Paradox of Democracy and Attrition of Civic Space in Sri Lanka: *Quo Vadis?*

by

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Matters relating to the substance of democracy and the texture of civic space in Sri Lanka have emerged as focal issues in political discourse more than ever today, after seven decades of turbulent and checked course of democratic governance. Having inherited Westminster model of parliamentary institutions from the British Raj, Sri Lanka was considered one of the most promising democratic spaces in Asia at the time of independence. The political elite who gained reins of power after independence, irrespective of their political color, remained faithful adherents of British political traditions. The apolitical bureaucracy, schooled under the colonial rule ensured the administrative continuity from the colonial to post-colonial state. The multi-party system, regular elections and the tradition of changing governments peacefully by the ballot gave initial credentials to the democratic governance in Sri Lanka. Hence, during the first two decades after independence, Sri Lanka had been cited as a shining example of parliamentary democracy in a plural Third World society.

The positive image of Sri Lanka as a ‘vibrant democracy in South Asia’ began to wither away gradually in the 1980s. What witnessed since then was the rapid erosion of democratic institutions and resultant contraction of civic political space. The continuous majoritarian political practices, the intolerance of dissent, frequent use of Emergency Regulations, the concentration of power in the hands of the executive while systematically dismantling the system of checks and balances, the manipulation of electoral process, the institutionalization of political violence and ethnic conflicts became conspicuous features of the political landscape in Sri Lanka. It is an irony that once the most promising and vibrant democracy had given birth to two youth insurrections in the South and the protracted armed struggle in the North. In this backdrop, this paper attempts to understand the paradoxes of democracy in Sri Lanka, reflected vividly in the discrepancy between its rhetoric and substance. The democratic deficit will be tracked by linking it with the continuous collapse of hegemony of the state and also with the changing texture of the civic space. In order to set the theoretical point of departure to the analysis, the paper defines first some key analytical properties employed in the article. It proceeds therefrom to trace the incongruity between the form and the substance of democracy, which widened with the passage of time. The final part
of the paper tries to understand this paradox by tracing nexuses between the evolving social and political dynamics involved with the crisis of the hegemony of ruling bloc and the decaying of democratic institutions and how they refracted in the civic space, influencing its political texture and role.

**The State, Democracy and Civic Space**

The key analytical category around which all other heuristic constructs used in the paper are gravitated is the concept of state and its hegemony. This article adopts Gramscian readings of the state. Accordingly, the state is defined not simply as an apparatus but as a totality of activities of the ruling bloc as rulers. Gramsci writes, “The state is the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance but manages to win the active consent of those over whom it rules”\(^1\). The division of the superstructure in society into two domains as civil and political by Gramsci is useful to comprehend the working of the social fabric of state power in a democratic environment. The civil society is the ensemble of social organisms commonly called ‘private’, which includes political parties, trade unions, educational and cultural institutions etc. The political society is the totality of public domain, including the state. The state power is really a matter of social supremacy, which manifest both in the form of domination and in intellectual and moral leadership, the hegemony. The ‘civil’ and ‘political’ domains “correspond on the one hand to the function of hegemony which the dominant group exercise throughout society, and on the other hand to that of direct domination through the state and the judicial government”.

Conceptualizing the state from a quite different perspective, Barry Buzan has identified the ‘idea of the state’, reflected in the ideological basis of the state, as one of the three key bases of the state. The other two comprise the institutional base and the human and physical base. The ideological base of the state is the most crucial because it binds the territorial base with its human and institutional base with the state. In essence, the crisis of the Sri Lankan state is the crisis of the hegemony of the weak ruling bloc who fails to offer overarching ideology for the state, capable of uniting the people cutting across ethnic boundaries. The political dynamics of democratic deficit in Sri Lanka need to be understood against the crisis of hegemonic accommodation of ‘others’ by the ruling blocs. In order to understand constant reconstitution of ruling ‘historic bloc’ in Sri Lanka since independence, it is necessary to combine theoretical level analysis of political dynamics with concrete level analysis of different political formations.
Democracy is a constantly evolving concept with multiple dimensions and diverse forms in different contexts and discourses. These forms include, *inter alia*, electoral democracy, centralized democracy, liberal democracy, social democracy and participatory democracy. Democracy manifests in different political institutions in the form of electoral systems (majoritarian), government systems (presidential/parliamentary) and state structure (federalist/unitary). Democracy is not only a system of governance, but also a set of ideology, a form of culture, a way of life and a pattern of thinking. In the final analysis, democracy is a discourse. As a system of governance, democracy has reached the present stage as a result of the struggle and sacrifices of generations of people for centuries. Broadly speaking, it can be defined as “popular control of public decision-making and decision-makers, and political equality between citizens in the exercise of that control.”[^2]

