promoting sustainable forest management



THE DEMOCRATIC HERITAGE OF SRI LANKA

Sri Lanka has an ancient tradition of good governance and constitutional change which is the basis of its vibrant democracy today and the next step in the development of its political system, writes the Speaker of Parliament.



Hon. Chamal Rajapaksa, MP, in Colombo.

Mr Rajapaksa is the Speaker of the Parliament of Sri Lanka. Educated in Sri Lanka, he entered the public service and served in the Police Force for more than eight years before joining the State Trading General Corporation. He entered Parliament in 1989 as a Member for the Sri Lanka Freedom Party and has been a Member continuously since then, serving as Deputy

Minister of Agriculture and Lands, Ports and Southern Development, and of Plantation Industries, and Minister of Agricultural Development, Irrigation and Water Management and Ports and Aviation. Mr Rajapaksa comes from a leading political family. His father was an MP who served as a Deputy Minister and Deputy Speaker and his elder brother is His Excellency Mahinda Rajapaksa, President of Sri Lanka.



Hon. Chamal Rajapaksa, MP.

Ancient good governance

The written chronicles that are over 2,500 years old in Sri Lanka clearly demonstrate the democratic institutions that existed in our country long before modern democratic institutions were introduced by the colonial powers.

The kings in ancient and

medieval Sri Lanka were governed by the values of "Dasarajadharmā" or the Ten Principles of Good Governance, the basic democratic principles in our early period.

Among the ruins of the palace in the Lion Rock, Sigiriya, built in the 6th century, one can see the clear contours of the foundation of the Royal Council Chamber where King Kashyapa had his Royal Court.

The most beautiful and well preserved Royal Council Halls can be seen during the Polonnaruwa period beginning from the 10th century. The first among these is the Raja Sabha Mandapa, the Pavilion of the King's Council, built by King Parakramabahu the Great in the 11th century. The next Council Pavilion of the Polonnaruwa period is the one built



by King Keerthi Sri Nissankamalla in the 12th century. It was named Latha Mandapa or the Pavilion of Creepers.

The last of these Royal Courts, Magul Maduwa or the Ceremonial Pavilion where the king conducted his royal functions, can be seen in Kandy, the capital city of the last independent Sinhala kingdom. This pavilion was also where the sovereignty of our nation was handed over to the British in 1815. After the signing of the Kandyan Convention, the country became a British colony on 2 March 1815.

The colonial heritage

During the early period of British rule, Governors were entrusted with legislative as well as wider executive powers and were subject only to the authority of the Crown. In 1831, the British government issued a Royal Commission to W.M.G. Colebrook and C.H. Cameron to make their recommendations in respect of the administration and the legal system of the island. These recommendations were the beginning of the modern period of Sri Lanka's democracy.

The first Legislative Council constituted in 1833 consisted of nine Official Members and six Non-Official Members who were nominated by the Governor consisting of three Europeans as well as one each from the Sinhala, Tamil and Burgher communities.

The first Legislative Council established in 1833 had its meetings in the building opposite the picturesque Gordon Gardens now occupied by the Ministry of External Affairs.

Thereafter the Legislative Council was shifted to a beautiful and magnificent building which was declared open in great ceremony by Governor Sir Herbert Stanley in January 1930. The building stands even today as a memorial to the times when Sri Lanka was an outpost of the British Empire.

The most significant event of

The Dasarajadharma

The "Ten Royal Virtues" or principles of good governance according to Buddhist philosophy:

1. **Dana:** Giving, liberality, generosity or aid – giving (donating) to those in need. It is the duty of the King or the ruler or the government to look after the welfare of his subjects. The ideal ruler should give away wealth and property wisely without giving in to craving and attachment.
2. **Seela:** Morality – having a high moral character. The king must honestly observe at least the Five Precepts (panchaseela or pansil), and conduct himself both in private and in public life as to be an exceptional example to his people. If the king firmly adheres to it, then corruption, bribery, violence and indiscipline in the country will completely be wiped out. This principle is very, very important.
3. **Comfort Pariccaga:** Sacrifice a lot, for the good of the people – personal name and fame; even life if need be. By the grants, donations, gifts et cetera the ruler leads the citizens on to more efficient and more loyal service.
4. **Ajjava:** Honesty and integrity. He must be extremely honest, absolutely straightforward and must never take recourse to any crooked or doubtful means to achieve his aims. He must be free from fear or favour in discharging his duties. The king's popularity will grow like the waxing moon if he maintains justice without being subjected to favouritism, hatred, fear or ignorance.
5. **Maddava:** Kindness, mildness, or gentleness. A king will always require firmness, but always tempered with kindness and gentleness. A king should never be cruel or excessively harsh.
6. **Tapa:** Control of senses and having sober habits. Shunning indulgence in sensual pleasures is extremely necessary. The ideal king always keeps his five senses under control. A king may, using their position, ignore moral conduct – but this is not becoming of a good ruler.
7. **Akkodha:** Non-hatred. The ruler should bear no grudge. Without harbouring grievances he must act with patience and love. Political victimization or taking revenge from opponents is also not conducive to proper administration.
8. **Avihimsa:** non-violence. Not only should the king refrain from harming anybody, but he should also promote peace. He must prevent violence, conflicts or war, when necessary. He must practice non-violence to the highest possible extent unless the firmness expected of a good ruler is seriously affected.
9. **Khanti:** Patience and tolerance. The king should be able to tolerate hardships and insults, without losing his temper. The king should be able to conduct himself without giving in to emotions or feelings. He should receive both garlands and brickbats in the very same spirit and with equanimity.
10. **Avirodha:** Non-enmity. The king should not oppose the will of the masses (his citizens). He must cultivate goodwill, harmony and peace among his citizens. The king should rule the country in harmony with his people.

our modern democracy was the establishment of the State Council with 61 Members, of whom 50 were elected, three were officials of state and eight were nominated by the Governor. This was in 1931

with the introduction of the Donoughmore recommendations. Under the Donoughmore Constitution, the Legislature was named as the State Council. The 1931 election was also remarkable

as it was conducted on universal adult franchise, Sri Lanka being the first non-white colony in the British Empire to enjoy this privilege. Before the grant of universal franchise, voting rights were



considered on certain education and wealth qualifications.

Into the modern constitutional era

The next important development in the history of Sri Lanka's modern Parliament was the appointment of the Soulbury Commission in 1944 to consider necessary constitutional reforms. On its recommendation, Westminster-model reforms were introduced to

Sri Lanka (then Ceylon) in 1946. The State Council became the House of Representatives in 1947, when the Soulbury constitution replaced the previous constitution granting Sri Lanka dominion status and subsequently full independence in 1948.

Under the Soulbury constitution, the Parliament consisted of two Houses, the Senate (upper House) and the House of Representatives (lower

House). The total number of Members of the Senate was 30, of which 15 were appointed by the lower House and the rest by the Governor General on the advice of the Prime Minister. The total membership of the lower House was 101, of which 95 were elected on the basis of universal adult franchise. The balance six were nominated by the Governor General.

We have had regular elections

since 1947 under the Soulbury and subsequent constitutions, demonstrating a vibrant democracy with regular changes of government between political parties.

In 1972 the republican constitution was formed with a unicameral Legislature. The Senate, which was introduced by the Soulbury constitution, was abolished by the republican constitution. The total number of



Members of the lower House was increased to 168. With the change of constitution, the post of Governor General was replaced by a non-executive head of state in the form of a President. This lasted until 1977 and then the executive presidency was established by an amendment to the 1972 constitution.

In 1978, with the change of the constitution, the first-past-the post electoral system based on small

constituencies was replaced by a proportional representation system based on electoral districts. The total number of Members of Parliament was increased to 225 out of which 196 were elected and 29 were appointed on the basis of the performance of the political parties at the election.

The next step

In 1987, the 13th Amendment to the 1978 constitution was enacted

as a mechanism for devolution of power in order to find a political solution to the ethnic conflict. The amendment also paved the way for the establishment of nine Provincial Councils with legislative power.

However, the process of political dialogue among political parties to reach an agreement as to the level of devolution still continues and it has now been proposed to appoint a

The Parliament of Sri Lanka will play a leading role in determining the country's democratic future.

parliamentary select committee for this purpose. This will no doubt be the proper forum to address this important constitutional and political issue as Parliament is represented by all political parties who in turn represent the people of the country.



SRI LANKA'S PARLIAMENTARY EXPERIENCE AND CURRENT ISSUES

Sri Lanka's commitment to parliamentary democracy, based on a strong tradition of mature political debate, will play a prominent role in rebuilding a society – including key reforms to Parliament – that has been ravaged by three decades of terrorist conflict, says a former Prime Minister who is one of the country's most experienced Parliamentarians.

Hon. Ratnasiri Wickramanayaka, MP, in Colombo.

Mr Wickremanayake is the Minister of Public Management Reforms and the Minister of Good Governance and Infrastructure. A National List Member and a senior Vice-President of the ruling Sri Lanka Freedom Party, he was Prime Minister from 2000 to 2001 and again from 2005 to 2010.

Mr Wickremanayake received his first ministerial appointment in 1970 when he was Deputy Minister for Justice in the United Front government. He subsequently held the posts of Minister of Plantation Industries, Minister of Justice and Minister of Public Administration, Parliamentary Affairs and Plantation Industries.

Sri Lanka and its people have had a long association with the parliamentary system which we inherited from the British who ruled the country for more than a century. During the colonial period we were considered a model colony and the transfer of power was very peaceful, compared to many colonies under British rule. We had a very active independence movement; but our struggle for independence was not marked by ugly political upheavals.

Our first experience with a Legislature (from a modern political perspective) goes back to 1833 when a Legislative Council was established. This Legislative



Hon. Ratnasiri Wickramanayaka, MP

Council had a limited number of unofficial Members which implied that it was a representative Legislature in embryo. The number of unofficials was expanded from



time to time but the selection/election of Members was mainly based on communal (ethnic) considerations.

A mature political community

The breakthrough came in 1931 when a State Council was established with 50 elected Members out of a total of 58 from

territorial constituencies not on communal basis. It is even more remarkable that elections were conducted on universal adult franchise, Sri Lanka being the first non-white colony in the British Empire to enjoy that benefit. Earlier voting rights were given on certain educational and wealth qualifications.

There was no cabinet as such

but an executive committee system was introduced with the Chairmen of the executive committees being given the title of Minister. The Governor, who was the representative of the British monarch, enjoyed certain reserve powers but the country was granted limited internal self-government.

Two elections were held under

Parliamentary debate and reform will be important components of rebuilding Sri Lanka.



The main lobby of Parliament.

insurrections. The term of Parliament was at first fixed for five years from 1947 until 1970. There were, however, two unfortunate aberrations in our history of regular parliamentary elections: in 1975 the term of the Parliament elected for five years was extended by another two years and, more unfortunately, in 1982 the Parliament was extended through a referendum. I was a Member of the government that extended the life of Parliament by two years in 1975 and, with hindsight, I consider it was mistake as it set a precedent for the more unfortunate extension of Parliament's life by a referendum in 1982 which was a blot in our parliamentary annals. With my long experience in the Parliament, I believe that such events will not recur in future as our people have drawn conclusions from those unparliamentary events.

Declining behaviour but a dedication to Parliament

Our people are highly mature, which is crucial for democracies which are healthy and politically active. Perhaps it is not an understatement to say that we have a highly politicized society, which has both good and bad points. The voter turnout has always been high, as high as 80 per cent in certain elections and in certain electorates.

Without any malice, I should also say that the quality of debates in our Parliament has declined over the years and there have been many unruly events as compared to the first years when I served in Parliament. These changes are inevitable given the vast demographic changes in the country and the expansion of the size of Parliament. At independence, we had a Parliament of 101 Members but now the membership has increased up to 225. I can remember an occasion when the former Prime Minister, the late Mrs Sirimavo Bandaranaike, made a strong statement in the House

this system, which was known as Donoughmore Constitution, in 1931 and 1936. The country as a whole was given universal adult franchise without any reservations and the people in fact had shown that they possessed considerable political maturity. At the 1931 election, the voters of Anuradhapura in the dry zone, which was the centre of Sri Lanka's ancient hydraulic civilization, elected a former British civil servant, Freeman, as their representative without a contest. He had served as the government agent in Anuradhapura with popular acceptance. He was elected in the 1936 election as well. At the 1936 election, two leftist Members were elected to represent rural electorates – not on ideological grounds but for the work they did to ameliorate the conditions of those who suffered during the malaria epidemic. Since then, the ordinary people have always shown their political maturity at every election.

The State Council was perhaps

a “mini Parliament” and it gave a good grounding for our future Parliamentarians who served the country after independence. The debates were of a very high standard and some Members were bold enough to challenge the authority of the Governor. By the time we gained independence in 1948 (the first parliamentary election was held 1947, one year prior to official independence) we had many Parliamentarians with considerable experience and well-versed in the British parliamentary system. In fact we had many Members of Parliament who were constitutional experts.

An almost unblemished parliamentary tradition

As in the case of the State Council, the debates in the new Parliament were of a high standard and even the Marxists, who thought of revolutionary change, paid much attention to parliamentary practices and adhered to them scrupulously.

While the debates were

sometimes very emotional and controversial there was no personal rancour or animosity and there was a kind of camaraderie among Members who were on a first-name basis, despite their political or ideological differences. Even the Marxists used to quote Erskine May's authoritative masterpiece Parliamentary Practice during debates and when raising points of order. Perhaps it is correct to say that May's book was a kind of Bible for many of our first-generation Parliamentarians and even now, to a certain extent.

It was noteworthy that Sri Lanka's Parliaments were representative of all strands of thought which goes to say much for the political freedom and freedom of speech that existed in the country. We have a plethora of political parties which reflects the thriving democracy existing in the country.

Since 1947 we have had regular elections and governments have been made and unmade at parliamentary elections. Elections were held even during periods of



bemoaning the fact that the dignity and decorum of the House had been damaged by the behaviour of some Members. I can also recall the present Speaker making similar remarks recently.

The parliamentary system has come to stay in Sri Lanka. Whatever the twists and turns and the many vicissitudes we have gone through since independence, the parliamentary system will survive in the country as long as the sun and moon exist, to borrow an old Sinhala saying which is used in our ancient inscriptions.

Recovery and reconciliation after three lost decades

Some recent developments in our country will have a lasting impact on the future. Three years ago we overcame a vicious separatist terrorist menace which had been a festering wound on our body polity for nearly three decades. The elimination of this terrorist threat has resulted in the dawn of a new era. The country is now enjoying an era of peace, and normality has returned; but there are challenges ahead. The peace dividend has also opened up new opportunities. The task before us is how we can overcome the new challenges and make use of the window of opportunity. Our Parliamentarians will have to play a very active role in this challenging environment.

The immediate challenge faced by the country immediately after the defeat of the terrorists and the establishment of the writ of the democratically elected government through the length and breadth of the country was the rehabilitation of the war-damaged areas in the north and east and the resettlement of the internally displaced people. With the demining process being almost complete, we will be able to resettle the remaining internally displaced people in the foreseeable future. With the assistance of our friendly countries, the rehabilitation process can also be expedited.

We have launched a massive programme to rebuild and expand the infrastructural facilities in the war-damaged areas and with this the economy, which has been in the doldrums, is steadily picking up. We hope we can recover from the three decades we have lost. Our objective is to bring those areas on a par with more developed areas in the country.

Development of the region is not enough by itself. We need to promote national reconciliation. For three decades there was a big hiatus which resulted in misunderstanding and mistrust between communities. We need to build new bridges of understanding in order to impress on minorities that they have equal

“We need to build new bridges of understanding...to impress on minorities that they have equal rights and responsibilities....”

rights and responsibilities as all other citizens in the country. This is certainly a big challenge and we have to proceed gradually but steadily.

We have taken certain steps. Elections have been held to certain local government bodies in the north. Other local government elections will follow and hopefully we will be able to hold Provincial Council elections in the north in the near future. We are also gradually reducing the military presence in the north and the gradual restoration of civilian rule will provide more confidence among the population.

The completion of the census (now being undertaken) covering the whole island including the north and east, where no proper

census has been taken for more than three decades, will certainly help many developmental and other activities to meet the aspirations of the people.

The recent global economic meltdown and the oil crisis as a result of sanctions on Iran, the main supplier of crude oil to Sri Lanka, will have a damping effect on the growth rate of the country which reached an impressive 8.3 per cent last year. But, with proper micro-management, Sri Lanka will be able to maintain somewhat lower rates in future. Peace and political stability created with the elimination of the terrorist menace, Sri Lanka's geographical location right in the middle of the Indian Ocean straddling major trade routes and our human resources will certainly help us to become a hub in South Asia.

Parliamentary reforms

National reconciliation and peace building will certainly help development efforts. There are many issues which are being considered to promote national reconciliation and the Parliament of Sri Lanka will have to play a major role in this regard.

The present constitution, which is the second republican constitution of Sri Lanka, has been in operation since 1978. The executive presidential form of government introduced by this constitution has been the subject of considerable discourse. It is now generally accepted, even by some of the politicians who were involved in the framing of the constitution, that there is a need to reform the executive presidential system. The proportional representation (PR) system voting which was introduced with the change of government in 1977 has also been critically studied and now it is generally accepted that it is not very suitable for a country like Sri Lanka.

The first-past-the-post electoral system that prevailed from 1931 created a close nexus between the voter and his/her elected

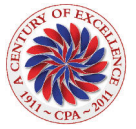
representative which is very healthy and necessary for a country like Sri Lanka where ordinary people should have somebody to whom they can make direct representations about their problems and grievances. Also the PR system has created considerable inter-party and intra-party rivalry, resulting in untoward incidents and dissent within the body politic. There are of course certain positive elements in the PR system and we have to evolve a system which is a hybrid of the two systems which is more home-grown and suitable for our social milieu.

Another issue which has been the subject of much discussion is whether there is a need to create a second Chamber. We had a second Chamber, called a Senate, from independence until 1971. It was a small House, but it provided an opportunity for certain minorities and professionals who did not like the hustle and bustle of politics to be in the Legislature and contribute to national development.

While the Provincial Council system provides for the decentralization of administration there is a need to have power-sharing with all communities at the centre. The creation of a Second Chamber will certainly go a long way towards that.

The proposed Parliamentary Select Committee (PSC) will be the proper forum to consider these and other important political and parliamentary issues now facing the country and come out with recommendations acceptable to all sections of the country. It is the expectation of the government that all political parties represented in the current Parliament will actively participate in the deliberations of the PSC and bring about the necessary reforms so that all people in the country will live as equal citizens in a free, independent and sovereign country.

The PSC in its collective wisdom will certainly be a trailblazer of necessary reforms.



NATIONAL RECONCILIATION AND PARLIAMENT

Sri Lanka's Opposition Leader calls for Parliament and other institutions to be strengthened and the primacy of respect for parliamentary values, human rights and the rule of law to be re-asserted to lead Sri Lanka successfully out of more than three decades of conflict.



Hon. Ranil Wickremasinghe, MP, in Colombo.

Mr Wickremasinghe is the Leader of the Opposition in the Parliament of Sri Lanka. A lawyer, he was educated at the Royal College, Colombo, and gained his LLB from the University of Colombo. He was Prime Minister from May 1993 to August 1994 and from December 2001 to April 2004. A member of the United National Party, he was

appointed party Leader in November 1994. He was also the Leader of the United National Front, having been appointed head of the alliance in October 2009. He entered Parliament in 1977 and was appointed as Deputy Minister of Foreign Affairs, becoming the youngest Minister in Sri Lanka's history. Later, he served as Minister of Education, Minister of Industries, Science and Technology and Minister of Policy Development.

Commonwealth Secretary-General H.E. Kamalesh Sharma's observation that "peace is more than the absence of conflict" is true of Sri Lanka today. Three decades of armed conflict have left behind a nation deeply fissured by ethnicity, religion, ideology and politics.

In the immediate aftermath of the war, in May 2009, the Secretary-General of the United Nations visited Sri Lanka. The joint statement by him and the government of Sri Lanka emphasized "the importance of an accountability process for addressing violations of international humanitarian and human rights law. The government will take measures to address those grievances."

The appointment of a Panel of



Hon. Ranil Wickremasinghe, MP

Experts by the UN Secretary-General in June 2010 to advise him on the implementation of these commitments was an outcome of this statement. It underscored the UN's role in the process and emphasized the need to adhere to international human



Panel blamed both the government and the Liberation Tigers of Tamil Eelam (LTTE) for the 40,000 civilian deaths during the last phase of the war.

The government's own mechanism was mandated to look back at the conflict Sri Lanka suffered as well as to look ahead to an era of healing and peace-building in the country. The Lessons Learnt and Reconciliation Commission appointed by President H.E. Mahinda Rajapaksa in May 2010 was wider in scope covering the period 2001 to 2009. In December 2011, the LLRC Report was tabled in Parliament. Despite the shortcomings of this report, the opposition declared its willingness to work with the government to implement its recommendations.

The United Nations Human

Rights Council at its 19th Session (February-March 2012) adopted a resolution on 22 March 2012 "to promote reconciliation and accountability in Sri Lanka".

This resolution called on the government to implement the constructive recommendations of the LLRC Report and to present an implementation plan to the Council. Therefore the LLRC Report has become the basis for reconciliation.

Launching the reconciliation process

The process of reconciliation is complex, beginning, in the words of Archbishop Desmond Tutu, by "examining the painful past" to ensure it does not occur again. This is also the approach of the LLRC Report, which states, "that the process of reconciliation requires a full acknowledgement of the

Opposite page: once they pass through Parliament's copper doors, Members must strive to achieve consensus on reconciliation issues.

Above: The main Chamber; Left: One of two ornamental bells that are situated on either side of the Parliament building.

rights law. The government of Sri Lanka accepted its jurisdiction by making written submissions to the Panel. The final Report of the



The Gal Vihara, a rock temple of the Buddha situated in the ancient city of Polonnaruwa in north-central Sri Lanka.

tragedy of the conflict and a collective act of contrition by the political leaders and civil society, of both Sinhala and Tamil communities.

A collective act of contrition for what happened would not come easily to either side. It would come only if they are ready to make a profound moral self-appraisal in the light of the human tragedy that has occurred. Seeds of reconciliation can take root only if there is forgiveness and compassion. Leaders of all sides should reach out to each other in humility and make a joint declaration extending an apology to innocent citizens who fell victim to this conflict”

Reconciliation in South Africa began with the National Peace Accord signed by representatives of 27 political organizations. The Truth and Reconciliation Commission (TRC) was a consequence of this agreement

and was given effect to by Act No. 34 of 1995. Therefore a profound change in mindset among the South African leaders led to consensus and reconciliation.

In Sri Lanka, the Commission was not the consequence of an agreement by political leaders. It can be seen as the initiator for reconciliation. It is the LLRC that has called on the political parties to arrive at a consensus and provided a road map for reconciliation. This is the vital difference. Therefore, the success or failure of reconciliation depends on the ability of Sri Lankan political leaders to come to grips with the fact that it is both our obligation and our duty to soothe the gaping wounds of both sides in the conflict. That is a firm commitment to implement the LLRC Report. The Buddhist Dhammapada has an appropriate verse to describe the honesty, integrity and impartiality required for this

purpose: “Be ye lamps unto yourselves.”

The role of Parliament

Mr Anders Johnsson, the Inter-Parliamentary Union Secretary-General, has recently observed: “As a melting pot of the diverse components of society, Parliament has a determining role in the process of national reconciliation. It is precisely in Parliament that the competing and sometimes conflicting interests in society are debated and that agreements on public policy are forged. No executive government contains the diversity of Parliament”

No doubt that adversarial politics always reign in the formality of the parliamentary Chamber. On the other hand, Parliamentarians of different political parties speak freely to each other in Parliament’s lobbies and restaurants. This intimacy provides a starting point for the initial discussions on

national reconciliation. Therefore Parliament should become the appropriate forum to spur national reconciliation. Reconciliation cannot be imposed from outside. This is the very reason for the LLRC report to be accepted both domestically and internationally as a Sri Lankan solution.

A process of reconciliation that is viable needs to be founded on political consensus. The LLRC report commented that “a lack of political consensus and a multi-party approach on national issues is a dominant factor obstructing reconciliation.” There are two crucial issues that require political consensus:

- Accountability of government and
- Human rights, democratic institutions and devolution.

