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Inaugural - Dissertation

Good Governance and Conflict Transformation in Sri Lanka

A Political Analysis of People's Perceptions of Institutions at the Local
Level and the Challenges of Decentralised Governance

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Table of Content:

0	Preface	
	Acknowledgements	ii
	Abbreviations	vii
	List of Graphs, Boxes and Tables	ix
	Executive Summary (English & German)	Xi
1	Introduction	1
1.1	Democracy and governance in Sri Lanka – background to the research focus	1
1.2	Core Concept and Research Methodology	6
1.2.1	‘Perceptions count’ – assessing governance through the eyes of the people	6
1.2.2	Learning from ‘Case Studies’ – local governance in three regions of Sri Lanka	8
1.2.3	Empirical research methodology	11
1.3	Chapter Outline	15
2	‘Governance’ and ‘Good Governance’ – the International Discourse	16
2.1	Governance - from government to (good) governance	16
2.1.1	The discourses on ‘democracy measuring’ and ‘assessing governance’	16
2.1.2	Roots and definitions of the governance discourse	19
2.1.2.1	<i>From government to governance: the minimal state, socio-cybernetic systems and self-organizing networks</i>	19
2.1.2.2	<i>Governance as ‘socio-political’ or ‘interactive’ governing</i>	22
2.1.2.3	<i>The role of actors and institutions in interactive governance</i>	24
2.2	Strengthening the local level – decentralisation, challenges and trends	26
2.2.1	Challenges and trends of local governance	26
2.2.2	Decentralisation – strengthening local governance towards more efficiency and the accommodation of diversity	30
2.3	International approaches and indicators to assess good governance	36
2.3.1	The international good governance discourse and indices (World Bank & UN Habitat)	36
2.3.1.1	<i>‘Governance matters’ and ‘Governance diagnostic’ - The World Bank Governance Measurement Approaches</i>	39
2.3.1.2	<i>The UN-Habitat Index on good governance</i>	41
2.3.2	Conclusion: Developing a context-specific good governance model	42
3	Institution Building and Conflict in Sri Lanka	47
3.1	Dynamics of protracted conflict Sri Lanka	47
3.1.1	Background causes of the protracted conflict	48
3.1.2	Actors, issues & mobilisation strategies	49
3.1.3	Catalysts of violent conflict	55
3.2	Milestones in the devolution politics and discourse on federalism	58
3.3	Re-centralisation or more autonomy for local government?	65
3.3.1	Historical development of the local government system	65
3.3.2	Introduction and functions of the provincial council system	67
3.3.3	The present local government system	69
3.3.4	Reform Agenda of the Ministry of Home Affairs, Provincial Council and Local Government	72
4	Empirical Study on ‘Good Governance’ and the Realities of Local Governance in Selected Regions of Sri Lanka	77
4.1	Introduction to the three research regions: the actors, institutions and development & conflict dimensions	77
4.1.1	Ambagamuwa Pradeshiya Sabha, Nuwara Eliya District	77
4.1.1.1	<i>The area and its regional context</i>	77

4.1.1.2	<i>Socio-economic context and conflict dimensions in the area</i>	80
4.1.1.3	<i>The actors and institutions of the local governance system</i>	83
4.1.1.4	<i>People's perceptions about the actors of the local governance system – findings from the household survey</i>	85
4.1.2	Moneragala Padeshiya Sabha, Moneragala District	86
4.1.2.1	<i>The area and its regional context</i>	86
4.1.2.2	<i>Socio-economic context and conflict dimensions in the area</i>	89
4.1.2.3	<i>The actors and institutions of the local governance system</i>	92
4.1.2.4	<i>People's perceptions about the actors of the local governance system – findings from the household survey</i>	95
4.1.3	Kaluvanchikudiyiruppu Pradeshiya Sabha & Kattankudy Urban Council, Batticaloa District	96
4.1.3.1	<i>The area and its regional context</i>	96
4.1.3.2	<i>Socio-economic context and conflict dimensions in the area</i>	101
4.1.3.3	<i>The actors and institutions of the local governance system</i>	105
4.1.3.4	<i>People's perceptions about the actors of the local governance system – findings from the household survey</i>	108
4.2	Finding a local definition for good governance and elaboration of research framework	111
4.2.1	'Good governance or bad governance' – definition and indicators for good governance as provided by local elites	111
4.2.2	Assessment of governance by local elites	115
4.2.3	Elaborating an organizing research framework of good governance indicators	120
4.3	Comparative study of local governance in three regions of Sri Lanka	127
4.3.1	Efficiency	127
4.3.1.1	<i>Efficiency in Ambagamuwa</i>	127
4.3.1.2	<i>Efficiency in Moneragala</i>	133
4.3.1.3	<i>Efficiency in Batticaloa</i>	136
4.3.1.4	<i>Comparative Summary</i>	142
4.3.2	Responsiveness and Equality	144
4.3.2.1	<i>Responsiveness and Equality in Ambagamuwa</i>	144
4.3.2.2	<i>Responsiveness and Equality in Moneragala</i>	149
4.3.2.3	<i>Responsiveness and Equality in Batticaloa</i>	153
4.3.2.4	<i>Comparative Summary</i>	155
4.3.3	Professional Leadership	157
4.3.3.1	<i>Leadership in Ambagamuwa</i>	157
4.3.3.2	<i>Leadership in Moneragala</i>	160
4.3.3.3	<i>Leadership in Batticaloa</i>	161
4.3.3.4	<i>Comparative Summary</i>	163
4.3.4	Transparency and Accountability	164
4.3.4.1	<i>Transparency and Accountability in Ambagamuwa</i>	164
4.3.4.2	<i>Transparency and Accountability in Moneragala</i>	167
4.3.4.3	<i>Transparency and Accountability in Batticaloa</i>	170
4.3.4.4	<i>Comparative Summary</i>	171
4.3.5	People's Participation	172
4.3.5.1	<i>People's Participation in Ambagamuwa</i>	172
4.3.5.2	<i>People's Participation in Moneragala</i>	175
4.3.5.3	<i>People's Participation in Batticaloa</i>	178
4.3.5.4	<i>Comparative Summary</i>	181
4.3.6	Rule of Law and Human Rights Protection	182
4.3.6.1	<i>Rule of Law and Human Rights Protection in Ambagamuwa</i>	182
4.3.6.2	<i>Rule of Law and Human Rights Protection in Moneragala</i>	186
4.3.6.3	<i>Rule of Law and Human Rights Protection in Batticaloa</i>	189
4.3.6.4	<i>Comparative Summary</i>	190
4.3.7	Trust in Politics and Basic Security	191

4.3.7.2	<i>Trust in Politics and Basic Security in Ambagamuwa</i>	191
4.3.7.2	<i>Trust in Politics and Basic Security in Moneragala</i>	193
4.3.7.3	<i>Trust in Politics and Basic Security in Batticaloa</i>	194
4.3.7.4	<i>Comparative Summary</i>	196
4.3.8	Conflict Transformation Capacities	197
4.3.8.1	<i>Conflict Transformation Capacities in Ambagamuwa</i>	197
4.3.8.2	<i>Conflict Transformation Capacities in Moneragala</i>	204
4.3.8.3	<i>Conflict Transformation Capacities in Batticaloa</i>	206
4.3.8.4	<i>Comparative Summary</i>	208
4.3.9	Level of good governance in the three research regions – summary of findings	210
5	Key Issues, Challenges and Reforms of Local Governance	214
5.1	Key actors and key issues of local governance in Sri Lanka	214
5.1.1	Status quo of good governance at local level – the key actors	214
5.1.2	Status quo of good governance at local level – the key issues and challenges	219
5.2	Reform agenda to strengthen local governance in Sri Lanka	223
5.2.1	Extension of devolution of power to the local level	225
5.2.2	Improvement of financial management systems	226
5.2.3	Improvement of human resource management, capacity building, and promotion system	227
5.2.4	Increase of people's participation in local planning	228
5.2.5	Develop measures to support ethnic harmony and conflict transformation mechanisms	230
5.2.6	Revision of the local election system or creation of alternative form of power-sharing	231
5.2.7	Strengthening the law enforcement and security system	233
5.2.8	Challenges for local governance reforms in the North-East	234
6	Redefining good governance in Sri Lanka - visionary thinking and lessons learnt	238
6.1	Value-added of the methodological approach for good governance concepts	239
6.2	Value-added of the empirical findings for good governance in Sri Lanka	241
6.3	Lessons learnt for local and national governance reforms	244
	Annexes	250
	Annex 1: Interview Partner	250
	Annex 2: Elite Interview Guideline	256
	Annex 3: Household Survey Questionnaire	258
	Annex 4: Pradeshiya Sabha Member Interview Guideline	265
	Annex 5: NGO-Representatives Interview Guideline	271
	Annex 6: Interview Guideline Focus Group Discussions	273
	Annex 7: Interview Guideline Ministry Representatives	274
	Annex 8: Research Locations in Ambagamuwa	276
	Annex 9: Research Locations in Moneragala	277
	Annex 10: Research Locations in Batticaloa	279
	Annex 11: Good Governance Indicators by Local Elites - all regions	280
	Annex 12: Good Governance Indicators by Local Elites - regional differences	281
	Annex 13: 'Bad Governance' Indicators by Local Elites - all regions	283
	Annex 14: 'Bad Governance' Indicators by Local Elites - regional differences	284
	Annex 15: Assessment of Last Local Government Regime by Local Elites	286
	Annex 16: Assessment of who is responsible for a decline of governance - all regions	289
	Annex 17: Assessment of who is responsible for a decline of governance	290
	Annex 18: Agencies important for good governance at the local level	292
	References	294

Abbreviations

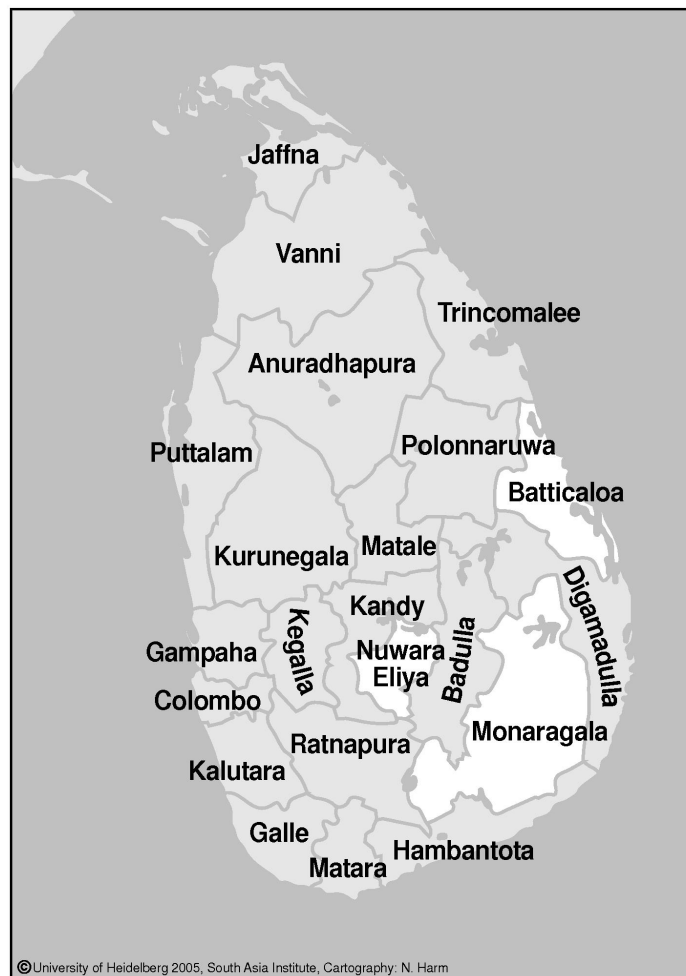
AGA	Assistant Government Agent
BMZ	German Ministry for Economic Co-operation and Development
CBO	Community Based Organisation
CNC	Ceylon National Congress
CPA	Centre for Policy Analysis
CIC	Ceylon Indian Congress
CWC	Ceylon Workers Congress
DDC	District Development Committee
DS	Divisional Secretary
EPDP	Elam People's Democratic Party
FA	Farmers Association
FP	Federal Party
GA	Government Agent
GMI	Governance Matters Index
GoSL	Government of Sri Lanka
GS / GN	Grama Sevaka (Grama Niladari) – Village administrative officer appointed by the Ministry of Home Affairs and Provincial Council
IDEA	International Institute for Democracy and Electoral Assistance
IDP	Internally Displaced People
IPKF	Indian Peace Keeping Forces
IRDP	Integrated Rural Development Programme Moneragala
ISGA	Interim Self-Governing Authority for the North-East
JP	Justice of Peace
JVP	Janatha Vimukthi Peramuna (People's Liberation Front)
LKR / RS	Sri Lankan Rupees
LTTE	Liberation Tigers of Tamil Eelam
MOH	Medical Officers of Health
MP	Member of Parliament
MSEP	Manmunai South / Eruvil Pattu (Divisional Secretary)
NEMPA	North-East Muslim Peace Assembly
NGOs	Non-Governmental Organisations
NORAD	Norwegian Agency for Development Cooperation
NPC	National Peace Council
OECD	Organisation for Economic Co-operation and Development
OIC	Officer in Charge
PC	Provincial Council
PA	People's Alliance
PLOTE	People's Liberation Organization of Tamil Elam
PR	Proportional Representation (System)
PS	Pradeshiya Sabha
PSC	Protracted Social Conflicts
PLOTE	People's Liberation Organisation of Tamil Eelam
RDO	Rural Development Officer

RDS	Rural Development Society
SLAF	Sri Lanka Armed Forces
SLFP	Sri Lanka Freedom Party
SLIDA	Sri Lanka Institute of Development Administration
SLILG	Sri Lanka Institute of Local Governance
TC	Tamil Congress
TELO	Tamil Elam Liberation Organization
TNA	Tamil National Alliance
TULF	Tamil United Liberation Front
UC	Urban Council
UNDP	United Nations Development Programme
UNP/UNF	United National Party / United National Front
WB	World Bank

List of Graphs, Boxes and Tables:

Box 1:	Research Study Locations	10
Box 2:	Research Design and Methodology	14
Box 3:	The Discourse on Federalism in Sri Lanka	64
Box 4:	Local Governance Reform Steps of the Ministry of Home Affairs, Provincial Council and Local Government	74
Box 5:	Socio-economic situation in war-affected Batticaloa District, 2003	102
Table 1:	Profile of the Research Study Districts	11
Table 2:	Governance Indices and Assessment Approaches	42
Table 3:	Ambagamuwa PS Area - Population on the Basis of Ethnicity	79
Table 4:	Ambagamuwa PS Area - Population on the Basis of Religion	79
Table 5:	Moneragala PS Area – Population on the Basis of Ethnicity	88
Table 6:	Moneragala PS Area – Population on the Basis of Religion	88
Table 7:	Batticaloa District, Kattankudy UC & Kaluvanchikudiyiruppu PS Area - Population on the Basis of Religion	99
Table 8:	Agencies important for good governance at the local level	120
Table 9:	Level of good governance in the three research regions – summary of findings	211
Figure 1:	Developing a context-specific good governance model	45
Figure 2:	Provincial Council and Local Government Structure in Sri Lanka	67
Figure 3:	Indicators for good governance as defined by local elites from three regions in Sri Lanka	112
Figure 4:	Indicators for 'bad governance' as defined by local elites from three regions in Sri Lanka	114
Figure 5:	Critical Issues of Local Governance in Sri Lanka	220
Map 1:	Map of Sri Lanka	x
Map 2:	Research Study Location in Nuwara Eliya District – Ambagamuwa PS Area	78
Map 3:	Research Study Location in Moneragala District – Moneragala PS Area	87
Map 4:	Research Study Locations in Batticaloa District – Kaluvanchikudiyiruppu Pradeshiya Sabha & Kattankudy Urban Council area.	98

Map of Sri Lanka with Research Location



Summary

This empirical study on good governance and conflict transformation in Sri Lanka is located within the larger scholarly discourse on good governance as a solution to conflict in developing societies. Sri Lanka is one of the oldest post-colonial democratic systems among the states of the South and has experienced various elections and changes of government between 1947 and 2001. This speaks to a certain extent for consolidation of democracy. However, Sri Lanka suffers under one of the most protracted civil wars in the world, which raises critical questions about the functioning of the democratic institutions and the governance system.