**What counts as a democracy?**

a. It is generally believed that regular, free and fair elections are the main defining feature of democracy. What is meant by free and fair elections is a vexed issue in view of the presence of big money in politics, and its ability to capture the state and facilitate corruption. Free and fair election is not the only criteria of democracy; there are many more. Besides, mandate is not a *Carte blanch* given to those who are elected by the people only for a certain period.

b. Mandate should invariably accompany in-built mechanisms to check, control and correct them to make democracy functional. Furthermore, mutual checkmating and balance of three branches of government, namely executive, legislative and judiciary, is an essential element of democracy. Multi-party system and the responsible opposition are considered essential ingredients of democracy.

c. Democracy is a system of rule by laws, not by individuals. No one is above the law, not even the elected president. The rule of law places limits on the power of the government. No government agency may violate these limits. Fundamental rights constitute an essential feature of democracy, which determine the degree to which civil liberties are respected. The protection of fundamental rights vis-à-vis legislative action lies with the judiciary in democracy.

d. Constitutionality is the backbone of democracy. The constitutionality is something more than the existence of independent judiciary. The constitution is above the three branches of governance in the sense that parameters of functions of three branches of government are defined by the constitution. In democracy, the constitution is the embodiment of
popular sovereignty. The executive, legislature and judiciary branches exercise popular sovereignty but they do it in line with the provisions of the constitution. In the last resort, the guardian of the constitution is the independent Supreme Court.

e. The free citizen, the absence of privileged class and the equality voters are the core of democracy. The informed public constitutes essential element of democracy and without them it becomes sterile. The free access to information is fundamental in the articulation of informed public and the state. Building a democratic citizen freed from primordial loyalties and mental frames is a *sine qua non* of democratic state building.

f. Last but not the least, the role of free, competitive, and robust but responsive media as the ‘watch dog’ of democracy is crucial in democratic governance. The use of media, conventional and social, as a tool in legitimization/ de-legitimization of political power and politics is a critical issue in democracy. As Andrea Butruce writes, “The digital revolution has brought about a paradigm shift in the modalities of state-society relations and the very concept and functioning of democracy. Social media in particular has impacted the process of information sharing and gathering. Now simply a click away, and influenced the perception of truth”.

Another important concept, closely related to democracy is the civic space. Like democracy, the civic space is also an evolving concept. It is a virtual space, which is difficult to define and demarcate it from the political space precisely due to constant articulation between the two. Democracy needs a vibrant civic space for it to be meaningful and effective, which is considered the bedrock for democracy. Broadly, the civic space can be defined as the space where citizens are able to organize, participate and communicate without hindrance. Three fundamental freedoms that are essential components of democracy define parameters of civic space: freedom of association, freedom of assembly and freedom of expression. Civic space and the civil society are not the same even though two terms are often used interchangeably. Civil Society is an imagined entity. It is an arena created by individuals, organizations and institutions to advance shared interests outside the family, the state and the market.

Democracy as a system constantly needs revitalization for its survival. It is highly prone to decline in the face of constant challenges it confronts from within. Voter apathy and distrust of traditional political institutions and politicians create conditions for populism to emerge and advocate ‘illiberal democracy’ against fundamental rights for the sake of national security which leads to democratic backsliding. But democracy has its own self-correction
mechanisms - democratic resilience. Democratic resilience can be defined as “the ability of the social system to cope with, survive, innovate and recover from complex challenges and crisis that present stress or pressure that can led to systemic failure”. In view of that, democracy would be the best system of governance that the mankind has so far generated. However, in order ensure its proper working, the democratic system of governance should accompany other symbiotic aspects of democracy: democratic culture, democratic behavior and democratic thinking. Against this analytical backdrop, no objective political observer could be oblivious to the fact that there is a vast discrepancy between the substance and the rhetoric of democracy in Sri Lanka.

**Institutional Decay and Backsliding Democratic Process**

When did the democratic institutions begin to decay in Sri Lanka? It is not possible to attribute the erosion of democratic processes and the debilitation of democratic structures in Sri Lanka solely to the 30-year long armed conflict. Indeed, the two youth uprisings in the South and the long-drawn armed conflict in the North contributed in no small measure to democratic deficit in the country. However, the process of democracy decay started well before the outbreak of the armed conflict. It was fundamentally an outcome of the failure of the key political undertaking that the rulers of post-colonial Sri Lanka were destined to lead: guide and direct the post-colonial state-formation and nation-building processes to embrace the multi-ethnic social order. Why did they fail in this regard? To answer this question, it is necessary to pay attention to certain contradictions in structural foundations of the Sri Lankan state and to the socio-political dynamics associated with them, in addition to the factors such as the lack of political foresight and will on the part of the political leaders in power and the weakness of social forces who ought to push forward the inclusive democratic reforms and national integration agenda.

