

Power Sharing, Economic Development and National Security- Sri Lanka's Crisis of Executive Convenience

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Abstract— *'Stability' through national security and economic development is arguably a dominant model for governance in the contemporary world order. In transitional societies such as Sri Lanka the claims made on the basis of 'power-sharing' and 'internal self-determination' are often understood as seeking to undermine this dominant model and its many uses. Those who advocate this dominant model rest their case on several misguided arguments which rest on a rather narrow understanding of the question of stability in transitional societies. In brief they show a particularly hostile attitude towards political accommodation at a transitional stage claiming them to be an unwarranted distraction and a costly exercise which should not be the key focus. Further they argue that it undermines the need for a strong centre representing strong decision making ability and that it increases the dangers of secession.*

In Sri Lanka this was essentially the case in the period after independence. Successive governments were obsessed with the idea of stability through economic development that, for half a century they turned a blind eye to the real claims of the politically isolated communities which resulted in a thirty-year internal strife.

The author seeks to assess through qualitative data analysis the accuracy and the validity of the key arguments posed in support of stability through development and national security as a dominant model of governance in light of the Sri Lankan political experience after independence and similar events in jurisdictions elsewhere. The author attempts to argue based on secondary data that that objectives of political accommodation of claims relating to self-determination and the like and that of development and ensuring national security in transitional societies are not necessarily at

variance in order to propose an alternative model for Sri Lanka based on the celebrated principles of good and responsible governance.

Keywords: power sharing, Constitutional Law, responsible governance

I. INTRODUCTION

'Stability' through national security and economic development is arguably a dominant model for governance in the contemporary world order. In transitional societies such as Sri Lanka the claims made on the basis of 'power-sharing' and 'internal self-determination' are often understood as seeking to undermine this dominant model and its many uses. Those who advocate this dominant model rest their case on several misguided arguments and conform to the misguided conception that objectives of political accommodation of claims relating to self-determination and the like and that of development and ensuring national security are necessarily at variance. They view any effort towards the former as an important barricade in the path towards stability, overlooking the greater constructive uses of political accommodation in the long run in transitional societies.

In Sri Lanka this was essentially the case in the period after independence. Successive governments were obsessed with the idea of stability through economic development that, for half a century they turned a blind eye to the real claims of the politically isolated communities which resulted in a thirty-year internal strife. Two and half constitutions have come to the platform without the governments making any genuine attempt to make up for the failure of Bandaranaike - Chelvanayagam pact in 1957, impact of the Sinhala only Act and the Citizenship Act or the removal of the Article 29(2) guarantee entrenched in the Soulbury Constitution from the

successive constitutions and the failure of the Thirteenth Amendment to the Constitution of 1978. Such behaviour marked a notable ignorance of the principles of good and responsible governance in favour of executive convenience.

The author believes that the acceptance of stability through development and ensuring national security as a dominant mode of governance depends on a narrower understanding of the concept of stability and also the failure to recognise the larger constructive purposes of power sharing arrangements in transitional societies. Generally those who ignore issues relating to self-determination and power sharing in a country view it as an important barricade in the path towards stability on several grounds each of which would be discussed in detail.

Firstly they claim that any attempt at political accommodation would unduly distract the course of the government when it is in a development race or in a pace which they believe would most certainly bring stability. Secondly that power sharing arrangements are costly and should not be attempted at a stage when the community is on its way to economic stability but later when the time is ripe for it. Thirdly the overrated argument of strong single source of power as an essential requirement of development is made. Fourthly In communities like Sri Lanka in which claims for power sharing are necessarily based on ethnicity, the contention is made that ethnic concentrations in regions would pose a threat to the larger national interests of security and finally that it would bring about the one thing that should be prevented- separation.

Author seeks to discuss each one of the above points with special reference to different responses by various communities in the world.

II. QUESTION OF STABILITY

Acceptance of development and national security as the key components of a stable community depends on a rather narrow understanding of the concept of stability. Stability understood in this sense refers basically to socio economic stability through economic development which includes among other a stable growth of GDP, infrastructure development, increase in foreign exchange etc. In short it is rather an economic understanding- that when the community is

economically flourishing in a secure environment other claims are irrelevant to the course. Stability in this sense is short lived.