The starting point of the thesis is the lack of empirical information, which is necessary to provide more rigorous knowledge on *governance* in different countries. Most available data sources use fact-based data only, without consideration of perception-based data of local citizens and stakeholders. The assumption of this thesis is that the international discourse on good governance requires context-specific testing and the redefinition of international good governance indicators, based on perceptions of local stakeholders. In this study a context-specific good governance model for Sri Lanka is developed, based on the prescriptive definition of citizens and stakeholders of what good governance should be and their assessment of what local governance actually is. Chapter two poses the main research question, which is, “what are the key actors, issues and challenges at the local level that a context-specific good governance model needs to take into account in order to promote sustainable development and peaceful co-existence?” This research question is elaborated on the basis of empirical case studies conducted at the local level in three regions of Sri Lanka.

Chapter three specifies the political and historical context of Sri Lanka and explains how the processes of devolution of power and political mobilisation on ethnic lines have intersected, stymieing the transition to rule of law and effective implementation of citizenship. The empirical core of the thesis, chapter four, introduces the three regions of empirical research, selected on the basis of a different ethnic composition and different conflict settings. As the unit of research, selected rural local authority areas of the three regions *Central Province*, *Uva-Province* and *Eastern Province* are considered. The findings are based on a combination of various quantitative and qualitative interview techniques, like interviews with the elite, stakeholder interviews, household surveys and focus group discussions, which provide a rich insight into the perceptions of local stakeholders.

The eight indicators of good governance, namely efficiency, responsiveness and equality, professional leadership, transparency and accountability, people’s participation, rule of law and human rights protection, trust and basic security and conflict transformation capacities derive from the discourse of the local stakeholders. These good governance indicators are used to describe and assess the perceptions of local stakeholders with regard to the state of governance in the three regions.

Chapter five summarises the empirical findings by pointing out the key actors, key issues and challenges of local governance in Sri Lanka. Regarding the key actors of local governance, the study revealed that although a variety of semi-state and non-state actors were mentioned as playing a role in local governance, it is particularly the political and administrative institutions at the local level as well as within the Central Government which are considered as the key actors for the establishment and guarantee of good governance at the local level. The lack of co-operative interaction among these actor groups is a key to most challenges identified at the local governance level.

With regard to the key issues, the findings from the three very different research regions revealed many similarities: the status of the eight good governance indicators was critical in that none of the indicators was perceived as being implemented to the satisfaction of the

people. Other critical issues are the marginalisation of the local government authority, lack of people's participation, patronage structures, inadequate representation of minority groups as well as lack of qualified and motivated local political leaders. The study revealed that many shortcomings of the local governance system are contributing to an aggravation of social conflict. The strengthening of local governance can be regarded as an important entry point to improve the social integration of different identity groups.

In the final chapter, the empirical and methodological value-added of the study and the lessons learnt and potential for governance reforms at local and national level with regard to the resolution of the ethno-political conflict in Sri Lanka are discussed. Overall the case-study approach has allowed a detailed insight into the interactions in complex processes and structures within a given region and a comparison of the three cases has generated policy recommendations, which can support the national reform process in Sri Lanka.

Zusammenfassung

Diese empirische Studie zu Good Governance und Konflikttransformation in Sri Lanka ist ein Beitrag zur Debatte über Good Governance als Ansatzpunkt für Konfliktbearbeitung in Entwicklungsländern. Sri Lanka ist einer der ältesten demokratischen Staaten der post-kolonialen Länder des Südens und hat zwischen 1947 und 2001 zahlreiche Wahlen und Regierungswechsel durchlebt, was zu einem gewissen Grad auch für eine erfolgreiche Konsolidierung der Demokratie spricht. Andererseits existiert in Sri Lanka einer der langwierigsten Bürgerkriege weltweit, was kritische Fragen bezüglich der Leistungsfähigkeit der demokratischen Institutionen sowie des Governance-Systems aufwirft.

Ausgangspunkt der Arbeit ist der Mangel an empirischen Forschungsergebnissen, welche eine Voraussetzung für die Entwicklung eines umfassenderen Wissens über Governance-Systeme in unterschiedlichen Ländern sind. Die meisten verfügbaren Datenquellen verwenden nur faktenbasierende Daten und berücksichtigen kaum Daten, die auf den Wahrnehmungen lokaler Bürger und sogenannter Stakeholder basieren. Eine zentrale Annahme dieser Arbeit ist, dass der internationale Diskurs zu ‚Good Governance‘ eine kontextspezifische Überprüfung bedarf und eine Neudefinierung der internationalen Good Governance Indikatoren auf der Basis der Wahrnehmungen lokaler Stakeholder nötig ist. In der Arbeit wird ein kontextspezifisches Good Governance-Modell für Sri Lanka entwickelt, welches auf einem Abgleich der Erwartungshaltung der Bürger und Stakeholder mit ihrer Einschätzung der tatsächlichen Governance-Leistung basiert. Die Forschungsfrage der Arbeit lautet: *„Welches sind die zentralen Akteure, Themen und Herausforderungen der lokalen Ebene, die ein kontext-spezifischer Good Governance-Ansatz berücksichtigen muss, um nachhaltige Entwicklung und friedliche Koexistenz zu fördern“*. Diese Frage wird auf Basis empirischer Fallstudien auf kommunaler Ebene in drei Regionen Sri Lankas beantwortet (Kapitel 2).

Kapitel 3 stellt den politischen und historischen Hintergrund Sri Lankas dar und führt aus, wie die Prozesse der politischen Dezentralisierung und Mobilisierung entlang ethnischer Gruppenzugehörigkeit die Entwicklung von mehr Rechtstaatlichkeit und effektiver Umsetzung von Bürgerrechten behindert haben. Im empirischen Herzstück der Arbeit (Kapitel 4) werden die drei Forschungsregionen vorgestellt, die auf der Basis ihrer unterschiedlichen ethnischen Bevölkerungszusammensetzung und Konfliktsituationen ausgewählt wurden. Die Forschung wurde in Kommunen der drei Forschungsregionen *Central Province*, *Uva-Province* und *Eastern Province* durchgeführt. Die Ergebnisse basieren auf einer Kombination zahlreicher qualitativer und quantitativer Interviewtechniken wie Eliteninterviews, Stakeholderinterviews, Haushaltsumfragen und Fokusgruppen-Diskussionen, welche einen reichen Einblick in die Wahrnehmungen lokaler Stakeholder ermöglicht.

Die acht verwendeten Good Governance Indikatoren nämlich Effizienz, ‚Ansprechbarkeit (*responsiveness*) und Gerechtigkeit‘, ‚professionelle Führung‘, ‚Transparenz & Rechenschaftspflicht‘, ‚Bürgerbeteiligung‘, ‚Rechtsstaatlichkeit und Schutz der Menschenrechte‘, ‚Vertrauen in das politische System und Sicherheit‘ sowie ‚Konflikttransformationsfähigkeit des politischen Systems‘ wurden aus den Debatten der lokalen Stakeholder abgeleitet. Diese Good Governance Indikatoren werden dann für die Beschreibung und Bewertung der Wahrnehmungen lokaler Stakeholder zum Stand guter Regierungsführung in den drei Forschungsgebieten herangezogen.

Kapitel 5 fasst die empirischen Ergebnisse in Hinblick auf Schlüsselakteure- und –themen sowie zentrale Herausforderungen für das Governance-System auf lokaler Ebene zusammen. In bezug auf die Schlüsselakteure auf lokaler Ebene zeigte die Studie, dass es zwar eine Vielzahl halb-staatlicher und nicht-staatlicher Akteure gibt, jedoch vor allem die politischen und administrativen Institutionen auf kommunaler und nationaler Ebene als die zentralen Institutionen angesehen werden, die für die Etablierung und Gewährleistung von Good Governance auf lokaler Ebene verantwortlich sind. Der Mangel an kooperativer Zusammenarbeit zwischen diesen Akteursgruppen ist ein Schlüssel zu den meisten Herausforderungen, die auf der lokalen Ebene identifiziert wurden.

Bezüglich der zentralen Themen zeigten die Forschungsergebnisse aus den drei sehr unterschiedlichen Regionen große Übereinstimmungen auf: die Bewertung der Governance-Leistung anhand der acht Indikatoren ist insgesamt sehr kritisch. Problematisiert werden die Marginalisierung der Kommunalregierung, mangelnde Möglichkeiten der Bürgerbeteiligung, Güstlingswirtschaft, unzureichende Repräsentation von Minderheitengruppen sowie unzureichende Qualifikation und Motivation der kommunalen politischen Führungskräfte. Die Forschung zeigte auf, dass viele Defizite des lokalen Governance-Systems zu einer Verschärfung sozialer Konflikte beitragen. Die Stärkung lokaler Regierungsführung kann daher als wichtiger Ansatzpunkt für die Verbesserung der sozialen Integration angesehen werden.

Im letzten Kapitel der Arbeit wird der empirische und methodische Mehrwert der Forschung sowie die Rückschlüsse und Potentiale für Governance-Reformen auf lokaler und nationaler Ebene in bezug auf einen Beitrag zur Konfliktbearbeitung in Sri Lanka diskutiert. Insgesamt hat der Forschungsansatz mit drei Fallstudien einen detaillierten Einblick in die Interaktionen innerhalb komplexer Prozesse und Strukturen erlaubt. Der Vergleich der drei Regionen hat darüber hinaus die Formulierung von politischen Empfehlungen ermöglicht, die den nationalen Reformprozess in Sri Lanka unterstützen können.

Chapter 1: Introduction

1.1 Democracy and governance in Sri Lanka – background to the research

The Democratic Socialist Republic of Sri Lanka has been in the world media in the recent past with news regarding the slow moving peace process and also as one of the countries severely affected by the tidal wave of December 2004. These themes - conflict resolution and the handling of natural disasters and development needs – can be seen as the main governance challenges of the Sri Lankan state and society. Particularly in the context of governance failures in the past, these issues have been a major threat to the legitimacy of the Sri Lankan State.¹ Sri Lanka is one of the oldest democratic systems among the states of the developing South in Asia and Africa after the colonial period and has experienced 12 parliament elections with nine changes of the government between 1947 and 2001, four presidential elections and three constitutions including various amendments of the electoral system (Wagner 2003: 31). This speaks for a vibrant path of democracy building, reforms of the democratic institutions and to a certain extent consolidation of democracy. On the other hand Sri Lanka is the country with one of the most protracted civil wars in the world, which since the 1980s has caused between 60,000 and 100,000 fatalities.² As expressed by Wagner (2003: 31), “this raises some doubts about the effectiveness and functioning of the democratic institutions and the governance system”.

The question about the effectiveness and functioning of democratic institutions or the democratic governance system in Sri Lanka can be viewed in the wider theoretical context of democracy and conflict resolution theories and the discourse on ‘governance’ or ‘good governance’. The worldwide trend and call for democracy is reinforced by the belief that it facilitates development and the peaceful management of violent conflicts which have been a prominent feature of the Post-Cold War era.³ The superiority of democracy in the eyes of contemporary scholars is also

¹ Development and questions on livelihood in Sri Lanka are discussed by Bohle / Mayer / Weber 1998, Firth 1999b, 1999b, Lakshman / Tisdell 1999, Hettige 1995, Ratnayake 1998, Jayasuriya 2000.

² The country has had to cope with an ethno-political violent conflict between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE), which have been fighting for a separate state in the North-East of Sri Lanka for almost 20 years. During this time there have been various unsuccessful attempts to resolve the ethno-political conflict through negotiations between the conflict parties and through working out power-sharing arrangements which could accommodate the claims of the Tamil identity group, represented by the LTTE. For the history of the Sri Lankan complex political emergency and earlier peace negotiation attempts see among others, Rösel 1997, Swamy 1996, Wilson 2000, Loganathan 1996.

³ The nexus between democracy and conflict management of deep-rooted conflict is discussed by UNDP 2002, Bloomfield / Reilly 1998, Reilly 2001, Young 1995.

seen in its capacity to achieve legitimacy through delivering 'good governance', that is, to assure political stability, to make rules accountable, to regulate markets and to provide the collective goods citizens desire (Bastian / Luckham 2003: 18, World Bank 1992). However, democracy research, especially by scholars from the institutional school of thought, has analysed the existence of specific institutions within democratic transition states and defined many so-called democracies as "defective democracies" (Merkel 2003: 23) or "failing states" (Rotberg 2004, Carment 2003, Halbach 1995, Hippler 2005). The indicators used to define a democracy as functioning or defect / failing often do not consider the specific cultural framework and tradition and therefore fall short in providing explanations as to why specific short-comings persist. It is therefore often more useful to look not only into the existence of specific democratic institutions, but into the process and culture of governance and reasons for governance failures. The consequence of governance failures is a decline of legitimacy, marked on the one hand by political disorder (Mitra 1997: 19) and on the other by a decline of trust, acceptance and support of citizens (Haus / Heinelt 2003).

Democratic states, whether long established or newly formed, have to cope with various governance challenges, such as development challenges and the accommodation of diverse identity groups. One approach in this debate, which has gained increasing attention during the last decade, is to look more generally at the process of governance (Merrien 1998, Mitra 1997). The essence of 'governance' instead of 'government' is its focus on governing mechanisms in which the state is only one actor in a wider cooperation network (Stoker 1998: 17). The strength of the governance framework is that it sheds some light to the key issues for study, leading theorists to ask questions that might otherwise not occur (Stoker 1998, Judge et al 1995). Although there has been increasing attention on governance issues during the last decade, "measuring governance still remains a challenge because of its multi-dimensional character as well as its conceptual and definitional challenges" (World Bank 2002: ii).

The actual framework, under which governance in Sri Lanka has to function and has to address various challenges, is the present peace process and the post-tsunami reconstruction phase. Facilitated by the Norwegian government, the Sri Lankan government entered into a new peace process with the LTTE in December 2001.⁴ In the peace talks, the challenge is to find power-sharing mechanisms which allow a better governance of the various rehabilitation and reconstruction needs in the North-East, without neglecting the development challenges of the

⁴ A ceasefire agreement was signed, followed by a Memorandum of Understanding (MoU) in February 2002, which formed the basis for further political negotiations between the conflict parties. The declaration of the Tamil Tigers (LTTE), that they were willing to settle for a political solution within a unified Sri Lanka, with substantial autonomy to the Tamil regions set an encouraging start to a series of peace talks (The Refugee Council 2003: 6). Uyangoda and Rupesinghe provide further details on the peace processes in Sri Lanka (Uyangoda 2003, Rupesinghe 2003).

deprived South (Uyangoda / Perera 2003). After the enthusiasm accompanying the first rounds of peace-talks, the peace process came to an almost stand-still in April 2003. Some new movement came into the negotiation process after the devastating tidal wave, as the distribution of aid funds for emergency relief and reconstruction to the affected regions required a joint mechanism among the conflict parties and first steps in implementing institutional arrangements towards greater power-sharing.⁵ It is widely accepted that the future prospects of the country depend to a large extent on the resolution of the conflict. However, Hettige / Mayer stress that the country's problems and challenges are multifaceted and often intertwined (Hettige / Mayer 2000: 1). In the past, the Sri Lankan democratic state has failed to respond adequately to development and social conflict challenges. Besides the ethno-political conflict in the North-East, Sri Lanka's post-independence period has been characterised by intermittent outbreaks of ethnic and political violence, e.g. the two violent insurrections of the left-wing nationalist Janatha Vimukti Peramuna (JVP) in 1971 and 1987-89. As Hettige / Mayer state, the absence of many prerequisites of good governance, such as equal opportunities, social justice, individual freedom, political participation, devolution of power and allocation of public goods and services were at the heart of these violent outbreaks (Hettige / Mayer 2001: 2).

Although good governance is seen as one entry point for conflict management of the various conflict lines in Sri Lanka and has been an important topic for research and political discussions, the focus is mainly on the macro level, analyzing shortcomings of the constitution and the central government institutions.⁶ While the discussion for political reform towards power-sharing and devolution is negotiated on the macro level, the realities of effective service-provision and recognition of specific identity groups materialize at the local level. Citizens experience the functioning of the governance system at the local level of the political system with its respective institutional set-up and political practice. It is primarily the local governance system that is closest to the people – and which needs to respond to the various challenges through functioning effectively, through delivering human development and through mitigating social conflicts peacefully. There are various trends, such as more decentralised decision-making

⁵ The ineffectiveness of governance mechanisms in responding to the needs of the disaster affected population in the North and the South has aggravated already existing feelings of discrimination among the Tamil population. The signing of the Post Tsunami Operational Management Structure (P-TOMS) by the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) in June 2005 is on the one hand seen as a historical step towards greater power-sharing between the conflict parties but on the other hand has also further destabilized the Sri Lankan government and raised the ire of Southern nationalists (TamilNet, June 24, 2005).