The political history of Sri Lanka since 1948 has been one of continuous erosion of the hegemonic state and the collapse of the historic bloc formed in 1948. The social base of the state power at the time of independence was confined to a thin layer of society. The new ruling class was mainly comprised of, according to Jayadeva Uyangoda, “(1) small and medium plantation owners in the low country, (2) agrarian landlords who were of the nature of urban gentry, (3) bureaucrats and professionals that emerged from landowning and merchant classes⁴”. The electoral process linked with universal suffrage compelled these political elite to count on a large number of local political operators from intermediary social layers. There were class and cultural differences between the national-level political
leadership and the intermediary political agents who operated at the ground level. In the changed political context, these politically mobilized intermediary layers were hardly content with playing a marginal role as political attendants of national political leaders. In the early phase of post-independence, the conflict between the political elite and the intermediary social layers who came forward from rapid pace of social and political mobilization set the tone of political discourse.

D.S. Senanayake attempted to form a strong historic bloc by forging a broad, elitist-level political alliance. The cooptation of a leader cannot be equated to an organic integration of an ethnic group to the hegemonic state. The resignation of Bandaranaike from the ruling alliance and S.J.V. Chelvanayagam from the Tamil Congress symbolized the first crack in the historic block forged in 1948. The Sri Lanka Freedom Party (SLFP) founded by S.W.R.D. Bandaranaike and the Federal Party founded by S.J.V. Chelvanayagam addressed the political and cultural grievances of the similar constituencies in the South and the North in ethnic divide.

The nationalistic upsurge against the domination of Westernized elites rapidly changed the political atmosphere in the mid-1950s. Bandaranaike addressed these nationalistic forces to topple the UNP government. A new political bloc (MEP) formed under the leadership of S.W.R.D. Bandaranaike took the reins of power with the election victory of 1956. The reconstitution of ruling bloc in 1956 took place on an anti-colonial flank; not on a national integration framework.

The MEP regime of 1956 initiated a series of changes in the cultural and economic spheres to satisfy the social elements from which it received its support. The role of the state was changed and it came forward to play a direct role in the economic development and allocation of resources. As a result, the state came forward to intervene more directly in important aspects of the economic and cultural life of the country. Many of the new state corporations established after 1956 were in Sinhala majority areas and the recruitment from top to bottom was on political patronage. This practice mainly benefited the intermediate layers in the South who now got the opportunity to rub their shoulders with those in the corridors of power. Their Tamil counterparts who were equally anxious to gain access to state resources in the same manner did not benefit with the expansion of the public sector. The increasing feeling among the Tamils in the North was that they continue to remain outside the corridors of power, despite the expansion of social base of the state after 1956,
and this created a feeling of alienation. As a result, the fissure between the ruling historic bloc in the South and the leaders of the Tamil bloc in the North and East began to widen.

The Bandaranaike-Chelvanayagam Pact (B-C Pact) in 1957 attempted to address this issue by proposing a regional Council for the North and the East and Tamil as a language of administration in the North and East. The unilateral abrogation of the B-C Pact in the face of the opposition in Colombo belied the hope of compromise between the leadership of the new political formations in the South and the North. Thus, the first effort to restructure the state was failed.

The period following the 1956 change experienced more and more political calamities. Communal clashes between Sinhalese and Tamils, unprecedented in modern times, were reported in 1958. It followed intermittent peaceful sathyagraha campaigns of the political leaders of the Tamil parties against language and other issues in the early 1960s. State power and Emergency Regulations were widely used to suppress the Sathyagraha and other protest campaigns organized by the Federal Party. Another attempt in the direction of forging harmonious ethnic relations and accommodating the interests of the Tamils was tried when the Federal Party joined the UNP to form a coalition government in 1965. The Senanayake-Chelvanayagam Pact signed in March 1965 intended to come to an agreement on three main issues – language, lands and regional councils. The Tamil Language (Special Provisions) Act was passed in the Parliament in January 1966 amid strong protests by the opposition including the Left Parties. However, in the face of opposition, the draft bill on the District Development Councils was not presented to Parliament.

In spite of the expansion of social base of the ruling historic bloc, the real political power remained in the hands of few political elites. Sri Lanka has been credited for change of power through democratic elections. Nevertheless, reality is that political power was rotating only among a small set of leaders, who are socially and economically interconnected. In the cabinet after 1956 political change, eight out of fourteen ministers were from five leading schools of the country (Royal, St. Thomas, Ananda, St. Joseph and Trinity). In the 1956 Parliament, 38% of MPs were from these schools. This percentage in 1970 Parliament was 31. As a result of this narrowness of political caucuses, the system lacked control over new political forces and lost its legitimacy. As Samuel P. Huntington observed, the outcome of such situations is the entry of new social groups into politics without becoming identified with the established political organization or acquiescing in established political procedures. The political context of the armed uprising in 1971 should be viewed in this light. After the
1971 uprising the role of the armed forces in internal security became more overt. Regional military coordinating officers were appointed and districts were placed under their control. This set the precedent and in 1980s this was widely practiced.