Accountability is a vital component of national



reconciliation. It is also the most controversial finding of the LLRC. Unlike the UN Panel, this report has absolved the government of any responsibility for the deaths of civilians. The report recommends that security force personnel who have violated human rights be prosecuted under domestic law, and that an impartial investigation be held regarding the Channel 4 film and other similar allegations.

The United Nations Human Rights Council, on the other hand, has determined that the report does not address serious allegations regarding the violations of international human rights law. The resolution calls on the government to address these alleged violations. Any domestic accountability process for this purpose must be based on the joint statement by the UN Secretary-General and the government, given that Sri Lanka is not a party to the Rome Statute which established the International Criminal Court.

Strengthening institutional protections

International human rights law seeks to ensure that every government fulfills its obligation to investigate human rights violations. Ms Immaculee Nahayo, the President of the Burundi National Assembly, has stated: "In a country paralyzed by impunity and the absence of a truly independent judiciary, reforming the judicial system is of paramount importance for national reconciliation." The weakening of Sri Lanka's criminal justice system is highlighted in both the UN Panel and LLRC Reports. Therefore, it is necessary to strengthen the criminal justice system to ensure effective independent investigations which meet with international standards.

Secondly, the independence of Sri Lanka's Human Rights Commission must be guaranteed. For this purpose, the failure to comply with the Paris Principles Relating to the Status of National Institutions adopted by the UN

General Assembly in 1993 must be immediately remedied. It is also essential that we establish an effective accountability mechanism drawing on the experience of South Africa TRC.

We must subscribe to the values of transformative justice, which takes into account the needs of the victims while at the same time seeking a balance between principles and pragmatism. This is appropriate for Sri Lanka.

Strengthening democratic governance

Three decades of armed conflict has also taken its toll on the democratic system. Again these findings are contained in both reports. The UN Panel calls for concrete steps towards building an open society in which human rights

"In order to reach a political consensus, we also require the benefits of outside experience and expertise on the process of reconciliation."

are respected. The LLRC Report emphasizes the need to address the non-observation of the rule of law coupled with the lack of meaningful devolution.

The report is also explicit on the need to strengthen democratic institutions in the country. It states that the Sri Lankan government must go beyond upholding the constitution and fulfill its obligations under the:

- a) International Convention on the Elimination of All Forms of Racial Discrimination;
- b) International Covenant on Civil and Political Rights;
- c) International Covenant on

Economic, Social and Cultural Rights;

- d) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the,
- e) UN Convention on the Elimination of All Forms of Discrimination against Women.

The recommendations included the re-establishment of independent commissions for the police and the public service as well as the strengthening of the administration of justice. As further measures, we have proposed:

- Fundamental rights in the constitution to be strengthened by incorporating the International Covenant on Civil and Political Rights and
- The establishment of a Constitutional Court.

All of us agree that a political solution regarding devolution requires strengthening the powers of the Provincial Councils, which are contained in the 13th Amendment to the Constitution. Expanding the devolved powers of the Councils is popularly known as 13+. The LLRC Report was of the firm view that "while the distribution of meaningful powers to the periphery is essential, there are powers which form the core responsibilities of the state which cannot be so devolved".

Two further reports commissioned by the government (the Tissa Vitharana Report and the Government Experts' Panel Report) have already identified such powers and subjects. It is a good starting point and can be carried forward once the government outlines its thinking on devolution as recommended in the LLRC Report.

Subscribing to Commonwealth parliamentary values

Political consensus can succeed only if grounded on a common

value system with regard to democracy, human rights and good governance. The inability to agree on such a shared value system by the parties concerned has led to the reconciliation process being a non-starter in several instances.

Yet, Sri Lanka as a nation is fortunate that it has subscribed to such a value system through the Affirmation of Commonwealth Values. This has general acceptance in the country. In fact, our democratic structure was built on these values and no doubt the task of our Parliament will be much easier if political parties also subscribe to these values.

Only an effective Parliament can arrive at a consensus. Sri Lanka's parliamentary tradition has its origin in the Legislative Council, which commenced in 1835. But this long history has not blinded us to the awareness of the need to strengthen Parliament. A number of proposals have already been made to increase the effectiveness of Parliament. These include establishing a Budget Scrutiny Committee, Oversight Committees, Parliamentary Budget Office and an institute for legislative research.

In order to reach a political consensus we also require the benefits of outside experience and expertise on the process of reconciliation.

This is why the Speaker requested our parliamentary colleagues from the Commonwealth to help Sri Lanka consolidate its hard-won peace. The Commonwealth Parliamentary Association and the Inter-Parliamentary Union are in a position to make available their institutional experience to Sri Lanka.

Thus the Parliament of Sri Lanka can be the key actor in the process of national reconciliation.

It is a duty that the Parliament must undertake if the next generation of Sri Lankans is not to be called upon to pay for the failures of its current political leaders.

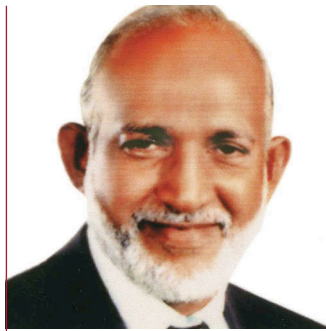


A ONCE-CRAWLING PARLIAMENTARY DEMOCRACY MAKES STRIDES

Sri Lanka has suffered from political instability, foreign irritants, attempted coups and a savage and prolonged war against terrorists; but a Senior Minister argues that it is now developing into a mature parliamentary democracy able to bring peace and prosperity to its people.

Hon. A.H.M. Fowzie, MP, in Colombo.

Mr Fowzie is the Senior Minister for Urban Affairs and a Member of the United Freedom People's Alliance. Active in politics since 1959, including serving as the Mayor of Colombo, he became the Minister of Health and Social Services in 1994 and has served as the Minister of Minister of Transport, Highways, Muslim Religious Affairs, Environment and Natural Resources, Railways and Transport and Petroleum and Petroleum Resources Development.



Hon. A.H.M. Fowzie, MP

As the Parliament of Sri Lanka is hosting the 58th Conference of the Commonwealth Parliamentary Association in Colombo in September, it is very pertinent to recall some landmark events which have impeded Sri Lanka's journey on its road to strengthening democracy, development, sovereignty and education through a practicing parliamentary democracy. Indeed, those events were testing hours for parliamentary democracy.

There was a period of long years during which the country was ruled under emergency laws, while suspending many vital laws that are essential for the good governance of the country under normal situations. Political stability was so weak that the first 17 years (1948-1965) after independence can be called the crawling years of parliamentary democracy, as not a single government under different Prime Ministers could complete the full term of five years.

Political instability led to two coup attempts involving some military men which were successfully thwarted and those involved were convicted in the courts. However, in the first coup case the accused appealed to the Privy Council in London and the case was dismissed on a technical point on the constitution of the court.

There were two armed insurrections in 1971 and in 1989 led by a Marxist group which, if

successful, would have brought parliamentary democracy to an end.

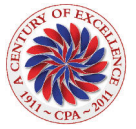
Executive presidency versus Parliament

A series of events which I believe weakened parliamentary democracy were initiated in the late 1970s. The first executive President obtained undated letters of resignation from all his party candidates who contested the elections to Parliament and thus effectively had control over the decision-making by Parliament since all those MPs were in constant fear of losing their seats. This in a very subtle way deprived them of their right to function freely in Parliament.

Using its two-thirds majority in Parliament, the United National Party amended the constitution to install its Prime Minister as the first President vested with full executive powers. Although the amended constitution stipulated the



Opposite page: Sigiriya, the 5th century capital of Ceylon
Left: The tallest ancient Buddha statue in Sri Lanka, the Aukana Buddha statue in Asisa Mudra.



President must be elected directly by the people, the Prime Minister was exempted and sworn in straight away as the President. Except for ceremonial sittings, the President distanced himself from Parliament. Under the presidential system, if the President's government was defeated in Parliament or at an election, only the Prime Minister and the cabinet had to resign. The President continues in office and presides over a cabinet of Ministers from the opposing party. This situation has occurred on two occasions.

The proportional representation system of voting was also introduced which I believe distanced the elected representatives from their voters.

The creation of a powerful executive President made it possible for revenge to be exacted against political opponents and other abuses of parliamentary democracy to take place.

Developments and irritants

Significant among the events in our political history is the unique record of defeating the most forceful and ruthless terrorism in the world and reuniting and taking the country forward in all-round development aimed at making Sri Lanka the wonder of Asia.

Sri Lanka has been very fortunate in having had almost all its leaders as people who were dedicated to parliamentary democracy and to the welfare of the masses, regardless of their political beliefs. All of them had been concerned about regaining the total independence of the country.

The political independence granted by the British government in February 1948 left us with a Parliament of two Houses, the House of Representatives and the Senate. Yet Parliament could not enact laws for the country without the assent of the Governor General who was appointed by the British monarch. Though, in practice, this was not an

impediment for the free and democratic functioning of the government and its leaders, this was considered as an irritant against the claim that Sri Lanka was totally a free country.

There were other irritants too, including judicial review of acts enacted by Parliament by the Privy Council in England sitting at the top to make the final order.

An entrenched provision, popularly known as Section 49, of the 1947 Soulbury constitution preventing the Parliament from making any law that affects the minority community was another irritant, as was the realization that the constitution itself was a foreign make and not made by the people on their own.

The continuation of the British naval base in Trincomalee and the plantation economy being remaining under the control of the sterling companies managed by the British were other irritants.

Leadership

The first Prime Minister after independence, D. S. Senanayake, was very much preoccupied with the new experience of moving the country forward with his agricultural expansion development programme and improving the living standard of the people. Following his death in 1952, his son Dudley Senanayake took over as Prime Minister and followed his father's policy of giving priority to agricultural development.

However, he didn't have enough time to plan out any political programme. Though originally he was appointed to serve the balance of his father's five-year term, he received a mandate at the general election in June 1952 to continue as Prime Minister without being reappointed. However, having served only 18 months in office he resigned in October 1953.

Following his resignation, Sir John Kotalawela took charge as Prime Minister and played a key-role in building up international

relations through the famous Bandung Conference that led to the founding of the Non-Aligned Movement.

By this time the political climate was changing and the people were clamouring that such changes should establish the supremacy of the national languages, a nationally owned economy and the promotion of the national culture with a prestigious status for those educated through the national languages.

Visionary leader S.W.R.D. Bandaranaike recognized this national urge and polarized a group of Parliamentarians to leave the United National Party (UNP) to cross the Floor of the House to the opposition. Significant in this event is that Mr Bandaranaike was joined by another great Parliamentarian and leader, D.A. Rajapaksa. His children (President H.E. Mahinda Rajapaksha, Speaker Hon. Chamal Rajapaksa, Economic Development Minister Hon. Basil Rajapaksha and Defense Secretary Hon. Gautabaya Rajapaksa) completed the onerous task of freeing the country from the clutches of 30 years of terrorism and engaged collectively in making the country the wonder of Asia.

Mr Bandaranaike, with the support of his friends, established the Sri Lanka Freedom Party (SLFP) with the main objectives of bringing about a change in the political culture and effectively moving the country toward its goal of total freedom and development.

In the 1956 general election Mr Bandaranaike received an overwhelming mandate and was elected as the Prime Minister. He took effective steps to through Parliament to:

- Make Sinhala the official language with reasonable use of Tamil,
- Nationalize important sectors of economy,
- Terminate the British naval base in Trincomalee and
- Create a common man's era

replacing the English-educated elitist class with the Sinhala-educated commoners in the administration of the country.

Political instability

However, Bandaranaike was assassinated by a Buddhist monk in 1959 and political stability was shaken. Another democrat and Parliamentarian, Wijayananda Dahanayake, who had served as the Minister of Education, took charge as Premier amidst many challenges from many quarters. He took some radical political decision including the dismissal of his cabinet at midnight and ordered a general election to be held throughout the country for the first time in one day.

Dahanayake was defeated at the election but political stability was not restored. Dudley Senanayake was once again elected as Prime Minister with a parliamentary minority. He was defeated at an address of thanks and his government lasted exactly four months to 21 July 1960.

At the general election held in July 1960, Mrs Sirimavo R.D. Bandaranaike, the widow of S.W.R.D. Bandaranaike, won and was sworn in as the Prime Minister to become the world's first woman Prime Minister, even though she was not a member of the Parliament as she did not contest a particular constituency. She was appointed as a Member of the Senate to enable her to serve as Prime Minister.

She followed her husband's policies, making sweeping changes in the economy, culture and lifestyle of the people. She moved the country towards socialism and nationalized many economic ventures including oil companies to which the United States government reacted by withdrawing U.S. aid.

She was by this time facing many challenges from many quarters and particularly from the press. She was proposing,



therefore, to effect some disciplinary supervision based on journalistic ethics on the press.

For this her government brought a Bill to Parliament to establish a press council. To everybody's surprise the Bill didn't see the light of day as some government Parliamentarians led by cabinet Minister C.P. De Silva crossed over to the opposition.

Mrs Bandaranaike couldn't complete her five-year term in office as her government too was defeated in Parliament on an address of thanks in December 1964. It was indeed clear that from the day of independence Sri Lanka was suffering political instability and democracy was yet crawling to be matured.

Making headway

Mrs Bandaranaike's government, however, showed indications of maturity in the way it tackled many challenges facing the country, with the assistance of her youthful Minister Felix R.D. Bandaranaike who successfully foiled an attempted coup against the government.

She settled the stateless issue of a million plantation workers of Indian origin by the Sirima Shastri agreement.

A protectionist policy for the national economy was observed. The official language policy was strictly implemented.

However in the election held in April 1965, her government was defeated and Dudley Senanayake was elected as Prime Minister again. This time Mrs Bandaranaike entered Parliament by winning a constituency seat.

Dudley Senanayake formed a national government with seven parties, including the Federal Party led by S.J.V. Selvanayagam, with a view to solving the language issue which was a burning problem. His attempt failed and the Federal Party representative in the cabinet, Thiruchelvam, resigned. His "grow more food" campaign too failed and the cost of living shot up.



The pond at the front of the Parliamentary building.

He had to raise the price of rice issued to persons on a ration card. However he issued one measure of rice free of cost to ease the burden on the poor. His government also escaped from a coup attempt. His government was the first to survive for the full term of five years.

In the election held in June 1970 Mrs Bandaranaike won again and became the Prime Minister. She contested the election in a coalition with the left parties and sought a mandate to draft a new constitution. The people gave a sweeping mandate.

Accordingly a Constitutional Assembly consisting of the Members of Parliament began drafting a new constitution that: declared Sri Lanka as a sovereign republic, established a Legislature named the National State Assembly, and created a post of

President nominated by the Prime Minister.

However, she was battling with the cost of living problem and an armed insurrection led by radical left-wing forces. Nearly 12,000 youths were taken into custody but, except for the leaders, others who pleaded guilty were pardoned and sent to rehabilitation.

Parliamentary ideals

Most recent among important events that Sri Lanka has experienced on its political journey have been implemented by President Mahinda Rajapaksa who had restored parliamentary democracy in a wider sense.

He amended the constitution to make it compulsory for the President to attend Parliament at least once every three months and to participate in the discussion. His political agenda, Mahinda

Chinthana (Mahinda's Vision), has been accepted by a large number of opposition Parliamentarians who are attracted by, among other features, its respect for opposition views.

He has accommodated a large number of opposition Members, assigning them with shared responsibility of government authority.

Parliamentary consultations have been imperative in finding solutions to solve burning national problems. The recent appointment of a parliamentary select committee on the North and East problem is a singular example of widening the scope of parliamentary democracy.

Many lessons have been learned and a once-crawling parliamentary democracy has now been energized to bring peace and prosperity to Sri Lanka.



THE CHALLENGES FACING SRI LANKA

After three decades of a brutal conflict, Sri Lanka is dealing with the issues of social, economic and political recovery – including the issue that has placed it under Commonwealth and international scrutiny, says a leading Parliamentarian and academic.

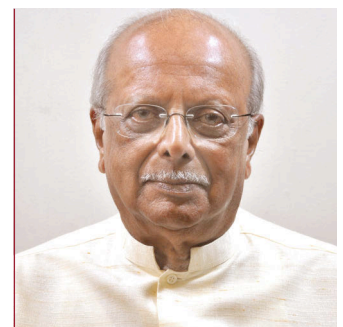
Prof. the Hon. Tissa Vitharana, MP, in Colombo.

Prof. Vitharana is the Senior Minister of Scientific Affairs. He entered Parliament as a National List Member from the United People's Freedom Alliance in 2004 and is the Leader of the Trotskyite Lanka Sama Samaja Party (LSSP) and its General Secretary. He

became a party Vice-President in 1972 and in 1974 he became a member of its Polit Bureau. Prof. Vitharana is a medical practitioner and academic. He has an MBBS, MD and PhD. From 2004 to 2005 and again from 2005 to 2010 he was the Minister of Science and Technology. In 2010 he became the Minister of Technology and Research.

Sri Lanka, with a population of about 20 million, has achieved peace after nearly 30 years of war by defeating perhaps one of the cruellest separatist terrorist organizations that the world has known, the Liberation Tigers of Tamil Eelam (LTTE). The latter gained control of much of the Northern and Eastern provinces, two of the nine provinces that make up Sri Lanka. These are the provinces that are closest to the southern Indian state of Tamil Nadu, with a Tamil population of 64 million.

With the defeat of the LTTE, the Sri Lankan government has



Prof. the Hon. Tissa Vitharana, MP

restored the unity and national integrity of Sri Lanka as one sovereign country. But as a developing country, recovering



from the ravages of war, it faces a multiplicity of daunting challenges to overcome, in which we need the understanding and support of Commonwealth governments.

The immediate task of restoring political, social and economic normality and repairing the ravages of war in both human and infrastructural terms have been given primacy by the government. In this article I shall touch on some of Sri Lanka's main parliamentary, constitutional, political, trade and economic development issues.

Parliamentary and constitutional issues

Since the grant of universal adult franchise in 1931, with women in

Sri Lanka (then Ceylon) getting the franchise just after their counterparts in Britain, Sri Lanka has been a vibrant democracy with regular changes of government between rival political parties. It is endowed with five legal systems with Roman Dutch Law as the common law.

There were eight constitutions over a period of 175 years, six of them during British colonial rule ending with the Soulbury constitution, under which independence was conferred with the grant of dominion status. It adopted the Westminster form of government together with an executive cabinet headed by a Prime Minister.

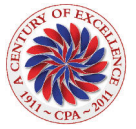
The 1972 constitution, drawn up by an elected Constituent Assembly during a centre-left government, established the Democratic Socialist Republic of Sri Lanka as a completely independent sovereign nation, a republic with sovereignty vested in the people. It retained the Westminster model, with the supremacy of Parliament being absolute within a unitary state structure, and with an effective system of local government.

The 1978 constitution, which holds sway at present, was introduced by the right-wing United National Party, without any input from the people or from other political parties. It established an

**Opposite page: Sunset over Sri Lanka;
Above: A group of young Tamil girls.**

executive presidency which concentrated power in one individual at the centre, while retaining the unitary framework. The abolition of the village committee system weakened local government.

The first-past-the-post electoral system based on 168 small constituencies was replaced by a proportional system based on 25 large districts, which in my view has distanced the elected representatives from the voters



and helped spread corruption. The preferential voting system has intensified conflicts within political parties. There has been a consequent clamour for electoral reform and a new constitution, which would also do away with the executive presidency and restore executive power to Parliament and the cabinet.

The Tamil question

In this context, the failure to settle the national question, and the intensification of Sinhala and Tamil racist politics, led to the emergence of a Tamil separatist movement (demanding the separation of the Northern and Eastern provinces as a Tamil Eelam). This brought the small island of 65,000 sq.km. to the brink of division through a destructive civil war. While the Tamils form about 18 per cent of the population (75 per cent being Sinhalese and 7 per cent Muslims), more than half of them live amidst the Sinhalese in the south. The Tamils are about 95 per cent of the population in the Northern province, and about 40 per cent of the population in the Eastern province.

Now that the separatist war is over, the major challenge is the working out of a political solution to the national question based on power-sharing both at the centre and the periphery, with appropriate constitutional changes. The process of devolution of power was initiated through the 13th Amendment to the constitution in 1987, with the establishment of nine Provincial Councils. This led to all the Tamil militant groups, other than the LTTE (which turned into a semi-fascist terrorist organization), laying down arms and joining the democratic process.

One of the tasks before the government is to restore normality in the Northern province and hold elections for a provincial administration. The process of political dialogue among political parties to agree on the basis for power-sharing has been

attempted on several occasions but without success. Even a federal solution was considered. But now it is clear, especially after the defeat of the LTTE, that power-sharing has to be achieved within a unitary framework.

The fear of separatism still haunts the political scene. While there is not much disagreement on the form of power-sharing at the centre and at the local government level, the contentious part is that at the provincial level. The All-Party Representatives Committee (APRC) came up in 2009 with a proposal to eliminate the concurrent list of powers (the cause of much of the discontent) absorbing them into the separate Central Government and Provincial lists, backed by proper planning and funding.

With the APRC in abeyance, the talks between the government delegation and the Tamil National Alliance (TNA), which took place during the whole of 2011, have not been productive. The way forward probably lies through a Select Committee of Parliament, in which all parties would be represented, as mooted by the President. The reluctance of the TNA to participate in this, presumably because of the presence of Sinhala extremists, needs to be overcome.

Political issues related to the war

There are general problems related to the Tamils in the North and East. The resettlement of those displaced has been 90 per cent completed. The balance are those who lived in high-security areas which are still under military occupation, or where land mines have not been cleared, or where other Tamil families have settled when their houses were unoccupied, posing a legal issue that has to be cleared case by case. Rebuilding of destroyed houses is going ahead but the pace needs to be increased and more funding secured.



Fishing is one of the industries in Sri Lanka that has blossomed despite the global recession.

The rehabilitation of LTTE cadres is making good progress, and only about 10,000 remain.

The repairing of damaged infrastructure and new works, such as irrigation schemes, are in progress, but financial constraints (donor defaults et cetera) have to be overcome. Most schools and hospitals are now fully operational; but shortages of equipment and staffing exist. Though shortcomings in public transport occur throughout the country, priority is being given to the North and East. The administrative services are improving; but more Tamil staff needs to be trained.

Despite the global recession, Sri Lanka has had economic growth exceeding eight per cent in 2010 and 2011. But the lack of income-generation opportunities among the Tamils in the North and East remains a problem. While farming and fishing have blossomed, the problem of unemployment among the youth, a major cause of the LTTE uprising,

remains. There is a need for investment in agri-based and other industries like information and communications technology.

The culture of violence resulting from the war remains a major problem. The problems of undetected LTTE arms caches and of unidentified LTTE cadres among civil society in the North and East remains.

A major fall-out of the war throughout the country has been the large number of army deserters, many of whom have retained their weapons. Some have drifted into illegal activities, especially as hired guns for the underworld. An increase of violent crimes including targeted killings, robberies and abductions has been the outcome, creating a grave social problem, for which the government unfairly gets much of the blame. The youth employed in the army lack other job opportunities and have had to be productively employed while remaining in the army, leading to



allegations of militarization of the economy.

Political issues related to welfarism

While a human development index (HDI) of 0.658 (2010), 95.8 per cent literacy with gender parity and near-developed country health indicators are a cause for satisfaction, there are several major issues that need to be addressed.

The provision of free education by the state, through a network of about 10,000 primary and secondary schools evenly distributed throughout the island and tertiary education through 17 universities and other technical institutes, is being sustained despite the budgetary constraints. This has resulted in an educated young population with aspirations, which the economy is unable to fulfil.

Unfortunately where the quality of education is concerned, there has arisen an urban-rural gap. The violent uprisings that the country has faced (in 1971 and 1988/9 led by the JVP in the south, and the LTTE war) probably have their roots in the resultant frustration of the youth.

The aspirations generated must be related to the employment avenues available in the economy and the education system should generate the human resources required for rapid economic development.

Educational reforms directed towards suitable modifications of the curriculum and facilities, such as a shift of emphasis to science, mathematics and technical streams, are now being instituted, together with the upgrading of secondary education island-wide through “the thousand schools” programme backed by the World Bank. ICT is being introduced into all schools.

The free state health care service is threatened by the rising cost of medicines and tests. The Bible Drug policy, which the World

Health Organization recommends as a solution, is now being re-implemented in the country of his birth, despite opposition from multinational corporations. The demographic shift to older age is posing an added burden.