⁶ In 2002 President Chandrika Kumaratunga introduced a proposal to set up a 'National Committee for Good Governance' with wide powers, chaired by the Prime Minister for extensive consultations with political leaders, leaders of society and the people to recommend the structures of new systems, institutions and procedures that will be created, to ensure that the composition and the functioning of the legislative and governing bodies at every level of government is consulted in a manner to achieve the objectives (of peace building). See Daily Mirror, 26.11.02, p.1.

authority, local self governance, new forms of strategic partnerships among elected authorities and private or civil sector organisations, that challenge the old way of local governance (Sisk 2001: 21). At the local level, democracy demonstrates in daily practise its degree of 'people's power', allowing people to play a role in local level decision-making (Putnam 1993). Thus good local governance is a prerequisite to legitimacy and stability of the democratic system in general. But, as IDEA state, "democracy at the local level – the tier of governance to which citizens turn to meet their immediate needs – is a critical but under appreciated factor in the world's new democracies" (IDEA 2004: 5).

In this recent debate there is still a lack of empirical research and analysis of the relevant actors of local governance and their potential to respond to the contemporary challenges to stabilise the legitimacy of the democratic state (Andrew / Goldsmith 1998: 99). As the World Bank states, "until a few years ago, there was little attempt to provide for systematic measures of governance for many countries, and the vast majority of policy advice, action program formulation, and research writing in these subject areas were done without any rigorous empirical measurement" (World Bank 2002: i). Moreover, the discourse on governance and good governance is dominated by a westernised normative model, which lacks empirical and context-specific verification. Although one should not neglect the internationally accepted good governance indicators, they would need to be approved by local stakeholders to gain greater legitimacy, and possibly need to be extended or redefined based on the context-specific conditions.

The focus of this dissertation is thus to develop a good governance model, based on a context-specific definition and empirical research at local level in Sri Lanka. The empirical research will concentrate on case-studies from the local political level in three regions of Sri Lanka, as the local level is where people experience in daily practice the functioning or malfunctioning of the political system.

The main research question therefore is: **What are the key actors, issues and challenges at the local level, that a context-specific good governance model needs to take into account in order to promote sustainable development and peaceful co-existence?**

The main assumption that underpins the empirical analysis undertaken in this dissertation is: The international discourse on good governance requires context specific testing and the redefinition of international good governance indicators, based on the 'prescriptive' and 'descriptive' perceptions of local elites, stakeholders and citizens.

The main guiding hypotheses are:

- H1:** A context-specific good governance model is more substantial than the internationally accepted good governance discourse and points towards critical issues and challenges of the relevant governance context.
- H2:** The context-specific good governance model is a suitable framework for the analysis of local governance, which can be used to identify the key actors, issues and challenges of governance in a country, thus initiating a discussion on strength and failures and necessary reforms.

To develop this context specific good governance model, I will follow a two-step approach. In the first step, local elites are interviewed about their definition of good governance. For the identification of a prescriptive good governance definition for Sri Lanka, local elites were chosen as respondents, as without ‘necessarily holding elective or administrative positions’, they play an important role “as a vital interface between the modern state and the traditional society” (Mitra 1992:12). As Mitra argues, local elites “belong, in a way, both to the state as well as the society, interpreting the rational, bureaucratic norms of the state to a society based on social networks and the moral economy” (Mitra 1992:12). Local elites are furthermore full-time residents of the village and as such, they “share with the people of the village the consequences of policy decisions and ‘non-decisions’ originating at the higher levels of the system” (Mitra 1992: 18). Local elites also play an opinion-maker role and often are engaged in formulating visions of a desirable local political system, based on their experiences with the ‘traditional society’ and the institutions of the modern state. Mitra points out that, “the combined effect of these factors gives a certain legitimacy to local elites in their capacity as representatives of local interests” (Mitra 1992: 18).

In the second step, interviews with the major local stakeholders (representatives of state and administration, NGO representatives, police, mediations boards members etc) as well as citizens are conducted to assess the state of local governance. Thus this study additionally sheds some light on the questions of how local governance in Sri Lanka functions, which actors are playing a role in local governance and to what extent local governance responds to the contemporary development and conflict transformation challenges. The empirical research on the institutions and political practice of local governance in Sri Lanka will be based on qualitative and quantitative interviews. The view from local stakeholders⁷, especially from elected representatives and local administrators, were assessed to get the opinion and perception of

⁷ In this work local stakeholders are defined as position holders of local state institutions and civil-society organisations, like the elected local councils, administrative institutions, the police, trade unions, NGOs etc.

experts from within the system, who by assessing the functioning of local governance at the same time reflect on their own role. Civil society representatives and citizens were interviewed to get the perspective of the 'users' or 'recipients' of service provision and development projects, thus providing a critical 'outside view' on the functioning of local governance. Both sources of information are finally used and discussed to develop a context-specific set of good governance indicators which best reflect the Sri Lankan context.

The empirical research on the state of local governance in three selected regions of Sri Lanka followed four guiding research questions:

- 1) Which actors play a key role in local governance, what are their strengths and weaknesses and how do these actors interact with each other and respective citizens / identity groups?
- 2) To what extent does the local governance system meet the expectations of citizens with regard to service provision, development needs, recognition and conflict transformation challenges?
- 3) What are the key issues for local governance reforms necessary to strengthen the local governance system so that it can better contribute to sustainable development and conflict transformation challenges from a local perspective?
- 4) What lessons can be drawn from the local level for the reform process envisaged in the recent peace process?

As empirical research on governance has only recently emerged in a more systematic manner and is thus a rather relatively undeveloped field, the empirical approach on developing a context-specific good governance model has an experimental character. It aims to contribute to the continuous learning process of the further development of suitable instruments, methodologies and indicators for assessing governance. The reflections on the empirical findings and comparison with other governance measurement approaches will reveal some options for revision as well as some of the strengths of the approach.

1.2 Core Concept and Research Methodology

1.2.1 'Perceptions count' – assessing governance through the eyes of the people

The assessment of local governance in Sri Lanka focuses on the identification and role of the relevant actors and the potential solutions and problems of the governance mechanisms in addressing the above mentioned development and conflict transformation challenges. The formal established institutions at the local level will be introduced at the beginning to understand

the political context. The assessment on the functioning and 'quality' of local governance will focus on the perception of local stakeholders. There are two main arguments why this approach has been chosen. Firstly, following the tradition of political culture research, the assessment and perceptions of citizens are essential indicators for understanding the stability, legitimacy or quality of democratic states (Almond / Verba 1963, Easton 1975, Dahl 1997, Plasser / Ulram 1996, Welzel / Inglehart 1999, Pickel 2000). The establishment of democratic political institutions and constitutional rights is in itself not sufficient to assess the quality of the respective governance system. The assessment of citizens' satisfaction with the democracy, their trust in the political institutions and the political leaders is essential to say something about the legitimacy of the state (Pickel 2000: 243). Mitra stresses that citizen's perception of institutions is a key factor in assessing political stability, arguing that a stable democracy requires reasonably high trust in institutions as well as a high sense of personal efficacy on the part of the citizens. It is a rather alarming signal for stability of the democratic system if citizens agree with the institutions but show a declining trust in the actual repositories of power, namely the elected representatives, political parties, government officials, and police (Mitra 1999: 423).

Putnam's well known study on modern democracy in Italy shows that there is a remarkably strong convergence between the results based on 'objective' institutional performance indicators and the results based on 'subjective' perception survey, asking citizens "how satisfied are you with the way in which this region is governed?" (Putnam 1993: 77). Pickel makes a similar argument in his comparison of 'objective' and 'subjective' indicators for measuring democracy, stating that apart from slight differences, the overall results in the assessment of the two systems are very similar (Pickel 2000: 263). The latter is an additional argument that the focus on perception of citizens and local professionals on the functioning of the local governance system will provide reliable answers to the question how local governance functions in Sri Lanka. It will furthermore allow the identification of context-specific good governance indicators, which is important to local stakeholders.

The second reason why the perceptions of citizens as well as representatives from within selected institutions are the main information source for the analysis of the local governance system is that there is a lack of other 'objective' statistical data at the local level in Sri Lanka. The available data within the local government authorities or the administrative institutions at the local level are often not complete and their reliability is sometimes questionable. Thus the

perceptions of people who live and work within the region are the most reliable source of information of the reality of local governance functioning.⁸

The empirical research of this thesis does not claim to provide all-embracing 'objective' information on the functioning of the institutions (structures) and practices (processes), but the 'subjective' perception of citizens and institutional representatives are used as an information source to identify the key issues of local governance. These perceptions are complemented with some fact-based information from statistical data, wherever available. Although these key issues are already pointing to areas of necessary reforms, the prescriptive conclusion as to how to do this has to be formulated rather carefully. As pointed out by Beetham (1994: 35), "the particular value at issue may conflict with others or with certain practical imperatives". Thus, some of the issues would need further in-depth-study of the formal institutional framework, beyond the scope of this dissertation, to formulate final reform proposals.

1.2.2 Learning from 'Case Studies' – local governance in three regions of Sri Lanka

The assessment of the local governance system in Sri Lanka and its respective actors is conducted through three case studies of different regions by examining selected rural local authority areas within these three regions. The idea of case studies is to allow insights into the interactions of complex structures and mechanisms without forgetting the context (Feagin / Orum / Sjoberg 1991). The case study approach was chosen as it allows on the one hand the detailed description of the governance situation in a particular context, and on the other hand it can be used to compare the different cases to generate conclusions for necessary reforms based on the similarities (Flick / Kardoff et al 1995: 169, Flick / Kardoff / Steinke 2000: 298).⁹ Clearly the study of three cases has no significance in the statistical sense of the term, but still can generate hypotheses or suggested explanations which are persuasive to the extent that parallels to other cases can be drawn. The comparison of three different ethnically composed settings will, for example, provide some insight into 'specific constellations', similarities as well as differences beyond the obvious contextual differences. After looking separately into the three case studies to gain context-specific findings, the comparison of all three cases will provide an opportunity to draw conclusions on overall key issues beyond the respective contextual differences and the identification of key indicators for good governance in Sri Lanka.

⁸ The potentials of perception approaches has been especially promoted by Chambers (1995, 1989).

⁹ One can speak of structured, focussed case studies, if one chooses a section of reality and poses similar questions to different cases (George 1979).

The following considerations influenced the selection of the three cases: first of all the decision was taken to concentrate mainly on rural areas, as in Sri Lanka the rural areas face severe development challenges, due to a lack of physical and social infrastructure, lack of income opportunities for the population and a brain-drain of educated and qualified people to the urban centres. Many socio-political conflicts, e.g. the JVP insurrections, had their roots in the marginalized rural areas of the country. The social vulnerability and lack of opportunities among the rural population, especially the youth, is widely seen as a breeding ground for politically motivated violence and conflict in Sri Lanka (Mayer 2002, Uyangoda 1996, Uyangoda / Biyanwila 1997, Hettige 1996).

Secondly, considering the above-mentioned challenges of development and conflict, which the governance system has to address, the objective was to select regions with a different ethnic composition and difference in the existing conflict lines. The three different regions selected on the basis of a different ethnic composition and different conflict settings were *Central Province*, *Uva-Province* and *Eastern Province*.

As the unit of research, selected rural local authority areas (Pradeshiya Sabha and Urban Councils) within each region were chosen.¹⁰ The criteria for selection of a respective local council was mainly the access through the Sri Lanka Institute of Local Governance (SLILG) – a cooperating Institute of the research project. The SLILG had already established contacts with selected local councils through baseline surveys and training programmes. Thus there was already available statistical data on the composition and resources of the local councils as well as established contacts to the chairmen of the councils.¹¹

While one Pradeshiya Sabha council area was selected as the unit of research in the *Central* and the *Uva-Province*, two local authority areas were selected for the *Eastern Province* – one Pradeshiya Sabha and one *Urban Council* area. The reason for this was that there are separate local councils in the Eastern Province for the Tamil and for the Muslim community, which is a result of the almost 20-years of ethnic conflict in the North-East of the country. To consider both ethnic communities equally,

¹⁰ The local government level in Sri Lanka is divided in three different types of local authorities, namely a) Pradeshiya Sabhas (PS), which are the rural local councils (which often cover a relatively huge area), b) Urban Councils (UC), which are the councils of smaller towns and urban centers and c) Municipal Councils (MC), which serve for the bigger urban centres and cities. The major difference between the three types of local authorities is that the MC and UC have more financial resources and slightly more autonomy than the PS.

¹¹ An exception was the two selected local authority areas in the Batticaloa district. Here the SLILG had not yet conducted the baseline survey and thus these areas were chosen just on the basis of the recommendations of the SLILG staff.

the study considered a Tamil PS and a Muslim UC.¹² The research regions are further described in sub-chapter (4.1), Box 1 provides at this point just a short summary of the three cases, while table 1 provides a comparative profile of the three research districts:

Box 1: Research Study Locations

Ambagamuwa Pradeshiya Sabha (Nuwaraeliya District) in the hill-country of Sri Lanka belongs to the Central Provincial Council. The area is one of the major Tea Estate areas of the country. The majority of the population in this area are Tamils (approx. 76%), while Sinhalese in this region are in the minority (21%). The area was selected as sporadic violent outbreaks in the estate areas of Sri Lanka between ethnic groups indicate the conflict potential of this region. The conflict line is between the marginalized Indian Tamil population, which is mostly employed as plantation workers and is often neglected from obtaining legal documents (Identity Cards) as well as other services and the Sinhalese population, which consists of estate managers and small scale farmers. Major development challenges of this area are the improvement of living-conditions of the estate workers and the integration of remote Sinhalese villages into the infrastructure of the local economy.

Moneragala Pradeshiya Sabha (Moneragala District) in the South-East of the country belongs to the Uva-Provincial Council. The population is predominantly Sinhalese, with approx. 72% people of the overall population (50,000) being Sinhalese, while approx. 12% are Tamils. There is a very small number of Muslims and other groups. This area was selected as the South has faced a major conflict between the left-wing Sinhala nationalistic Janata Vimukthi Peramuna (JVP) and the Sri Lankan Government between 1970 and 1989. The JVP supporters are mainly educated Sinhalese youth from the rural areas of the marginalized South. The insurrection in the late 1980s led by the JVP came close to undermining the political system and caused between 40,000 to 60,000 deaths - a similar number as in the North-East war. The area can therefore be described as a post-conflict area, where some of the conditions that encouraged youth to join the JVP are still prevalent. The development challenges of this area are to provide life perspectives for youth through educational and employment opportunities.

Kaluvanchikudiyruppu Pradeshiya Sabha and Kattankudy Urban Council, located in the **Batticaloa District**, both belong to the North-Eastern Provincial Council. Due to emergency rule, this has not been democratically elected since 1990 and remains under the responsibility of the Governor, appointed by the President. The population within Kaluvanchikudiyruppu PS is approximately 100% Tamil while Kattankudy is 100% Muslim.¹³ Due to the conflict situation, local government elections have not taken place since 1994. There are no elected members, just administrative staff, working under the responsibility of a Special Commissioner, which is usually the Divisional Secretary (DS). The local government system in the North-East can therefore hardly be compared with other local government authorities in the country. It is nevertheless interesting to investigate the realities of local governance in these two local authorities to see

¹² The Muslim Urban Council had just recently been upgraded from a PS to an UC. The differences between the two types of local authorities were not considered as relevant for the results of the study, which is why, as well as the Tamil PS, the Muslim UC was taken as a unit for the research in the East.

¹³ Source: Statistical Hand Book, Batticaloa District 2000.

whether there is any entry-point for reviving democracy and for contributing to conflict resolution. The development challenges of this area are mainly rehabilitation of war-destroyed infrastructure, and the tackling of land rights issues.

Table 1: Profile of the Research Study Districts

	Total No. of persons:	Buddhist:	Hindu:	Muslim:	Christian:	Others:	Gini Index:	Mean Monthly per capita income ¹⁴ :	Unemployment-rate ¹⁵
Nuwaraeliya District	700,083	276,427 39,5%	359,336 51.3%	20,000 2.8%	43,568 6.2%	752 0.1%	0,40	2061 LRS	5.4 %
Moneragala District	396,173	373,989 94.4%	11,916 3 %	8,145 2%	2,091 0.5 %	32 < 0.01%	0,56	2498 LRS	5.2 %
Batticaloa District	515,707	571 (0.1%)	353,399 (69%)	130,864 (25%)	30,713 (6%)	160 (0.03%)	-	1777 LRS	(15.9%) ¹⁶

Sources: Census of Population and Housing 2001 & Household Income and Expenditure Survey 2002, Department of Census and Statistics for Nuwaraeliya and Moneragala, District Statistical Handbook Batticaloa District 2000, District Planning Secretariat and Statistical Office Batticaloa for Batticaloa District¹⁷.