The Republican Constitution in 1972, the first autochthonous constitution in Sri Lanka, provided the constitutional and legal justification for the political process set in motion since 1956. It established the supremacy of the unicameral parliament firmly, removing any restrictions to political power. The safeguards of the earlier Constitution embodied in article 29(2) were removed as they were considered inimical to the sovereignty of the people. The content of the first Republican Constitution as well as the constitution-making discourse and procedure alienated the Tamil leaders from the decision-making process. In response to the proposal of devolving power to regional units by main Tamil parties, the new Constitution formally declared that Sri Lanka is a Unitary State. Accordingly, the 1972 constitution contributed to accelerate the political alienation of the Tamils from the political center.

The interventionist role of the state in economic affairs reached its peak under the United Front Government of 1970. Those who came to grips with the command of political power wanted to utilize it to gain access to the allocation/utilization of resources of the state. The state was accorded a crucial role in economic and social life. Social and political implications of the expansion of the role of the state were far reaching. A new class, based on state power and resources emerged. A large cohort of politically powerful but economically dependent parasitic group came forward to assume the leadership in civic space. Politicization of public administration systematically commenced with the setting up of District Political Authorities in 1973. In the post-colonial political context, authority and hegemony of the traditional elites have rapidly contracted. The decline of the Bamunu Kulaya (Brown Sahibs) gave way to a new clan of power brokers and political operators, nomenklatura class of Sri Lankan type. Their entire economic and social survival depends on their access to state resources through political power.

**Contraction of Democratic Structures after 1977**

The erosion of hegemony of ruling historic bloc, the crisis of the state and democratic institutional decay reached a new phase after 1977. After obtaining landslide victory with five-sixths majority at 1977 elections, the UNP government under J.R. Jayewardene initiated a new policy regime identified as the ‘Open Economic Package’. Corollary to the policy of
trade liberalization and deregulation of the economy after 1977, the state withdrew from its direct role in day-to-day economic life, marking a clear departure from the earlier policy. The market mechanism was given greater autonomy and the market forces were considered the engine of growth.

In the political domain, the UNP regime under J.R. Jayewardene took systematic steps to instill many authoritarian features to the political system that was sanctified by the new constitution of 1978. The all-powerful Executive Presidency was introduced as the center of gravity in the political order and placed it above the law by making it immune to court proceedings. After the introduction of the proportional representation along with Executive Presidency, the authority of the party leadership was firmly stamped. The undated resignation letters obtained from the members of parliament and the practice of appointing ‘Chit MPs’ destroyed the legitimacy of the legislative branch of the government. The five-sixths majority in parliament was often used to amend and manipulate the very constitution, making constitutionalism a farce. The 1978 constitution was amended 16 times in ten years, contributing towards democratic deficit.

Another aspect of the subversion of democracy by the regime in power was its disregard for the rule of law and independence of the judiciary. When a police officer was found guilty and fined by the Supreme Court for violation of fundamental rights by seizing leaflets at a political meeting in 1982, the government decided to reimburse the fine out of public funds and immediately give a promotion to the officer involved. It was not an isolated incident. On another occasion, a senior Leftist politician (Ms. Vivienne Gunawardena) complained of assault and unlawful arrest. The Supreme Court held that her arrest was unlawful and unconstitutional and ordered the state to pay her compensation. On the day the decision was delivered, the very police officer was promoted. A few days later, a gang of thugs linked to a government minister paraded outside the houses of the three judges who delivered the judgment and shouted obscenities at them.

The UNP regime under President J.R. Jayewardene carried out an overt strategy to weaken the parliamentary opposition. The use of coercion against political opposition was systematic and ruthless. The deprivation of civic rights of Mrs. Sirimavo Bandaranaike, the leader of the main opposition party, came in this context. The faux Naxalite conspiracy of 1982 was used to imprison main campaigners of the SLFP to win the infamous referendum. In order to attain short-term political stability, the regime ignored, if not undermined, basic fundamentals of parliamentary democracy. As a result, the entire system lost its credibility.
The manipulation of the electoral system through constitutional means reached its zenith with the referendum of December 1982. The intention of the referendum was to postpone the general election and retain the two-third majority of the ruling party in parliament. The manner in which the referendum was conducted was a clear deviation from relatively free-elections that Sri Lankan electorate had been accustomed to. At the referendum the ruling party resorted to mass scale rigging and open violation of election laws, making the entire Sri Lankan democracy a farce. President Jayewardene seemed to have believed that by the referendum he received a Carte Blanche, a blatant antithesis of democracy. In his address to the annual convention of the ruling party after winning the referendum, the President stated that the country needs one strong individual who feared neither the judiciary, the legislature, nor the party and that he had the power to do anything for the next six more years.