The dole for the poor is difficult to sustain, and the emphasis is towards support for income generation, especially as part of the “Divineguma” rural uplift programme.

Trade issues

While nearly 60 per cent of exports are traditionally directed towards markets in the U.S.A. and Europe, in view of the impact of the global

“Rebuilding of destroyed houses is going ahead but the pace needs to be increased and more funding secured.”

economic crisis on them, there is a need to seek other markets. While regional trade in the South Asian Association for Regional Cooperation region is expanding, it is clearly inadequate and needs to be greatly increased. A problem to be addressed is the unfavourable balance of trade with India. Trade access is being gained into the Southeast Asian region through Association of South East Asian Nations and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Co-operation. A greater effort needs to be made to access the markets of the major emerging economic powers and other Commonwealth and non-aligned countries. There is a need to diversify our exports, which are still heavily reliant on traditional products like tea, rubber, coconut, spices, gems and

garments. Increase of IT-enabled services to 10 per cent of exports is welcome.

The increasing foreign trade gap is a major concern. The trend towards higher costs of imports due to escalating oil and food prices has been compounded by the increase in the import of vehicles and luxury goods, while export growth has lagged.

The real answer to the above issues is to achieve rapid and meaningful economic development by increasing productivity in existing sectors and by moving to high value-addition industry. It is regrettable that Sri Lanka still continues to be, in the main, an exporter of raw materials or low value-added products.

We need to develop the capacity for high-tech research, development and innovation, and to become an exporter of high value-added products. This would make our products more competitive in the world market and bring in a better return on our investments. At the moment less than two per cent of our exports have high-tech inputs. Our investment in science and technology based research and development is one of the lowest in the world, 0.15 per cent of gross domestic product. The colossal brain drain is the unfortunate consequence. The U.S.A., Britain, Canada and Australia are among the main beneficiaries. Perhaps a way should be found to compensate us for this, while we devise ways to convert the brain drain into a brain gain.

The human rights challenge

Sri Lanka is at a critical stage of its history after the war. But one of the major challenges that Sri Lanka now faces is a result of action by supporters of the defeated LTTE in the West, and it is not only unexpected but also unwarranted.

The government's reluctance to take action against members of the armed forces, who made great sacrifices to overcome terrorism,

on alleged human rights issues concerning a few of their number is understandable, especially in a situation where the LTTE was callously using Tamil civilians as a human shield.

Though a Commission of Inquiry into alleged human rights violations has been appointed by the President and the proposals of the Lessons Learnt and Reconciliation Commission (LLRC) are being implemented, the UN Human Rights Council has moved a resolution against a unique government that actively ensured the supply of food and medicine to the affected Tamil people in LTTE-held territory throughout the war.

The President took the bold decision, with the consent of the Army chiefs, to stop the use of heavy and long-range weaponry in a bid to save Tamil civilian lives at the last stages of the war, despite the greater risk to the lives of the armed forces. It is sad to see that human rights violation accusations are being directed against the President and the Army chiefs in this context.

As the LLRC report indicates, there have been bad eggs who are guilty of wilful human rights violations and they should be identified and properly dealt with. When one sees what is being done around the world in the name of anti-terrorist actions, it is indeed sad to see how Sri Lanka is being hounded for having rid the world of the scourge of LTTE terrorism that killed so many innocents, including Rajiv Gandhi of India and President Ranasinghe Premadasa of Sri Lanka.

Unfortunately some members of the Commonwealth are among those who have levelled accusations, using propaganda material, much of which is fabricated by the LTTE and its supporters. I hope the politicians of the Commonwealth will take a fresh look at the facts and treat a fellow member with dignity and understanding.



DEMOCRACY AND SRI LANKA

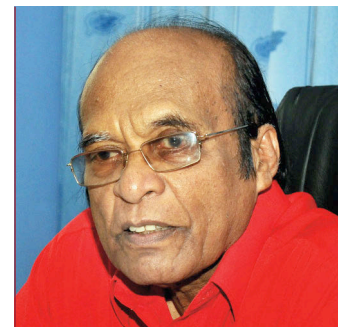
Sri Lanka's history has been marked by repeated constitutional reforms and the creation of political and ethnic power blocs against a background of an economy largely dependent on agricultural exports, writes a Senior Minister.

Hon. Dew Gunasekara, MP, in Colombo.

Mr Gunasekara is the Senior Minister for Human Resources and a National List Member of Parliament of the United People's Freedom Alliance (UPFA). He is the General Secretary and a former Chairman of the Communist Party of Sri Lanka (CPSL). A lawyer and a graduate of the University of Sri

Jayawardenapura, he first entered Parliament in 1986 and was returned again in 2004 and 2010. Mr Gunasekara has served as Minister of Constitutional Reform, Minister of Constitutional Affairs and National Integration and Minister of Rehabilitation and Prison Reforms. As well as being a Senior Minister, he is also now the Chairman of the Committee on Public Enterprises.

Sri Lanka is understood to be the oldest continuous democracy in Asia. The beginnings are manifest in the Donoughmore constitution drafted in 1931, by the three-member commission dispatched by the British imperial government. This was preceded by administrative vicissitudes such as the British East India Company, a crown colony and numerous other constitutional reforms such as the 1833 Colebrooke-Cameron reforms sowing the seeds of constitutional governance of Sri Lanka, followed by the MacCallum reforms of 1912 and Manning reforms of 1924 which set the stage for the embryonic



Hon. Dew Gunasekara, MP

germination of a system most divisive of communal harmony which laid the foundation of communal conflict and the communal divide.



The chandellier in the
parliamentary chamber.

The plethora of constitutional reforms continues

With the commencement of the Donoughmore constitution, there came into being a semblance of reversing the communal stance through the introduction of an administration depending on both communal consensus and interdependence. The committee system of government in the Greater London Council paved the way as an example and helped to integrate communal politics to produce a politically feasible unipolar system.

The Donoughmore Commission gave far reaching constitutional and administrative reforms including universal adult suffrage – male and female – the

first country in British Asia to receive one-person-one-vote and the power to control our own domestic affairs. A year after, having been offered dominion status, Ceylon was bestowed with independence from Britain and became a free nation based on the Soulbury constitution in 1947 with Lord Soulbury being appointed the first Governor General of the independent Ceylon, a nominal head of state much the same as the British monarch.

The subsequent new constitution in 1972 provided a break from the colonial past by replacing the Governor General with a non-executive President. This was a home-grown constitution framed by a Constituent Assembly. The 1972

constitution made the supremacy of Parliament absolute. Ceylon was renamed Sri Lanka and continued to be a member of the Commonwealth of Nations as a republic.

Also a main feature of the 1947 constitution was the adaptation of the Westminster model providing for a bicameral Legislature with the non-elective Senate and the Lower House comprising an elected membership by universal adult suffrage. In 1971, the Senate was abolished. In 1972 under the first republican constitution the unicameral Legislature came to be known as National State Assembly.

The 1978 constitution introduced an executive President which arose out of the political exigencies of the political party

then in power, the United National Party.

In the 1977 general election, the United National Party came to form a new government with a very comfortable majority. On 4 February a political metamorphosis took place with the then Prime Minister taking over the government as the first executive President appointed for a period of six years.

The new Parliament comprised 225 elected Members and 29 Members appointed by the President from a national list. The President may summon Parliament, suspend or prorogue legislative sessions and dissolve Parliament. The Parliament reserved the power to make all laws.



Workers in a tea plantation in Kandy, Sri Lanka's second largest city: political and ethnic power blocs have been created against a background of an economy dependent on its agricultural exports.



Political power blocs

One of the most significant and phenomenal transformations in the modern Sri Lankan constitution is the 13th Amendment of 1987 which introduced the devolution of power of Parliament and, to a lesser extent, the executive and the judiciary.

This was the result of the beginning of the lasting solution to the ethnic problem of Sri Lanka. The President – with constitutional authority, unlimited powers and in his absolute discretion – appointed senior bureaucrats. Supreme Court Judges and ministers of the cabinet too are appointed in the

same manner. The Supreme Court, the Appellate Court and lower courts comprised the judiciary.

The United National Party and the Sri Lanka Freedom Party, established in 1947 and 1951 respectively, comprise the two main Sri Lankan political parties with a predominately Sinhala membership.

The latter came to be formed by an important Minister of the United National Party crossing over to the opposition in 1951, thus becoming a powerful force especially in the rural areas and indigenous professional segments of the non-urban electorate. However both

parties embraced democratic values, the concept of international non-alignment and domestically fostering and encouraging Sinhala culture. Past differences between the two on foreign and economic policy have narrowed especially with the dawn of the new era of the open economy in 1977.

Historically, the Manning reforms set the pace – wittingly or unwittingly – as a forerunner to the present crisis. Governor William Manning distanced the Kandyan block from the Tamil Sinhala alliance. By 1921, the Ceylon National Congress broke up between the Sinhala and Tamil

memberships and never the twain have met since. Thus was born the Tamil Maha Sabai, and the Sinhala hard-core of the low country formed their own party.

Thus the perennial quote of divide and rule came to be a permanent feature of our 20th century history.

Even before the United National Party and the Sri Lanka Freedom Party were established, two Marxist parties came into being with the return of several young academics from higher education in the United Kingdom and the United States of America. They fell amongst the then young



Amendment to the 1978 constitution. The politics of Sri Lanka takes place in a framework of a presidential representative democratic republic whereby the President is the head of both the state and the government.

Since 1956, the socialist-prone Sri Lanka Freedom Party and the conservative United National Party have dominated the party system. The judiciary is independent of both the Legislature and the executive. The policies of Sri Lanka reflect the historical and political differences between the two main ethnic groups, the Sinhala majority and the minority Tamils.

The politics of the Tamil community was from time to time reflected in the agitation for recognition of their national identity and proper implementation of the 13th Amendment to the constitution regarding the powers that would have given the Tamil community more legislative authority with regard to the development of the north and east, which powers had been concentrated in the centre before 1987.

Rural development policies

Sri Lanka has been predominantly an agricultural country. The royalty being the sole owners of land, it was the medium of payment in return for the services rendered to the state by the kings' subjects. The hydraulic irrigation system in vogue and built by the kings was the source of abundant yields of agricultural products for the adequate satiation of the population.

It is against this economic backdrop that Colebrooke-Cameron arrived in Sri Lanka at the behest of the British government in 1833 to introduce a complete new system of services accorded to the state, now on payment of money for service. This was a complete break away from the earlier feudal economic system.

Though the lure of spices brought the Portuguese to the east

and especially to Ceylon in 1500, they were followed by the Dutch and then the British who introduced the plantation industry. In the post-independent era, trade liberation was unable to achieve a dynamic trade sector. Though the country had shifted to new exports, the export concentration was very high with little diversification. With the change of government, economic policies tended to change in order that capital flight was checked, and import substitution became the policy of the state in the early and mid-1970s.

With the onset of the more neo-liberal government in 1977, trade and economic policy had a complete reversal, opening the doors wide for the open economy.

Statistical pluses and minuses

Overall, exports have grown very slowly. For example, the export volume index grew from 100 to 143 in 1997 and in 2010 the import volume grew to 429. However, Sri Lanka can boast of a strong banking structure and network and it has not been affected by the global financial crisis. Public confidence in the finance sector is being maintained.

Per capita income being the barometer to gauge the level of development of a nation, from 1985 at U.S.\$377 it reached over U.S.\$3,000 by 2012. The Poverty Head Count Index has fallen nearly 50 per cent from 15.2 per cent in 2007 to 8.9 per cent in 2010. The target for improvement in this area is a three-per-cent decrease in 2016.

Electricity generation will be to 100 per cent by 2013. The average budget deficit in the last quarter century has been over eight per cent of our gross domestic product. But in 2011, it declined to 6.9 per cent. In the last three years, inflation had been at 3.8 per cent despite the fuel price increase. However, the trade deficit has widened sharply in 2011.

academics of the London School of Economics and such other universities and also subsequently got involved with the freedom movement of India.

Thus, the Lanka Sama Samaja Party came to be established in 1935 and the Communist Party of Ceylon followed suit in 1943. Both parties have left their indelible stamp in the social and economic fabric of the country, with the leadership even serving as Ministers in several successive governments.

The Tamil issue

The long, winding and checkered

history of the Tamil struggle led to the formation of the Federal Party under the more democratic and liberal leadership of Tamil politicians.

However after 1976, with frustration developing amongst the Tamil youth, some Tamils resorted to taking to arms. The 30-year conflict culminated in the elimination of the Liberation Tigers of Tamil Eelam terrorist movement in May 2009.

Now it is time to listen to the voice of the Tamil community and expand on the powers of administration already decentralized under the 13th



PROPORTIONAL REPRESENTATION: THE PROS AND CONS IN SRI LANKA

Proportional representation has had a chequered history in Sri Lanka and is reportedly unpopular with most of the country's Sinhalese majority; but a Minister argues that combining the best of PR with first past the post would give Sri Lanka a better electoral system.

Hon. Dr Jagath Balasuriya, MP, in Colombo.

Dr Balasuriya is currently the Minister of National Heritage. A lawyer educated in Sri Lanka, India, Germany and the United Kingdom, he was a Member of Parliament from 1989 to 2000, returning again at the 2010 election for the United People's Freedom Alliance. He has also been the Deputy Minister of Co-operative Development, Deputy Minister of Urban Development, Construction and Public Utilities and the Deputy Minister of Labour Relations and Productivity Improvement.



Hon. Dr Jagath Balasuriya, MP

This article illustrates some aspects of proportional representation as practiced in Sri Lanka, focusing on the system followed in parliamentary elections even though this form of representation is used at Provincial Council and local



government elections as well. Various views for and against proportional representation as well as the first-past-the-post system that prevailed earlier are quite prevalent in Sri Lanka.

American political scientist Arend Lijphart stress that "the electoral system is the fundamental element of representative democracy". The concept and method of elections vary in accordance with the type of political system and political organization. Free elections are recognized as legitimate and democratic; they are the source of legitimacy for the political leadership. Thus elections are of essential significance to any democratic country. As Italian political scientist Giovanni Sartori wrote: "They also shape the party

system and affect the spectrum of representation."

Voting systems

There are advantages and disadvantages in plurality representation and in proportional representation. The advantages of plurality representation are: it discourages party fragmentation, it promotes party concentration, it promotes stable government, it promotes political moderation, it encourages alternation in government and it enables voters to decide directly which political party should form the government.

The advantages of proportional representation are: it maximizes representation of opinions and interests in Parliament, it prevents excessively artificial political majorities, it promotes majorities by



A Sri Lankan guard carrying a ballot box after the provincial council elections in 2008.

negotiation and compromise, it prevents extreme political convulsions, it takes into account social changes and new political currents and it discourages the emergence of a cartel of established parties or a “dominate party system”.

Electoral politics in Sri Lanka go back to the early part of the 20th century. In 1931, with the introduction of universal franchise, a new political enthusiasm was created.

The first parliamentary general election was conducted in 1947, a year before independence from British colonial rule. The first Parliament was elected in 1947 under the Ceylon (Constitution) Order-in-Council of 1946. The election was held in a multiparty system. Till the 1977 election, all

the parliamentary elections were held under the first-past-the-post system.

As the 1978 Parliamentary Select Committee on the Revision of the Constitution pointed out, at the general election of 1970 the Sri Lanka Freedom Party (SLFP) with 36.9 per cent of the votes secured 91 or 60.3 per cent of parliamentary seats, whereas the United National Party (UNP) with 37.9 per cent of the total votes secured 17 or 11.3 per cent of parliamentary seats. In 1977 the UNP, with 50.9 per cent of the total vote secured 140 or 83.3 per cent of parliamentary seats whereas the SLFP with 29.7 per cent of the total votes secured eight or 4.8 per cent of parliamentary seats. Some political analysts say that because of this disparity, among other

reasons, one of the major political party Leaders and future President J.R. Jayewardene decided to change the election system.

Under the present electoral system, general elections are usually held every six years. To elect 225 Members to Parliament, the country is divided into 22 electoral districts and each district is assigned a specific number of seats depending on the district's population, with 196 seats distributed among the districts. Parties contesting in a given district are awarded a certain number of seats available from the district based on the votes received from the whole district. The remaining 29 seats are distributed amongst the contesting political parties based on the percentage of the national votes received by each

party. After the 1977 general election the system of proportional representation using the List System was incorporated into the constitution.

Pitfalls of PR

Prof. W.A. Wiswa Warnapala, a professor of political science and an active politician and electoral organizer who contested under the PR system, observed: “In Sri Lanka, the fact that the voter can mark three preferences led to both violence and corruption at elections.”

He further states that the system of proportional representation does not operate as a perfect system. The political culture of a country and the level of political development determine the efficiency and the acceptability



The Sri Lankan flag located at the front of the Parliament building.

of a system of representation of this kind.

There are basically two arguments against the proportional system of representation. One is that this system breaks the link between the MP and his/her constituency, thus removing the MP's accountability to constituency needs. Significantly, this becomes an issue in a country where constituency needs are a major factor.

The parties, in order to surmount the difficulties that arise due to the absence of a linkage between the MP and the constituency, appointed organizers to be in charge of the polling divisions (old electorates under the first-past-the-post system) and he/she who eventually becomes the candidate treats this division as his/her sole domain as far as the preferential votes are concerned.

The adoption of such an attitude and the attempt to prevent other candidates from eating into these resources creates animosities sometimes resulting in violence.

Yet another factor which motivates a candidate to indulge in violence to win at any cost is the fact that the MP is not held accountable to a constituency as in the past. Under the single-Member constituency system, the linkage with the constituency and the fact that his/her immediate supporters could be identified, acted as a safeguard against violence.

When taken in the ethnic context, a decisive 70 per cent of the majority Sinhalese population is not in favour of the proportional representation system as in force for a little over two decades, meaning growing displeasure with this system among the public. A majority of the Sinhalese are

displeased with this system more for the hardship and confusion caused to the voter rather than for racial or ethnic reasons. Most voters are of the view that if there was a referendum held to inquire as to the suitability of the proportional representation system, it would be defeated. The main reason for this would be that the social, economic and political backgrounds as well as the educational and appraisal systems prevalent in the developed Western countries are not prevalent in Sri Lanka.

A weak connection between voters and candidates

Even prior to obtaining independence, since the public voting system was established in 1931 and up to the general election in 1989, the first-past-the-

post system was in use. Under this system, there were comparatively few voters coming under one "seat", therefore the representative had an opportunity to be familiar with the constituents. On the other hand, the preferential vote system is based on a district electoral system. Under this system from six to 12 seats were amalgamated to form one electorate. Under the earlier system the maximum number of voters in an electorate was limited to between 50,000 and 80,000. However under proportional representation this number exceeds 1 million. Under such a system the public is not familiar with their representative and is hard-pressed to meet with them to fulfil their requirements.

In the present arrangement, the trouble-makers who are supporters of a candidate whose association with a particular area is



for the spread of ill-will among the “contestants”. Religion, race, caste, ethnicity and even locality can be emphasized by contestants in the hope of garnering at least one preferential vote.

Under the old system, a single representative is named from a single electorate. Thus the constituents evaluated him/her on the merit of the policies of the party and the candidate’s good will rather than by other factors such as race, religion, caste et cetera. However, in the PR system, since three preferential votes can be cast, even candidates from the same party can attempt to increase their votes by highlighting such factors. The PR system can lead to a recurrence of the characteristics of a feudal element.

Under the district electoral voting system, contestants have to traverse a large area to conduct campaigns. This calls for enormous funds and reduces their ability to meet with constituents on a “one-on-one” or “door-to-door” basis.

Finding good candidates

Through this system, “wealthy” people in society, who may have not done any public or social service, can be chosen to represent the people in Parliament. Any unscrupulous elements among such people are able to brandish their “MP” position to garner support for other activities. Not only do violence and intimidation raise their heads, but they can also be used commonly among supporters and even contestants as witnessed in elections past.

Due to the requirement of a fair amount of funds to carry out a campaign, scholars, intellectuals and professionals are loathe to join politics in Sri Lanka. By tradition a “social” hierarchy is established. Even though not fabulously wealthy, these socially accepted individuals can be elected to represent the people. This has led to the people losing confidence in their representatives and the

Parliament when their objectives are not met. A majority of the population is opposed to this system due to this fact. At one point in history postal workers, teachers and clerks were elected to Parliament to represent the people. However under the PR system this is only a dream. A popular film star or sports personality or a popular social figure can still garner sufficient votes to enter Parliament; but this is an exception.

Even though the literacy rate in Sri Lanka is comparatively high, the enormous funding and large paybacks which can be given by some rich politicians have created a tendency for the people to “sell” their vote for personal gains.

“What we need in Sri Lanka in future elections is a combined system with PR and plurality representation.”

Politicians have been known to organize musical shows, pilgrimages and parties inundated with liquor, and to promise roofing sheets, chairs et cetera in a socially degrading manner whereas eminent, distinguished people would not stoop to such acts and risk the chance of not being elected.

Further, even though the district PR system has been in effect for over two decades from 1989 to date, there is a very high percentage of rejected and spoilt votes.

In Sri Lanka, a citizen is “associated” with a public representative from birth till death. From the naming ceremony of a new-born, any significant event is required to be “graced” by the

representative. This was possible from previously small manageable areas. When an electorate is spread out across seven or eight former constituencies, the public find it hard to fulfil this requirement. They do not see the former “familiarity” they enjoyed with the representative.

The list system eliminates by-elections as the next in line on the list is appointed to fill any vacancy. Elected Members can therefore be in danger as they may be murdered by power-hungry unscrupulous politicians below them on the list. This has allegedly happened in local government councils.

The people of Sri Lanka expect a “peer” to be their representative and lose confidence in the system if “unreachable” people are elected to Parliament.

The best of both systems

The minor parties are in favour of proportional representation. They can hope to have a higher level of representation in Parliament through this system. However, if a mix of the two electoral systems is utilized, there would be less opposition to change from the minority parties.

The best system for a country like Sri Lanka is a combination of the first-past-the-post and the proportional representation systems, leaving out the anti-social features of PR that we have experienced and including its positive gains in enabling a maximum number of voters to be represented and their voice be heard so economic development is broad-based.

Indeed PR has also been of tremendous benefit to religious and ethnic minorities.

According to my observation, the majority of the Sinhalese people (who are 70 per cent of the population) do not like the pure PR system. What we need in Sri Lanka in future elections is a combined system with PR and plurality representation.

minimal can come to indulge in violence. Groups such as those said to be supported by underworld figures are then able to be retained by any candidate wishing to resort to violence. Before the introduction of the district-based proportional representation, violence was not widespread.

In some instances, it has been noted that under the district electorate basis – done to facilitate party politics – there has not been a single Member elected to Parliament out of three or four polling divisions. As a result the public there is hard-pressed to find solutions to day-to-day issues. This situation might well change with economic and social development. However, for the present it is very prevalent throughout the country.

Unlike in developed Western countries, in countries like Sri Lanka there is ample opportunity



UNITY IN DIVERSITY: TOWARDS A RAINBOW NATION

Democratic reforms will be critical to the reconciliation and rebuilding process as Sri Lanka moves on from a devastating civil war to be a united multicultural nation which celebrates its diversity instead of being divided by it, says a senior Minister and Leader of one of the parties in the governing alliance.

Hon. Vasudeva Nanayakkara, MP, in Colombo.

Mr Nanayakkara is the Minister of National Languages and Social Integration and the Leader of the Democratic Left Front (DLF) in the governing alliance. A lawyer, he was first elected as a Member of Parliament in 1970 for the Trotskyist Lanka Sama Samaja Party (LSSP), a party he joined as a student in 1958. Mr Nanayakkara later left the LSSP and in 1977 formed the Nava Sama Samaja Party with some former members of the LSSP. He is a former presidential candidate in Sri Lanka.

All animals exchange information to survive. However, human language is unique. It is (whether spoken, signed or written) capable of recreating complex thoughts and experiences in words. Human language was a pre-condition for the emergence of culture, which made possible the development of complex human civilizations. Human language makes possible the exchange of abstract and complex thoughts, which play a crucial role in maintaining social relationships in societies.

Languages not understood by one another tend to keep people apart. At the same time, communities seeking dominance will use language as a weapon of distinction. Language played a crucial role to fuel the conflict in Sri Lanka. Under the leadership of H.E. Mahinda Rajapaksa, we ended the bloody war which devoured our youth, resources and hopes for decades. During this war, the diverse communities that make up Sri Lanka were driven apart

from each other by the forces in conflict, whilst mutual suspicion prevailed among the people.