1.2.3 Empirical research methodology

The methodology of the study comprises quantitative and qualitative interview-techniques. As Flick / Kardoff et al (1995) point out, in political sciences there has been a long tradition of macro-analytical quantitative research methodologies. But it has become obvious that important questions about the foundations of stability and change of political order can not be answered on the basis of these common quantitative approaches alone. Thus there is a relatively new trend to use qualitative methods in exploring issues like the political culture, citizens' trust in political institutions or informal processes of decision-making etc (Flick / Kardoff et al 1995: 55). The great potentials of qualitative research methodologies, such as semi-structured interview guidelines, focus group discussions or participatory observation are due to the fact that they shed some light on questions about the political reality, which have been so far rarely researched (Flick / Kardoff et al 1995: 55). Surely one should not underestimate the usefulness of qualitative research in political sciences, especially in the field of opinion or perception

¹⁴ The national mean monthly per capita income is 3056 LRS, see Household Income and Expenditure Survey 2002, Department of Census and Statistics for Nuwaraeliya and Moneragala Districts, District Statistical Handbook Batticaloa District 2000, District Planning Secretariat and Statistical Office Batticaloa for Batticaloa District.

¹⁵ Percentage (%) of total labour force.

¹⁶ 15.9% unemployment rate is the figure for the overall Eastern Province, not for Batticaloa District. For Batticaloa there is no available data, see bulletin Labour Force Statistics of Northern and Eastern Provinces 2002, Department of Census and Statistics, <http://www.statistics.gov.lk/samplesurvey/BulletNE.pdf>.

¹⁷ It is difficult to compare Batticaloa district with the two other regions, as the National Census 2002 has not been conducted in most parts of the North-Eastern Province. Besides some few surveys on specific subjects, there is often no reliable data available for Batticaloa District.

surveys. As Flick / Kardoff et al argue, there is a great potential for a complementary-integrative approach, combining both quantitative and qualitative methodologies.¹⁸

In the first step of the empirical research, 'semi-structured interview guidelines'¹⁹ were used asking local elites about their definition of and indicators for good governance. The methodology of semi-structured interviews was chosen to be open for unexpected factors and issues which the interview-partner may bring up (see Pappi 1987: 376, Flick / Kardoff et al. 1995:177). In selecting a sample of interview partners among the local elites, one first had to handle the problem of how to identify local elites. As Mitra points out, "there are no clear cut-off points to distinguish local elites from non-elites", which somehow reflect, "the fluidity of the local political arena" (Mitra 1992: 87). The identification of individuals who can be considered as local elites requires a degree of subjective judgment (Mitra 1992: 87). Thus, in this thesis, to identify the actual individuals to be interviewed, reputational methods were used, asking key informants from local state institutions, administration and non-governmental organisations about educated local elites with an interest in and knowledge of local politics, but who were not holding an official post within the local institutions representing the state. The sample of local elites focused explicitly on non-official position holders, to guarantee that they can be considered as interface between the modern state and the traditional society, without actively playing a role in the local political system, thus being more objective towards local governance matters. Among the local elites were for example school principals, lawyers, doctors, pharmacists etc.²⁰

Assessing the state of local governance in the second step of the empirical research, the perceptions and opinions of the following actors of the local governance systems in the selected research areas were considered: citizens, elected council members of the local government, administrators of local governmental bureaucracy (like the divisional secretariat and government agents office), mediation board members, police officers, and NGO- and trade union representatives. Furthermore it was envisaged to consider the perceptions and opinions of

¹⁸ Further details on the potentials of qualitative empirical research is provided by Flick / Kardoff et al 1995: 55, Knoblauch 2000, Lüders 2000.

¹⁹ Semi-structured interview guidelines contain a set of guiding questions clustered around specific themes and assumptions of the interviewer. This set of questions is used in a flexible way to guide the discussion with the interviewee, leaving maximum space for new issues or interpretations which the respondent might bring up and which might contradict the assumptions of the interviewer (see Flick 1996: 94ff).

²⁰ Due to the reputation method, it was difficult to keep a gender balance, as in rural areas in Sri Lanka males play a dominant role in public life and recommend always other male colleagues or friends as key informants to be interviewed. However, among the interviewed elites there were also a number of females with a higher educational background, who were mainly housewives.

different identity groups living in the area. In addition to gender and youth, the main ethnic identity groups were considered.²¹

The assumption was that while quantitative data in form of a household survey would provide general representative data on the perceptions of citizens about institutions and actors of the local governance system, the qualitative (semi-structured) interviews with professionals could provide further in-depth insights how key-informants from within the system see the strengths and weaknesses of the local governance system and its institutions, including the cooperation among different actors.

Furthermore, in focus group discussions, the preliminary results were fed back to civil society representatives from all identity groups and selected professionals to get their interpretation and explanations of the data.²² Flick, Kardoff et al see two benefits in focus group discussions, that is 1) as additional source of information for the researcher and 2) as learning process for the participants. The latter is especially true if the facilitator of the focus group discussion manages to give space to all different opinions on a topic and finally formulates a consensus to which the participants can agree. The focus group discussions conducted in this study were more focused on getting additional information on the topic and an interpretation of the preliminary findings from representatives of all identity groups. Although a consensus position was not formulated, the controversial discussions were a learning process for the participants and facilitators as well. After the field research in the regions, two other interviews were conducted at the central and provincial level, with a) the Ministry of Home Affairs, Provincial Councils and Local Government to discuss the results and to gain an insight into the recent reform policy of the Ministry and b) with Provincial Council Members from all provinces to present some of the results to them and to get an insight in the role and influence of the Provincial Council in local government matters.²³ The results of the empirical research were furthermore presented at a workshop in Colombo and critically discussed with the participants who were representatives of state- and non-state organisations as well as of civil society organisations.

The empirical research was conducted by an interdisciplinary research team, comprising researchers from Colombo University, the Eastern University of Batticaloa, the South Asia

²¹ For a discussion on ethnic identities see Horowitz 1975, 1985, Wallerstein 1960.

²² This cross-check with local experts was felt as especially necessary to avoid a sole interpretation of the data by the author, which might be based on a view influenced by another cultural background.

²³ See as example Annex 7: Ministry interview guideline.

Institute of the Heidelberg University Germany and the Sri Lanka Institute of Local Governance.²⁴ Box 2 summarizes the research-design and methodology:

Box 2: Research Design and Methodology

The data was collected in 2002 in several field visits in each of the research regions:²⁵

- **Pilot Visit:** The research started with a pilot visit to the respective research locations to gain an insight into the local political context, by gathering information about the socio-economic conditions, major problems and conflict issues in the area as well as the most important actors of the local governance system. This information was collected through informal key-informant interviews.
- **Elite-Interviews on good governance definition:** interviews based on semi-structured interview guidelines were conducted with 10 selected local elites in each research region. The focus of the questionnaire was to give space to elaborate indicators for good governance, asking openly how local elites would define a state of 'good governance' or a state of 'bad governance' (Annex 2: elite interviews guideline).²⁶
- **Household-Survey:** the next source of information was a household survey conducted in 4 different villages of the respective local authority area in each of the three regions, asking 60 people for their perceptions, opinions and experiences with the local political system and its actors. The quantitative interview-guideline focused first of all on the socio-economic problems and conflicts in the area and then asked about experiences with state and non-state-institutions to address these issues. Furthermore the questionnaire asked about opportunities for people's participation in local governance (Annex 3: Household Survey Questionnaire²⁷).
- **Interview with local stakeholders:** Representatives of the most important local institutions (elected PS council members and representatives of other institutions, like District Planning Secretariat, Divisional Secretariat, NGOs, Trade Unions, Mediation Boards) were interviewed asking about their perceptions on the state of the local governance system, using semi-structured interview guidelines. The actors were asked about their views of and experiences with the functioning of the local institutions. Confronting them with people's perceptions from the household survey, we gained more insights and background explanations by listening to their opinion on certain issues (see as examples Annex 4: Pradeshiya Sabha Council Members Interview Guideline and Annex 5: NGO-Representative Interview Guideline).
- **Focus Group Discussion:** The preliminary results were discussed in focus groups with civil society representatives and key informants (such as members of tax-payer associations, mediation boards, police, lawyers) to get further ideas about the key issues of local governance and context-specific explanations for certain findings (Annex 6: Focus Groups Discussion Guideline).

²⁴ The research of this thesis was part of a project on 'Local Governance and Conflict Management' funded by the Berghof Center for Conflict Studies, Sri Lanka office. The research was conducted between March and November 2002 and a first summary of results was documented in a final research report in March 2003. See <http://www.berghof-foundation.lk/publications/localgov.pdf>.

1.3 Chapter Outline

This dissertation is divided in six chapters. Following the introduction in chapter 1, chapter 2 introduces the theoretical background and key topics of the dissertation project. With the focus on the elaboration of a context specific good governance framework, the roots and definitions of the ‘governance’ and ‘good governance’ discourses are discussed. As a necessary background the challenges and trends of local governance, especially decentralisation as a means to strengthen local governance, are outlined. International approaches and indicators to assess good governance are introduced and critically analysed, coming to the conclusion that the empirical research of this thesis will create a set of indicators for good governance which best reflects the local context of Sri Lanka.

Chapter 3 provides an insight into the regional context of the study. This chapter will provide a brief introduction on the state and institution building process and its impact in the conflict dynamics between different identity groups. Special emphasis is laid on the decentralisation and devolution debate and the development and reform processes of the local government system.

Looking into the perception on local governance functioning in Sri Lanka, the empirical findings from three case studies are outlined under Chapter 4. In the first section the research regions, with their respective ethnic composition, socio-economic conditions and conflict settings are introduced (4.1). The second section then analyses the interviews with local elites on their definition for good governance and translates the statements into context-specific indicators for good governance (4.2). The final section outlines the empirical findings of the comparative study on local governance functioning in three regions of Sri Lanka, based on the perceptions of local stakeholders and citizens (4.3). The findings from this local governance assessment are clustered under the above elaborated good governance indicators, thus testing whether these indicators are also of relevance to local citizens and stakeholders. Chapter 5 generalises the key actors, issues and challenges of local governance reforms, beyond the contextual differences of the three case studies (5.1) and formulates overall policy recommendations for local governance reforms (5.2).

The conclusion are formulated in Chapter 6, looking into the value-added of the methodological approach for good governance concepts (6.1), the value added of the empirical findings for good governance in Sri Lanka and finally into the lessons learnt for local and national governance reforms (6.3).

²⁵ The interviews were conducted in the relevant local language (Tamil or Sinhala), recorded and later on transcribed and translated by local interpreters. Where possible the interviews were directly conducted in English. See also Annex 1, list of all interview-partners.

²⁶ The elite questionnaire on ‘good governance’-definitions used questions which were already tested by a research project of the Political Science Department of the South Asia Institute, University of Heidelberg which was conducted in India under the leadership of Prof. S.K. Mitra (forthcoming).

²⁷ In Annex 3 only the household survey Moneragala is documented, as the questionnaires used in the three research regions contained the same set of questions, with only few additional questions for the Batticaloa sample.

Chapter 2: ‘Governance’ and ‘Good Governance’ – the International Discourse

This chapter will provide the necessary theoretical background to the study on good local governance in Sri Lanka. I will consider the theoretical roots of the discourse on governance and discuss internationally used definitions and indicators for ‘good governance’. The chapter concludes by providing a working definition for ‘governance’, elaborating on a model for the generation of a context-specific good governance definition as the research framework for the analysis of local governance in Sri Lanka.

2.1 Governance – from government to (good) governance

2.1.1 The discourses on ‘democracy measuring’ and ‘assessing governance’

The model of liberal democracy enjoys at present worldwide almost unchallenged hegemony.¹ Liberal democracy has not just spread because it is promoted by the West, but because citizens in the states in the developing South and post-communist East challenged former authoritarian systems, claiming democracy as political aspiration (Bastian / Luckham 2003:1). The claim for democracy is reinforced by the belief that it facilitates development and the peaceful management of violent conflicts which have been a prominent feature of the Post-Cold War era (Przeworski 1988, UNDP 2002, Mitra 1997). However, there are various examples demonstrating that many democratic states are struggling to meet contemporary governance challenges within a globalised world. As Bastian / Luckham point out, “the triumphalist vision of democracy as a universal panacea for the world’s problems has increasingly come into question. Democracy, it would appear, is Janus-faced. As well as empowering citizens, overcoming exclusion and contributing to good governance, it can also become a tool of powerful economic interests, reinforce societal inequalities, penalise minorities, awaken dormant conflicts, and fail in practice to broaden popular participation in government – as exemplified by its troubled history in countries like Sri Lanka...” (Bastian / Luckham 2003:1).

Democratic states, whether long established or newly formed, have to cope with various governance challenges: Besides development oriented challenges, such as poverty reduction,

¹ The world wide trend to democratization at the beginning of the 20th century underlined this hegemony. Between 1974 and 1996 there were about 79 countries all over the world transforming from authoritarian to democratic political systems. See Merkel 1999: 533, Huntington 1991: 26, Diamond 1993, 1996, 1997, Schmidt 1995.

sustainable economic development or relief after natural disasters, there is evidence of a worldwide increase in inner-state civil wars or complex emergencies since 1990s leading to the question, how can democratic states avoid ethnic violence and best accommodate multiple ethnicities within their boundaries. A central question in the theoretical debate concerns necessary institutional arrangements to consolidate or deepen democracy to prevent and resolve violent conflicts (Horowitz 1993, Chege 2001, Gurr et al 2001, Linz / Stepan 1996, Kymlicka 1995, UNDP 2002). Deepening of democracy is proclaimed as a strategy to respond to the contemporary challenges of governance, or as UNDP puts it, “for politics and political institutions to promote human development and safeguard the freedom and dignity of all people, democracy must widen and deepen” (UNDP 2002: 1). This has brought the question of the quality or degree of democracy to the forefront, and various approaches to measure the quality or consolidation status of democratic states have been developed.²

These ‘measuring democracy-frames’ require a pre-defined set of indicators and standards, which allow a measuring of the respective context as well as a comparison with other democratic states. The focus is often on quantitative indicators, for example voter turnout and on minimum standards of democracy or universal suffrage as the only indicator for political equality, thus reducing complexity for the sake of comparability (see Beetham 1994: 33-34). Another problem of most of these democracy measuring indices is that they focus on normative standards and comparable indicators and thus are not open for context-specific issues and institutional development. Furthermore the assessment is not based on a self-assessment by those living in the country in question, but by academics from other countries.³ There are some concepts, which have further developed the ‘measuring democracy-approaches’, addressing some of the identified shortcomings. The concept of ‘defect democracy’, contributes for example to a further differentiation between authoritarian, defect and non-defect democracies, by introducing a basis type of democracy, the ‘embedded democracy’, as well as a concept of ‘defect democracies’ with criteria, which allow to differentiate subtypes of non-functioning democracies, e.g. ‘exclusive democracies’, ‘enclave democracies’ or ‘illiberal democracies’ (Merkel / Puhle / Croissant 2003, 2004). This quantitative and qualitative concept has been developed into an index of defect

² See among other the democracy measuring approaches of Freedom House 2001, Beetham, David / Bracking, Sarah et al (IDEA) 2002, IDEA 2004, Gasiorowski 1996, Gurr / Jagers 1990, Inkeles 1991, Diamond 1999, Beetham 1994, Putnam 1993, Przeworski 1986, Linz / Stepan 1996, Diamond 1999, Merkel 1999, 2003, Croissant / Thierry 2000. A good overview of the development and approaches of democracy measuring is provided by Lauth 2004.

³ Beetham criticises the whole exercise, which is necessarily evaluative and judgemental and has an “unintentionally self-congratulatory effect, as a consequence of learning from one such scale that the UK rates 99.3 out of 100, compared with, say Burkina Faso at 13.5” (Beetham 1994: 35, see also Inkeles 1991: 16-18).

democracies, where the assessment of so-called democratic states are made by outside experts and commented by local experts (see Bertelsmann Transformation Index).⁴

On the contrary, Beetham's democratic audit approach, which can be seen as the foundation of the 'State of Democracy Methodology', developed by IDEA, is meant primarily as "a self-assessment by those who live and work in the country in question, even if they may call on external auditors for assistance" (Beetham 1994: 36, Beetham / Bracking et al 2002a/b). Furthermore Beetham also pleads for an assessment based on qualitative judgements, without trying to press these judgements into quantitative numerical indices:

„Most political phenomena, however, can only be judged qualitatively; and the conversion of these judgements into quantitative indices to facilitate comparison and assessment involves subjective elements that are obscured by the apparently objective numerical indicators... it is preferable to leave such assessments in the form of qualitative judgements, in which the different points of strength and weakness can be identified“ (Beetham 1994: 33/34).