The measures to achieve political stability taken after 1977 at the expense of democratic political structures and processes however backfired. The ethnic conflict began to take a new turn after the ethnic riots in July 1983. A new wave of military confrontation began in January 1984. The failure of political initiatives to find a political solution to the ethnic problem on the part of both the state and the Tamil militants aggravated the armed conflict leading to the direct Indian military intervention in 1987. The resulted Indo-Sri Lankan Accord which gave birth to the 13th Amendment to the Constitution providing a Provincial Councils system, which, from the very outset, carried a certificate of illegitimate birth due to Indian intervention.

Using the 1983 riots as a pretext, the JVP was proscribed and pushed to go underground. The contraction of the civic space and breakdown of democratic structures reached its zenith during the second JVP uprising in 1987-89. The scale and intensity of violence was unprecedented and the situation of the country deteriorated virtually to the Hobbesian ‘state of nature’. The regime was able to put down the second JVP insurgency finally by employing a high dose of extra-judicial force. The end of southern insurrection did not bring political stability to the country. The renewed armed conflict in the North and East became the main feature in the conflict architecture of the country.

After the suppression of second JVP uprising, President R. Premadasa appointed the ‘Presidential Commission on Youth’ on 19 October 1989, with the mandate to examine the causes of youth unrest and to recommend remedial measures. The Commission Report vividly revealed how the politicization of recruitment to the public service was a main source
of resentment on the part of the youth. It noted that the practice of enjoying all the benefits and rewards by political class has caused a spiraling sense of frustration. The Youth Commission Report put forward a number of constructive recommendations in the direction of democratization of the state: a reversal of the over-politicization of society, a control of the misuse and abuse of political power and a prevention of arbitrary political interferences in public institutions. It also recommended that a quota system should be provided for youth to increase youth representation in local level institutions. Most important step taken by the Premadasa administration soon after the Youth Uprising was the allocation of a quota of 40 percent to youth candidates between age of 18-35 in local government authorities by proposing an amendment to the Local Authorities Elections (Amendment) Act no. 25 of 1990. However, after the initial urgency worn off, the interests in implementing other recommendations of the Youth Commission fizzled out.

Another important step taken by the Premadasa administration in yielding to the demand on the part of democratic forces including the Left parties for more inclusive democracy was the reduction of the district votes cut off point from 12.5 percent to 5 percent through the 15th Amendment to the Constitution.

Paradoxically, President Premadasa concentrated executive powers as much as possible in his hands, making the entire administration akin to a ‘one-man show’. The role played by the infamous ‘Lawrence Unit’ which reported directly to the President sent shock waves to all the political and administrative personalities below the President. The modes operandi of President Premadasa has brought many obnoxious features of the Executive Presidency into focus of the wider sections of society. By the time of the tragic death of President Premadasa, a cry for a democratic change of the political system was gaining momentum.

The Peoples’ Alliance (P.A.) that came to power in 1995 with the mandate to abolish the Executive presidency attempted to make political reforms a priority in its political agenda. The new regime linked all its political reform proposals with a proposed political solution to the ethnic problem in one single package, and did not want to pursue a piecemeal approach to Southern political reforms. Furthermore, the PA regime imprudently counted on the goodwill of the main parliamentary opposition in implementing its political reform package, instead of going to the people directly bypassing the opposition political leaders. By dragging on the discussions with the opposition, the PA allowed historic opportunity to lapse and squandered the congenial political climate for structural political reforms, which
prevailed after the elections in 1995. When the Elam War took a new turn in 1999, the reform agenda of the PA regime lost its credibility in the context of a series of military setbacks to the Government forces. The blatant violation of election laws and the use of coercion during infamous Wayamba Provincial Council Elections in 1999 caused irreversible damage to democratic credentials of the People’s Alliance Government.

**Continuity in the Post-war Context**

As a result of decades of continuous decay in democratic structures, the democratic deficit had become a fact of political life by the time the war ended in 2009. President Mahinda Rajapaksa was re-elected for the second term of another six years on 26th January 2010. In the backdrop of political euphoria in the aftermath of defeating the LTTE, President Rajapaksa introduced the 18th Amendment to the Constitution, which removed the two-term limit on being elected to the office of the President in August 2010. What witnessed after 2009 was the continuation of the same trends with much vigor, instead of embarking on democratic political reforms. What are these trends?

The most critical among them, as far as democratic fundamentals are concerned, is the continuous erosion of the boundary between the state and the political regime and the merging of the two into an inseparable single entity. The regime is a crucial component of the state, but the state is something more than the regime. There is a subtle but important difference between the state and the regime. Maintaining this distinction between the two units is very important for democracy. It is this difference that underlies such crucial democratic principles as the rule of law, constitutionalism, and other fundamentals of good governance. The failure to identify and demarcate the sites of two parallel institutions and to mutually respect their respective spheres disturbed the balancing mechanism in democratic governance. When the state and the regime become one entity, the political leadership tends to tie up the security of the regime with national security. When the political stability of the regime is presented as national security, the regime can always invoke the concept of national security to justify the use of force to suppress legitimate political protests against it.