The challenge before us now is to identify the strength of unity in diversity and thus bring the people into one another's warm embrace. The unification of the Sri Lankan nation can only take place on the basis of equality, a precondition for economic development in Sri Lanka.

Unity through learning each other's language

The Ministry of National Languages and Social Integration has many programmes to unify the hearts and minds of Sri Lankans. Language training for civil servants and awareness-raising on the Bilingual State Language Policy are two very important programmes. Moreover, we systematically carry out language audits to make sure that the State Language Policy is implemented in all state institutions in the country. At the moment, we are building



Hon. Vasudeva Nanayakkara, MP

Language Societies throughout the country to build a broad people's movement to learn the national languages. The teachers and facilities for this endeavour are provided free of charge by the ministry. These Language Societies are also entrusted with the duty to monitor the implementation of the State Languages Policy in their respective areas.

We have faith in our people and we aim to mobilize them for social transformation through inter-



community programmes which involve cultural events and sports. Mere legislation will not change the course of history. It follows peoples' motivated intervention.

Through our social integration programmes, we strive to bring together the communities that were driven apart by the violence and hatred of the 30-year war. We are carrying out programmes to reintegrate refugee returnees and former combatants with the resettled people. Through youth camps, school exchange programmes and "shramadana" (clean-up) campaigns, we attempt to bring youth from diverse ethno-cultural backgrounds together.

Moreover, through the issuance of civil documentation such as identity cards and birth certificates, which had been lost due to displacement during the conflict or due to other reasons including backward living conditions, steps are taken to bring them into the mainstream of society. We also carry out empowerment programmes for underprivileged

groups like the disabled and widows, particularly those who lived in the conflict areas. The ultimate aim of all these attempts is to unite the Sri Lankan nation on the basis of equality.

Democratic reform for a united nation

The government must reorganize the elected representatives of the people and let them exercise provincial powers in full. How much power shall be exercised by the Provincial Council can remain open with the assurance that the Tamil-speaking Provincial Councils will have no less power than those in Sinhalese provinces.

Ending the war has created space for democratic reforms in Sri Lanka. Under the leadership of President Rajapaksa, the country is gradually and firmly moving to establish provincial and local representative bodies. The emergency regulations have been lifted.

Local government elections are held throughout the country

including in the north. Soon, the Provincial Council elections will be held, Northern Province included. This has provided an opportunity, after many decades, for the Tamils to elect their own representatives to local bodies, a large majority of whom are from the opposition Tamil National Alliance (TNA).

In order for Sri Lanka to gain a higher level of well-being for its people, we have to ensure that all communities are treated with dignity on the basis of equality. Sinhala as well as Tamil extremism have always mutually reinforced one another for their political existence at a great cost to the communities whose interests they allege to champion.

A section of the Tamils led by the "two nations-two countries" concept led to the destructive war. At present, the TNA talk in terms of "two nations-one country".

However, more and more Tamil people are beginning to think in terms of "one country-one nation" based on the recognition and protection of all communities and their identities. The challenge before the government is to turn this hope into reality.

Democracy for the Tamil areas

But the de facto situation in Tamil and Tamil-speaking provinces is far from the essential levels of governance by the people's representatives. The example is the Eastern Province where ex-military men head the provincial power centres and exercise their will above those of the peoples' representatives. This situation will drive the Tamil people to think more and more in terms of "two nations" concept.

The government should therefore speedily establish civil executive machinery which will heed the elected representatives of the people and thus provide the necessary conditions to win the Tamil people to the "one nation" politics.

This is the only way to bridge

the gap in the Tamil politics and the centre. As in any other country, we too have the hawks who preach the hard line.

The post-war Tamil political agenda should not get carried away by old exclusivist and separatist currents. Hence, the reasonable concerns of all communities should be taken into consideration in formulating a future Tamil political vision.

The new Tamil politics will thus move away from unilateralism and believe in a flexible dialogue in sincerely exploring the possibilities and capacities for a common future in an undivided Sri Lanka. The Sinhalese should realize that equality, security and the recognition of Tamil identity in the form of meaningful autonomy in Tamil areas will be non-negotiable in any future political accord.

The Lessons Learnt and Reconciliation Commission has come up with a report with commendable recommendations which need to be speedily implemented by the government to indicate our commitment towards reconciliation. The Parliamentary Select Committee appointed by the government to discuss and reach a consensus will become meaningful and successful only to the extent of the reconciliatory progress.

Celebrating diversity

Political reforms and social cohesion are dialectically related. The greater the reforms, the more cohesive will become the society. The more cohesive the society, the more space will be created for greater democratic reforms.

We envision one Sri Lankan nation with sincere bonds of bilingualism.

It will be a multi-ethnic and multicultural Sri Lankan nation. Like the colours of the rainbow, we harmonize the rich ethno-cultural diversity that gives beauty and character to the Sri Lankan nation. Our diversity should be the strength of our unity.



WHAT IS NEXT? THE COUNTRY, ITS PEOPLE AND THE WAR AGAINST TERROR

Sri Lanka was a peaceful multicultural country for thousands of years until, says a veteran Minister, a devastating terrorist war was unleashed on its people. The Minister argues the war is still being fought through international propaganda seeking to undermine the country's reconciliation, rehabilitation and recovery programmes.

Hon. Nandimithra Ekanayake, MP, in Colombo.

Mr Ekanayake is a Member of Parliament for the United People's Freedom Alliance and is the Deputy Minister of Higher Education. He was first elected to the Parliament in 1989. He became Minister of Forestry and Environment in 1997 and in 2000 he became the Minister of Local Government and Provincial Councils.

After several years in that post he took over the political leadership in the central province as the Chief Minister. He was elected to the current Parliament in 2010.

Educated in Norway and the Institute of Social Order in Manila, he also attended the School of Social Services in Sri Lanka and possesses diplomas in professional social work and community development.

A 30-year war against terror which took the lives of thousands and terrorized and halted the development of an entire nation was finally put to an end by the government of Sri Lanka. In May 2009, with the defeat of the Liberation Tigers of Tamil Eelam (LTTE), all citizens of Sri Lanka felt a sense of relief, a sense of hope for the future. For the people of Sri Lanka this victory meant nothing less than a safer and brighter future.

It has been almost three years since the Sri Lankan Humanitarian Operations eradicated the bloodthirsty Tamil Tiger terrorist menace. With the end of the war, Sri Lanka was faced with numerous challenges, all with their own uniqueness and complexity.



Hon. Nandimithra Ekanayake, MP

The leaders of Sri Lanka, with the support of its citizens, have been able to develop and implement strategies to overcome these new challenges and to ensure sustainable peace and development.



The Gold Buddha at the Golden Temple in Dambulla. Almost 80 per cent of Sri Lanka's population are Buddhists.



Harmony disrupted by terror

Sri Lanka is a predominantly Buddhist country with almost 80 per cent of its population being Buddhists. However, Hindus, Christians and Muslims have been co-habiting in this country for thousands of years. It is not a rare sight to see a Buddhist who goes to the temple also attending a Hindu kovil (temple), celebrating Christmas and also enjoying the Ramadan dinner with his Muslim neighbour.

The people of Sri Lanka lived together in harmony for many generations. Mutual respect for all religions and nationalities is a core value of all Sri Lankans. If this is the case, one might wonder why Sri Lanka could descend into civil war for almost three decades. What one needs to understand is that this war was not between the "Sinhalese" and the "Tamils". This was a war against terrorism. Recalling the tragic events from not too long ago when the world's super powers were threatened by acts of terror, it proved to the world that no nation is immune from terrorism.

The government of Sri Lanka has always understood its responsibility towards its citizens. The LTTE child combatants killed hundreds; adults barely out of their teens became suicide bombers and killed thousands. They too were victims of the war against the LTTE. Never given a chance to choose, they were robbed of their innocence and dignity and were poisoned with hatred and animosity.

This is why the present as well as past governments of Sri Lanka considered war as a last resort. This is exemplified by the numerous attempts the government made to reach out to LTTE leaders and come to a mutually agreed resolution. However, all these attempts were fruitless as the LTTE violated conditions of cease fires on numerous occasions and failed to

comply with negotiated terms. The government then had to take action in order to protect the lives of the millions of innocent Sri Lankans who lived in a constant state of terror every single day for almost 30 years.

New beginnings, new challenges

The government as well as the people of Sri Lanka understand that although the war against terror has finally ended there is much to be done in order to achieve lasting peace and sustainable economic, social and cultural development. Among the new challenges Sri Lanka is facing today are the pressing issues of resettling the Internally Displaced Persons (IDPs), rehabilitating ex-combatants, rebuilding the former conflict zones and demining war zones. The reconciliation process includes constitutional, legal and democratic reform. The government of Sri Lanka addressed these challenges head-on, taking the initiative to develop a home-grown resolution customized to protect and preserve the rights of Sri Lankan citizens and Sri Lankan cultural values and traditions.

To date more than 95 per cent of IDPs have been resettled in the Northern and Eastern Provinces. These civilians were rescued by the Sri Lankan forces as they were taken hostage and held as a human shield by the LTTE. Contrary to misleading and unjustified statements reportedly made by organizations such as Amnesty International, the rescued civilians were accommodated in camps, prepared in advance by the government, where their security was guaranteed and food, shelter, healthcare and other facilities were provided. This was one of the fastest resettlement operations in recent history.

The Sri Lankan government supplied food and other basic necessities including medical care to civilians and LTTE combatants



not only post-conflict but even during the conflict, including the final stages of the humanitarian operation. The government of Sri Lanka took measures to ensure that any human being, including an armed terrorist, was not deprived of basic needs. Sri Lanka is one of the few countries to extend medical assistance to wounded terrorists on the battlefield. The government of Sri Lanka spent millions of rupees maintaining hospitals and other medical facilities in the areas under the control of the Tigers at that time.

The reconciliation process

The Sri Lankan government established the Lessons Learnt and Reconciliation Committee (LLRC) in May 2010, only 15 months after the conflict ended. This independent committee was established in order for the government to obtain a comprehensive and in-depth understanding of the issues at hand. To ensure the rapid and effective implementation of the

recommendations made by the LLRC, the government established the Inter Agency Advisory Committee (IAAC).

In accordance with the recommendations made by the LLRC, the government has reduced the number of high-security zones and closed detention centres that held terrorist combatants. The government established many rehabilitation programmes for ex-LTTE combatants and successfully integrated them into society. The government has taken the initiative to resolve land disputes in the northern and eastern regions and to facilitate the surrendering of illegal weapons.

Furthermore, the government is implementing a National Action Plan for the Protection and Promotion of Human Rights, which was approved by cabinet in September 2011. This action plan addresses areas such as: civil and political rights, economic, social and cultural rights, children's rights, labour rights, migrant worker rights,



prevention of torture, women's rights and the rights of IDPs. In addition, a national language policy has been implemented and additional Tamil-speaking police officers were recruited by the Sri Lankan Police Force. The 18th amendment to the constitution of Sri Lanka was adopted in September 2010, under which independent commissions such as the commission to investigate allegations of bribery and corruption, Public Service Commission and Finance Commission were established and the Human Rights Commission was re-established in March 2011.

Resuming full focus on development

The policies and strategies implemented based on the "Mahinda Chinthana – Vision for the Future", a concept introduced by His Excellency President Mahinda Rajapakse, the nation has discovered rapid economic growth. During the past five years the economic growth rate exceeded

seven per cent, per capita income doubled and the unemployment and inflation rates have plummeted to one digit.

The nation's economic strategy has realized the Millennium Development Goals well in advance of the target dates set by the United Nations.

Following the leadership of President Rajapakse, the government intends to achieve sustainable development through five key hubs: energy, naval, aviation, commerce and knowledge. The current Sri Lankan economic action plan places top priority on the rapid development of the war-affected areas of the Northern and Eastern Provinces.

Barriers to success

Despite the many efforts undertaken by the government, ours is still a developing country. It is resource-constrained. The country and its leaders can only operate within its capacity and the availability of key resources. However, the country has

benefited from the leadership of the President, who has provided the necessary guidance for an initiative to put in place the necessary strategies to discover our nation's true potential.

Even the world's super powers can only do so much when it comes to complex issues such as integrating a society and rehabilitating ex-combatants who had been brainwashed from childhood.

Clearly, it will take time to resolve these types of issues. It takes time for these 30-year-old wounds to heal. But what is important is that the necessary systems are in place to address these issues. If the UN and member states look at the strategies Sri Lanka has developed to resolve these issues with an open mind, they will surely understand not only that this country has faced these challenges head-on, but also that the country is utilizing very effective methods to resolve these issues.

The government has always valued the concept of transparency and objectivity. Out of respect for international commitments and respect for diplomacy, it has continuously informed the international community on its efforts to eradicate terrorism and rebuild the nation. As a member of the United Nations, Sri Lanka has kept member countries, observers, the High Commissioner for Human Rights Council briefed periodically during the conflict as well as after the conflict.

However, it is unfortunate that the very organizations that the world relies on to be impartial, objective and transparent may at times lack these fundamental values. If these organizations, do not exercise such core values, their existence becomes questionable. It is unfortunate that Sri Lanka has become a victim of unacceptable levels of selective scrutiny.

This concern was confirmed when claims that we consider to be unjustified were made by the

United Nations Secretary-General, accusing the government of Sri Lanka of human rights violations as well as by the United Nations Human Rights High Commissioner who stated that the 30-year civil war fought against one of the most ruthless terrorist organizations in the world was a mere "guise". Sri Lanka has been a member state of the UN, respecting its commitment to safeguard and promote human rights as well as other international commitments. Hence, Sri Lanka deserves to be treated with objectivity and impartiality and deserves equal protection from this organization.

United of communities, unity of purpose

Having overcome the war against terrorism, the country is faced with many unique and complex challenges. The government is composed of representatives from all nationalities, Sinhala, Tamil and Muslim. They have together developed solutions to overcome these challenges. The government has made rapid progress in the implementation of resolution strategies. It is clear to anyone that only a home-grown resolution will take in to consideration the interests of all nationalities, cultures and religions in Sri Lanka. No foreign prescribed resolution will provide this level of customization nor will it have the pure intention to serve the people of Sri Lanka.

My humble appeal, not only to the Commonwealth family of nations but also to the world at large, is to throw away the bogus and manipulated allegations against Sri Lanka that are led by LTTE supporters around the world and by others who have hidden agendas.

Leave aside pre-conceived notions about our country and evaluate the progress we are making with an objective state of mind. Let's work together to rebuild this nation and to fight against terrorism as one united force.

FROM CROWN COLONY TO REPUBLIC – FINDING A PATH AROUND THE PITFALLS

One of Sri Lanka's longest-serving Parliamentarians traces his country's constitutional history through successive attempts to introduce ever-more representative and responsible forms of government that would unite the nation instead of fostering its divisions.

Hon. John Amaratunga, MP, in Colombo.

Mr Amaratunga is a senior Parliamentarian and lawyer who is Chief Opposition Whip in Parliament. He has been a representative of the United National Party in Parliament since 1978. He has been Deputy Minister of Finance and Planning, Minister and Minister of State for Foreign Affairs, and Minister of Provincial Councils, Home Affairs, Interior and Christian Affairs.

The Commonwealth has, probably quite rightly, been often described as a gathering of "old boys" of the British Empire. If that be so then we joined the club way back in 1796 with the arrival of the English fleet on our shores. That they were to stay for a long time was affirmed in 1802 at the Treaty of Amiens. Their presence though was then confined only to the maritime provinces.

Almost simultaneously in 1802 was set up the "Advisory Council". This was a far cry from representative democracy; but nevertheless in it could be found the embryo of democratic government in so far as it might be termed as consultative government.

It was from these meager beginnings that grew, as we shall soon see, the fully-fledged



Hon. John Amaratunga, MP

democracy that we have today – all the while continuing to be members of the "old boys" club.

To digress for a moment: in 1815, with what has now come to be known as the Kandyan Convention, the British presence that had hitherto been confined to the maritime provinces encompassed the whole island

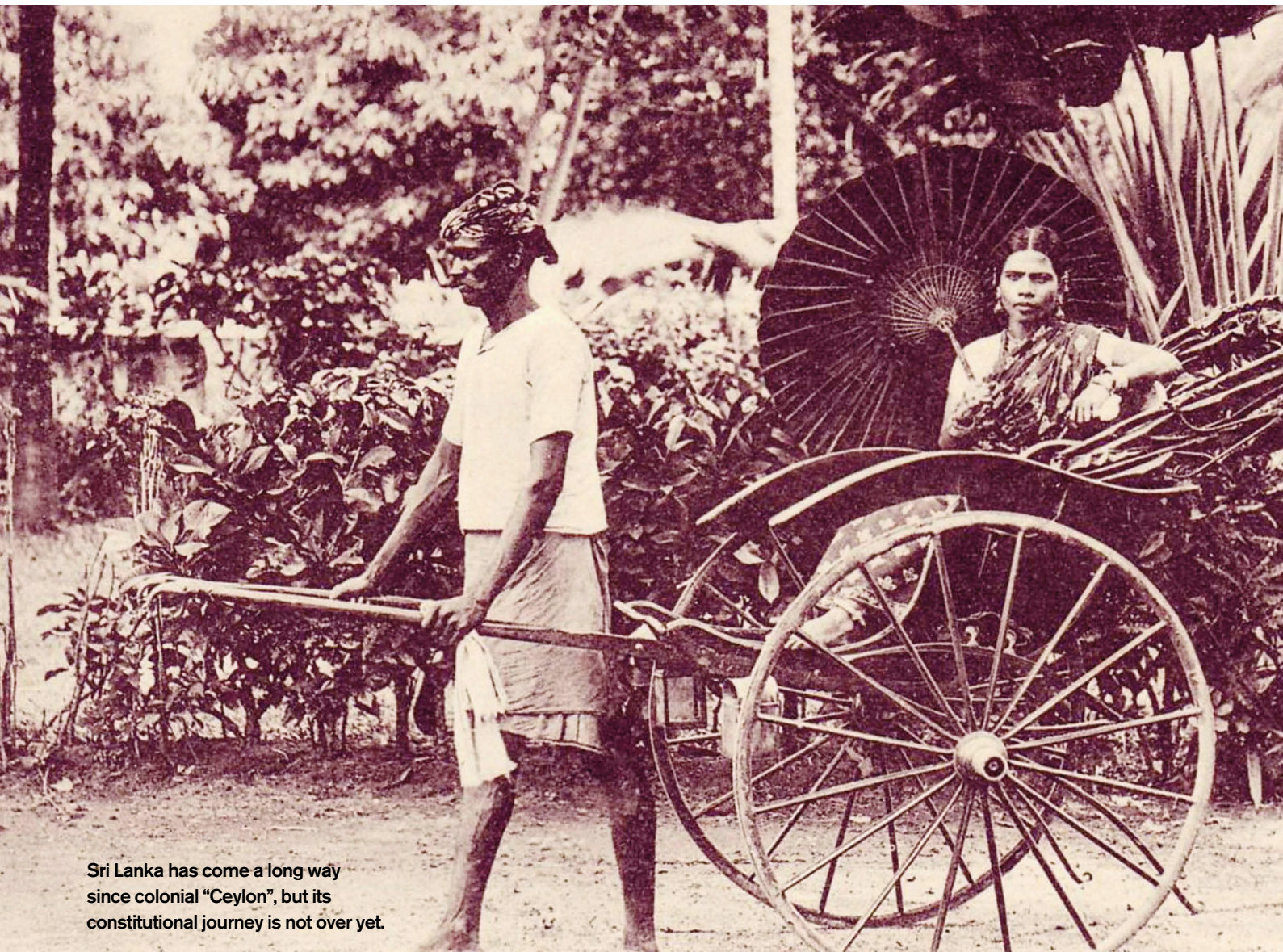
and we became a Crown Colony. In that sense we were never part of the British Raj governed from Calcutta and subsequently from New Delhi.

Moving slowly to representative government

To get back to the system of governance, the Governor-in-Council continued until 1833 and the introduction of the Colebrooke Cameron Reforms.

The Colebrooke Cameron Reforms faced more than their fair share of resistance from the local British administration in the island, led by the Governor himself. Simply put, in their perception, it was nothing but a total erosion of their powers.

Nevertheless the reforms went through and saw the establishment of a Legislative Council comprising



Sri Lanka has come a long way since colonial “Ceylon”, but its constitutional journey is not over yet.

nine officials and six unofficial Members, the latter to consist of three Europeans and three locals.

This was a far cry from government of the people, by the people and for the people. But in it was seen the seed of a movement that would ultimately shift the island away from a monarchist feudal structure that had been the country's inheritance from time immemorial – in fact throughout its recorded history of over 2,500 years.

The reforms also created an awareness of the existence of a system of governance apart from and over and above “dictates from above and divine rights”: a system which I would like to term

“participatory government” – in appearance even though it might not be so in form.

Apart from the system of governance, the reforms also saw the growth, though slowly, of an entrepreneurial class which in turn gave birth to a middle class, an educated class and a slowly emerging professional class.

This resulted in the demand for more reforms, more participation and more democracy and ultimately led to the introduction in 1910 of the elective principle by Ordinance No. 13, though on a limited and restricted scale. Income and education were to be the criteria for admittance as electors.

The agitation for reform

continued and by 1920 the slowly expanding Legislative Council consisted of 37 Members, of which approximately half were elected through a restricted electorate.

By 1924 (Orders-in-Council of 19/12/23 and 21/3/24 and Proclamations of the Governor 19/2/24) the Council consisted of 12 officials, three nominated officials and 34 elected representatives. This Council had the power to pass legislation; but this required the Governor's assent – a long way from the Advisory Council of 1802, but yet lacking the essentials of democracy.

Communal representation

By now, nevertheless, it was felt in

England that the people of Ceylon (Sri Lanka) should be given through their representatives a greater share – and consequently a greater measure of – responsibility for their own affairs. A Commission headed by Lord Donoughmore was appointed in late 1926 and arrived in the island in 1927.

Their views on three matters which merited their consideration are worth repeating here:

“We feel that there is considerable justification for the argument that only by exercising the vote the political intelligence to use it can be developed.

The development of responsible government requires,



in our opinion, an increasing opportunity to the rank and file of the people to influence the government". (This is a reference to a wider and more equitable franchise.)

"It was generally admitted, even by many communal representatives themselves, that the communal form of appointment to the Legislative Council was a necessary evil and should only continue until conditions of friendliness and acknowledgment of common aims are developed among the different communities. It is our opinion, however, that the very existence of communal representation tends to prevent the development of these relations, and that only by its abolition will it be possible for the

various diverse communities to develop together a true national unity."

"Communal representation" they said, "was like a canker in the body politic eating deeper and deeper into the vital energies of the country."

"The possibility of introducing proportional representation as an unobjectionable method of securing [the] representation of minority communities engaged our serious attention. We considered the various modifications of this principle which are in practice including that in Germany.

"We came however to the conclusion that the large areas required (including the difficulty of securing personal contacts between a Member and his

constituents) and the somewhat complicated system of voting made proportional representation unsuitable for the needs of Ceylon."

Having said that, they introduced universal adult suffrage to Sri Lanka with all persons over 21 years of age entitled to vote. The last election under the Colebrook Cameron Reforms was held in 1924 with a total electorate of 204,997 electors. The first election with universal adult suffrage introduced by the Donoughmore Constitution was held in 1931 with a largely increased electorate of 1,598,610 votes.

The Donoughmore Reforms put in place a State Council with a total of 61 Members, 50 elected,

eight nominated and three Officers of State.

More new constitutions

The Donoughmore Commission was followed by a Commission led by Viscount Soulbury which fashioned an entirely new constitution which was in effect a virtual replica of the British parliamentary model.

Elections were held in 1947 and Sri Lanka (Ceylon) gained full independence in 1948 with the British sovereign as its Head of State represented here by a Governor-General.

The Soulbury Constitution, as the new constitution came to be known, was replaced by the homegrown first republican constitution in 1972. The most



salient feature of this was the breaking of our constitutional ties with the British Crown and becoming a republic.

The bicameral Legislature which had hitherto governed Sri Lanka gave way to a unicameral House. Nevertheless, we yet continued with the British pattern with the British sovereign being replaced by a non-elected non-executive Head of State in the form of a President and a Prime Minister as Head of Government and present in the House (now called the National State Assembly).