Claims based on power sharing or political accommodation are mainly based on two objectives. Firstly ensuring the better governance of the society by enhancing popular participation in the decision making process. Secondly in divided societies it serves the function of ensuring equal opportunities in the decision making process. The expected outcome is the long term political, economic, social stability of the community.

The argument made by the proponents of the mode of governance based on economic development and national security is that attending objectives such as the above is a necessary barricade in the path to economic stability. But as we look at the history of Sri Lanka and elsewhere the contrary can be inferred. It has been proved yet and yet again that sooner than later when a part of the community loses its sense of belongingness to the community economic stability in a secure environment would not keep the society stable. When part of a community is compelled to view themselves as outsiders by reason of political ignorance they face a sense of embattlement and when the society reaches this juncture the large amount of the budget devoted to security or the size of the armed forces would not be able to ensure safety or stability. This political isolation can only be cured by successful and genuine attempt at political accommodation.

In Sri Lanka this was essentially the case in the period after independence. Successive governments were obsessed with the idea of stability through economic development, that for half a century they were left blinded to the real claims of the community specifically the Tamil minority. Two and half constitutions have come to the platform without the governments attempting to make up for the failure of Bandaranaike Chelvanayagam pact in 1957, impact of the Sinhala only Act and the Citizenship Act or the removal of the article 29(2) guarantee entrenched in the Soulbury Constitution from the successive constitutions. The constitution immediately prior to the Thirteenth Amendment and the Provincial Councils Act No 42 of 1987 provided for a unitary form of highly centralised government and the political power by virtue of numbers has always been in the hands of the majority ethnic

community. The subsequent commissions and omissions by successive governments left the minority Tamil community feeling discriminated against particularly in the fields of language, education, employment land settlement and regional development' (Duraismwamy,1989).

Prime Minister Sirimavo's period was characterised by ignorance of these claims under the guise of close door economic policies intended toward development and when President Jayewardene blended the executive presidency idea with a South East Asian model development, political isolation of minority Tamils as well as Sinhala youths was sealed. This ignorance resulted in two insurgencies and a prolonged ethnic conflict which ensured that the country is long way from stability understood narrowly or broadly.

When the Provincial Councils were established under the thirteenth Amendment forced by the Indian factor as a piece meal solution to the ethnic conflict, lack of genuine willingness on the part of the successive governments starting with the one led by President Premadasa to implement the solution under the pretext of national security and threats of separation the country lost its last opportunities at any successful settlement. According to Bastian

The last attempt made by the UPA after the 1994 elections and led by President Chandrika Kumaratunga, which is by far the most acceptable attempt to redress the imbalance in the relationship between the different ethnic groups through devolution of power, owes its failure to the inherent weaknesses in the system and the accommodation of whims and fancies of extremist groups. Thereafter Sri Lanka's Failure to lay down the constitutional foundations of a multi ethnic society based on equality, ethnic pluralism and the sharing of power has exacerbated the ethnic conflict.

What is revealed of the above analysis is the story of a community which based its policies on a narrower understanding of stability and the corresponding ignorance of political isolation of groups which resulted in decades of turmoil.

Here one must recall that at the end our capacity to live together under any political structure will depend on its ability to create trust and feeling of fair play amongst ourselves. (De Silva, 1989)

according to Duraismwamy (1989) Those who favour the economic stability and national security model often advocate the majority rule as an effective mechanism for decision making necessarily overlooking the fact that principle of majority rule in a multi ethnic state cannot apply in cases of the rights of ethnic minorities as this tantamount to the rule of the minority by the majority. Such an administration would run counter to the rights of the people to self-determination which is prominently illustrated by the above discussion. Sharing of powers creates mutual trust and understanding, between peoples, helps in bringing them together and enhances their loyalty and the commitment to their country and most importantly sharing of power reconciles the right of self-determination of a minority ethnic community with the sovereignty of the state. (Duraismwamy, 1989) This can result in the long term stability of a community which cannot be expected merely through the process of economic development. The modern democratic idea of participatory government also makes power sharing a must to make sure that centre alone is not responsible for decisions affecting everyday life of the people. It must therefore be understood that the constructive purpose of power sharing or political accommodation of claims of self-determination is not instability resulting from promoting ethnic consciousness but rather its diminution by the promotion of diversity and the eradication of a sense of deprivation and injustice among different groups which would result in long term economic social and political stability. (Amaratunga, 1989)

III. A CASE FOR AN ALTERNATIVE MODEL

In this part of the paper writer seeks to identify the key factors presented by those who advocate the dominant model of stability through economic prosperity and national security firstly in order asses them for their validity and secondly to propose an alternative model for consideration.