It is ultimately these two issues, the focus on an evaluative self-assessment and on qualitative judgements, which have been taken over from Beetham's approach for this thesis. However, the difference in my research objective is that I do not intend to measure the status or quality of the Sri Lankan democratic state: the central empirical question is, *how governance at local level in practice works, and whether the local governance actors and mechanisms are effectively and efficiently managing society in their response to the actual governance challenges*. Indeed, democracy indirectly plays an important role, as the state of Sri Lankan democracy has an impact on the question of how governing mechanisms function and to what extent good governance standards are met. At the same time the results of an assessment of local governance will also provide some conclusions on the status of democracy.⁵ Still, the focus of the empirical research is on governance, as the objective is to be more open to the context of specific institutional arrangements, influencing factors and key issues. For this the more open frame of analysis – the governance or good governance framework - is used to look into the question of how the Sri Lankan state is responding to or coping with the contemporary governance challenges.

The guiding question of the governance framework is, "how can societies be better managed in a world where there is increasing globalisation and increasing uncertainty" (Merrien 1998: 57).

⁴ The Bertelsmann Transformation Index is based on the concept of 'defect democracy', see www.bertelsmann-transformation-index.de

⁵ As emphasised by Smouts (1998: 84), 'the starting point of some studies (on governance) is the crisis of democracy and its various symptoms: crisis of representation, participation, beliefs, legitimacy and social and political ties'.

The underlying assumption is that in an increasingly complex world where different subsystems are emerging, the state has lost its capacity for action and thus new forms of governance need to develop, in which the state is only one actor of a wider cooperation network. Instead of an overly normative approach, which might be unrealistic, the governance framework is more practical, recognising that we are faced with problems of failure in governing and of systems that are ungovernable (Kooiman 1993, Mitra 1999b: 351, Jessop 2001). While the state is struggling to meet the increased load of social demands and is unable to arbitrate between contradictory demands, the public is growing increasingly disillusioned (Merrien 1998: 58). It is agreed that these challenges need to be addressed, but in the process new problems might occur which require new strategies. An important hypothesis of the governance framework is that "solutions are emerging on the basis of the respective contextual situation and that they represent the best possible answer to the current problem" (Merrien 1998: 58). Thus the view on governance is open to the context specific development and key issues and is starting to look into what is going to happen and secondly into what is desirable (good governance) (Kooiman 1993). Thus, "governance falls into both the register of observation (sein) and that of prescription (sollen)" (Merrien 1998: 65). Merrien (1998: 58) stresses that, "in this way of framing the context, the crisis of governance is the ineluctable result of societal change and good governance is the magic solution, the means of resolving the conflicts engendered by political and social development".

This idea is tending to become the dominant one in the fields of international relations in general and in the analysis of local governance in particular (Merrien 1998, Rhodes 1996, Kooiman 2003, Grote / Gbikpi 2002). The governance framework is considered especially useful for the analysis of local governance, as the empirical research on the 'micro level' can have an overview of the challenges of government, other local actors, reciprocal influencing mechanisms and strategies to respond to the challenges.

2.1.2 Roots and definitions of the governance discourse

2.1.2.1 *From government to governance: the minimal state, socio-cybernetic systems and self-organizing networks*

To understand the 'good governance' discourse, one first has to look into the theoretical definitions and discussions on '*governance*' and '*governing*' in general as well as the differentiation of '*governance*' in relation to '*government*'. The definition and use of the term 'governance' is often not clear or theoretically sound. Jessop points out that even the use of the

'governance'-term in social sciences is often pre-theoretical and eclectic, and lay usage is just as diverse and contrary (Jessop 1998: 27).

Governance is not a new concept, but, as stated by Kooiman (2003: 5), it is currently being treated more systematically. While in previous analyses of the functioning of political systems the state was perceived as the central governing actor, the governance approach places state-society relations at the focal point. As Kooiman (2003: 3) points out, the understanding is that "in diverse, dynamic and complex areas of societal activity, no single governing agency is able to realise legitimate and effective governing by itself". To address major societal issues, a multiplicity of public, private and civil society actors have to interact productively and it is obvious that governance arrangements will differ from global to local and will vary sector by sector (Kooiman 2003: 3/4). The essence of 'governance' is its focus on governing mechanisms which do not rest on recourse to the authority and sanctions of governments but point to the structure or order which is the result of a "multiplicity of governing and each other influencing factors" (Stoker 1998: 17).

Some scholars speak about a 'transition from government to governance' (Kazancigil 1998: 69, Rhodes 1996: 652). Stoker (1998: 17) differentiates between the use of the term 'government' and 'governance'. The term 'government' is used in the Anglo-American political theory to refer to the formal and institutional processes which operate at the level of the nation state to maintain public order and facilitate collective action. While the traditional use of 'governance' and its dictionary entry define it as a synonym for 'government', its growing use indicates a change in the meaning of government, referring to a new process of governing (Stoker 1998: 17).

"Governance is ultimately concerned with creating the conditions for ordered rule and collective action. The outputs of governance are not therefore different from those of government, it is rather a matter of a difference in the process... Governance is about a 'reinvented' form of government which is better managed" (Stoker 1998: 17-18).

Rosenau (1992: 3-6) distinguishes government from governance by suggesting that government refers to 'activities that are backed by formal authority' whereas governance refers to "activities backed by shared goals". Governance is thus "a more encompassing phenomenon' because it embraces not only governmental organisations but also 'informal, non-governmental mechanisms". Rosenau has also shaped the expression 'governance without government', which stresses the reduction of the role of the state as formal regulatory authority (Rosenau 1992). Within this discourse there is a strong focus on the use of governance as a synonym for the 'minimal state'. In this debate, the rise of governance undoubtedly reflects to a degree a search for reductions in the resource commitment and spending of government and involves a

recognition of the limits of government. Merrien points out that, “earlier good governance corresponds to what was called the strong state, that is, one that sharply differentiates from civil society, and is endowed with sufficient resources to enable it to resist social pressure” (Merrien 1998: 58). In the debate on ‘governance as the minimal state’, the opposite is fashionable: the aim to reduce state expenditures through scaling down of the bureaucratic apparatus, privatising public enterprises and services and giving priority to markets or quasi-markets as the means of allocating services (Merrien 1998: 59). The aspect of a wider range of tools to achieve ‘better management’ and ‘more efficiency’ is especially used by the discourse on new public management.

“New (good) governance is characterised by the move away from supervision to contracting out; from centralisation to decentralisation; from the state that redistributes to the state that regulates; from public service management to management following market principles; and from state ‘guidance’ to co-operation between the state and the private sector” (Merrien 1998: 59).

Reducing governance to ‘market-like solutions to politics’, where a plurality of stakeholders serve some segments of the public, reducing citizens to clients and customers, “induces a further decline in societal cohesion and the legitimacy of representative democratic regimes” (Kazancigil 1998: 70). The latter is supported by the fact that more powerful groups and well organized firms, sectors or professions are gaining increased influence and can pursue their own interests being less controlled by the government (Mayntz 1993, Smouts 1998: 84, Pierre 1998, 2000, Przeworski 1991). Thus this reduction is criticized by many scholars (Kazancigil 1998, Smouts 1998).

For Rhodes, the use of governance referring to the ‘minimal state’ is mainly an example for political rhetoric, showing the ideological preference for less government. He points out that, “although it is indisputable that there is a trend to reduce the size of government, in practice the public expenditure has remained roughly constant as a proportion of the GDP” (Rhodes 1996: 653-654). It is too short a definition to see governance as another name for ‘a minimal state’. Kooiman speaks of shifting rather than of shrinking roles of the state, as the governing challenges at all levels have increased the role of government as facilitator and co-operation partner (Kooiman 2003: 3).

Broadening the picture on governance, Rhodes (1996: 652) has identified at least six uses of the term ‘governance’, referring to a) the minimal state, b) corporate governance, c) the new public management, d) good governance, e) socio-cybernetic system and f) self-organizing networks. Merrien would say that these six uses of governance represent simply six different features of the governance theory or ideology (Merrien 1998: 59). Rhodes (1996: 660) suggests his own

definition for 'governance', using it for the analysis of change in the British government. He incorporates significant elements of other uses, such as governance as minimal state, as a socio-cybernetic system and especially governance as self-organizing networks. His definition of governance has the following characteristics:

1. Interdependence between organisations. Governance is broader than government, covering non-state actors. Changing the boundaries of the state means the boundaries between public, private and voluntary sectors become shifting and opaque.
2. Continuing interactions between network members, caused by the need to exchange resources and negotiate shared purposes.
3. Game-like interactions, rooted in trust and regulated by rules of the game, negotiated and agreed by network participants.
4. A significant degree of autonomy from the state. Networks are not accountable to the state; they are self-organising. Although the state does not occupy a privileged sovereign position, it can indirectly and imperfectly steer networks.

These different features or characteristics of 'governance' demonstrate nicely that looking into political systems, through the governance-framework acknowledges the complexity, dynamism and diversity of the respective systems. It is particularly the focus on a variety of interdependent actors, networks and their interactions which is of specific interest to the empirical research of this thesis.⁶ The focus on 'interactive governing' is especially stressed by Kooiman, whose approach is discussed in the following section.

2.1.2.2 Governance as 'socio-political' or 'interactive' governing

The starting point of Kooiman's governance perspective is that 'social-political phenomena' and their governing – in terms of interactions – should be placed in the context of the diversity, dynamics and complexity of modern societies (Kooiman 2003b: 230). These societies derive not only their strength and opportunities but also their problems from these characteristics. Thus creating opportunities or solving problems requires taking social dynamics, diversity and complexity more seriously into consideration. The central element of Kooiman's governance perspective is the interaction concept – or 'interactive governance model'. Instead of a 'one-way-traffic' model from those governing to those governed, he is using a 'two-way traffic' model – based upon broad and systematic interactions between those who are governing and those who

⁶ This aspect is also stressed by Grote / Gbikpi 2002: 271.

are governed, and this applies to public-public as well as public-private interactions. In this perspective, Kooiman views each interaction as consisting of processes and structures. While the process element refers to the outcome of the capacity of social actors to act, the “structural aspect of interaction indicates the material, social-structural and cultural frames and contexts in which interactions come about” (Kooiman 2003b: 233). Thus the structural level describes those circumstances that are either limiting, broadening and at the same time conditional for the action level. It is also stressed that governing theory would need to consider not only institutions (structures) and processes (practices), but also the actors that form part and parcel of governing (Kooiman 2003b: 233).

In other words, the governance approach focuses on the interactions taking place between actors within socio-political situations. There are a variety of social interactions one can look at, such as interferences, interplay and interventions (Kooiman 2003: 21). *Interplays* can be considered as interactions with a typical horizontal character, meaning actors engage in collective actions, on a generally equal basis, without a formal authority, domination or subordination involved. *Interferences* describe the primary societal processes of interactions, meaning the least organised kind of societal interactions which are in form and substance in principle unlimited. *Interventions* are the most formalised kind of societal interactions. As Kooiman formulates, “they are interactions aimed at directed exertion of formalised influence often with provisos attached”. Considering these interactions, Kooiman (2003: 7) refers to, “the multi-lateral relations between social and political actors and entities (individual, organisations, institutions)”.

The challenge for anyone involved in governing and governance is to make governing interactions productive. Socio-political problem solving and collective opportunity creation in complex, dynamic and diverse situations are public as well as private, governmental as well as market challenges. To meet these challenges, governing expresses itself in different mixes of public, public-private and private interactions, organised in different governing modes (Kooiman 2003b: 241). Distinguishing between the three governing modes ‘self-governing’⁷, ‘co-governing’ and ‘hierarchical governing’, Kooiman (2003b: 235/236) argues that the growing number of social-political challenges necessitate shared responsibilities and ‘co-arrangements’. While *hierarchical modes* of governance are the most formalised forms of governing interactions and describe an intervention system between the state and its individual citizens, groups and

⁷ For Kooiman ‘self-governing is the most ‘chaotic’ and fluid form of social-political interactions and describes the ‘autopoietic’ or self-governing character of systems, which prevents them from being influenced or governed from the outside’ (Kooiman 2003b: 235/236).

organisations, mostly based upon laws or policies, *co-governance* on the other hand describes key forms of ‘horizontal’ governing: “actors co-operate, co-ordinate, communicate without a central or dominating governing actor” (Kooiman 2003b: 237). Kooiman stresses that “it is especially this mode of governing which in (his) theorising appears better equipped than other modes of governing in diverse, dynamic and complex situations” (Kooiman 2003b: 237). However, he also stresses, that the ‘right’ mix of the three modes to respond to the various challenges still needs further analysis and exploration (Kooiman 2003b: 241).

In summary, the benefit of the ‘interactive governance perspective’ is that it allows the observer to recognise the multiplicity of governing actors, the nature of their interactions, the modes of governing, the diverse interest at stake, manifest or latent conflicts, etc., thus “experiencing the cohesion and disjunction of societal governance issues more clearly and systematically” (Kooiman 2003: 11):

“Day-to-day governing occurrences appear to be complex, layered interaction processes enacted between a variety of unpredictable actors with discrepant interests and ambitions. In these interaction processes all kinds of tensions and conflicts are articulated, manifest or latent. Thus in the interaction perspective the immense diversity, complexity and dynamics of social reality becomes visible...” (Kooiman 2003: 11).

2.1.2.3 The role of actors and institutions in interactive governance

It is important to clarify what roles the institutions and actors are playing in terms of interactive governance. As stated above, the governance perspective, particularly governing-as-interaction(s), requires a “closer look at the actors, diverse as they may be” (Kooiman 2003: 17). Within neo-institutionalism, an important distinction is made between institutions and organisations.⁸ While institutions are ‘the rules of the game’ and define the way the game is played, organisations are usually defined as ‘the players of the game’ (North 1990: 4).⁹ Organisations are groups of individuals, which are bound by some common purpose to achieve objectives. What I called actors, or North calls players or organisations, are closely interlinked with the institutional framework – the ‘rules of the game’. “Both what organisations come into existence and how they evolve are fundamentally influenced by the institutional framework (...). On the other hand organisations are the agents of institutional change” (North 1990:5).

⁸ Since the mid 1980s Neo-Institutionalism has paid increasing attention to institutions within history, sociology, economics, and political science. This ‘new institutionalism’ is more than a resurrection of older institutionalist traditions. The belief is that formal institutions are at the heart of the political and local governance system and that any understanding of how and why governments do what they do must include some appreciation of the constraints and incentives derived from institutions (see Marsh / Stoker 2002, Clingermayer / Feiock 2001, Hall and Taylor 1996, Scott 1995, March and Olsen 1989, Goodin 1996, Lowndes 1996, Schneider / Kenis 1996, Scott 1992).

⁹ Organisations include political bodies (political parties, the Senate, city councils etc.), economic bodies (firms, trade unions, family farms, cooperatives etc.), social bodies (churches, religious societies, clubs, associations etc.), and educational bodies (schools, universities, vocational training centres etc.) (North 1990: 5).

Kooiman refers to the institutions as the framework for the analysis of 'interactive governance', pointing out that socio-political problem-solving and opportunity creation (first-order governing) are embedded in institutional settings, which can be considered as frameworks which have to cope with the diversity, dynamics and complexity of (part of) modern societies (second-order governance). Thus, second order governance deals with the 'maintenance' and 'design' and 'renewal' of social-political institutions (Kooiman 2003b: 244). In first-order governing, the emphasis is on governing as a process, whereas in second-order governing, attention is focussed on the structural aspects of governing interactions, controlling or enabling problem-solving or opportunity-creating practises in modern societies. Kooiman points out that, "it would be naïve to assume that problems are solved or opportunities created within 'ideal' institutional conditions, or that such institutions are explicitly designed for optimal first order governing". This is usually not the case, because the creation and development of societal institutions are the result of a historical 'path-dependent' process (Kooiman 2003: 153). As Kooiman stresses, "institutions come into existence out of processes of legitimisation of rules of conduct and power related behaviour, and as such they represent the establishment of social, cultural and political norms" (see Kooiman 2003: 156).

