

Local Governance: Problems of Democracy

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

1. Introduction

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

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

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

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

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

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

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

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

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

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

2. Background

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

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

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

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

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

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

3. Significance of Local Government

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Pradeshiya Sabhas confront serious logistical obstacles.

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

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

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

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

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

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

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

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

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

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

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

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

4. Conclusion

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

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

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

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

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

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

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

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

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