Ceylon changed its name to the Republic of Sri Lanka.

In 1978 we enacted for ourselves a hybrid system of government combining features

from the British, French and United States models. The National State Assembly renamed itself as Parliament.

We continue with a unicameral Legislature.

Incidentally, we changed our name again – this time to the Democratic Socialist Republic of Sri Lanka.

We also completely abandoned the socialist economic policies which we had followed since about the 1960s, introduced free-market policies and moved away from state capitalism.

Avoiding the same holes

Politically the Donoughmore Commissioners warned of the many dangers of communal

politics and proportional representation.

Wittingly or unwittingly we have introduced communal politics through proportional representation – not only are the electors now dividing themselves along the lines of the major ethnic and religious communities, they are now dividing themselves along even narrower lines.

The ethnic divide has progressed into a religious divide which in turn has progressed into a caste divide. It is so among all communities. So now not only must your ticket accommodate ethnic interests but it must also take into account the religious interest and then move on to caste interests.

Are we in fact going forward or

backward, politically, socially and economically? I would like to recall an apt Sinhala saying that describes the situation: "It looks like we are going to fall in broad daylight into the some hole that we fell into in the dark of night!"

The situation, however, is not as dismal as it seems. It is common knowledge that the government is seriously engaged in the task of nation-building. They are in the process of evolving lasting solutions to the burning problems that face the nation, be they economic, social or ethnic; solutions that would give each citizen his or her due place. In that, the collective experience of the Commonwealth Parliamentary Association will be a great source of strength.



THE ROLE OF PARLIAMENTARIANS IN UPLIFTING WOMEN

Sri Lankan women are prominent in all sectors of the country's society and economy except one: Parliament. Despite being unsurpassed in their region in other social indicators, women still have a long way to go in raising their parliamentary status, says one of its comparatively few female MPs.

Hon. Dr Sudharshini Fernandopulle, MP, in Colombo.

Dr Fernandopulle has been a Member of Parliament since April 2010. She was elected to Parliament representing the United People's Freedom Alliance. She is a Specialist Medical Officer. She has an MBBS and MSc in Community Medicine. She is the Chairperson of the Jeyaraj Fernandopulle Foundation.

The Universal declaration of Human Rights states: "All human beings are born free and equal in dignity and rights". Hence, protection of women's human rights is important and it helps to achieve sustainable development in any country.

Millennium Development Goal three too focuses on women's empowerment. Parliament, as the highest law-making institution which exercises political power, should be committed to achieving the Goals. Therefore, Parliament has a crucial role to play in contributing to uplifting the status of women. The Sri Lankan experience provides a classic example.

Emergence as full partners

Sri Lankan women have achieved progress in all sectors over the years. Parliamentarians have



**Hon. Dr Sudharshini
Fernandopulle, MP**

contributed immensely in achieving such national goals so far. Parliament has already enacted a large number of progressive laws and established strong institutional frameworks which have contributed to uplifting women.

Sri Lankan women had been living in a male-dominated society from ancient periods; but now their position has changed and they play

multiple roles from being mothers, wives and homemakers to contributing directly to the country's economy. Compared to other South Asian countries, Sri Lankan women enjoy equal rights without being subjected to discrimination. They are represented in socio-economic and political sectors and enjoy equal rights under national, civil, and criminal laws.

In 1931, women were given suffrage and after the introduction of the open economy in 1977 the traditional roles and responsibilities of women changed from being homemakers to being active participants in the labour force, contributing to the country's economy. Women's contribution is visible in all national development strategies.

The performance of women and children, including female



Recent findings suggest that the social benefits from investing in female education are far greater than those from investing in males.

2.3 and most indicators are considered the best in the region and on a par with some of the developed nations. The infant mortality, child mortality and under-five mortality rates are 10.1, 11.4 and 21 per 1,000 live births respectively, with no obvious gender discrimination. However geographical variations exist.

Net primary school enrolment is 97 per cent for both girls and boys, while literacy rates among young people aged 15-24 are 97 per cent for boys and 98 per cent for girls. In 2008, the ratios of girls to boys in primary, secondary and tertiary education are reported as 99, 105.7 and 187 respectively while the ratio of literate women to men aged 15-24 increased from 100.9 in 2001 to 101.8 in 2006/07. Despite being a lower-middle-income country, Sri Lankan indicators show gender equality on a par with the developed nations.

Social and economic leadership

Value placed on women in the Sri Lankan society is remarkably high when compared to the other countries in the region. Gender-based discrimination is minimal in all sectors and is clearly reflected in all indicators. These factors together with the high literacy rate have empowered women in decision-making, especially when it comes to child caring and rearing practices. The universally recognized achievements are attributed clearly to the free education and health provided by successive governments and considered as long-term investments for the country's human development.

Progress in medicine, education, environment (both physical and social), gender and race relations, public policy, improvements in infrastructure and many social areas have made, and will continue to make, important contributions towards empowering females. Sri Lanka is a rare example where social

children, is unique in Sri Lanka. Life expectancy for females is 78 years while it is 72 years for males, which is a great achievement for a country ravaged by terrorism for nearly three decades.

The literacy rate among females is 97 per cent. While the economic benefits of educating girls are similar in size to the economic benefits of educating boys, recent findings suggest that the social benefits from investing in female education are far greater than those from investing in male

education. Specifically, female education has powerful effects on the total fertility rate (hence on population growth), the infant mortality rate, the female disadvantage in child survival, and on child health and nutrition.

Achieving social benefits

There is very good evidence both nationally and internationally to demonstrate the powerful role of women's agency and women's educational empowerment in reducing desired family size, fertility,

population growth, child morbidity, child mortality and gender-bias in child mortality, while at the same time showing that men's education matters comparatively less to these important social outcomes.

According to the latest statistics, the maternal mortality rate is 39.3 per 100,000 live births and 96 per cent of pregnant women deliver in hospitals while 99 per cent have skilled attendance at delivery. The contraceptive prevalence rate is 68 per cent with a total fertility rate of



development preceded economic development.

Today, Sri Lankan women hold positions in all sectors such as the judiciary – where both the posts of Chief Justice and Attorney General are held by women – higher education, health, public administration and other civil society organizations.

Moreover, the female unemployment rate steadily decreased from 12 per cent in 2005 to 7.5 per cent in 2010. Sri Lankan women play a significant role in all development spheres, and the contribution of migrant workers, tea pluckers and garment sector employees to the national economy is enormous. In 2010, migrant workers who were employed mainly as domestic aids in the Middle East had remitted nearly Rs.280 billion out of the total

foreign employment remittance of Rs.465 billion. A significant portion of migrant workers are women.

Lagging behind in Parliament

Although the women in Sri Lanka have done considerably better than their counterparts in the South Asian region in many fields, we are far behind where politics is concerned. Although 51 per cent of our society is composed of females, their representation in Parliament, Provincial Councils and local government authorities is of great concern.

Although we produced the first woman Prime Minister in the world and a female executive President, we now have only 13 women Members of Parliament out of the total of 225 which is approximately around 5.7 per cent. They are a

mere 5 per cent and 1.8 per cent female representation in provincial and local government bodies respectively.

Of the 13 in Parliament, many either belong to a political family or are celebrities. The chances of a woman without any such background entering and surviving in this field are very remote. There is also reluctance by many females to engage in politics. The attitude of the general public does not favour females entering politics. Further, the preferential voting system, together with the violence involved, makes it difficult for female candidates to compete with their male counterparts.

Legislative powers to improve women's status

The Parliament is the highest law-making authority which contributes

to the promotion of good governance.

Parliamentarians have a critical role to play in spurring and sustaining national action towards achieving the Millennium Development Goals. Parliamentarians should use their legislative powers to support the development of comprehensive legal frameworks to enhance women's equality and their rights.

Parliamentarians could play a crucial role as partners of government and civil society in achieving gender equality, accountability and sustainable development.

Parliamentarians can contribute positively in preparing, updating and monitoring the implementation of gender equality plans, strategies and programmes by initiating effective legislation.



Sri Lanka's commitment towards gender equality is clearly evident in the 1978 constitution which protects women's rights under Articles 12(2) and 27(6). Article 12(2) opposes any discriminative actions based on sex and it further states that the state is able to take legislative or administrative actions for the advancement of women.

Furthermore, Parliament has enacted legislation to prevent gender-based violence including all forms of sexual harassments. These acts are: the Penal Code and its Amendments, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act No.30 of 2005, Prevention of Domestic Violence Act No. 34 of 2005, the Sri Lanka Bureau of Foreign Employment Act No.21 of 1985 and its

Amendments, Maternity Benefits Ordinance No. 32 of 1939 and its Amendments, the Shop and Office Employees Act No.15 of 1954 and Widowers and Orphans' Pension Act No. 24 of 1983.

Sri Lanka's legal age of marriage is 18 years for both men and women under the Marriage Registration (Amendment) Act No.18 of 1995 and teen marriages are very rare. The Women's Charter was approved by the government of Sri Lanka in 1993.

The Constitution recognizes women's equality based on The Universal Declaration of Human Rights of 1948.

In addition, the government has ratified many international treaties, covenants and declarations and protocols such as: the International Covenant on Civil and Political Rights of 1966; the International Covenant on Economic, Social and Cultural Rights of 1966; the Convention on the Elimination of All Forms of Discrimination Against Women of 1977; the Fourth World Conference on Women's Beijing Declaration of 1995, and the 1993 Vienna Declaration and Programme of Action of the World Conference on Human Rights.

Political commitment and institutional framework

The political will of Parliamentarians can play a vital role to ensure gender equality and dignity for all women at the domestic level.

In the Sri Lankan context, strong political commitment to ensure gender equality is evident at the highest level. H.E. Mahinda Rajapaksa, the President of Sri Lanka, has committed to providing equal status for women. It is stated clearly in the government's policy document "Mahinda Chinthanaya":

"Women make a major contribution to the economy of our country. The contribution of women in the plantation sector, in foreign employment and the apparel sector has increased significantly

over the years. In such a context, I believe that the women in our country should not be afforded "equal" status, but should be given "higher priority".

Further the livelihood development programme (Divi Neguma) of the government has focused on empowering females at household level by improving food security through promoting home gardening, backyard poultry and livelihood development.

Institutional frameworks help implement national legislation which contributes to maintaining law and order and the rules and regulations for implementation. The government has established a separate institution for women's empowerment called the Ministry of Child Development and Women's Affairs.

This is the national machinery entrusted to develop, implement, monitor, evaluate and co-ordinate the policies and programmes for the realization of the rights of women. It is responsible for the international human rights treaties formulated within the socio-cultural framework of Sri Lanka in order to ensure women's development and protection and ensure participation in all affairs.

The Women's Bureau of Sri Lanka was established under the ministry in 1978 for the advancement of women. The bureau ensures equal opportunities for women before the law and in the social, economic, educational, political and cultural fields through the promotion of equality between women and men. It safeguards the right of women to protect them from gender-based violence and mainstreams gender in all development policies and programmes to create awareness of women's rights as indicated in women's conventions.

The National Committee on Women was established in 1993 under the ministry with the objectives of achieving the convention that embodies government policies pertaining to

women. It has several other functions such as: to create awareness on women's rights as indicated in the women's convention, to receive and review complaints on indifferent treatments based on gender equality and refer them to relevant authorities and others.

Children and Women Bureau Desks, under the Sri Lanka Police, are also established to prevent violence against women.

Women Parliamentarians' caucus

The Women's Caucus provides capacity-building initiatives for women in Parliament. Furthermore, it creates an access point for advocacy by civil society and provides a focal point for women Parliamentarians to communicate with women's organizations in civil society.

The caucus was established in 2006 under Parliament to help to promote gender-related decision-making and discuss and debate gender issues et cetera. Women Parliamentarians can discuss country-related gender discrimination issues as part of the caucus. Further, Members of the caucus actively participate in parliamentary debates, including adjournment debates, on women's issues.

Discussions of gender issues in a women's caucus can improve women's confidence and their ability to articulate and address issues within their communities. Within the caucus, women are able to assist each other with information and access to women's organizations. Their approach is entirely apolitical.

Parliamentary caucuses can play a leadership role in the promotion of gender equality and the empowerment of women, in particular by working for gender equality legislation, overseeing its implementation, and ensuring that gender perspectives are systematically integrated in all legislation.



POLITICAL, TRADE AND ECONOMIC DEVELOPMENT ISSUES TODAY

Sri Lanka has grown from a great ancient civilization, through successive invasions and conflicts to become a united nation again, facing significant developmental and reconciliation challenges, says the Leader of one of the parties and a Minister in the governing alliance.

Hon. Wimal Weerawansa, MP, in Colombo.

Mr Weerawansa is the Leader of the Jathika Nidahas Peramuna (National Freedom Front) and the Minister of Construction, Engineering Services, Housing and Common Amenities. He joined the Janataha Vimukthi Peramuna (People's Liberation Front) in 1989 and became its propaganda secretary. He was first elected to Parliament in 2000. He is a journalist.

Geography and human settlement

Sri Lanka¹ is an island in the Indian Ocean, lying east of the southern tip of the Indian subcontinent. It is separated from India by a narrow strait called the Palk Strait. Sri Lanka has a land area of 62,705 square kilometres and 2,905 square kilometres of inland waters.

The early history of human settlement in Sri Lanka began around 30,000 years ago when the island was first inhabited, the descendants of whom constitute the current numerically larger group of Sri Lanka's population. The Sinhalese established the great "hydro" civilization with its complex irrigation and water systems, making cities such as Anuradhapura and Polonnaruwa the capitals.

This great "hydro" civilization was later destroyed by the invasions of South Indian Dravidian-speakers from across the Palk Strait.



Hon. Wimal Weerawansa, MP

The population of Sri Lanka now is 21 million.² The numerically larger ethnic group is the Sinhalese and next to them are Tamils, Muslims and Malays respectively.

Buddhism was brought into Sri Lanka in about 240 BC from India and is now the major spiritual and cultural foundation of Sri Lankans. In addition, there are followers of other religions such as Hinduism, Christianity and Islam.

Before European invasions in

the 16th century, 181 monarchs (including queens) ruled Sri Lanka in its recorded history of two and half millennia.

However in the 16th century, three European nations invaded Sri Lanka: the Portuguese, Dutch and British. In 1815 the entire nation was conquered by the British after fierce battles with its legitimate owners. Peace was restored later³ on signing a treaty between the Sinhalese and the British.

Sri Lankans resisted colonial rule and armed uprisings against the British took place in the 1818 Uva Rebellion and the 1848 Matale Rebellion.⁴

Sri Lankans finally regained their sovereignty rights and independence in 1948; but the country remained a dominion of British colonial rule until 1972.

Becoming a republic

In 1972,⁵ Sri Lanka became a republic by severing political, constitutional and judicial ties with



The fishing industry is among the industries that have to be relaunched to diversify the economic export market.

the British Empire. In 1978, a new constitution was introduced which made the executive President the Head of State.

The Tamil Tiger terrorists known as Liberation Tigers of Tamil Eelam (LTTE) began a separatist war in 1972 which was carried on for more than 30 years with the covert and overt assistance of certain local and international non-governmental organizations, some local and foreign governments, diplomats and others. However the Sri Lankan government forces conducted successful humanitarian operation and eliminated the LTTE⁶ separatist terrorism in 2009.

Normality, peace and government rule prevail now in all four quarters of the country, despite sporadic attempts by the disappointed local and foreign pro-LTTE diasporas to sabotage the country's on-going developmental and reconciliation drive.

Post-war development issues

In the context of post-war developmental and reconciliation processes, as a sovereign and independent nation Sri Lanka has to deal with the following substantive constitutional, political, trade and economic issues in order to ensure the territorial integrity, the

unitary nature of the Sri Lankan state, equal opportunities for all communities, good governance and law and order.

In the case of parliamentary elections, the present proportional representation system has to be re-assessed and a blend of the former system – first past the post – and proportional representation has to be worked out with a view to strengthening participatory democratic.

Also, constitutional safeguards should be introduced to prevent under- and over-representation of certain segments of the voting communities.

Strict constitutional provisions

should be provided to prevent any type of separation or secession which will jeopardize the country's geographical and territorial unity.

The right to education, right to information, right to health and other rights should be recognized as constitutional rights of all peoples.

The promotion and protection of local industries and technology has to be made a constitutional duty of the government.

Adequate legal and social safeguards should be provided for the protection of the environment.

The agricultural industry, the fishing industry and other small- and large-scale industries have to be relaunched in order to diversify the economic export market.

Adequate legal measures should be introduced to ensure food security.

Regional and external relations should be strengthened with a view to interacting as equal partners in international forums in order to secure the defence of the nation.

The promotion and protection of all human rights should be a high priority, within local means and realities.

Endnotes

1. Originally known as "Heladiva" meaning "Island of Sinhalese" to the natives and early foreign travelers. It was known as "Ceylon" by the invading British army.
2. Department Census and Statistics of Sri Lanka.
3. The Kandyan Convention signed on 2 March 1815, Sinhale and the Patriots by P.E. Peris, 1950
4. As the British violated the Kandyan Treaty, the local patriots resisted against colonial rule and the British army crushed the resistance killing hundreds of thousands of women, children, unarmed civilians.
5. First Republican Constitution of Sri Lanka
6. It is/was a banned terrorist group and also branded as the deadliest terrorist group in the world by the United States Central Intelligence Agency. LTTE introduced to the world human suicide-bombers and human shield against military attacks.

PARLIAMENTARY OVERSIGHT COMMITTEES

Sri Lanka's parliamentary committees have provided some effective oversight of the executive; but a senior economist who recently entered Parliament argues that many reforms are needed for committees to reach become truly effective watchdogs on behalf of the people.

Hon. Eran Wickramaratne, MP, in Colombo.

Mr Wickramaratne has been a Member of Parliament since April 2010 when he was elected from the national list of the opposition United National Party. A banker, he was the Chief Executive Officer of the National Development Bank from 2001 to 2010 and was formerly the Chairperson of the Information Communication Technology Agency, Vice-President and Corporate Bank Head of City Bank Sri Lanka and a Director of the Board of Investment. An economist trained at the University of London, he was also an Eisenhower Fellow.



Hon. Eran Wickramaratne, MP

Democracies vary in their balance between executive, legislative and judicial powers. Where there are executive presidential systems, it is even more important for Parliament to be an effective check on the performance of government.

In Sri Lanka, the position is further complicated by the situation, unusual for a large Parliament, that the majority of the government Members of Parliament are also senior Ministers, Ministers or Deputy Ministers, converting the majority in the Legislature into executive functionaries. Therefore those responsible for holding the executive accountable have been absorbed into the executive branch

of government in disproportionate numbers.

Parliament needs to fulfil its functions of representation, legislation and the oversight of the executive. Oversight committees have normally been for legislative reviews and scrutiny of Bills, for reviewing public accounts, expenditure and estimates, scrutiny of policies and administration, and sometimes the supervision of independent bodies.

Establishing a committee system

In 1947, with the adoption of a Westminster-style parliamentary system, Sri Lanka introduced the traditional select committees, consultative committees, standing committees and committees for special purposes. These committees were appointed under Article 74 of the constitution which empowers Parliament to make standing orders for the regulation of its business, the preservation of order at its sittings and any other matter for which provision is required or authorized to be so made by the constitution.

The republican constitution of 1978 and the executive presidency changed the nature of the

country's governance structure. Consultative committees were appointed to oversee every ministry. As a result today there are 54 consultative committees. There has been no major revision of this committee system since 1978.

There were so many committees but accountability had not increased. As a result the government of 2002-04, in an attempt to make the oversight committee system more effective, proposed 17 oversight committees based on sectors of the economy and the social-political system rather than ministries. A committee was to have between four and eight Members unlike committees today which have 31 Members. Three specialists were to be appointed from outside Parliament to assist with the work of each committee. The specialists would have no voting rights. These reforms did not see the light of day due to a change of government.

The composition of a committee reflects the composition of Parliament. Therefore, the majority of Members comprise those in government. In the first decade after independence, the chairmanship of committees was held by Members



of the opposition and subsequently by Ministers in government with the exception of the 2002-04 period of government where again opposition Members chaired committees.

Inhibited committees

Currently as each committee is chaired by the relevant Minister and also contains other Ministers, the oversight function has been impeded because officials are inhibited in expressing themselves freely as their executive bosses are also present at meetings. Taiabur Rahman, in his article “Parliamentary Control and Government Accountability in Sri Lanka: The Role of Parliamentary

Committees”, referred to the consultative committee system: “It’s fatally inhibited by the presence of its political head as Chairman of the committee.” Oversight Committees are a unique dimension of the accountability structure of Parliament if they are properly constituted and led by opposition Members and Backbenchers. Lord Sharman in his report best described it when he said: “Thus published annual reports work well as structured explanations by departments of achievement and progress, but do not have an interactive quality that allows the reader to ask further questions or seek explanations. Parliamentary

Above: The Speaker’s wing inside Parliament; Left: The clock inside the Chamber.



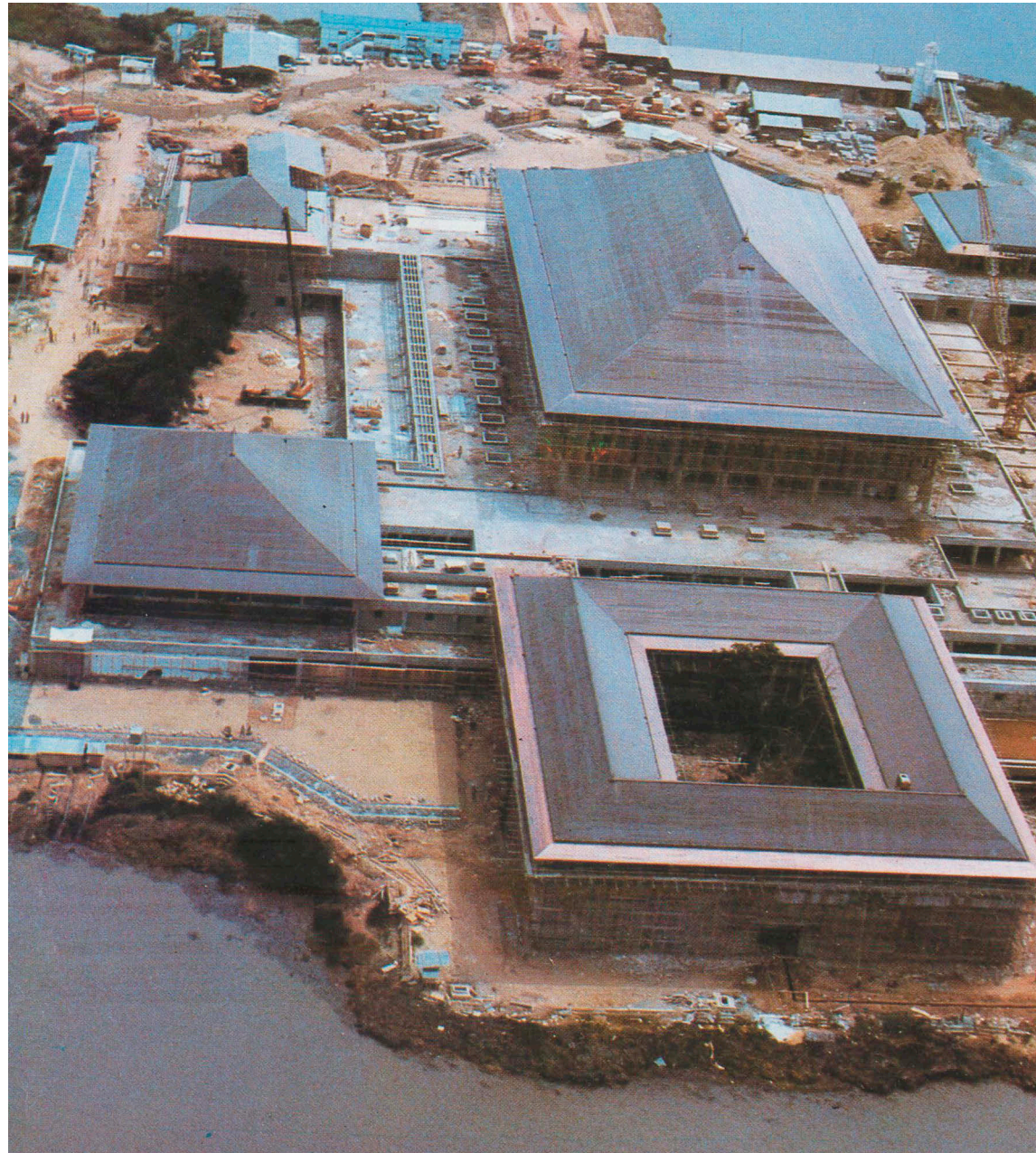
questions, on the other hand, are ways of seeking specific additional information or eliciting it in different formats. Committee hearings (where those responsible for decisions are actually present) are well suited to seeking justifications and explanations for actions, as well as obtaining agreement to correct or refine practices”.