The disappearance of the boundary between the state and the political regime led to the merging of political power with state power. As a result, the political power in Sri Lanka became the *de facto* and *de jure* state power. This has two serious political implications. First, those who hold political power in the regime see no limit to exercising their power and authority. The institutions of power and authority of the state have become the agencies of
power and the authority of the ruling party. Second, political agents were enabled to exert their control over the state institutions through the political affiliations. The crucial role that the organizers of the ruling party played in their respective areas, irrespective of whether they are MPs or not, can be cited as an example. The political power was presented as the collective ‘will of the people’. The type of political mobilization with distorted political intuitions and processes brought lumpen elements also into the political caucus and made them regional potentates.

The increasing attrition of civic space is mirrored in the intimidating presence of political cronies in almost every aspect of social, economic and cultural life. In a situation where political cronies occupy the main nerve centers of the economy, the private sector faced many insurmountable difficulties in engaging in economic activities without political patronage. This paved the way for the emergence of a group of entrepreneurs whose fortunes rest on direct political patronage, such as contracts, giving birth to a system of crony capitalism. Net outcome is the marked reduction of free opportunities available for broad social layers for economic and social advancement without ‘correct’ political linkages.

With the Executive Presidency, the political system in Sri Lanka gradually changed from a party-centered one to an individual-centered one. With the development of modern democracies, the political party as the key political organization came forward to occupy a pivotal position in political space. A political party is the institutionalized mediator between civil society, the executive and the legislature. After 1977, the importance of the party structure gradually declined and the entire party organization started to gravitate around one leader. There is no internal party democracy and the leader firmly prevails over the party organs, making the party only an appendage. In this context, when a party comes to power, its leader as the Executive President becomes a Jagannath; the political order gravitates around the Fuehrer. Everything in the state should come under his will- a modern version of the proverbial ‘Asian Despotism’.

The concentration of state power in the hands of the Executive President led to coopt a large section of political agents to state power and allowing them access to the state resources through political power. The executive president, with his unprecedented concentration of power through constitutional and political means, needed a wide array of operators and agents to exercise authority at different levels - from the district down to the village. These two processes, namely, the concentration of political/state power at the center
and the co-optation of provincial political ‘commissars’ as sub-agents of political/state power, formed the unity of the system. The state became the Eldorado for the political class as political power became the key to gaining access to state resources. As system evolved, numerous avenues to extract state resources are secured by the political class at various levels. Accordingly, the political power not only bestows social recognition and prestige, but also offers wide opportunities to acquire economic benefits. As their access to state resources solely depends on their political power, they are determined to safeguard the system and stay in power. It is a matter of life and death for them. Political power is the fulcrum of their entire social recognition and their ability to command rests on it.

The concentration of power in the hands of Executive President reached a summation under President Mahinda Rajapaksa. Since 2005, the ruling coalition had won all the elections comfortably. In addition, by enticing crossovers of members of the parliament from the opposition, the regime was able to secure a two-thirds majority in the parliament, a figure hitherto considered unattainable under the present system of proportional representation. The political system has assembled, step by step, all of the constitutional paraphernalia required for constitutional despotism. Ironically, it did not bring structural stability to the regime. Extreme concentration of power in the hands of the Executive President ultimately became the Achilles heel of the Mahinda Rajapaksa regime too.

This paradox became more visible during the second term of President Mahinda Rajapaksa. The regime appeared to be stable and powerful. Yet, despite all politically favorable conditions, the regime appeared to be threatened and insecure. It was manifested in the Katunayake Free Trade Zone in July 2011, in Chilaw in February 2012, and in Rathupaswala in August 2013, where the regime used excessive military force against unarmed civilians who were engaged in ‘non-violent’ protest in civic space. The mobilization of armed squadrons and the use of firepower against its own citizens engaged in non-violent protest is definitely a trait of a weak state. The protest of the workers in the Katunayake Free Trade Zone, fishermen in the Chilaw area and the people of Rathupaswala and adjoining villages were by no means a threat to the existence of the regime. How can we understand this modus operandi of the regime even after a decisive military victory?

After five years since the end of the war, the people at large were fed-up with the continuation of the same political mode. Their yearning for a fundamental change in the system of governance motioned a political wind that toppled the government led by President Mahinda Rajapaksa in 2015. When the established political parties showed a lack of courage
to play the role that was expected of them in the face of authoritarian tendencies, the initiatives for change came from the civil society. The trailblazing role that Rev. Maduluwawe Sobitha and the National Movement for a Just Society played in bringing the constitutional reform and good governance into the forefront of political discourse indicated the true potential of the initiatives by civil society. Over 49 political parties, groups and civil society organizations stood as a common front to support a ‘common candidate’.