The definition of institutions as 'the rules of the game in a society' would include both formal and informal institutions. While formal rules are defined as rules that human beings devise (e.g. state constitution, laws etc.) informal rules are embodied in customs, traditions (e.g. conventions, codes of behaviour etc). As informal institutions usually play an important role within young democratic societies, it is useful to include them within the definition and analysis. The importance of informal rules can be observed from the evidence that the same formal rules imposed on different societies produce different outcomes (North 1990: 36). Many scholars criticise, "that the formal institutional set-ups imported from the western world would often not fit together with those informal institutions to which other cultures, for example India, have traditionally been heir: family, caste, village, little kingdom, and so forth" (Mitra 1999: 411). However, as North points out and the empirical research of this thesis has shown, it is much easier to describe and be precise about the formal rules that societies devise than to describe and be precise about the informal ways by which human beings have structured human interaction (North 1990: 36).¹⁰

¹⁰ Being aware of the importance of informal institutions the empirical chapter of this thesis still has a clear bias towards the formal institutions, due to the available data. Asked about the rules and cooperation procedures within their local governance system, citizens usually focused their comments on the formal institutions, maybe stimulated by the way the questions were formulated or due to the fact that people are more aware of formal institutions than of informal institutions.

As 'governance' describes, the process of steering socio-political relations, institutions (rules) and organisations (actors) matters, as they are at the heart of the steering process (see Schneider / Kenis 1996: 10). The interest in institutions and organisations is thus placed by the question, how are they structured within the democratic system and to what extent does this structure allow them to deliver good governance – creating a legitimate, stable and development-oriented environment. In this regard institutions, formal and informal rules of the game form the framework under which governance takes place. Kooiman uses a working definition of 'socio-political' or 'interactive' governing and governance which stresses the importance of institutions and organisations (actors). This definition of governance will form the basic understanding of 'governance' of this study:

"Governing can be considered as the totality of interactions, in which public as well as private actors participate, aiming at solving societal problems or creating societal opportunities; attending to the institutions as contexts for these governing interactions; and establishing a normative foundation for all those activities" (Kooiman 2003: 4).

In the following section I will consider the challenges and trends of local governance - the political level, which will be the focus of the empirical research in this thesis – and shed some light on the discourse on decentralisation as a means of strengthening the local governance level.

2.2 Strengthening the local level – decentralisation, challenges and trends

2.2.1 Challenges and trends of local governance

Local governments are at the core of contemporary development and conflict management challenges of the 21st century. There is thus a revival in emphasis and renewed interest in the principles and procedures of democratic governance at the local level. As stated by Sisk "around the world there is a new appreciation that local governance is much more than city administration that collects taxes and delivers essential services such as basic education, clean water, sewers, transportation, or housing. Instead local democracy is rightly seen as the very foundation of a higher quality and more enduring democracy (...)" (Sisk 2001: 1).

It is the local democratic level that is closest to the people – and which needs to address the governance challenges through functioning effectively, through delivering human development and through mitigating social conflicts peacefully. According to the World Bank, poverty remains a global problem of huge proportions at the start of the new century (World Bank 2000).

Development challenges of the 21st century are determined by continuing urbanization, demographic pressures, the revolutions in information and communication technologies, increasing environmental problems, such as water scarcity and desertification and the problems of integration of local markets into a globalised world economy (World Bank 2000). According to Sisk, the major contemporary challenges of local governance are a) delivering fundamental social service, b) fostering economic development in a globalised marketplace, c) responding to urbanization problems and challenges and d) fostering social peace through accommodating diversity.

The services to be delivered by local governments are, for example, in the areas of transportation, health, education, housing, water and sanitation, waste management, environmental management, and crime. Especially in poor developing countries, poverty, unemployment and rural-to-urban migration put pressure on the local governance system to offer appropriate services and programs to address these issues (IDEA 2004: 14). Urbanization increases the pressure for service delivery, environmental management and low-income housing programs in the areas of in-migration. At the same time, the predominately rural areas, where people are out-migrating, are facing problems of 'brain-drain' as well as shortage of revenues and taxes for the financing of services. Globalization, the economic, political, and social consequence of greater interdependence, offers new opportunities but also some dangers and has affected the way in which local governance is carried out (Stöhr / Edralin et al 2001: 7, World Bank 2000, Andrew / Goldsmith 1998: 102). As Sisk states "no city or municipal area is immune from some of the effects of globalisation which include new inequalities among and within countries, threats to the environment,..., increased refugee flow,...and the spread of organized crime. The increased flow of communication and information,...also puts pressure on long-standing social and cultural traditions. Globalisation has produced social dislocation in many parts of the world that has in turn created a rapidly changing context for democracy" (Sisk 2001: 19). One major challenge for local governance is to foster economic development within these new structures of a globalised world (World Bank 2000:132).

The accommodation of diverse identity and minority groups at the local level is another immense challenge for the democratic systems in general and the local democratic system in particular, and an indicator for its legitimacy (Mitra 2001a: 10). As Sisk points put, "public policy – the allocation of resources, services, and opportunities - can be an instrument of social exclusion, discrimination and oppression, or it can be designed to facilitate and engender social harmony" (Sisk 2001: 78). Good local governance needs to build up suitable structures for the effective participation of minorities in public life and needs to establish arrangements which allow the recognition and accommodation of culture, religion and language of national minorities.

Stoker (2001: 29) summarises the expectations and challenges of the local governance system in the twenty-first century, starting with the common belief that the need for local governance can be justified on the grounds that it is only local institutions that have the capacity, interest, and detailed knowledge to oversee services and make decisions in tune with local conditions. Thereby local democracy helps deliver accountability and supports the recognition of diversity of situations and needs between different localities, thus enabling us to cope with difference. Stoker (2001: 29) formulates three essential elements for good local governance, by stressing that a system of local governance should have the capacity for *openness*, *deliberation*, and *integrated action*:

- **Openness** means that the democratic system needs to provide practical opportunities for all people to participate. The aim is to take participation beyond the boundaries of traditional and formal representative democracy: “The presence of community groups, civil society organisations, and user forums, as well as opportunities for direct participation through citizen consultation, citizens’ initiatives, referendums, and exchanges through information and new communication technology, all help define the openness of a system” (Stoker 2001: 30).
- **Deliberation** calls for the provision of opportunities for a deeper more sustained level of public intervention and debate. The communitarian perspective on deliberation is that democracy should not only encourage self-interested bargaining, but rather encourage a politics of the common good in which neighbours look for common solutions to their problems. “Political institutions must be designed to enable citizens to relate to each other as deliberators and not as bargainers engaged in exchange” (Stoker 2001: 31). Public meetings, forums for the young or elderly, and neighbourhood assemblies could provide appropriate instruments as well as multi-choice referendums – accompanied by an organized debate.
- **Integrated action** means that good local governance requires an effective bureaucracy with full-time professional experts and administrators, which have the capacity to act and tackle the daily work effectively. Besides meeting the service delivery objectives, the challenge is also to tackle the “great” issues of poverty, economic renewal, unemployment, environmental decay, and crime – which requires the blending of resources of government with those of non-governmental actors from civil society (Stoker 2001: 31). Co-operation and co-ordination, meaning the establishment of suitable networks, become the central tasks of local authorities.

Referring to the above mentioned challenges of local governance, new global norms and regional mandates by international organisations have been established, stressing the importance of local democratic development and the need to strengthen local self-governance.¹¹ Other major trends are the search for more direct forms of people's participation in local government to increase legitimacy, the emphasis on strategic partnerships and the extension of decentralisation and co-operative governance. It is seen as a rather negative impact of representative democracy that there is a distance between citizens and public officials leading to apathy and withdrawal from political life among citizens. The consequence is a decline in the legitimacy of local government institutions and scepticism about their ability to represent and co-ordinate differing social interest (Sisk 2001: 14, Andrew / Goldsmith 1998: 107). As Sisk points out, "this concern about legitimacy leads some to advocate a renewed focus on accessibility, equality, and the reinvigoration of citizens participation (...). Inclusion and participation are essential to build the trust and accountability needed for citizen confidence in the quality of local democracy" (Sisk 2001: 15, see also OECD 2001: 18). The increased involvement of civil society and citizens in the decision-making process at the local level is also meant to contribute to conflict resolution, as people are learning in daily practice the democratic way of non-violent negotiation processes and compromise. In this regard, good local governance, which means openness, deliberation and integrated action through transparent and efficient procedures, that encourage people's participation through inclusive and participatory decision-making processes plays an important role in conflict transformation within heterogeneous societies.

As already discussed under 2.1.2.1 the governance perspective puts new emphasis on strategic partnerships to achieve more effective and efficient service delivery. As a trend, one finds local governments worldwide entering into strategic partnerships with the private sector, NGOs and other civil society organisations to support development work or to provide critical services. While a critical aspect of this development is seen in a loss of transparency, as elected representatives exercise less oversight over what and how things actually get done in a community, the benefits are seen in the comparative advantages of civil society groups and private sector in implementing policy and managing problems (Sisk 2001: 22). While civil society groups are closer to the people and their needs, businesses can usually deliver services more efficiently and cheaper than local authorities. Most analysts therefore see these partnerships and

¹¹ Among other norms, the IULA has drafted a 'Draft World Charter on Local Self-Governance' in May 1998, at the Habitat II Conference in Istanbul in June 1996 an 'Istanbul Declaration on Human Settlement' was worked out and the Council of Europe has drafted a 'European Charter on Local Self-Government' in October 1995.

networks as a positive and healthy development for local democracy generating significant synergies (Evans 1997).

The trend for decentralisation, which is rapidly increasing worldwide, refers to the principle that public decisions should be made, when possible, at the level of authority closest to the people (Issac 2000: 2, Coly / Breckner 2004: 3, Kothari 1999). But, notwithstanding this trend, decentralisation does not automatically lead to local self-government and more people's participation. Often local level institutions have been reduced to the status of appendages of the central government, which tries to keep control over local resources and local institutions, both directly and indirectly. An important control measure of the central government through which it maintains its authority is its power to decide upon the access of local political authorities to financial and other resources, e.g. personnel (Ebel / Vaillancourt 2001: 156). The formal set-up, structures of the scheme and practice of decentralisation policy provide the framework which determines the space for manoeuvre of the local governance system. Therefore the theoretical debate on decentralisation will be looked at in the following section.

2.2.2 Decentralisation – strengthening local governance towards more efficiency and the accommodation of diversity

The majority of most contemporary states are unitary states, which means that sovereignty lies exclusively with the central government. Sub national authorities, whether regional or local, may make policy as well as implement it, but they do it only by permission of the centre. The centre can abolish lower levels of power. These centralized political and administrative superstructures have been criticised for their weaknesses, ineffectiveness and are seen as a barrier to effective democracy (Meenakshisundaram 1999: 54). Thus decentralisation is widely promoted as instrumental for state reform to make the system more stable and legitimate in the eyes of its citizens. In the last three decades there has been an increasing trend among developing and transition countries to embark on some form of decentralisation reform: Over sixty countries around the world are now in some stage of decentralisation (Work 2001, Dillinger 1994, Ebel / Vaillancourt 2001).

The classical debate on decentralisation and its benefits focussed mainly on the efficiency of the political system to deliver development. The conclusion was that a centralised state structure where the political decision-making power lies with the elites excludes the ordinary citizens from decisions which affect their lives and thus hinders effective development (Illy et al 1988: 17ff). The assumption was that administrative and political decentralisation would allow the planning of more realistic and effective solutions to local problems, as it builds upon the know-how of the local people and local civil servants ("bottom-up instead of top-down planning"). Besides the

benefit of more efficiency, another argument was social justice, as local level planning would allow a fairer allocation of resources under consideration of ethnic, cultural, religious and economic differences of the local population (Illy et al 1988: 22).

Already in the 1950s, there was a wave of decentralisation in South Asia, followed by another wave in Africa in the 1960s. This aimed to “bring the government closer to the people” and to tap the creativity and local resources of local communities through integrating them with the planning process of local development (Crook / Manor 1998: 1). Interferences from above, lack of resources and capacities in elected councils and local communities had often diluted the success of these measures and led to a period of re-centralisation. However, the weaknesses of centralised planning made a new wave of decentralisation plausible; the belief was that a genuine and generous effort to decentralisation combined with democratisation would finally provide greater transparency, accountability, responsiveness, efficiency, equity and opportunities for mass participation (Crook / Manor 1998: 2). The new wave of decentralisation, especially in the South, had already started in the 1980s, as it was regarded by democratic politicians as means to make government more responsive to local needs. In the 1990s, the tendency to delegate responsibility for more functions (including fund-raising) onto lower levels through democratic decentralisation increased further. This new wave of decentralisation focused more on aspects of people’s participation and political aspects of decentralisation, in contrast to the earlier focus on administrative decentralisation.

Democratic decentralisation requires by definition the transfer of control to lower levels of elected government – in the strongest form the devolution of real authority over some aspects of the policy agenda (Diamond 1999: 149). The three common ways in which unitary states disperse power from the centre are deconcentration, decentralisation and devolution:

- Deconcentration is purely a matter of administrative organisation, as it refers to the (re)location of central government employees away from the capital.
- Decentralisation is defined as delegating policy execution to independent bodies, traditionally local authorities but also (increasingly) a range of other agencies.
- Devolution is the most radical form of power dispersal, as the centre grants decision-making autonomy (including some legislative powers) to lower levels of government.

Crook and Manor stress that through deconcentration the central government is not giving up authority, but simply relocating its offices at different levels by moving executive agencies

controlled by the centre to lower levels in the political system. The objective is often to extend the central government control to the local level through administrative decentralisation, which is characterized by the following saying: “For the village to get into the state, the state had to get into the village” (Eriksen, Naustdalslid, Schou 1999: 42). Devolution, however, has the opposite effect, as control and resources are transferred to political actors and institutions at lower levels, which means a form of power-sharing between central government and sub-national authorities (Crook / Manor 1998: 6/7). “A devolved authority is granted legal personality and legally defined areas of competence within which it has autonomy to tax and spend, and may even have limited or minor legislative competence” (Crook / Manor 1998: 7). As political and administrative decentralisation requires that the central government gives away power to the local authorities, it is a delicate political instrument. It requires that the central government has trust in the loyalty of the local elites, especially of other ethnic communities, which might form the majority in particular provinces (Eriksen / Naustdalslid / Schou 1999: 40). Reality shows that in many cases the central governments are rather reluctant to grant extensive powers to the local authorities (Illy et al 1988: 23).

Some systems are in practice a mixture of deconcentrated and devolved principles. Therefore within a decentralised political system, the degree to which powers are devolved to lower levels of government need to be examined carefully, as it can vary from pure administrative de-concentration to real devolution of power, leading to local self-government. In the latter case of local self-government, decentralisation according to the common belief would lead to more democracy because local authorities are much closer to people’s everyday problems and, having more autonomy from the centre, they can respond more effectively to the needs of the constituents. The assumption is that devolution can help mobilize what some theorists call social capital: interpersonal relations or small group and community networks, which are able to significantly reduce the transaction costs of collective action and economic exchange (Ellickson 1991).

Besides the expected positive outcome of more effectiveness, another debate on the benefits of decentralisation concentrated on its conflict-resolving impact (Crook 2002, Ghai 1998, Young 1998). The needs of local minority groups are more likely to be recognised within a devolved political system. Azar stresses that in protracted social conflicts (PSCs) “highly centralized political structures are sources of conflict” because they “reduce the opportunity for a sense of community among groups”, increase alienation and “tend to deny to groups the means to accomplish their needs”. Therefore the solution is to hasten the demise of the centralized sovereign state and foster decentralized political systems: “For conflicts to be enduringly resolved, appropriate decentralized structures are needed”, designed to “serve the

psychological, economic, and relational needs of groups and individuals within nation-states" (Azar 1986: 33-4).¹²

Federalism can be regarded as the strongest form of devolution, transferring power to federal units with far-reaching autonomy.¹³ In this sense, federalism plays a valuable role in strengthening democracy by institutionalising decentralisation and thus preserving the autonomy of regional and local governments and providing a better representation to minority groups. "Therefore federalism can hold a multi-ethnic state together, by reconciling nationalism and democracy in a multi-ethnic state, giving territorial concentrated minorities authority over matters of local concern, security in the use of their language, culture, and religion, and protection from the discretion of the sentiments of the national majority" (Diamond 1999: 152).¹⁴ In highly polarized societies, parties may agree to design the geographic boundaries of the federal states along the geographic boundaries of ethnic communities. Multi-national federalism is a way to accommodate the aspirations of heterogeneous identity groups and distinct national communities without breaking up the state (Mitra 2001a: 9). If the federal system manages to establish a truly federal principle and not a 'pseudo' or 'quasi'-federal system, there is a great potential to satisfy a minority nation's demand for self-determination within one united state (Telford 2002)¹⁵. Still, in many conflict affected and developing countries, it is often more accepted to grant autonomy to certain regions under the label of 'decentralisation' or 'devolution' than under the label of federalism.