Woodrow Wilson was quoted in 1885 as saying: “It is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee room is Congress at work.” This was because Congress referred work to the committees which in turn had to provide information for debate on the Floor of the House. Unfortunately, the above comment is only partially true of the Sri Lankan experience. It is my view that “Parliament in session is Parliament on public exhibition, whilst Parliament in its committee room has much to be desired.”

Partisan politics in committee

Committee meetings, with a membership of 31 and a quorum of four, have often been postponed due to the lack of a quorum. With regard to committees such as the Committee on Public Enterprises (COPE), a bipartisan approach appears to work as there is a clear common goal of getting public officials to be accountable.

However, in consultative committees where the legislative programme of a ministry is being reviewed, the general atmosphere – though cordial – does not result in a bipartisan approach to legislative enactments. The approach of the government appears to be that it is called to govern and the opposition to oppose rather than viewing the consultative committee as a means to evolve compromise, consensus and co-operation, particularly on legislation, with the exception of a few instances. It would not be misleading to say that over the past



two years of this Parliament, with the exception of one or two occasions, the government has not accommodated legislative amendments suggested at consultative committee meetings.

The prevalent idea is that legislation is the domain of the executive and is brought to Parliament for approval. This is in stark contrast to the United States congressional committee system where Bills and resolutions are sometimes initiated, considered and moved in the House or Senate.

In practice, consultative committees do not deliberate on

legislation but are opportunities for MPs to bring administrative and executive matters to the attention of Ministers, to seek clarification from officials and to clarify the policy position of government.

Financial oversight

Article 148 of the constitution gives Parliament full control of public finance. However, there is no budget appropriation committee, or parliamentary office of the budget.

The Public Accounts Committee largely monitors post-facto expenditure against

budgetary allocations. The lack of a consultative process on budget-making also does not permit a bipartisan approach on financial matters. So to give effect to Article 148 of the constitution is a challenge.

Since President Dingiri Banda Wijetunga retained the finance portfolio in 1993-94, the authority of Parliament over finance has diminished and created a conflict between the powers of the Legislature and the executive. Even though Article 44(2) of the constitution provides that the President may retain any subject or



An aerial view of the Parliament building under construction.

responsible to Parliament. Even though the present President attends most meetings of the Consultative Committee on Finance in Parliament, the fundamental issue on the separation of powers and accountability remains. A month-long budget debate will happen with the Finance Minister – in this case the President – only being present in Parliament at the beginning of second reading to present his proposals and at the close of the debate.

Strengthening the post of Auditor General

The Auditor General is the critical link between the public sector, Parliament and society. The Auditor General subjects the public sector to regular independent investigations and review. The Auditor General is the principal informant on the performance of government enterprises. In many Commonwealth countries, such as Australia and New Zealand, the Auditor General is an officer of Parliament and in the United Kingdom an officer of the House of Commons.

Over time the function of the Auditor General has moved beyond probity to analysing the merits of the administration of policy as the scope of the audit has encompassed economy, efficiency and effectiveness. Key elements in the independence of the Auditor General are the appointing authority and the source of payment.

The abolition of the Constitutional Council weakens the independence of the office of the Auditor General.

The present Standing Order 126 (2) states: "It shall be the duty of the committee to examine the accounts of the public corporations and of any business or other undertaking vested under any written law in the government laid before Parliament, along with reports of the Auditor General thereon".

Scrutinizing public enterprises

The Committee on Public Enterprises (COPE) is one mechanism that is utilized to hold government enterprises accountable for financial, management and regulatory compliance.

Recently institutions have refused to come before COPE, raising the question whether subsidiaries and associates have been formed to avoid transparency and accountability to the public through Parliament. Standing Orders need to be amended to empower Parliament to summon any government enterprise or its subsidiaries or associates, irrespective of whether the entity is being audited by the Auditor General. Even institutions that are being audited by private auditors must be legally answerable to the Auditor General in the event of such a necessity arising. The amendment must ensure that enterprises receiving government grants by way of finance or property, irrespective of whether the enterprise is owned or not owned by government, are accountable to the public through the Parliamentary Oversight Committee.

The first COPE Report of the seventh Parliament examined a record 229 government enterprises within a space of 16 months. Its recommendations are far-reaching. But there is no institutional framework to ensure that the recommendations of COPE will be followed through and implemented. There is also an absence of punitive measures for those who ignore such recommendations without proper justification. The lack of staff at the parliamentary office of COPE to follow up on recommendations and to undertake research on the enterprises as and when directed by the Members of COPE also makes it less effective.

If the only means of making COPE recommendations effective

is through executive action, then the work of COPE will be less effective. Over time its importance, like those of the consultative committees, will also decline. Parliament as an effective instrument of holding the executive accountable will diminish further.

Further consideration needs to be given as to whether COPE sessions should be opened to the public and media. This may infuse a sense of urgency and professionalism in the work of the committee. Public participation in the committees of Parliament will raise awareness on public issues and also make Members of Parliament more accountable to their constituencies.

Full accountability

Modern society is complex with many leviathans that need to be held accountable. The oversight committee system is a useful mechanism in advancing accountability. In Sri Lanka the committees hardly have a role in the process of making legislation. In Iceland, Sweden and Switzerland, among other countries, Parliament through its committees can initiate legislation. A more bipartisan approach on legislation could be evolved if the government actively pursues such a goal. Currently, the oversight committees question executive action, exchange information and clarify government policy. The oversight committees on finance attempt to hold those who dispense the public purse accountable.

Despite its many limitations on scope, powers and resources, COPE is yet considered a relatively effective tool of holding public officials accountable. While the effort to improve efficiency of public institutions is being pursued by COPE, the lack of punitive powers limits its effectiveness. Bipartisanship that is lacking in the political system is to a greater extent evident in the oversight committees.

function, doing so transgresses the spirit of the constitution when taken as a whole. As a result, the people's control over public finance has diminished. It is a further erosion of the principle of public accountability through the people's representatives.

Checks and balances are possible only when the President and Finance Minister are two different persons with the latter

THE NEED TO STRENGTHEN EVALUATION IN PARLIAMENT

Winston Churchill said: “True genius resides in the capacity for evaluation of uncertain, hazardous and conflicting information.” A Sri Lankan MP who is a specialist in evaluation outside Parliament says evaluation, along with the necessary specialized processes, is necessary for effective parliamentary scrutiny.

Hon. Kabir Hashim, MP, in Colombo.

Mr Hashim has been a Member of Parliament for the United National Party since 1994. He was Minister of Tertiary Education and Training from 2001 to 2004. He holds degrees in economics and is currently reading for a Ph.D. in economics at Colombo University. A consultant economist, he is a monitoring and evaluation consultant, a board member of the International Development Evaluation Association and a member of the Sri Lanka Evaluation Association.

Achieving sustainable socio-economic development is essential for an effective state. Today there are growing pressures on governments and organizations around the world to be more responsive to the demands of internal and external stakeholders for good governance, accountability and transparency, greater development effectiveness and the delivery of tangible results. Managing for Development Results (MfDR) has emerged as a major public management tool to improve global efforts to improve the effectiveness of public resources.

Measuring governance performance reliably

Managing for Development Results focuses on a strong structure and set of tools that have been developed to enhance government performance and to boost accountability at all levels. The MfDR approach embodies generally accepted tenets of good



Hon. Kabir Hashim, MP

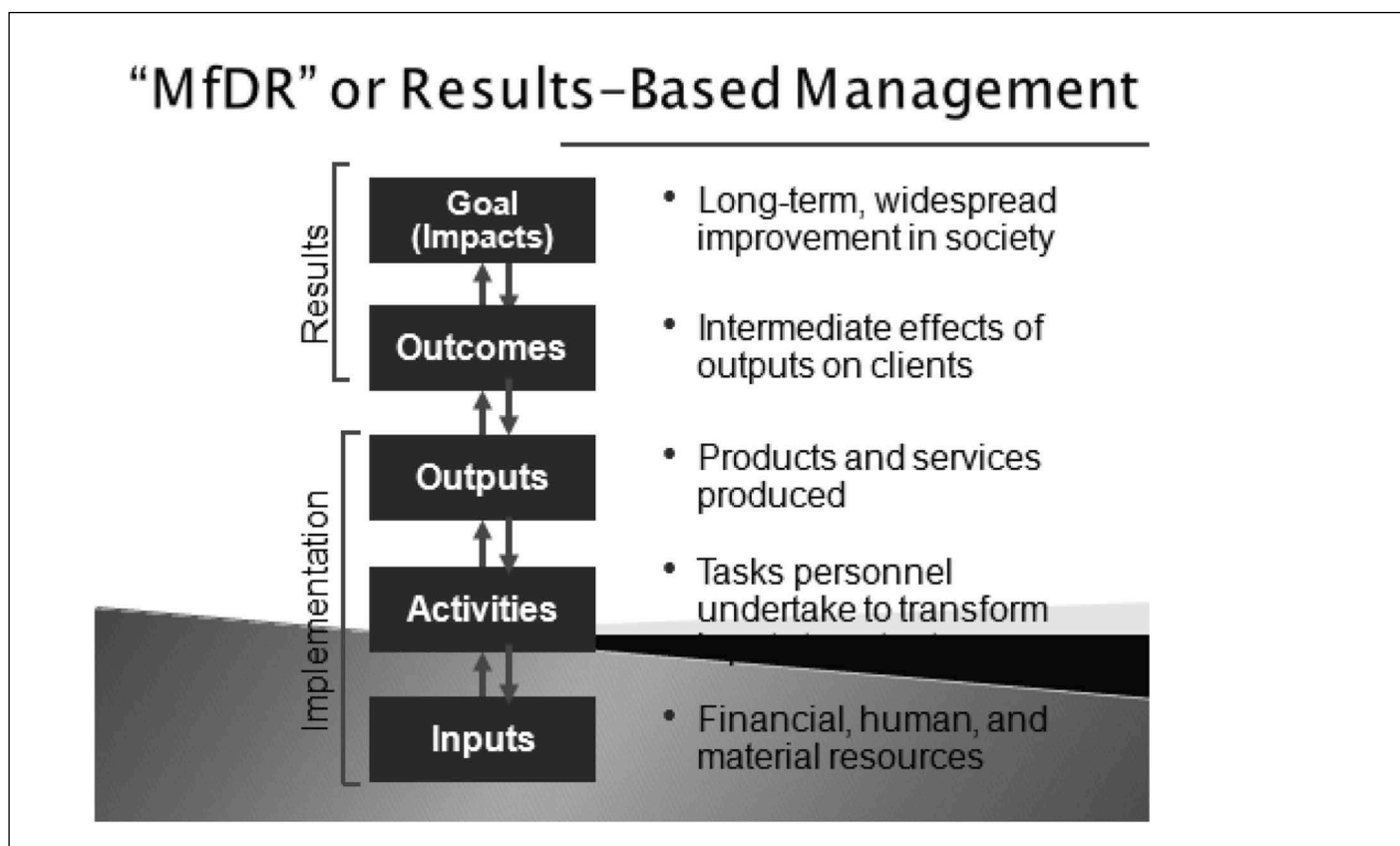
governance and works on evidence-based decision-making, transparency and continuous adaptation and improvement. All governments, Parliaments, citizens, the private sector, non-governmental organizations, civil society, international organizations and donors are amongst the stakeholders interested in better performance. As demand for greater accountability and real results has increased, there is an increasing and urgent need for enhanced results-based

monitoring and evaluation of policies, programmes and projects. Just as they need financial resources, human resources and accountability systems, governments also need good performance feedback systems and MfDR is an excellent feedback system.

If there is no feedback on what is happening and what has happened there will be no indication of how the resources have been utilized, how activities have been carried out, what outputs have been accomplished and the impacts they had made on the society as a whole. In other words, governments and organizations may successfully implement programmes or policies; but they may not know whether they have produced the actual, intended results. There have been instances where public officers have tried to misinform Parliamentarians on the results of the work they had been entrusted with and several governments have



Diagram 1: Results-Based Management



failed due this misinformation.

It is usually difficult to identify whether governments and organizations truly delivered on promises made to their stakeholders. It is not enough to simply implement programmes and assume that successful implementation is equivalent to actual improvements in that area. One must always examine outcomes and impacts. Managing for Development Results is an ideal tool for this purpose.

It had been reported that at one time in Sri Lanka only 44 per cent of Asian Development Bank-funded projects had been successful in terms of their contribution to social and economic development objectives as governments had not put in place the necessary systems for accountability and for measuring outcomes and impacts.

In 2003, the government set up the Sri Lanka Evaluation

Association with Ministry of Planning and civil society representatives in order to develop the culture of monitoring and evaluation in the country. A National Operations Room (NOR) was set up at the Ministry of Planning to be the centralized body that would lead the approach to results-based monitoring and evaluation. A National Evaluation Policy was adopted at around this time in 2003. The objectives of the National Evaluation Policy were:

Promote the correct understanding of evaluation and create an evaluation culture among the public sector managers to use evaluations to “manage for results”;

Promote the practice of evaluation through catalyzing the generation of necessary human and institutional capacities, tools and methodologies;

Enable learning of lessons from past experiences to identify

the policies, programmes, projects and delivery systems most likely to succeed and factors most likely to contribute to that success;

Contribute to improving the design of development policies and programmes through effective integration of evaluation findings into the policy formulation, reforms, planning and budgeting process, and

Enhance or promote accountability, transparency and good governance.

Role of Parliament in evaluation

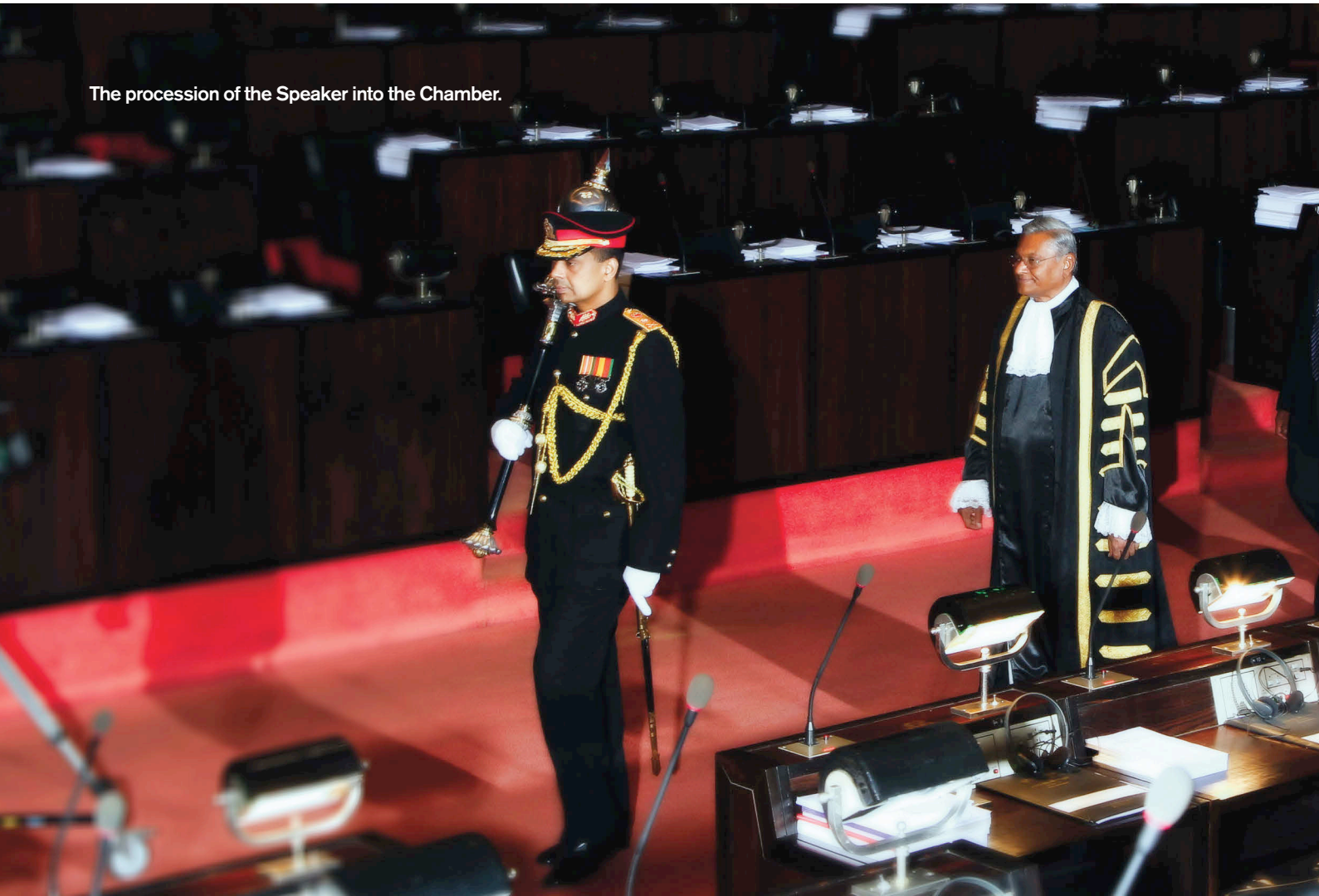
The establishment of the National Operations Room at the Planning Ministry and the implementation of the National Evaluation Policy created the space for an evaluation culture in Sri Lanka. Almost all ministries came under the purview of the National Operations Room and priority projects of national importance were subject to strict

evaluation procedures. The Sri Lanka Evaluation Association strengthened the role of evaluation amongst civil society. Amongst the stakeholders who care about government performance are: government officials, programme managers and staff, civil society (citizens, NGOs, media, et cetera), donors and, last not least, Parliamentarians. The key institutions that enable a country to monitor and evaluate its development goals are:

- Supreme Audit Office,
- Ministry of Finance,
- Ministry of Planning and
- Parliament.

Section 4A of the Sri Lankan constitution says that the legislative power of the people shall be exercised by Parliament consisting of elected representatives of the people and by the people. Section 4B of the

The procession of the Speaker into the Chamber.



constitution says that the executive power of the people shall be exercised by the President of the republic elected by the people. There are in addition many constitutional provisions that empower Parliament such as:

- Article 148 – Parliament shall have full control over public finance,
- Article 42 – The President shall be responsible to Parliament and
- Article 43 – Cabinet of Ministers will be collectively responsible and answerable to Parliament.

Specialized support

The Auditor General has a very important role in supporting the use of evaluation in Parliament.

The Auditor General is the constitutional machine used to assist Parliament to have control over the executive and its directives. Article 154 of the constitution empowers the Auditor General to audit all accounts of all departments of government and all ministries and public sector projects. Article 154(1) also says that the Auditor General is empowered to perform and discharge such duties and functions as prescribed by Parliament by law.

In short, the Auditor General's mandate is not only to audit the financial statements, but also to look into accountability and performance.

Article 154(4B) of the constitution specifies that if the Auditor General is of the opinion

that it is necessary to obtain assistance in the examination of any technical, professional or scientific problem relevant to the audit, he/she may engage the services of a specialist, professional or consultant to assist the department in the required tasks.

Article 154(5) of the constitution also empowers the Auditor General to unlimited access of information from all government departments and ministries.

These powers have been given to the Auditor General's department through constitutional provisions with a focus on strengthening parliamentary supervision and control over public finance.

Parliament also has its own in-

built mechanisms to monitor public institutions and finance. The oversight committees such as the consultative committees, Public Accounts Committee, Committee on Public Enterprise and select committees are some of those mechanisms.

On top of these are the legislation and policy debates, oral questions and adjournment debates which also empower legislators. Therefore it is very clear that monitoring and evaluation are an integral part of the role of a Legislator.

The budgetary process has four key steps: formulation of the budget, legislation (approval of every single appropriation and revenue mobilization), implementation and auditing.

The Open Budget Index (OBI)



has been compiled for a number of countries by the International Budget Partnership and is a tool to measure the inclusiveness, transparency and accountability of the national budget. In 2006, Sri Lanka scored 47 per cent in the OBI. The range of the score is from 0 to 100 – 0 means no openness and 100 means total openness. A score of 1 to 20 means little or no openness; 21 to 40 is minimal openness; 41 to 60 is some openness, 61 to 80 is substantial openness and 81 to 100 is extensive openness. On this account, Sri Lanka had some openness.

Effective uses of evaluation – challenges and constraints

In spite of having strong provisions

embedded in the constitution to strengthen the Auditor General's

“...if the evaluation culture is to be propagated in a country, then its political leaders should be familiarized with evaluation practices first.”

department, there are in practice many limitations. The department is mostly accounts-oriented and is

very rarely engaged in managing for development results. The lack of high salaries acts as a disincentive for experts to join the department. Specialists such as monitoring and evaluation experts demand high salaries and usually the department has no provisions or allocations from the Treasury or budget to hire such trained specialists.

The budgetary allocations made to the Auditor General's Department are insufficient to provide for any capacity-building exercises.

In the case of the national budget preparation, the process is confined to the executive and the Ministry of Finance and there is very little participation by the Legislature in its preparation. The Legislature only gets involved in the budget debate.

In order to keep in line with Managing for Development Results, the concept of performance-based budgeting should be implemented where ministry allocations will depend on performance.

Currently Sri Lanka's budget formulation process is largely based in terms of inputs rather than outputs. It has been proposed to have a budget committee at parliamentary level to take responsibility for the budget process.

The way forward for all Parliaments

One of the recommendations to make the use of evaluation effective is to give financial autonomy and authority to the Auditor General's office to engage in effective Managing for Development Results.

Proposed amendments are to be brought to the constitution in order to strengthen the role of evaluation practices by strengthening the Auditor General's Department.

Capacity-building for Parliamentarians in Managing for Development Results is one of the

crucial issues that have to be addressed urgently within Commonwealth Parliaments – and not only in Sri Lanka. Parliamentarians have to deal with assessing the performance of large public sector development projects on a regular basis. They have to approve huge allocations of funds to projects which sometimes may end up as white elephants.

It is not practical to ask all Parliamentarians to undergo training in results-based monitoring. It must also be remembered that Parliamentarians have a limited tenure and may or may not get re-elected. They also don't have the time needed to be allocated for training.

Therefore after studying this issue in depth, it is recommended that every Parliament establishes a monitoring and evaluation unit within Parliament. The required expertise would be within the unit and this unit could well co-ordinate with the Auditor General's Department and provide Parliamentarians with the necessary information to make decisions regarding budgetary allocations for crucial projects. This unit can assist and support Parliamentarians with evaluation reports on relevant projects and programmes.

Based on this model, legislators can then be exposed to minimum training time to understand the basics of monitoring and evaluation and its uses in achieving project targets and goals. Therefore, if the evaluation culture is to be propagated in a country, then its political leaders should be familiarized with evaluation practices first.

Unless legislators are made aware of how to measure the status of beneficiaries of a project before implementation of a project, and to measure their status after implementation of the project, they can never be able to reasonably justify the approval of such budgets.



MAKING LAW: COMPARATIVE REFLECTIONS ON THE PROCESS IN TWO DEMOCRACIES

Having seen first-hand and close-up how American congressional politics works in Washington, a new Member of the Sri Lankan Parliament calls for major reforms to improve public input and parliamentary debate in making laws for his country's long-term benefit.

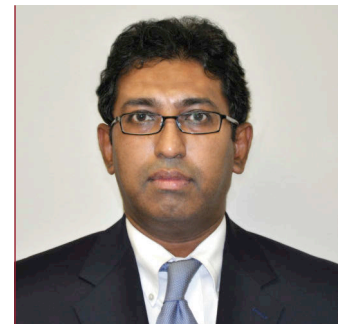
Hon. Dr Harsha de Silva, MP, in Colombo.