Soon after the common candidate Maithripala Sirisena was elected as the President in January 2015, Ranil Wickremasinghe, the leader of the United National Party was sworn in as the Prime Minister. For the first time in post-independence political history, two main parties that were traditionally political rivals became constituent partners of the National Unity Government, a novel experiment in Sri Lanka. The change of regime was viewed as a victory for democracy against authoritarian abuse of power and the dominance of crony capitalism linked with state power. Concentration of real power and authority in the hands of a few along with the façade of democracy with authoritarian tendencies alienated many enlightened sections of the society from the regime. In the light of corruption, nepotism and extravagance of the state, the slogan of good governance became more and more attractive to the public. Their thirst for functional democracy and good governance reached an all-time high in January 2015. The people yearned to see that politicians respect the rule of law. The demand for accountability and transparency in public affairs came to the forefront in this background.

As an initial step towards constitutional reforms, the National Unity Government introduced the 19th Amendment to the Constitution in Parliament on April 28th 2015. The Amendment imposed a two-term maximum limit for the presidency while reducing the presidential term from six to five years. The President can no longer dissolve parliament until the expiration of four and a half years of its term, unless the parliament itself requests to do so by a resolution of a two-thirds majority. The freedom of information has been added to the Fundamental Rights Chapter so that it became a judicially enforceable right. The strongest feature of the 19th Amendment in de-politicization of the administration is the establishment of powerful Constitutional Council and other independent commissions covering key areas in public affairs. The Constitutional Council has two main functions: first, it approves presidential appointments to high posts such as judges of superior courts; second, it recommends presidential appointments to the independent commissions.
Furthermore, the 19th Amendment restricted the number of Cabinet Ministers to thirty with a caveat: if the first and second largest parties represented in Parliament come together to form a Government, the size of the Cabinet could be enlarged through an act of Parliament. All in all, the 19th amendment that annulled the obnoxious elements of the 18th Amendment to the constitution took a number of progressive strides towards establishing the rule of law, a de-politicization framework and good governance. One of the main positive steps in this regard was the Right to Information Act. Having gone through a long gestation period it was finally operationalized in February 2017.

A qualitatively different phase in the relationship between the executive and judiciary branches of government unfolded after the regime change. A free and fair environment for the administration of justice prevailed in the absence of any direct or indirect pressure from the executive. Furthermore, Assistance to and Protection of Victims of Crime and Witnesses Act was passed on February 19, 2015 that aimed to protect the rights of criminal victims and witnesses. Under the new bill, witnesses would receive fair treatment and privacy from judicial and investigatory authorities; protections against harassment, intimidation and coercion; and women and minor witnesses would be permitted to testify in judges' chambers rather than in open court.

In order to consider drafting a new constitution, the Framework Resolution was passed in the Parliament unanimously in March 2016, creating a Constituent Assembly whereby all 225 Members of Parliament sit as a committee for the purpose of drafting a Constitutional Proposal. The Constitutional council met for the first time on 5 April 2016, presided by the Speaker and appointed a Steering Committee. It identified 12 main areas and assigned 6 of these subjects to subcommittees in May 2016. The reports of Subcommittees and of an Ad Hoc Committee tabled before the Constituent assembly in November and December 2016. The Constituent Assembly met 73 times between April 2016 and September 2017. The interim report of the Steering Committee was submitted on 26th September 2017. After that, the progress of constitution drafting process was stalled and it was bogged down in the parliamentary quagmire.

The approach of the National Unity Government regarding the process of reconciliation takes into account four broad area: Truth seeking; Right to Justice; Reparation; and Non-recurrence. As an initial step in that direction, the ‘Consultation Task Force on Reconciliation Mechanisms’ (CTFRM) was appointed on 26.1.2016, with Mrs. Manouri Muttetuwegama as its chair. The purpose of appointing the Task force was to lead nation-
wide public consultations to ascertain the opinion of stakeholders on institutions and processes for transitional justice. It was mandated to inform the design of the mechanisms for the truth seeking, justice and reparation. By the time CTFRM completed its final report in November 2016, the earlier enthusiasm of the government had faded away. Neither the President nor the Prime Minister was present even to receive the final report of CTFRM. Similarly, the Office of the Missing Persons (OPM) Act was passed in parliament in August 2016. The initial interest of the Yahapalana region in setting OPM evaporated rapidly. After a long delay, the OPM Commission was finally established in March 2018.

The interest and commitment of the National Unity Government to fulfill the mandate of democratic reforms and good governance on which it was elected disappeared rapidly after taking these initial strides. There was no roadmap for the government to move forward on the path of good governance. The vacillation and bewildering delay in many key policy domains become the hallmark of the government. Even before two years, the cracks within the regime came to surface and the co-habitation arrangement proved to be an utter failure. The emergence of two centers of power (the President and the Prime Minister) and lack of coordination and articulation between the two crippled the general efficacy of the administration, let alone promoting of good governance. The divergent political orientations of two constituent partners of the National Unity Government (UNP and SLFP) came to forefront over time and conflicting statements by the two leaders of the government on key policy issues confused the general public as well as the international community. The political damage caused by the Central Bank bond scam was irreparable and immeasurable. The manner in which it was handled destroyed the total credibility of the Yahapalana regime and the opposition forces exploited it to the hilt. The public communication of the National Unity government was so weak that the ‘Joint-opposition’ came forward to dominate the public political narrative. The regime pathetically failed to cash its democratic initiatives to gain necessary political capital.