One of the main arguments presented by them particularly of transitional societies is that any attempt at political accommodation at this pace distracts the course of the government and in turn of the people. This essentially relates to the priorities of the exercise of governmental power. Any deviation from the focus on development would be fatal. In support of this argument they necessarily point out to the difficulty of arriving at

consensus as to power sharing arrangements. These refer to the difficulty in achieving consensus as to the specific mode of power sharing (i.e. whether federalism or decentralisation), unit of devolution, subjects to be shared with the tiers of government and consequently resources as well as the focus of the government which should be spent on development and strengthening of national security would be wasted on a futile attempt. Accordingly it would have an adverse impact on the people whose focus would be divided.

These claimants clearly overlook the importance of timing in power sharing arrangements. Attempts at power sharing have considerably great potential in succeeding when they are undertaken either at the first signs of a conflict or failing which at the first possible opportunity of reconciliation in a transitional community. States that could benefit from power sharing arrangements typically come to that realisation too late, usually after the conflict has intensified (Horowitz, 2008). Once the issue has intensified or when the separatists have the upper hand the result would be discouraging (Horowitz, 2008). When warfare becomes acute a partitionist arrangement, with a weak centre, comparable to that in Bosnia and Cyprus is most likely (Horowitz, 2008). Further once the conflict has come to an end the priority should be the prevention of another-not by strengthening the military forces- but rather by focusing on an effective power sharing arrangement.

Secondly they present the argument that cost of political accommodation cannot be borne at this important hour of development. Power sharing could be costly but not as costly as political ignorance of claims of minorities. Cost clearly depends on the structure of the power sharing, its strengths and weaknesses. If the units are allowed to earn their own revenue either through the establishment of new enterprises or through foreign investment the issue could be overcome. But on the other hand failure to recognise the importance of self-reliance could lead to costly arrangements. For instance under the Thirteenth Amendment on the financial devolution it was stated that provincial councils would be financed through direct grants by the centre, limited form of taxation, and revenue sharing arrangements (De Silva, 1989). There is little in the amendment which encourages raising of its own income (Coomaraswamy, 1996).

Thirdly they refer to the significant role of the central government in development. It is often contended by those who advocate stability through economic development that, in a developing country a single firm source of decision making is essential for economic development to be able to take place (Amaratunga, 1989). A similar argument was brought forth by President J R Jayawardena when he introduced the concept of executive presidency initially as an amendment to the second republican constitution of Sri Lanka. He contended that a strong single body with a large concentration of power would assist in the continuation of economic policies of the government which otherwise will not be continued once the government changes every six years.

The Centralists strongly urge that distributing the right to plan and execute policy to regions would lead to inefficiency in terms of unco-ordinated development and contradictory policies. They argue that particularly in the Third World countries, the number of trained, skilled personnel competent to plan and evaluate is so small that their dispersal in the regions would dramatically lower the planning of the centre. They say that regional autonomy would simply further politicise the state bureaucracy and extend a "spoils system" (De Silva, 1989). When the Divinguma Bill was introduced which resulted in an unexpected political and judicial turmoil, the main argument supporting the scheme in favour of usurping the devolved rights of the Provincial Councils was built on similar lines. The Centralists claimed that it is a strong scheme for reduction of poverty and for effective implementation it should be conducted by a single body under the central government's patronage.