Dr de Silva has been a Member of Parliament since 2010 from the National List of the opposition United National Party. He was a 2011 Eisenhower Fellow and is a development economist with a PhD from the University of Missouri. As an economist, he started his career at the

Development Finance Corporation of Ceylon (DFCC) Bank and subsequently worked both in the private and public sectors and consulted in over 20 countries in Asia and Africa. He was also the co-founder and Joint Managing Director of Survey and Market Research Team, now Sri Lanka's largest market research firm, The Nielsen Company.

This is an account I made during my Eisenhower Fellowship in the United States in the spring of 2011. I am a first-time legislator representing the opposition United National Party.

I am on a flight from Phoenix, Arizona, to St Louis, Missouri, having enjoyed the only break in the rigorous seven-week Eisenhower Fellowship programme at the Grand Canyon, America's great natural wonder. Through the window but beyond the desert I see great hope for Sri Lanka. The war has ended and we are getting ready for a new chapter. We have the right ingredients; all what we need now is to put in



Dr Harsha de Silva, MP

place the right policies to harness the talent to build our nation with equal opportunities for all. As a politician it is my responsibility to ensure that happens.



As a 2011 Eisenhower Fellow, one of 20 “emerging leaders” from as many countries, I was presented with a fantastic opportunity to network with an array of personalities in the U.S. for a six-week period.

A stark contrast

Knowing very well that the Fellowship carries such prestige that it opens otherwise impossible doors, I formulated my plan to meet with a cross-section of stakeholders in the policy arena. I wanted to understand, to the extent possible given the limited time, the interaction of politicians, think tanks, academics, lobby groups and the media in the policy-making process in the United States. My purpose was not to study the theoretical aspects of enacting legislation within the framework of checks and balances of the three branches of government, but to examine the practical functioning of the process among the various parties. I wanted to observe the dynamics of these

different groups in converging and diverging on issues to elicit public support for the positions they were pursuing. I was particularly interested in the multi-way debate based on data, analysis and evidence.

The reason for this is natural. As a new MP I have been observing with dismay for an entire year the way in which legislation is enacted in Sri Lanka. The primary shortcoming I see is the lack of substance-based discussion and debate. I witnessed how Bills became Acts – and therefore law – with hardly any discussion. I participated in embarrassingly poor-quality debates in the Chamber where some speakers never uttered a word on the subject but spent time personally attacking opponents. I also saw how certain Members ridiculed amendments proposed by the opposition, notwithstanding the value of such, before getting the legislation passed as is.

Most of all, I was witness to what I consider was the grossly

Opposite page: Sigiriya, (Lion’s rock) a large stone and ancient rock fortress and palace ruin in the central Matale District; Above: An side view of the Parliament building.

unjust procedure employed to amend our constitution at lightning speed that did away with the term limit on the executive presidency and the Constitutional Council process employed to appoint independent commissions on elections, public service, police and a host of others. This was done with the help of several politicians of my own party and of the left.

Quality debate in Washington

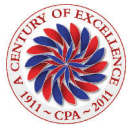
I am certain the process of enacting law in the U.S. has its own limitations while the procedure itself is different to that of Sri Lanka where no Bill is presented to the full House or Senate unless it gets past the committees

comprising Members of both parties. But what is important is the level of discussion of the subject matter. I spent almost two weeks in Washington, D.C., during and after the discussion on the “government shutdown debate” that ended at the eleventh hour after President Barack Obama and the Republican-controlled House of Representatives compromised on the almost U.S.\$80 billion expenditure cut just minutes before the deadline. The debate, albeit along party lines, was of the highest quality.

Congressman Paul Ryan, Chairman of the Republican-controlled House Budget Committee, presented a proposal that he named “Path to Progress” which he argued would avoid the U.S. economy going bankrupt in another 25 years if it continued with the current spending plan of the President and the Democrat-controlled Senate. The plan was anchored on a highly advanced model developed by academics at the Centre for Data Analysis at the prestigious conservative Heritage Foundation think-tank. This plan was pitted against the President’s plan which itself was prepared by technocrats of the highest quality.

The debate was supported with voluminous data and analysis made available to Congressmen and Senators from the Congressional Research Service, the Congressional Budget Office as well as private think tanks. There was an incredible debate on the matter. As is the case in D.C., lobbyists were also at play, cornering legislators and giving them reasons why one plan was better than the other.

The media was in overdrive. Television, radio and newspapers had in-depth analyses. Some of the best-known personalities contributed and took positions pro and contra. Social media sites played their ever-expanding role, uploading among others a YouTube video of Paul Ryan showing an animated graph that



The road to “democracy”, Washington-style.

had the U.S. debt reaching 345 per cent of gross domestic product by 2050 before announcing that the computers simulating the U.S. economy at the Congressional Budget Office crashed before reaching the year 2037 – at which point the U.S. economy could no longer be sustained.

People commented: some in support, others totally opposed. Regular opinion polls were conducted to assess public opinion. They segmented the analysis by conservatives and liberals, by men and women, by young and the old, et cetera, providing a comprehensive view of how the American people felt their elected representatives should act.

Finally the politicians arrived at a compromise decision. Actually, I should not say finally because now the debate has moved on to the next logical question of the debt ceiling. Unless the U.S. Congress agrees to increase the current

borrowing limit of U.S.\$14.3 trillion before 2 August, the U.S. government may be forced to default on its debt. The debate is in full swing.

Democracy – D.C. style

This I contrast with Sri Lanka where the debt ceiling is increased by the government on a regular basis without a word being said outside Parliament; there too, perhaps, a mere speech or two by the opposition that is hardly reported on. Critics of government policy, who are usually labelled as traitors, are today hard to come by for reasons of personal safety, bar a few civil society activists and journalists who continue to perform an unenviable task against all odds.

This heightened activity in the U.S. capitol presented me with a great opportunity to learn and share my thoughts with a plethora of characters involved in the

process. I crisscrossed town for meetings with politicians and policymakers, their advisors, senior staff at the U.S. Treasury, congressional staff, the government accountability office, think tanks, academics, lobbyists, pollsters, public opinion specialists and media personnel. I reflected on what I learnt with a friend who is an ultimate D.C. insider. I learnt so much. I learnt what real democracy meant.

The fundamental premise in this country is that everyone has a voice, be it the individual who wants to express his or her opinion or

groups or organizations pushing their positions via the hundreds of lobbyists.

It was so heartening to see people lining up to sit in on congressional hearings to make their views heard by the politicians, some of whom regularly travel by public transport. In an aside, excluding President Obama who moved about with a large security contingent, I did not see a single politician traveling at breakneck speed on the wrong side of the street with gun-toting security guards pushing the public into the well-kept drains of the District of

“...there must be space for objective and transparent intellectual debate on the pros and cons, on costs and benefits, on short- versus long-term impacts and other aspects.”



Columbia, as happens often in Colombo.

Parliamentarians and people working together

This made me reflect on the accuracy of the oft-made statement that Sri Lanka is such a great democracy because large numbers turn out at the polls – even though they elect, in certain instances, perhaps some dubious candidates who then become Ministers, Deputies and overseers.

Let us take a case in point. Did the people really vote for the government to make a new law to take away an additional combined four per cent of salary from the employee and the employer to create a pension fund? One can argue that there is no need for further public participation to create a pensions scheme which will benefit the hard-working private sector worker. True, there is no need to have a referendum on

every law that the government makes and the Minister has the right to propose new law as he or she represents the elected government; but there must be a discussion and debate prior to new laws being enacted. How much public discussion took place prior to the Bill to Establish an Employees' Pension Benefits Fund was to be "debated" in Parliament before becoming law? In a letter written to the President by civil society activist Chandra Jayaratne and published in the newspapers, he had said, "I appeal to Your Excellency not to proceed with the enactment of the above Bill until such time as the following issues have been adequately clarified and following an open and transparent intellectual debate..."

This is exactly my point. This is an everyday occurrence. Law is made without any public discussion and I believe the time has come for the people to

participate in the process.

It is a fact and nothing to be ashamed of: Members of Parliament are not knowledgeable in all matters. One could argue these Bills are prepared by well-meaning professionals in the relevant ministries. Perhaps; but there must be space for objective and transparent intellectual debate on the pros and cons, on costs and benefits, on short- versus long-term impacts and other aspects. This is particularly so given that officials today have become subservient to their political masters.

Ideally this debate must take place in the public domain and thereafter expert submissions must be made to the consultative or other committees where Parliamentarians can clarify matters. I am aware that I am making a suggestion that is perhaps within the ambit of parliamentary procedure but

outside parliamentary tradition; but it is time we start thinking outside the box.

Finding ways to do the right thing

If we are to implement the right laws and policies to win the "economic war", as stated by the President, we must be driven not purely by short-term political gain, but by longer-term national interest. For that, debate and discussion is paramount.

From St Louis I went to San Francisco and a number of other cities to learn more about this issue at a city and state level before my Fellowship came to an end.

Now I have returned to Sri Lanka, I intend to create a bipartisan group of Members to push for changes that would enable greater debate and discussion before new laws are enacted. I hope I will have support for this endeavour.



CONFUSING PRESIDENTIAL AND WESTMINSTER SYSTEMS

Combining elements of two systems of government has led to difficulties which should be considered when constitutional reform is next on the political table, argues a senior Member of the governing alliance.

Prof. Dr Rajiva Wijesinha, MP, in Colombo

Prof. Wijesinha is a National List Member of Parliament for the governing United People's Freedom Alliance. He was Secretary of Disaster Management and Human Rights from 2008 to 2010 and Secretary General of the Peace Secretariat in 2001-2002 and 2004-2005. Educated at Oxford, he taught at the Universities of Peradeniya and Sri Jayawardanepura, before serving as Senior Professor of Languages at the University of Sabaragamuwa.

Sri Lanka has a most peculiar constitution which grafts an American-style presidency onto a Westminster parliamentary cabinet government. The result is confusion, with neither the executive nor the Legislature able to fulfil its principal functions properly.

Ironically, when former President J.R. Jayewardene suggested a directly elected President, he wanted the cabinet too to lie outside Parliament so that its members could run their departments without the usual distractions of Parliamentarians. But when he introduced the 1978 constitution, he kept the requirement that all members of the cabinet, except the President, be Members of Parliament.

Ministers in Parliament

This has had two consequences which detract from the traditional distinction between these two branches of government. In the first place, members of the executive dominate Parliament.

Secondly, their work in running departments is influenced by their need to continue as Members of Parliament.

Neither of these is unique to Sri Lanka. Even in Britain, where the practice in the 18th century contributed to Montesquieu's theory of the separation of powers, the executive has to an increasing extent dominated Parliament ever since the Prime Minister replaced the monarch as the real head of the executive. But, given the relatively large number of Westminster Members of Parliament who are not part of the executive, and the continuing tradition that a Member is not only a representative of his/her party, the tradition of independent perspectives being presented in debate from both sides of the House continues. This is strengthened by committee systems which are more often than not the preserve of Backbenchers of both sides.

This is rare in Sri Lanka. Ever since Jayewardene decided,



Prof. Dr Rajiva Wijesinha, MP

having removed himself from Parliament, to maintain his control of his parliamentary group through a sticks and carrots approach, which led to well over half that group being given executive authority, the assumption has developed amongst Parliamentarians that they are being kept down unfairly if they are not made Ministers.

The idea that Parliamentarians on the government side actually have a legislative function no longer exists, and this has contributed to the opposition view



that their only legislative function is to oppose. The decline of consultative committees as regards policy formulation has contributed to this impression.

Appealing to local voters

Another factor is the increasing difficulty of ensuring continuation in Parliament. Even in the Westminster system, Parliamentarians have to nurse their constituencies; but in Sri Lanka the effort has to be all the greater because Parliamentarians compete for votes in entire districts, not simply in constituencies.

In addition, they have to compete for votes principally against not members of other parties, but rather members of their own parties, and not only those in Parliament but also members of local bodies who might be candidates at the next election. Thus they cannot easily, as Members in Britain for instance do, build up symbiotic relations with local representatives, since

promoting such may prove their own undoing in time.

This is one reason to crave executive office, for it provides one with the wherewithal, as well as the means of patronage, to satisfy one's constituents on the massive scale necessary. The result is that individual Ministers expend on small areas and parochial considerations much effort which should be directed towards the nation as a whole. Thus one Minister of Education turned several schools in the District from which he had been elected into National Schools. There may of course be Ministers who resist the temptation to use their office for personal electoral gain; but they suffer in comparison with their peers, and cannot really be blamed for using tools that lie in hand to stay in Parliament and hence in office.

Concomitantly, pleasing their constituents is tough on ordinary Members of Parliament.

They have a decentralized budget, but compared with what

Above: Transplanting elements of the Westminster and other systems to the Parliament of Sri Lanka has created problems.

Ministers can dispose of, the amounts involved are nugatory, and also subject to restrictions which are resented – certainly in comparison with the more generous funding available to the members of local bodies whom they see as potential rivals.

Reform options

Is there any solution to this strange situation? The constitutional reforms necessary are unlikely to happen since they would require the support of those elected to Parliament under the present system. Nevertheless, as the system is strained to breaking point, with increasing responsibilities thrust on individuals who do not have the same compulsions, there may come a general realization that some changes are necessary.

Most obviously, if we are to continue with the executive Presidency, a directly elected head of government must be allowed to select Ministers from outside those striving for election to Parliament under the current intensely competitive system. Incidentally, after it abolished its second Chamber, Sri Lanka lost the chance of introducing even a few Ministers through the Senate, as had happened previously.

But, though there seems a consensus now on reintroducing a second Chamber, what would be more effective than just a few nominees from outside is the introduction of the system that obtains in countries held up as models of executive presidential systems, namely to disallow Ministers from being Members of Parliament. Good administrators elected to Parliament will not be precluded from being appointed to executive positions, but they would be required, as in France, to resign from Parliament.

Concomitantly, to enable Members of Parliament to fulfil what in any case they now see as their primary function, they should have a much larger decentralized budget, which would enable them to undertake projects that would not be possible for line Ministries.

If the constituency system is restored, with proportionality ensured through a parallel list system, the two functions of Parliament would be more effectively fulfilled. The constituency Members would deal with the concerns of the citizens they represent, whilst the others would contribute to committees and legislation.

All this may be a pipe dream, but it needs to be on the table, given the confusion that we continue to suffer following the unconsidered grafting of one political dispensation on another without proper debate or consideration.



PARLIAMENTARY COUNCIL ENSURES DEMOCRACY AND SUPREMACY OF PARLIAMENT

The new Parliamentary Council strengthens the role of Parliament against executive domination, says a Member of the Council who is a long-serving MP with experience on both sides of Parliament.

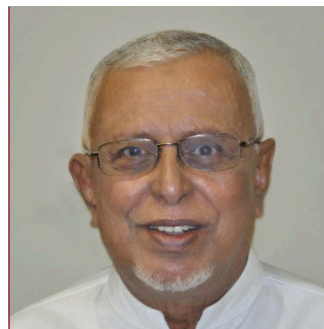
Hon. A.H.M. Azwer, MP, in Colombo.

Mr Azwer is a Member of the Parliamentary Council and of the Chairmen's Panel of Parliament. He is a National List Member of Parliament representing the ruling United People's Freedom Alliance. He was a former Minister of State for Muslim Religious and Cultural Affairs from 1989 to 1994 and Minister of Parliamentary Affairs from 2001 to 2004. A former teacher, he first entered Parliament in 1989 from the National List of the United National Party.

The modern concepts of development have integrated physical development along with the practices of good governance. Good governance is a relatively new political paradigm that scrutinizes the process of decision-making and the process by which decisions are implemented. An analysis of governance focuses on the formal and informal actors' involvement to minimize corruption and ensure transparency and democracy in every stage.

Sri Lanka, a country with 2,500 old written chronicles and democratic values, has taken steps to adopt a new constitution and make amends based on modern democratic thought, concepts and practices. The present constitution has been amended on 18 occasions. The recent amendments, especially the 13th, 17th and 18th, focused on devolution of power, good governance and oversight power of Parliament.

Are these modern approaches



Hon. AH.M. Azwer, MP

a challenge for democracy and the supremacy of Parliament? This paper examines the status of parliamentary democracy and its supremacy in the context of these three amendments to the constitution. Further, what are the democratic values and implications of the Parliamentary Council newly established under the 18th Amendment?

Parliamentary democracy and supremacy

The legendary President of the

United States, Abraham Lincoln, defined democracy as "government of the people, by the people, for the people."

Democracy is by far the most challenging form of government, both for politicians and for the people. Its principles and practices evolved as reactions to a concentration and abuse of power by the rulers. Scholars have defined the essential elements of democracy as separation of powers, basic civil and human rights, religious liberty et cetera.

Since the colonial era, Sri Lanka has been experiencing parliamentary democracy through the Westminster model. The customary parliamentary system was confirmed under the Soulbury Constitution in 1947 and continued till 1978. Here, the Prime Minister who had executive power was appointed if he or she had a parliamentary majority. The business of the Parliament was meaningful. Parliament was supreme and its democratic values



were protected.

The present constitution adopted in 1978 changed the structure of government, with power concentrated around an executive presidency and, it is believed, Parliament was pushed to a subordinate position.

The present constitution has been amended no less than 18 times, to change even the very few principles with which it had started, for instance: the power of the judiciary, the provision against the crossing the Floor, a fixed term for the presidency and a limited term for Parliament.

Since implementation of the executive presidency through the

1978 constitution, it is being criticized for centralizing power and discouraging the supremacy and democracy of Parliament. As it was a hybrid of the U.S. and French constitutions, it failed to include proper checks and balances to control the executive presidency.

13th Amendment – Provincial Councils

As a mechanism to resolve the decades-old ethnic conflict, the Provincial Council system was introduced with the 13th Amendment to devolve power. On one hand it is playing a major role in promoting democracy and regional development, and on

other hand it has been a challenge to the supremacy of Parliament.

The constitution provides that no Bill in respect of any matter set out in the Provincial Council List shall become law unless such Bill has been referred to every Provincial Council for an expression of its views. Where one or more Councils do not agree to the passage of a Bill, it is subjected to withdrawal or passage by a special majority. The recent Town and Country Planning (Amendment) was withdrawn by the government, despite its two-thirds majority in Parliament, due to the disapproval of a few Provincial Councils.

The Speaker, Hon. Chamal Rajapaksa, MP, presides over a Parliament whose position is being strengthened by constitutional amendments.



Rooftops in rural Sri Lanka.

While a few elements are urging the government to increase the number of Provincial Councils as a reconciliation measure, this may knock off balance the administrative structure of the

country, especially the supremacy and democracy of the Parliament. A well-established parliamentary system is vital for good governance and the development of the nation and so is preferable to unsettled

power-sharing debates and experiments.

17th Amendment – The Constitutional Council (CC)

The 17th Amendment was

accepted by every political party, various organizations and the general public as they believed it would control and balance the centralized power of the executive President and restore the power of



Parliament within the democratic structure.

The Constitutional Council was introduced with the 17th Amendment in 2001. Under Article 41A(1) of the constitution, the Constitutional Council consists of the following members:

- a) The Prime Minister,
- b) The Speaker,
- c) The Leader of the Opposition,
- d) One person appointed by the President,
- e) Five persons appointed by the President, on the nomination of both the Prime Minister the Leader of the Opposition and
- f) One person nominated upon agreement by the majority of the Members of Parliament belonging to minority political parties.

The Council is responsible for recommending all appointments of Chairpersons and members of any commission and such recommendations shall reflect the country's different ethnic groups.

The Constitutional Council began to function on 25 March 2002 followed by the setting up of several independent commissions. However it was immobilized after its first term in March 2005 due to a wrangle over appointing the Members for the second term. It was a setback for parliamentary democracy and undermined law and order in the country.

On 18 July 2006 the government moved to form a parliamentary committee headed by Constitutional Affairs Minister Hon. D.E.W. Gunasekera to review the amendment. Although the committee submitted an interim report on 6 May 2008, it lapsed with the prorogation of the House.

18th Amendment – Parliamentary Council

The 18th Amendment is the first amendment after the end of a brutal armed conflict. It replaced the 17th Amendment. The amendment takes out the clause that restricted an elected President

to two terms. This enables the voters of Sri Lanka to elect whom they wish. Another significant feature of the amendment was that it makes the executive President answerable to Parliament and he shall be present at the House every three months.

These clauses would streamline the long-standing shortfall of the executive presidency in relation to parliamentary democracy and the supremacy of Parliament.

Parliament has regained its oversight power. The exclusive authority mandated to the President to appoint the high office holders was transferred to the Parliamentary Council. The disabled Constitutional Council was replaced by a five-member Parliamentary Council which comprises the Prime Minister, Speaker, Leader of the Opposition and two nominees from the government and the opposition. To recognize minorities, it is mandatory to have a Tamil and a Muslim representative each on the Parliamentary Council.

All nominations to the Parliamentary Council will be forwarded to the President within one week and in the event this does not happen, the President will have the power to make appointments. It resolved the issue of appointing members of the Constitutional Council which disabled the functioning of the Council.

The Parliamentary Council is less complex. The fundamental purpose of the 18th Amendment is to give absolute control and power to Parliament over the appointment to some of the most important high posts (which include appointments to several key Commissions and other posts such as the Chief Justice, the Attorney General and the Inspector General of Police).

Parliamentary control

If the executive and the Legislature are controlled by two different parties or alliances, as was

experienced from 2001 to 2004, the role of the Parliament Council would be stronger which would safeguard the supremacy and democracy of Parliament.

Hon. (Prof.) G.L. Peiris, MP, Minister of External Affairs, participating in the debates of the amendment in 2010, stated the advantages of the Parliamentary Council.

"It is far more satisfactory to transfer that function to a Parliamentary Council as we have done in terms of these amendments.

"The body that now replaces the Constitutional Council is a body within this Chamber; it is a body that is accountable to the people of Sri Lanka. It is this body which has the obligation of making observations on the persons who should constitute the commissions and it is far more desirable that function should be exercised by a body within Parliament rather than it should be entrusted to outsiders who owe their appointment to no other consideration than their loyalty to a political party. That is very much a partisan approach," he said.

Furthermore, he referred to a decision of the Supreme Court regarding the complexity of the 17th Amendment.

"The Supreme Court declared on that occasion that the 17th Amendment is riddled with contradictions – there are anomalies and contradictions and that it is simply unworkable on the ground. The observations that were made on that occasion by the Supreme Court of Sri Lanka represent a prophetic anticipation of some of the complexities and problems that arose very shortly thereafter. It is that anomaly that is now sought to be rectified by the provisions of the 18th Amendment which we have presented to Parliament," he said.

The President could have nominated a member to the former Constitutional Council. This was controversial because the

influence of the executive could have undermined the independence of the Council. The 18th Amendment says the Members can only be nominated by the Prime Minister and the Leader of the Opposition. Additionally, every Member should be a Member of Parliament.

In addition to that, the President had the power to appoint to the Constitutional Council five more members to represent minorities. These appointments would have been subject to the approval of the Prime Minister and Leader of the Opposition; however the President would have been unlikely to have appointed any person whom he did not favour.

These were among the reasons by the Constitutional Council was inactive for more than seven years. These problems have been avoided with the Parliamentary Council.

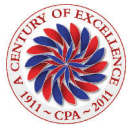
Conclusion

As a result of the implementation of the 18th Amendment, the government was able to address all the allegations concerning human rights issues, devolution of power, excessive power of the executive, the practice of good governance and others.

It is also an indication that the post-war government is admitting the modern democratic values and adopting proper check and balance mechanisms. Establishing the independence of commissions has reduced the centralized power of the executive presidency. Finally the 18th Amendment has safeguarded the sovereignty of the country and the liberty of the people who were looking the democracy in our country.

Endnotes

1. Democracy building ,A short definition of democracy <http://www.democracy-building.info/definition-democracy.html>
2. Democracy building ,A short definition of democracy <http://www.democracy-building.info/definition-democracy.html>



DELIBERATIVE DEMOCRACY AND POST-CONFLICT TRADE AND ECONOMY – THE SRI LANKAN EXPERIENCE



Moving Sri Lanka successfully through its post-conflict period requires the right combination of governance and economic reforms to improve accountability, expand economic production and involve disaffected sections of the population, especially young people. A government Backbencher advocates looking to other Commonwealth parliamentary democracies to identify possible post-conflict dangers and successful policies to avoid or resolve them.