The rift between the two poles of power of the National Unity Government reached a crisis point on 26 October 2018 when the President sacked the Prime minister and named his predecessor, Mahinda Rajapaksa, as new Prime Minister and later dissolved the parliament. At this juncture, the Supreme Court came forward to declare the decision of the President unconstitutional and reversed the moves of the President. With this development the hidden cold war between the President and the Prime minister became an open conflict that crippled the entire public administration. The carefully coordinated suicide blast on 21st April 2019 by
a little-known Islamic terrorist outfit sent shock waves throughout the country and drastically changed the political climate of the country. The magnitude of the Easter Sunday carnage made entire society catatonic. The manner in which it was handled before and after the event made it clear once again that the Prime Minister Ramil Wickremesinghe and the President Maithripala Sirisena were incompetent to govern the country. After the Easter Sunday catastrophe, the days of the Yahapalana Regime seem to be numbered. In the changed atmosphere, the national security once again came to the forefront in political discourse.

The faltering of Yahapalana regime on the path of good governance and democratic reforms gave renewed currency to the cry of ‘National Security State’. This concept first emerged in the Latin American context in the 1960s and 70s in order to politically justify dictatorial regimes by giving them a rationale for authoritarianism. The foremost preoccupation of National Security State is defeating the imminent threat coming from external and internal enemies. Thus, the systematic construction of enemies and different types of phobias constituted an essential pre-condition for National Security State. In overplaying the concept of national security, the enemies of the nation are found everywhere, conspiracies against the state are discovered in every nook and corner. The overriding objective of all the institutions of the state is national security and all of them must be geared towards it. The defining feature of National Security State is its emphasis on ‘law and order’, ‘discipline’ and ‘duties’ at the expense of democratic freedoms and fundamental rights. The people must rally around the state with a real patriotic zeal because the country is supposed to be in danger. Any means used to defeat the enemies of the state is justified. The ends justify the means. This creates fear and suspicion among wider social layers and political activists and thereby narrows the range of public debate and democratic discourse drastically curtaining the civic space, eroding the bedrock of democracy.

How can we understand the plight of good governance project under the Yahapalana regime? It must be noted that democratic building process is not always smooth and hardly proceeds uninterruptedly without setbacks. What is striking, nevertheless, is how quickly the Yahapalana regime faltered and abandoned its mandate after a few initial moves. Even these reform initiatives only touched the surface of the outer ditch of the authoritarian social and political structures of the state. Gramsci describes the state as ‘an outer ditch, behind which there stands a powerful system of fortresses and earth works’. The Yahapalana regime did not take any steps to weaken the political and economic power of the political class of nomenklatura, the real social force behind the authoritarian political trends and manipulation.
of democratic political structures. It was this very social force that exploited the concept of exclusive Sinhala Buddhist state for its own political advantage. A considerable section of professionals ideologically identified with them and even became their ideologues.

The initiation and backsliding of democratic political reforms in Sri Lanka in the last five years has brought to focus once again the vacillation of the weak ruling bloc in providing necessary leadership in building a hegemonic state. The democratic impulses of the people and their thirst for political reforms and good governance were exploited by a section of political class to topple the Rajapaksa regime without having any real commitment to political reforms or good governance. By the same token, the weak civil society is also a part of the democracy deficit syndrome. Why did the civil organizations that were active in bringing Yahapalana regime into power become inactive and dormant after January 2015 with the hope that the new regime would do the needful to clean and correct the political system? How did they become so naïve to believe that the very political class who were in the same power game for years would change overnight to carry forward a democratic and a good governance political agenda? It has also brought to focus the inherent limitations and contradictions of neo-liberal perception of civil society. As noted earlier, the civil society is an amorphous and imagined entity, going beyond the parameters of the ‘NGO community’. It is a stark reality that the NGO community is more or less a replica of the political society. Almost all the repulsive characteristics of political society are replicated in the self-proclaimed ‘civil society’ too. A question arises in this context is that to what extent the ‘civil society’ is really civil. Therefore, as Chantal Mouffe observed, building a radical democratic citizenship is the critical challenge that the democracy project faces in Sri Lanka at present.

In the final analysis, the continuous democratic hiccups in Sri Lanka are an outcome of the crisis of hegemony of the state, which in turn is an outcome of the politically weak and structurally unstable ruling classes. The Democratic Socialist Republic of Sri Lanka, ‘Quo Vadis’

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Jayasekera, ed., Security Dilemma of a Small State- Sri Lanka in the South Asian Context, 

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7 Island Sunday, 27 February 1983