According to Duraiswamy (1989) here what actually should be done is clarifying the role of the central government in the arrangement. 'For example the central government in consultation with the regional units should formulate a plan for their socio-economic development. National targets should be set and the role regional units could play in the various sectors of the economy should be stipulated. Regional units could have their own plans. These will naturally be within the framework of the national plan' (Duraiswamy, 1989). This type of an arrangement can effectively counter the adverse effects if any pointed above. 'On the other hand the necessity of a single, firm even an

authoritarian political structure for rapid economic development in the third world is much overrated. The only possible examples in favour of this are a handful of far eastern states such as South Korea, Taiwan, Indonesia and Singapore. Here one should not miss the point that almost all these countries have of late been in a considerable political firmament and that most countries have undertaken a political liberalisation process.'(Amaratunga, 1989)

Fourth one is the overrated national security argument. Security matters. Security can be thought of as a powerful political tool in claiming attention for priority items in the competition for government attention. (Williams, 2013) A strong centre is viewed as a sentinel blocking any attempt at destabilising the government or the country. The fear is that in a community in which power sharing is necessarily based on ethnic concentration this would be a factor supporting insurgencies. Moreover as they argue when powers relating to law and order are shared with the units other than the centre that inevitably leads to a lack of control on the part of the centre in times of emergency.

Most of the countries which have allowed some sort of power sharing have already included significant provisions which enable the governments to take back the powers they have already shared with the units under guise of national security. Thirteenth Amendment is no exception and similar provisions can be found in the Indian quasi federal arrangement as well. For Instance Under the 13th Amendment to the Constitution of Sri Lanka if the president is faced with or wants to pre-empt a breakdown of public security, he can make a proclamation under the public security ordinance under which he can direct a governor to take action (Article154).Such proclamations can be made to maintain essential supplies and services, deal with war, external aggression or internal rebellion. What is specific to Sri Lanka is the provision that during an emergency the central government can pass regulations which override, amend or suspend the operation of a statute made by a Provincial Council.

The truth is existence of sub state units can prevent the conflicts from posing a threat to the national security by exercising a quarantine function within the unit boundaries. For example

ethnic violence in Malaysia has tended not to spread from one state to another whilst in the Nigerian first republic with just three major territorial units every ethnic issue threatened to engulf the whole country(Horowitz,2008). Accordingly any such potential threats could be prevented by institutional arrangements at the centre as well as the state.

Finally the most important of all is the fear of failure. This fear of failure necessarily relates to the possibility of separation thereby destabilising the community. The truth is that the fact that power sharing leads to separation is a fallacy. On the contrary the history has shown that power sharing actually helps to keep different ethnic political groups together: as adequate sharing of power creates a sense of belongingness and loyalty (Duraiswamy,1989). 'For federalism we have the examples of Switzerland Canada and India. Swiss cantons though they enjoy a considerable amount of power thus far have not shown separatist trends. Instead they strongly regard their independence and way of life and maintain a strong army to protect their frontiers (Duraiswamy, 1989) Moreover the failure of governments to recognise the different aspirations of communities within its territory has led to dissatisfaction and ultimately separation. The experience of Canada demonstrates that an enlightened sharing of authority almost always succeed in achieving national unity rather than destroying it (Amaratunga, 1989).

It must also be emphasised here that while the rights of the minority groups should be recognised, the principal motivation for any constitutional arrangement should not be the political promotion of ethnic consciousness but rather its diminution by the creation of a truly free and individualist political order(Amaratunga,1989)

IV. CONCLUDING REMARKS

The paper whilst analysing the key arguments made against a system of governance based on political accommodation of claims of self-determination as opposed to a model based on stability through development, suggests that the former model is promising in relation to long term stability of divided communities.

As De Silva (1989) points out one should realise the fact that there is no ideal system of government that can provide a solution to the problems that confront any community and that the most theoretically perfect arrangement can fail in the absence of the goodwill and the resolve to make it work. Any system requires modification as it works. Those who frame and work the institutions of government must always try to balance the political, social and economic compulsions that affect the system (De Silva, 1989). It is important to remember that the key problem in many developing countries is the apparent discrepancy between institutional arrangements and the realities of the power situation and not in the institutional arrangement itself.

Power sharing arrangements are renowned for their function as a check of democracy. A unitary state is highly conducive to the concentration of power and has contributed to the creation of monopoly of power which in the long run would destabilise the political life of the community. As Amaratunga (1989) very correctly points out, the division and diffusion of all political power is at all times constructive and is , particularly in developing liberal democracies where the temptation to authorisation is strong a necessary condition for survival and the success of liberal democracy.

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