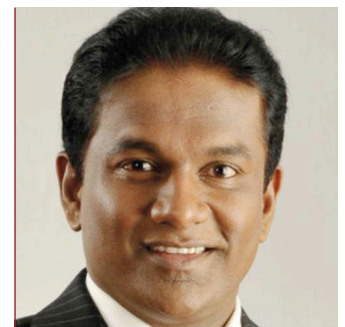
Hon. Thilanga Sumathipala, MP, in Colombo

Mr Sumathipala is a United People’s Freedom Alliance Member of Parliament.

A former member of the Western Provincial Council and Sri Lanka Freedom Party’s former chief organizer for an electorate in the Colombo District.

Educated at Harvard, he is the Managing Director of one of Sri Lanka’s largest private corporate groups and he also chaired two telecommunication companies from 2002 to 2004. Mr Sumathipala is a former President of the Board of Control for Cricket in Sri Lanka and has held senior positions in international cricket organizations.

Successive tears in the Sri Lankan social fabric which erupted as full-blown conflicts in the form of two insurrections and one long-running armed attempt at secession inevitably put the country’s democratic institutions and its trade and economic infrastructure under tremendous strain. Yet Sri Lankan democracy withstood these assaults and the current conjuncture is an optimistic one, though the challenges and the tasks faced by a nation emerging from conflict are extremely daunting. They cut across the gamut of the institutional pillars



Hon. Thilanga Sumathipala, MP

that are fundamental to any democratic edifice – the executive, the judiciary and the Legislature.



All three of these pillars of state have to work in tandem to meet the first and most important challenges in the post-conflict phase: the consolidation of our functional democracy and the rebuilding of our economy in such a way that economic and trading opportunities are not an inaccessible luxury to any would-be entrepreneur. This entails tasks of constitutionally creating the political framework and the institutions needed to address the single most important issue of our time: the building of a functional multi-ethnic pluralistic polity that offers equal opportunity to all. Though the devices of a parliamentary democracy have to be used to achieve this end, a

nation-building challenge of this magnitude cannot be realized unless all citizens are engaged in a substantive democratic dialogue.

Rebuilding the base

The first step towards making such a comprehensive national discourse possible is to strengthen the grassroots institutional structures that lay the brickwork for people's representation at the national level – the political parties and the non-governmental civic organizations that together form the nucleus of a framework for the political empowerment of the individual. However, one of the most deleterious effects of the ethnic tears that have sundered the Sri Lankan social fabric over

time has been a tendency for political parties to stratify on communal lines, leading to an unsavoury polarization in the political space based on ethnic identity. Though such transformations in any evolving democracy are not always damaging or necessarily disruptive, a conspicuous alignment of political forces on ethnic lines is not necessarily healthy, particularly for a society that is recovering from long-running ethno-communal violence.

Economic disparities are widely suspected to be the causative factor that triggered the ethnic chasms that led to years of bloodletting and carnage in our country. Years of war added to this

**Opposite page: An evening by the quay in Colombo;
Above: A traditional street market in Galle, where the fishing industry contributes to the country's economy.**



level of disparity between those minorities in the war-torn areas and the more fortunate in those provinces untouched by conflict. It has therefore become imperative, as a component of the vast task of national reconciliation, to minimize the trade and economic disparities that exist between some of the previously war-torn provinces in the country.

Lack of economic opportunity in the previously conflicted areas has been perceived by minority parties in particular to be a result of a lack of political opportunity – an absence of political freedom to make economic decisions that benefit the regional minorities in particular, to be more to the point. A reordering of the political space is therefore an immediate necessity. This could be accomplished by encouraging a multiplicity of political formations that could go so far as to break up the essential dependency on what has been, since the establishment of Sri Lankan post-colonial democracy, a two-party system of governance. A youth Parliament concept is a pivotal enabling factor towards achieving this end.

The good offices of interparliamentary institutions such as the Commonwealth Parliamentary Association could be very useful to provide institutional support for experiments. A youth Parliament, for example, could be the laboratory for a truly representative multiparty system that could form a microcosm for a pluralistic and diverse political party structure at the national level.

A greater participatory dialogue from among grassroots civil society actors, it cannot be overemphasized, is a prerequisite in effecting the necessary constitutional changes that are a requirement in meeting the challenge of a functional pluralistic polity. Existing constitutional devices such as the provision for a national plebiscite on issues concerning possible constitutional changes have hardly if ever been



The causes of youth unrest can be traced to a lack of economic opportunity – either real or perceived.

used. This is symptomatic of a neglect of the participatory aspect of democracy, particularly in relation to the polarizing issues of ethnic identity politics that have come to the fore in the political discourse of this country, particularly in the recent embattled times.

How to use the plebiscite effectively in addressing issues of ethnic politics and their constitutional ramifications could be gleaned from the Quebec example for instance, or from the frequent use of plebiscites in the Swiss political experience particularly.

Dealing with disaffected youth

It could be surmised that what has militated against the practical use of existing constitutional devices

such as the plebiscite has been the marginalization of the grassroots civil participant in a political culture that was increasingly dominated by legislative decision-making in a polity that had to accommodate the exigencies of armed conflict.

The three most important issues that have a bearing on parliamentary political and constitutional structures in a post-conflict society, in the mind of this writer, fall under the three vital and interlinked rubrics of economy, accountability and inclusion.

A majority of the causes for disaffection among youth that led to armed revolt and tendencies for secession have been traced historically, by those who have studied the issues closely, to economic deprivation and a lack of social mobility due to a dearth of economic opportunity. The Youth

Commission report of the early nineties and the consensus from common-sense analyses of many writers who addressed the subject of youth unrest trace the causes of both sectarian and general youth unrest to either a perceived or real lack of economic opportunity. Such a sense of grievance is felt among youth, particularly relative to their contemporaries and counterparts who are perceived to be born to privilege, either due to geographical, class or ethnic advantage.

A creation of a sense of disaffection and alienation from society in early life among the youth demographic, stems from the collective feeling of being distanced from the conduits of decision-making in general, and economic decision-making in particular. This sense of



Accountability does not always derive from institutional mechanisms but is also dependent on the integrity of people who hold decision-making positions, and it is something that has both an institutional and social component. If institutions do not hold persons to account, the public has to do so, and the media has been seen as the only effective enforcer on behalf of the public in this regard.

A thorough understanding of the dangers

There are multifarious challenges in the realm of post-conflict trade and economics that have hardly been addressed in our polity. These include identifying the areas of economic opportunity that would not only enhance production, but would also reduce unemployment, and the statistics we should be looking at in this context are those of full employment and nothing less.

Full employment in an economy in the developing world may not be practical or feasible; but full-employment as a statistical goal should address manpower issues in such a way that would sustain both economy and society. Production-oriented economics that create jobs and growth should take precedence over money-led growth such as trading in stocks et cetera and purely speculative instruments that have led to economic bubbles that have put even the most robust economies in trouble the world over.

As has been discussed already in this paper, trade and economic development does not occur in a vacuum, and a political will to streamline political institutions to make them equally accessible to all segments of the population irrespective of ethnicity is concomitant with affording equal opportunity in the areas of economy and trade.

The core problem is therefore one of effective political representation, which should also enable new ideas in economy and

trade as well. This socio-political context calls for bold and effective means by which new arrangements for power-sharing et cetera could be discussed at every level of existing representation, be it at the tier of local or provincial government, or in the national Assembly.

The challenge of affecting a new arrangement for making people's representation more productive, if it is effectively met, would be the magic bullet that could in one swoop address the issues of economy, accountability and inclusion, and deliver the desired results. Sometimes, effecting such profound change has been constrained by a lack of unified purpose that can also be traced to a polarized political culture.

The lack of exposure among politicians from all sides to the myriad operational and effective power-sharing or power-devolving instruments in various examples in countries both in and out of the region is probably the reason for at least some of their tendencies toward inertia, lending towards their frequently rejecting any kind of practical political compromise.

The above sampling of some of the key issues that face the post-conflict polity in transition would indicate that the complexity of the nature of Sri Lanka's governance problems call for solutions that incorporate political, parliamentary and constitutional aspects together.

Multi-dimensional problems are not properly addressed through isolated or piecemeal solutions. Above all, the transition from conflict to post-conflict is, though palpably exciting and imbued with hope, also fraught with danger at both the levels of the representative and of the people, and is therefore fragile in nature. It can only be handled by being thoroughly informed of the complexities and the pitfalls of such a transitory phase.

disaffection can be broken down to two essential elements, one being a lack of inclusion in the processes of decision-making, the other being the notion that there is a collective civic inability to hold those involved in decision-making, particularly in relation to economic issues, to account for endemic corruption or for wrong management decisions.

It cannot be over-emphasized that the one issue that really impeded post-independence progress was the violence resulting from perceived economic disadvantage due to ethnicity.

The most pressing economic need of our time therefore is the area of minimizing the economic and trade imbalances between the relatively prosperous centre, and the disadvantaged peripheries, particularly those with minority

populations in the disadvantaged and recovering war-ravaged North and East.

The existing constitutional judicial and parliamentary devices for enabling accountability are widely seen to have been inadequate.

A failure in accountability mechanisms has impeded the development of trade and economy in many ways. On the one hand, there has been the lack of investment due to constant conflict that can be traced to – at least in part – a lack of accountability, particularly in the process of post-war reconciliation. On the other hand, a lack of accountability means corruption can exist in the very levers through which trade and commerce are mediated for development purposes.



PARLIAMENTARY DEMOCRACY AND CHALLENGES

After three decades of war, Sri Lanka's economy is well along the road to recovery and its parliamentary system is playing a leading role in ensuring the government meets the needs of the people, says one of Parliament's new young Members.

Hon. Udith Lokubandara, MP, in Colombo.

Mr Lokubandara has been a Member of Parliament since 2010. He was appointed as the Monitoring MP for the Ministry of Defence and Urban Development. He is an electorate organizer and district organizer for the Sri Lanka Freedom Party. Before becoming an MP, he served as an adviser to the President. He is an Associate Chartered Marketer from the Chartered Institute of Marketing and is currently reading for post-graduate qualifications in marketing.



Hon. Udith Lokubandara, MP

Sri Lanka is an island nation. Cuddled in the gentle embrace of the Indian Ocean, Sri Lanka is often referred to as "The Pearl" of the Indian Ocean.

But it was not long back that this island nation of 20 million people representing all the key religions of the world was known as the "tear drop" of the Indian Ocean. Engulfed by an unending civil war that dragged on for over three decades Sri Lanka was pinned down from advancing in comparison to its counterparts who gained independence from British rule in the 1940s era.

Recovering from the strains of war

The population of Sri Lanka could be categorized as a majority Sinhalese and minority Tamil and Muslim community mainly in the northern and the eastern provinces of the island. Sri Lanka is a multireligious, multiethnic and multicultural society. Buddhism is the state religion in the island. Hinduism is practiced in every part of the island in harmony with Islam. All religious days of importance of all religions are celebrated in the country with importance given for every religion. Sri Lanka has no record of religious violence. In a world of religious animosity, Sri Lankans have shown the world an example of religious harmony.

Sri Lanka is in a speedy recovery process following the defeat of terrorism. It is a beacon to the world, being the only country having successfully defeated the threat of terrorism. What must be mentioned in particular is the sustained peace in the country following the end of the humanitarian military operations

undertaken by the armed forces of the country. No act of terrorism is reported to date in the country post-war. Sri Lanka is one of the few countries in the world that can call itself with the expensive name "safe". Sri Lanka is today on the fast track to be a tourism hub. The one million tourist arrival figure is within reach for this beautiful island this year.

The Sri Lankan economy too saw a boom with the shackles of three decades of war being removed. The war that used to drain the economy is no more. The projections for growth for the island in the face of the global economic meltdown and the oil price crisis are at an impressive eight per cent. The government has given much needed attention to the economic development drive after being forced to backtrack due to the strains of war. Most notable are the Hambantota Port, Mattala Airport which is nearing completion and the highway system linking the south of the country with the capital. Work is progressing on the Kandy-Colombo and Jaffna-



Improving the rail network in Sri Lanka is part of the government's economic development drive.

Colombo highways. The overall revamping of the road network is also nearing completion. The rail network too is being redone to increase speeds to 100 kilometers an hour.

Democratic government

Sri Lanka was introduced to representative governance with the recommendations of the Colebrook-Cameron Commission taking effect in the year 1833. The form of governance in Sri Lanka evolved and in 1931 the State Council was established and then the House of Representatives came into existence in 1947. The National State Assembly established in 1972 preceded the current Parliament, which was made effective through the constitutional amendments brought forward in 1978.

To date, Sri Lanka is a vibrant democracy. Regular elections are conducted in the island and all governments post-independence have been democratically elected. Even during the period of civil strife, Sri Lanka was punctual in holding general elections.

A notable strengthening of Parliament was seen with the enactment of the 18th Amendment to the 1978 constitution.

The Sri Lankan system of government is three-tiered, comprising Parliament, the judiciary and the executive presidency. The three arms of

government must work in unison for the smooth functioning of democracy. As the presidency is an elected office, there was an instance where it was held by the Leader of the parties in a minority in Parliament. In the period 2001 to 2004, the President was HE Mrs Chandrika Bandaranayke Kumaratunga from People's Alliance (PA) and Parliament's majority was held by United National Party (UNP) under Hon. Ranil Wickremasinghe following the 5 December 2001 parliamentary election. On 7 February 2004, the President dissolved Parliament under the powers vested in her by the constitution which allows a President to dissolve Parliament at any time after the first year of a Parliament. The main reason for this in my view was the fact that the Parliament and the executive acted remotely from each other. The President was not involved in the parliamentary process.

The 18th Amendment, among other measures, made provisions for the President to present himself/herself to Parliament every three months. This greatly increases the interaction of the Legislature with the executive. Parliament now has the opportunity to raise issues of national importance with the President in the House.

Hope through consultation

The current Parliament elected in

2009 is unique in many forms. Most importantly, this is the first post-war Parliament in Sri Lanka. I personally would dub this Parliament as a "Parliament of Hope". The overwhelming majority the government has is a clear indicator of the people's aspirations for this Parliament. Also it is noteworthy to take into account the large number of young Members in the new Parliament.

Sri Lankans elected the post-war Parliament as the institution empowered to steer the country forward from the ashes of war. The current Parliament is looked upon by the people as the Parliament that will deliver. The consultative committees of Parliament act as the link between people's aspirations and government policy forming. Members of Parliament from all parties actively involve themselves in the Consultative Committees working together to deliver the needs of their constituents. As the Sri Lankan Parliament sits on a bi-weekly basis, MPs are in constant contact with their electorates. The needs of the people are brought to the discussion table of each consultative committee in the presence of the Minister concerned as the Chairperson and all the ministry officials in attendance. There is even a regular committee meeting chaired by the President for the ministries under his purview.

The role of Parliament in post-war Sri Lanka is immense. Sri Lanka is in a drive to safeguard the hard won peace that she achieved at a colossal cost to the country.

Sri Lanka in no way wants to go back to the bitter experiences it faced for a period of over three decades.

People's representation is only clearly reflected through the parliamentary system. Parliament is supreme over all, the highest body that is empowered to decide on the will of the people. The parliamentary select committee is an ideal mechanism to identify

specific issues. The faith we have in Parliament has to be utmost. The representation of the people in Parliament must not be allowed at any cost be diluted by any factor. A select committee is represented by the Members elected by the people to represent their views in government. So it is the most represented panel in any issue. The idea of placing a higher emphasis on the parliamentary select committee system for the progress of post-war Sri Lanka is most commendable.

A role for the CPA

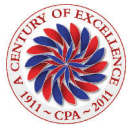
As we host the 58th Commonwealth Parliamentary Association conference in Colombo in September as a gathering of nations that respect and value parliamentary practice, it is my view that the CPA should resolve to look into the core values of the organization. We are an organization that joins hands irrespective of gender, race, religion or culture. We are united by community of interest, respect for the rule of law and individual rights and freedoms. We are joined in the positive ideals of parliamentary democracy. I believe that this conference must be made a forum to improve on the democratic process of our member countries.

At the same time, this Colombo meeting must also give an ear to the voices of the smaller yet independent and sovereign nations within our valued organization.

The CPA as a body formed on parliamentary values and ideals must more actively involve itself in global matters that affect member countries.

We must at all times bear in mind the fact that protection of democracy is of paramount importance. The ideas of the strong must not be pushed down the throats of the weak.

The democratic processes of independent nations must be respected. May this forum bring about a brighter world order.



THE ROLE OF THE SECRETARY-GENERAL OF PARLIAMENT: THE SRI LANKAN PERSPECTIVE

Parliament's most senior official works in a constitutionally protected position to enable him or her to anticipate and meet the growing administrative and procedural needs of Parliament, its Presiding Officers and both government and opposition Members in an efficient, effective and non-partisan way, says the Secretary-General of the Parliament of Sri Lanka

Mr Dhammika Dasanayake in Colombo.

Mr Dasanayake is the Secretary-General of Parliament. A lawyer, he served in the Sri Lankan Foreign Employment Bureau and was a State Counsel in the Attorney-General's Department before joining Parliament as an Assistant Secretary-General in 1994. He became Deputy Secretary-General in 2003 and was appointed as Secretary-General on 15 February 2012.

The Secretary-General of the Parliament of Sri Lanka is the Chief Executive Officer of the Parliament Secretariat and the Legal and Procedural Advisor to the Honourable Speaker of the House. The Secretary-General is appointed by the President, in consultation with the Parliamentary Council, which consist of the Speaker, the Prime Minister, the Leader of the Opposition and two Members of Parliament appointed by the Prime Minister and the Leader of the Opposition respectively.

The independence of the Office of the Secretary-General is safeguarded by the constitution, which states that the Secretary-General cannot be removed from office unless certain specific conditions stipulated by the constitution are met. Further, the constitution states that the salary of the Secretary-General shall be determined by Parliament and shall be charged against the Consolidated Fund and will not be diminished during his/her term of office. Accordingly, it is evident that the constitution of Sri Lanka which establishes the Office of the

Secretary-General also cloaks it with a degree of immunity to safeguard its independence and the apolitical nature of the office.

Although no qualifications have been stipulated by law for the post of Secretary-General, a strong tradition has evolved over the years that the prospective candidate must belong to the legal profession. In keeping with this requirement, those who are recruited to the Secretariat at the level of Assistant Secretary-General are from the legal profession.

Necessary qualities for the benefit of the House and the Speaker

As is the practice in many Parliaments, the Secretary-General is the Chief Legal Advisor to the Honourable Speaker. He is the custodian of the culture and the accumulated wisdom of the House with an in-depth knowledge of Standing Orders, constitutional provisions, unwritten practices, traditions, precedents and privileges of the House.

Together with this knowledge, the Secretary-General must



Mr Dhammika Dasanayake

possess certain special abilities and traits. He must have the ability to gauge the mood of the House and apply practical wisdom to facilitate its smooth functioning. One of the most important skills that a Secretary-General must develop through long experience is the ability to anticipate a problem that may develop on the Floor of the House. On such occasions, being able to be armed with the necessary legal and procedural provisions, past precedents, guidance of procedural authorities and comparative knowledge of the practices of other jurisdictions paves the way in addressing contentious issues efficiently and



successfully minimizing the loss of precious time of the House.

A further advantage is that it provides opportunity and sufficient time to brief the Presiding Officers on the matter, enabling them to make rulings promptly with supporting reasons.

To be an accomplished Secretary-General, he/she must maintain an excellent relationship with the Honourable Speaker of the House. This relationship must be based on mutual trust, confidence and friendship. If the chemistry does not work properly, it spells disaster to the Secretary-General and the Speaker in the long run.

The Secretary-General is answerable only to the Speaker of the House and, in keeping with the practice of the Commonwealth, his/her actions are generally not discussed in the House.

Accurate record-keeping in three languages

Many of the responsibilities of the Secretary-General are spelled out in Standing Orders; but others have evolved in the form of practices and conventions. The House considers the Secretary-General as the "Officer of House" and views any obstruction caused to him/her in the execution of duties of the House as a contempt committed against the House. The Parliament (Powers and Privileges) Act provides for the inquiry into and the punishment of a person who is found guilty of committing such offence.

The Secretary-General prepares a list of business for each day of Sittings in keeping with the decisions of the Committee on Parliamentary Business. He/she also causes the Order Paper to be circulated among Members of Parliament containing Questions, Notices, Motions and Orders of the Day in all three of Sri Lanka's official languages, which is a requirement of the Sri Lanka Parliament. It is the responsibility of the Secretary-General to produce

an accurate report of the proceedings in the shortest period of time.

The Proceedings of the House are recorded in the language used by the Member concerned and published as the Official Record of the Day's Proceedings or, as commonly called, the "Hansard". The Constitution recognizes Sinhala and Tamil to be the two official languages and English as the link language. However the Parliament is trilingual in the sense any Member can speak in any of the three languages which will be duly recorded and interpreted to the other two languages. As three Floor languages are therefore permitted in the House, three sets of Hansard Reporters and simultaneous interpreters have to work together to service the House at any given time. Even though at a lower scale, these facilities have to be provided to committees as well to ensure Members of Parliament do not encounter any difficulty in engaging in the work of committees.

Before a Bill is assented to by the Speaker, it is the duty of the Secretary-General to certify that the assent copy contains an accurate version of the Bill passed by the House, incorporating all the amendments moved by the House. The Secretary-General has the custody of all records, documents, correspondence and papers of the House and its Committees and does not permit any such documents to be taken out from Parliament without the permission the Speaker or the House, as the case may be.

Diverse duties

The Secretary-General corresponds directly with all external agencies, local and foreign, on behalf of the House. He/she can also authorize subordinate officers to correspond with various agencies on his/her behalf.

In the event of a Member resigning their seat in the House or

where a seat falls vacant by death or operation of law, the constitution and the elections law oblige the Secretary-General to inform the Commissioner of Elections to take steps to fill the vacancy.

On the direction of the House or a committee of Parliament, the Secretary-General issues summons to witnesses to appear before the House or a Committee as the case may be. A person who does not obey summons could be dealt with under the Privileges Act for having committed a breach of Parliamentary Privileges.

The Secretary-General is the Secretary to all committees serviced by the Secretariat. However, in practice, except for a few important committees which are serviced by the Secretary-General, the others are supported by officers of the Secretariat to whom necessary authority has been delegated by the Secretary-General.

The Secretary-General heads the Parliament Secretariat. The parliamentary service is an independent service with a strong apolitical culture.

The Staff Advisory Committee consisting of the Speaker, Leader of the House, Leader of the Opposition and the Minister of Finance sets policy guidelines regarding the conditions of service, financial, administrative and disciplinary regulations pertaining to the staff of the Secretary-General.

The recruitment of staff to the Parliament Secretariat is done by the Secretary-General of Parliament with the approval of the Speaker. It has been the long-established practice that a totally transparent and an apolitical procedure is followed in recruiting staff, establishing an independent secretariat which enjoys the confidence of the government and opposition Members alike.

It is the responsibility of the Secretary-General to ensure that the officers of the Secretariat who are entrusted with the work of the

House and committees are qualified, competent and experienced enough to enable the respective fora to engage in their business without any impediments. The allocation of work among the Secretariat Staff is the sole prerogative of the Secretary-General.

The Secretary-General is assisted by a hierarchy of officers including the Deputy Secretary-General of Parliament, Assistant Secretary-General of Parliament and Heads of Departments. The Secretary-General is the chief accounting officer of Parliament. He/she also initiates the formulation of budget proposals for Parliament, which are considered and approved by the Staff Advisory Committee.

A growing global role

With the proliferation of parliamentary activities nationally and internationally, the role of the Secretary-General has become more complex and challenging. Parliamentary modernization, the introduction of information technology, capacity-building for Members of Parliament and staff and public outreach are some of the areas which need constant attention.

In addition, international relations and interparliamentary co-operation is also increasing. The Parliament of Sri Lanka holds memberships and actively participates in many international fora, including: the Commonwealth Parliamentary Association, the Inter-Parliamentary Union (IPU), South Asian Association for Regional Co-operation Speakers and Parliamentarians Association, the Society of Clerks-at-the-Table in the Commonwealth, the Association of Secretaries-General of Parliament of the IPU, and the Commonwealth Speakers and Presiding Officers Conference. As a result, the Secretary-General has to perform a variety of roles within and beyond the frontiers of our country.

The stunning Sri Lankan landscape