Whether the expected positive results of decentralisation are realistic needs to be examined carefully and depends on various aspects of the political context. The common expectation with regard to decentralisation is that a decentralized system contributes to a better management of local problems and conflicts, due to the assumptions that those systems:

¹² see also Miall / Ramsbotham / Woodhouse 1999, Azar 1990, 1991.

¹³ Federalism is defined as the principle of sharing sovereignty between central and provincial (or state) governments. Significantly the existence and functions of the states (the federal units) are entrenched: they can only be modified by amending the constitution. It is this protected position of the states that distinguishes federations from unitary governments (Hague / Harrop et al 1998: 168). The potentials and risks of federalism are also discussed by Bermeo 2002, Elazar 1987, Kymlicka 2000.

¹⁴ To make federalism a successful tool to accommodate different identity groups, special institutional arrangements are necessary, as in India, where there is a 'Commission for Linguistic Minorities' that safeguards the recognition and use of different languages (Mitra 2001b). The question of power-sharing / autonomy in heterogeneous states is also discussed by Ghai 2000.

¹⁵ As Fleiner et al point out, this can critically also be seen as a policy of ethnic separation that increases intercultural conflict potentials instead of reducing them. However, empirical evidence still needs to be provided for this critical assessment (Fleiner et al 2002: 250).

- are more efficient and respond better to local needs, as local decision-makers are closer to the people, understand the problems and will therefore be in a better position to co-ordinate sectoral services, make priorities between competing objectives and respond to local diversity and needs
- better match the level of public goods provision with the collective preference of the people
- produce greater economic benefits and benefits through adjusted local planning and incentives for the private and public sector
- are more successful for poverty alleviation
- lead to a people-centred local administration
- contribute to democratisation through self-governance and people's participation
- create better options for the participation of different identity groups (ethnic, political, religious etc.)

Altmann stresses that it is important to keep the expectations with regard to benefits of decentralisation realistic, as often the benefits are overestimated. The reality in many developing countries shows the obstacles or risks which can also occur due to the prevalent political context, political culture or weaknesses and lack of implementation capacities (Altmann 2000). The discrepancy between the envisaged objectives and actual outcome often leads to disappointment among the citizens. Altmann also points out that it must be considered that the benefits of decentralisation can only be reached in a long-term process. Often the reality of implementation of decentralisation lags far behind the political declarations and legal arrangements. Some of the expectations are also based on idealistic and optimistic assumptions that neglect conflict potentials and political and personal resistance. In the process of implementing decentralisation, existing conflicts can be aggravated or new conflicts for power can be triggered between different agencies or groups. Corruption can increase. Unqualified staff can lead to weaker services and the dissatisfaction of the local population (Altmann 2000). Woodward speaks of the danger of “too decentralized” countries, as the example of Yugoslavia has shown, when “the balance between the central and regional authority prevents any effective governance and when regional coalitions can destroy the state” (Woodward 2002: 23). In post-conflict countries, successful decentralisation especially requires strengthening of central and local capacities at the same time, as otherwise there is a very real danger that a decentralisation process will further weaken an already weak government and work against the restoration of national unity (Woodward 2002: 27).

Sufficient dedication and ownership, matching of tasks, responsibilities and resources as well as sufficient possibilities for all stakeholders for participation and marketing for the process of decentralisation are important preconditions for success. With regard to its conflict transforming potential, Bächler also argues that decentralisation is not a formula in itself, but only makes sense in the context of an overall qualitative change in structures and institutions (Bächler 2001: 15).

“Decentralisation is neither a panacea for conflict transformation, nor a guarantee for the protection of minority rights. If it is perceived by rigid elites as a threat to their central power (and especially to the allocation of resources), decentralisation can well lead both to the mobilization of war-constituencies and to the rise of separatist movements. Thus, decentralisation can provoke new conflicts at local levels, degrading social services and state performance, and opening the gap for the widespread corruption of local ‘aristocracy’” (Bächler 2001: 14).

Indeed, far from strengthening local democracy, decentralisation can actually reinforce the power and influence of local elites. A recent survey of 12 countries found that in only half of the cases was there evidence that decentralisation empowers more people, reduces poverty, enhances social progress or mitigates spatial inequality (UNDP 2002: 67, UNDP 2001). Crook / Manor (1998) focus their comparative research of different case studies in Asia and Africa on the potential contribution of decentralisation to the enhancement of participation, good governance and democratisation. Their main argument is that in the cases studied, increased participation of people had a positive impact on the performance of decentralised institutions. Another essential condition for success of decentralisation is adequate resources for councils. The social and political contexts within which decentralisation was undertaken also influenced the outcomes. The most critical determinant was the existence of a combination of all these factors with effective mechanisms of institutional and popular accountability (Crook / Manor 1998: 21).

Decentralisation contains an inherent tension between the central government’s need for control of its territory on the one hand and local autonomy on the other, which leads to the fact that local governments have an ambiguous position in the modern state (Eriksen / Naustdalsslid / Schou 1999: 16). The administrative and political local government institutions are thus on the one hand ‘agents of the central government’ at the local level and on the other hand are supposed to represent local interests vis-à-vis the central government. Therefore local level institutions often find themselves under pressure from both the central government and the local community. Good local governance is closely related to the decentralisation policy of a country, as the implementation of the decentralisation policy and the degree of autonomy granted to the local level define the space for manoeuvre of the local governance actors. In the empirical analysis of this study, the decentralisation policy and debate on further devolution packages in Sri Lanka is

playing a crucial role on the one hand to understand some aspects of the conflict dynamics and on the other hand as a political framework for local governance. Therefore chapter 3 will introduce the political context and process of decentralisation policy in Sri Lanka, examining aspects of acceptance, effectiveness and responsiveness of the created system and recent reform proposals. In the following section I will look into definitions and international approaches to assess good governance.

2.3 International approaches and indicators to assess good governance

2.3.1 The international good governance discourse and indices (World Bank & UN-Habitat)

The 'good governance' discourse, with its roots in the theoretical debate on 'governance', has mainly been introduced within the development policy oriented debate by international organisations as a normative concept and conditionality to deal with state reform within developing countries in connection with the promotion of neo-liberal economic reforms. Hewitt de Alcántara (1998: 105) states that until the later 1980s, 'governance' was not a word heard frequently within the development community. Today, however, it is difficult to find a publication on development issues that does not rely heavily on its use.¹⁶ This is especially true for literature published by the United Nations, multilateral and bilateral agencies, academics or private voluntary organisations. The notion of governance has also found its way into the work of the OECD, which set up a Commission on Global Governance in 1992, which defined governance as "the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed or perceive to be in their interest" (Commission on Global Governance 1995: 2).

Senarclens states that "the international organisations are using the term 'governance' deliberately with reference to the plan for an international order, as a portmanteau term for institutions and practices that are favourable to peace and development" (Senarclens 1998: 92). The World Bank and other international organisations use the 'governance' terminology in a rather didactic manner, to designate the institutions and political practices that would, in theory, be necessary for the development of developing countries. These institutions and political

¹⁶ Mitra states that besides the EU-focus of the governance discourse, 'governance has emerged during the past decade as a new frontier of research on developing countries' (Mitra 1997: 2). He strongly argues against a cultural position, which sees governance and legitimacy problems as unique to specific cultures and geographic areas, especially the non-western countries (Mitra 1997: 18).

practices were defined as indicators or criteria by introducing the idea of good governance (Senarclens 1098: 92). Work stresses that the definitions used by different development practitioners for good governance vary, but there are fundamental principles that are agreed upon and thus are universal. “They include respect for human rights, particularly the rights of women and children; respect for the rule of law; political openness, participation, and tolerance; accountability and transparency; and administrative and bureaucratic capacity and efficiency. These principles are clearly interrelated, mutually reinforcing, and cannot stand alone” (Work 2001: 22).

Many authors point out that the new salience of ‘governance issues’ always went hand-in-hand with the commitment to free-market policies (Senarclens 1998, Kazancigil 1998, Smouts 1998). Concern for ‘good governance’ and institutional reform was thus added onto neo-liberal economic programmes to make them more efficient (Hewitt de Alcántara 1998: 107). The concept of ‘governance’ was extremely useful to retreat from a pure economic perspective to a perspective which reconsiders crucial social and political questions related to an agenda of economic restructuring, which is why it has been taken up by the international organisations. As Hewitt de Alcántara points out, “the less offensive call for ‘good governance’ allowed the multilateral banks and agencies within the development establishment to address sensitive questions of state reforms in a rather technical manner, thus avoiding the implication that these institutions were exceeding their statutory authority by intervening in the international political affairs of sovereign states” (Hewitt de Alcántara 1998: 107).¹⁷

The programmes which were designed to reform the development state focussed on shrinking the state, its services and public expenditure, as well as shifting the power in society from governments and the public sector to private organisations, individuals and groups. The promotion of a free-market economy, privatisation and decentralisation was meant to open new avenues for self-reliance, entrepreneurship and participation of citizens. “In the process, civil society would be strengthened and equipped to reform unresponsive or unaccountable governments...thus the link between free-market reform, good governance, democracy and civil society was strong in the rhetoric of the international financial institutions” (Hewitt de Alcántara 1998: 108).

¹⁷ The World Bank Report on Governance (1994: 1) gives an account of the programmes supported under the heading of ‘good governance’ over the past years: public sector management (including civil society reform), strengthening accounting and auditing practises, supporting decentralisation of certain public services, and establishing the legal and judicial infrastructure for privatisation of enterprises.

Besides the focus on neo-liberal economic reforms and efficiency, a second focus of the 'good governance' discourse is on democracy strengthening and peace building. Within the development orientated debate, the vision is that 'good governance' promotes democracy through strengthening of internal structures which are suitable to protect disadvantaged (minority) groups (Hewitt de Alcántara 1998: 112-113). The reform of centralised state structures through devolution of power and decentralisation, the promotion and strengthening of civil society and the introduction of participatory decision-making processes are instruments used to achieve this goal (Hewitt de Alcántara 1998: 108). This brings 'good governance' back into the forefront of the debate on the strengthening of democracy for conflict management, but requires that the 'good governance'-definition includes more than efficiency and accountability of the state. The aspects of establishing power-sharing arrangements to achieve equality and recognition as well as the participation of citizens in the decision-making process are at centre-stage in this discussion. Bächler speaks of a culture of dispute as an element of an enriched concept of 'good governance' (Bächler: 2001: 22). But he also stresses, that "good governance alone is of course not sufficient to meet the pre-conditions for sustainable peace and development, since it only serves to re-establish vertical legitimacy and does not yet provide for the horizontal legitimacy that enable a plural society to function on the basis of a wide consensus of fundamental values" (Bächler 2001: 3).

The United Nations Development Report 2002 revived the discussion on the concept of good governance, which in a way further differentiates the understanding of what good governance means. UNDP states that there is no single answer of what it means to promote good governance (UNDP 2002: 51). However, they stress that "much of the recent debate has focussed on what makes institutions and rules more effective, including transparency, participation, responsiveness, accountability and the rule of law." Moreover, it is stressed that human development is about more than effective institutions and rules, but must also be concerned with "whether institutions and rules are fair – and whether all people have a say in how they operate" (UNDP 2002: 51). Within this enriched concept of "good governance", participation is perceived as an extremely important indicator as "participation in the rules and institutions that shape one's community is a basic human right". Secondly, participation supports more inclusive governance which in the end can be more effective and, finally, participation can make the community more equitable and inclusive, thus avoiding discrimination based on race, ethnicity, class, or gender etc (UNDP 2002: 51).

Like the UNDP, other international organisations have in recent years further elaborated on their 'good governance' approaches. The outcomes are a variety of good governance measurements

or indices used as instruments for cross-country comparison of governance trends or as tools for self-assessment of the quality of governance within states. These approaches differ in their key objective, which may range from cross-country trend analysis, awareness-raising, defining priorities for action, or empirical research (World Bank 2002: II). Although most of these approaches have been published only after the research of this study had been conducted, I will shed some light on two selected approaches (World Bank, UN-Habitat) which illustrate the state of the art of good governance measurement and which have some conceptual parallels to the approach used in this study.

2.3.1.1 'Governance matters' and 'Governance diagnostic' - The World Bank Governance Measurement Approaches

As UNDP, the World Bank has re-discovered the “good governance” approach as an important monitoring instrument or framework for the analysis of the quality of governance worldwide (World Bank 2003). Within their prominent project “Governance Matters”, the World Bank has formulated six categories capturing the key dimensions of governance, which are ‘voice and accountability’, ‘political instability and violence’, ‘government effectiveness’, ‘regulatory burden’, ‘rule of law’, and ‘control of corruption’. The approach is comparative, measuring cross-country differences in governance covering 199 countries and territories for four time periods: 1996, 1998, 2000, and 2002. It can be used to provide some information on trends over time in governance. The basis for the aggregated six categories capturing the key dimensions of governance form several 100 variables measuring perceptions of governance. The Bank uses subjective perception-based data from separate data sources constructed by different organisations, such as a number of cross-country surveys of firms, NGOs, think-tanks commercial risk rating agencies etc. This subjective data is aggregated into somewhat comparable quantitative data. The World Bank stresses, ‘that this subjective data, is an ‘imperfect’ source, which, although used in an aggregated manner and weighted optimally according to its precision and reliability, still bear a remaining measurable error’ (World Bank 2003: 4). They concede that “although we utilize the most efficient model for aggregation, resulting in lower margins of error than any alternative, we have emphasised throughout that such margins of error still remain substantial” (World Bank 2003: 4). Notwithstanding these difficulties, they promote the usefulness of subjective perception-based data, as a) subjective data contains significant ‘signal contents’, b) are available and accessible from a growing number of cross-country surveys of firms, NGOs, think-tanks etc, and c) objective measures of governance contain measurement errors, and hence should also have associated margins of error (World Bank 2003: 2-3). In order to be eligible for the allocation of funds from the new

Millennium Account (MCA), low-income countries need to score well on a number of indicators of good governance, including several of the World Bank 'Governance Matters Index' (GMI). As the above mentioned remaining measurable errors carry the risk of the misclassification of countries, the World Bank stresses that there is a need for other in-depth country-specific information on the status of governance. Supporting this endeavour, the World Bank has lately undertaken a significant complementary effort to develop country-based governance diagnostic methodologies, based on in-depth surveys of different types of respondents (enterprises, users of public services, and public officials) allowing triangulation (World Bank 2003: 5). The establishment of a 'Governance Diagnostic Capacity Building Programme', which provides training on diagnostic tools designed to facilitate governance monitoring to policy makers and civil society (World Bank 2004), aims at identifying the likely priorities for action for a country. According to the World Bank, the participatory design and implementation of diagnostic surveys allow for a) the fostering of learning through the close collaboration between external experts and local counterparts, b) the promotion of long-term sustainable partnerships between government and civil society, c) the attainment of a benchmark for governance and public sector performance, and d) the monitoring of governance and public sector performance on a regular basis (World Bank 2004: 1). Furthermore, the diagnostic survey approach aims at building consensus among key stakeholders, encouraging them to make use of the results to promote a constructive debate on real institutional reform for better governance (World Bank 2004: 1). The questionnaires for household, public officials and enterprise surveys are extensive, covering questions about all kind of issues, generally spoken information about 'the vulnerabilities within country's institutions', and more precisely information about the quality of public service delivery and the business environment, as well as public sector vulnerabilities, budgetary expenditure flows and procurement costs or generic products and economic and social costs of corruption. The questionnaires focus on institutions not individuals, resulting in data on institutional environment and performance, experiential rather than perceptual measures, to facilitate the objective assessment of mis-governance as well as on carefully designed and tested closed, indirect questions that maximise the response rates and allow for the quantification of responses (World Bank 2002: 26). Capitalising on local knowledge and expertise, the implementation is conducted by independent and technically capable polling organisations (World Bank 2002: 26). Although the World Bank approach to 'governance' has become more and more complex over the last couple of years, there is still a strong focus on effectiveness and anti-corruption, which is reflected in the design of the three surveys. As the World Bank points out, the results of the surveys "are used by national government, civil society organisations, and the private sector to jointly design a national strategy to fight corruption" (World Bank 2004). Still, the three surveys,

combined with other governance measurements of the World Bank, can be seen as a very complex and comprehensive tool to assess the quality of various governance dimensions in a country and to identify some of the key issues for policy reforms.

2.3.1.2 The UN-Habitat Index on good governance

UN-Habitats 'Global Campaign on Urban Governance' has its starting point in the assumption - proven by research at the national level - that good governance correlates with positive development outcomes. To promote and demonstrate the importance of good urban governance in achieving broad development objectives, UN-Habitat has started to develop and test an index to measure the quality of urban governance in 2002, leading to an on-going process of field-testing, analysis and adaptation of the index for specific countries (UN-Habitat 2004). The index is not a blueprint to be used anywhere, but the aim is that local indicators will be developed by cities and their partners to respond directly to their unique contexts and needs using the results and experiences of the initial index.

In a first step, this initial index has been developed by an internal UN-Habitat Team and the indicators were selected on the basis of the Urban Indicators Programme and in-house-research. This was followed by two series of field-testing comprising 24 large and medium-size cities from different regions between 2002 and 2004 (UN-Habitat 2003: 3). Using a long-list of indicators for the initial field tests, the results have been analysed to determine which indicators demonstrate the strongest correlation to the quality of governance. Furthermore the usefulness of the indicators has been evaluated, looking into the aspects a) relevance for monitoring urban governance principles and relationships, b) ease of collection including availability and effort to obtain data, c) credibility for partners, investors, media, electorate and d) universality of use, at local, national, regional, global levels.

Habitat's Urban Governance Index focuses on the processes, institutions and relationships at the local level. The structure of the initial index reflects five core principles of good urban governance that are accepted and promoted by UN-Habitat and other organisations working in the field of governance: effectiveness, equity, participation, accountability, and security (UN-Habitat 2004: 3). Under these core principals, 26 indicators are outlined, which can be used by national governments and other civil national actors as a starting point to design their own urban governance indicator system.

The Urban Governance Index is a fact-based tool, which can not replace or substitute other monitoring instruments, such as household surveys, citizen's report cards, statistical data or perception surveys, but can rather complement the findings of the above (UN-Habitat 2004: 3).

To collect the data on the indicators, UN-Habitat recommends a stakeholder meeting where all key urban actors are present. It is important to circulate the questionnaire in advance, so that the collected information can be discussed and agreed upon by all stakeholders at the meeting before it is fed into the questionnaire.

UN-Habitat's expectation is that at the local level the index will catalyse local action to improve the quality of urban governance. It will also permit the regional and global comparison of cities on the quality of their urban governance and the process of comparison is designed to catalyse specific action to improve the quality of local governance (UN-Habitat 2004: 1).

Concluding this chapter on governance theory and assessment methodologies, in the following section the parallels and differences of the above governance indices and assessment approaches are compared with the approach used in this thesis.

2.3.2 Conclusion: Developing a context-specific good governance model

Various governance assessments and good governance indices have been developed in the recent past by international organisations or research institutes. This shows how current and still exploratory this topic is. When the empirical research of this thesis was conducted in 2002, most of the governance approaches and indices of international organisations presented above had not been worked out finally or were not yet published. The approach of this dissertation project is thus explorative and unique, but there are also parallels to the internationally used approaches. Table 1 summarises the approaches of World Bank and UN-Habitat in comparison with the context-specific good governance model used in this thesis.

Table 2: Governance Indices and Assessment Approaches

Governance measurement approaches/ indices	Type of Approach:	Who defines good governance indicators?	Application:	Who conducts the assessment?	Data basis / sources:
World Bank "Governance matters-Index" (1999)	Comparative, (cross-country and time periods) to identify trends in governance and ranking of countries	Pre-defined by WB	Measuring cross - country difference in governance for 4 periods	Consultants (World Bank)	Subjective perception-based data of different cross-country surveys of firms, think-tanks, NGOs etc. aggregated into comparable quantitative data.

World Bank 'Governance Diagnostic surveys' (2002)	Diagnostic tool for national in-depth-analysis & capacity building tool for governance monitoring	Pre-defined by WB	Identification of the likely priorities for action as basis for policy advice to improve governance in a particular country	Local stakeholders	In-depth surveys of enterprises, users of public services, and public officials.
UN-Habitat (2002)	Fact-based monitoring instrument for national in-depth analysis and cross-country comparison	Initial sample index, but indicators to be redesigned locally	Monitoring of national governance successes and failures, comparison with other countries & identification of best practises	Self-evaluation by urban governance stakeholders	Information and data of all urban governance stakeholders
Context-specific good governance model	Perception-based comparative approach (inner-country regions) for in-depth analysis on local governance	Defined by local elites (soll) and verified through citizens/local stakeholders assessment of local governance functioning (ist)	Identifying key issues of local governance problems and challenges as basis for policy advice to improve governance	Assessment by local research team	Perceptions of local elites, citizens, and stakeholders through quantitative and qualitative interviews and focus group discussions

The research objective of this thesis is to develop a context-specific good governance model based on the prescriptive definition of local elites, what good governance should be and the assessment of what local governance actually is by local stakeholders and citizens. For the analysis of the state of local governance in Sri Lanka, three case studies from different regions were conducted. The approach of this thesis is using a socio-political perspective on governance, looking especially into the aspects of interactive governance and modes of governance, such as self-, co-, or hierarchical governance (Kooiman 2003b: 248). Following Kooiman's (2003b: 233) distinction between structure and processes, the empirical research will on the one hand identify and analyse the important institutions (rules and key actors) and on the other hand look into structural aspects, such as the political practice or context of interaction. As the assumption is that *"the capacity to govern depends, first and foremost, on the level of legitimacy and trust that the government enjoys among citizens, and (not only) among powerful stakeholders in policy-making and in the market"* (Kazancigil 1998: 77), the assessment of the functioning of local governance will focus on the perceptions of citizens and local governance stakeholders.

The starting point of the analysis is to use the governance perspective as an organizing framework, which provides the questions and issues to study (Stoker 1998: 18, see also Judge et al 1995: 3). As mentioned above, the working definition for governance used in this thesis is:

"Governing can be considered as the totality of interactions, in which public as well as private actors participate, aiming at solving societal problems or creating societal opportunities; attending

to the institutions as contexts for these governing interactions; and establishing a normative foundation for all those activities” (Kooiman 2003: 4).

Hewitt de Alcántara criticises the tendency towards a westernised blueprint definition for good governance and she calls for a move away from these standard blueprints of good governance, applicable anywhere, and towards a context specific definition which encourages the creativity and originality of the people in concrete social setting, recognising the complexity of an effective ‘good governance’ agenda (Hewitt de Alcántara 1998: 112-113). Hewitt de Alcántara’s analysis starts with the international definition on good governance indicators in mind, but with the aim of developing a context-specific good governance definition and set of indicators on the basis of interviews with local elites, local stakeholders and citizens (Chapter 4.2).¹⁸

The first step is to conduct elite interviews on their definition of good governance. Local elites were chosen for the prescriptive interviews on what good governance should be, as it is usually the role of local elites to develop a visionary thinking about the political system. The answers will be translated into a set of good governance indicators. This set of good governance indicators will be compared with internationally accepted good governance indicators.

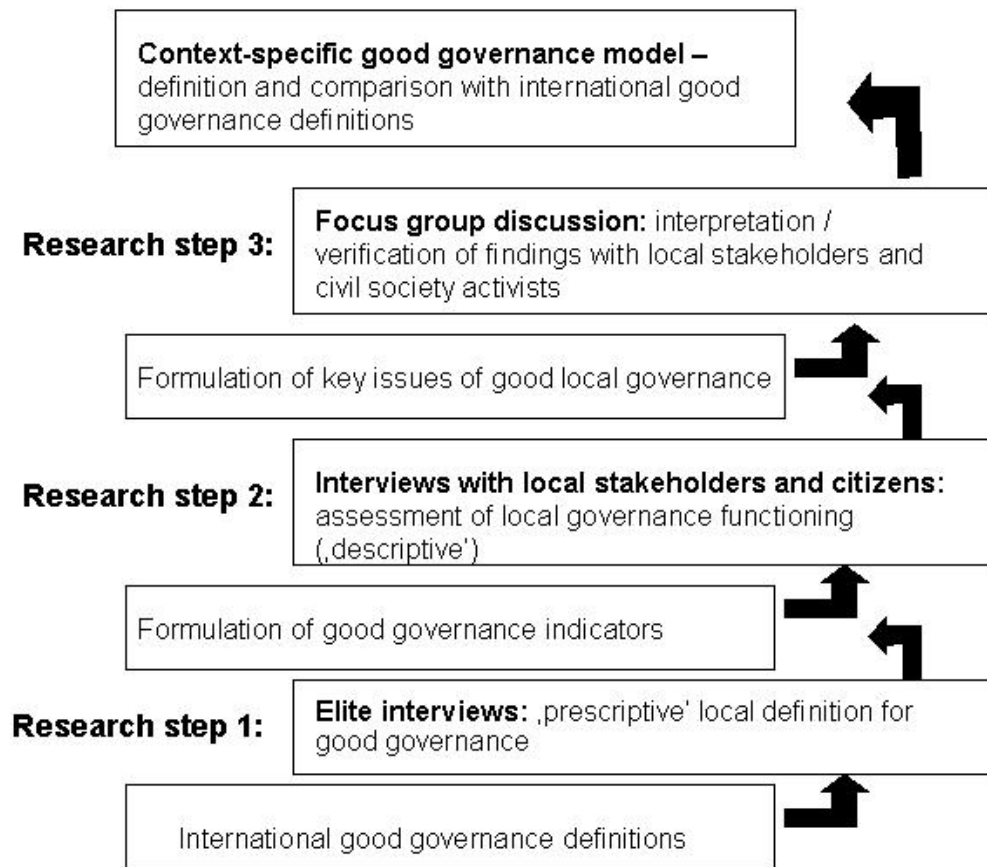
The second step is an assessment of the functioning of local governance in three selected regions of Sri Lanka, conducted with citizens and local stakeholders, aiming to identify the key issues of good local governance and examining whether the answers of stakeholder and citizens’ assessments fit with the good governance indicators formulated by local elites.

In step 3, the identified key issues are verified and interpreted with local stakeholders and civil society activists in focus group discussions and regional differences are discussed. Finally the context-specific good governance model is formulated. For this, the findings from both assessments (step 1 and 2) are compared with each other, considering the question of which good governance indicators have been of relevance for local elites, as well as for citizens and local stakeholders. Differences are critically reflected in the light of the three case studies. Finally, the developed good governance model is compared with the international good governance definitions and similarities and differences are critically reflected and interpreted.

¹⁸ Another argument for developing such a context-specific normative good governance framework for the analysis of local governance functioning is provided by Kooiman, who speaks of third-order governance or a norm oriented framework, or set of norms to judge governance with, which he calls ‘meta’. Meta is associated mainly with evaluating ‘how to’ (Kooiman 2003b: 245). “‘How to’ implies higher-order judgements based on higher order norms or criteria based upon ideals, ideals for sustaining and improving. Human systems are ultimately self-designing. We continuously change and design implicitly or explicitly the social and governing world we live and participate in. Governing these changes and (re)designing processes from a normative point of view is the essence of meta governance” (Kooiman 2003b: 246).

The research was conducted by an interdisciplinary research team from local Universities, “thus fostering self-evaluation and systematically thinking about the relationship between critical governance challenges and the making and implementation of policy” (see IDEA 2004: 5). The interviews with citizens and stakeholders of local governance are perception-, instead of fact-based, predominantly using open qualitative guideline interviews. The following diagram illustrates the approach used in this study.

Figure 1: Developing a context-specific good governance model



To summarise, the approach used in this dissertation to develop a context-specific good governance model, is a:

- **Perception-based approach**, rather than fact-based, asking local elites, different local governance stakeholders and citizens about their perceptions with regard to the their expectation of a good governed political system (step 1) and their assessment on the functioning of local institutions and processes (step 2).
- **Multiple-view approach**: like the World Bank’s diagnostic governance surveys, different stakeholders, such as local government representatives, public officials, citizens,

representatives of NGOs, trade unions etc, are interviewed to get the perspective of different views (inside view, out-side view, expert- view etc.).

- **Participatory approach**, as the good governance definition is built upon the definition and assessment of local elites, local stakeholders and citizens and the preliminary findings of the research are jointly discussed and interpreted with local stakeholders in focus group discussions.
- **Predominantly qualitative approach:** the research methodology used in this approach is more open than the World Bank surveys, as most interviews were conducted on the basis of guideline interviews. Only the household survey was conducted as quantitative survey, using more closed questions.
- **Interdisciplinary research approach:** the assessment is conducted by an interdisciplinary research team from local and foreign Universities.

The development of a context-specific good governance model in this study has to be seen as an explorative approach, which is tested in the empirical study on the functioning of local governance in three regions of Sri Lanka. There is a need to critically reflect on the approach in the light of the empirical research findings. Revisions might be considered necessary, thus contributing to the continuous learning process in this relatively undeveloped field.

Having provided the necessary theoretical background on governance, good governance and decentralisation and having developed a context-specific good governance model for the empirical analysis on local governance in Sri Lanka in this chapter, in the following chapter I will shed some light on the political context of Sri Lanka.

Chapter 3: Institution Building and Conflict in Sri Lanka

Governance takes place within a specific socio-political context, with its specific history of institution building, particular path of democracy and development of a political culture as well as a certain mix of political actors. To develop a context-specific good governance model it is essential to understand the historical development of the political system and its institutions in Sri Lanka as well as the roots of the political culture of violence. Therefore, this chapter provides Sri Lanka's socio-political contextual background, focussing on state building and conflict dynamics, with particular attention given to the decentralisation policy and the development of the local government system.

3.1 Dynamics of protracted conflict in Sri Lanka

Aiming to shed some light on the root causes and actors of the 20-year old 'protracted conflict'¹ in Sri Lanka, this chapter will look in chronological order into the different phases and dynamics of the conflict, highlighting selected cornerstones.² The DAC Guidelines for Conflict Peace and Development Cooperation delineates four interrelated phases of violent conflict: situations of submerged tensions, situations of rising tensions, eruption phases of open confrontation and violent conflict and fragile transitional and post-conflict situations (OECD/DAC 1997), which will be used to divide the conflict-history of Sri Lanka into phases. Furthermore the analysis of multi-dimensional conflict as well as its actors and issues requires an analytical framework which highlights the different types of causes. The analytical framework introduced by Smith (2004: 119) looks especially into background causes, mobilisation strategies as well as catalysts of violent conflict. The background causes are the basic elements of social and political structure, like for example the exclusion of certain groups from power, or economic dichotomies between

¹ The term 'protracted violent or social conflicts' was first coined by Edward Azar in the late 1970s and is widely used to describe long enduring entho-political conflicts, with the following common key characteristics:

- They are conflicts between identity groups, of which at least one feels that their basic needs for equality, security and political participation are not respected;
- They are essentially about access to state related power, often in the form of an asymmetric conflict between a government and an insurgent party;
- They cannot be understood without various types of international linkages affecting the course of events (kin states, Diaspora, international interference);
- They are often based on deeply rooted antagonistic group histories

² For more detailed accounts of the history of conflict, see Bastian 1999, DeVotta 2002, 2004, de Silva 1998, Gunaratna 1998, Perera 1999, Ponnambalam 1983, Rotberg 1999, Roberts et al 2001, Thangarajah 2000, Philipson 1999, Spencer 1990, Swamy 1996, Tambiah 1986, 1992, Wilson 1988, 2000, Bohle 2004, Warnapala 1994, Zunzer 2002. Rothermund provides a good comparative historical overview on the question of conflict as a challenge to the legitimacy in South Asian countries (Rothermund 1997).

certain regions. Exploring them means to explore the root causes and underlying conditions of conflict (Smith 2004: 119). The mobilisation strategy looks into the objectives of key political actors as well as their way in which they go about trying to fulfil their objectives. The catalysts are internal or external factors that affect the intensity and duration of the conflict, such as cultural views, material factors, natural phenomena or specific tactics (Smith 2004: 119). This analytical framework is used to organise the conflict history and dynamic in the following:

3.1.1 Background causes of the protracted conflict

Sri Lanka is a multi-ethnic state. Among the different population groups the Singhalese form the majority (74%) followed by the Sri Lanka Tamils³ (12.6%), Moors/Muslims (7.1%), Indian Tamils (5.5%) and other groups, such as Burgher or Malay (0.8%).⁴ Sri Lanka, which until 1972 was called Ceylon, experienced colonial rule under the Portuguese (from 1505 onwards), followed by the Dutch (from 1640 onwards) and finally the British (from 1658 till 1948). Some of the roots of the conflicts between the ethno-political groups, especially between the Singhalese majority and the Tamil minority can be traced back to the colonial period, especially under British rule. The uneven development and inequality of opportunities for different ethnic communities under the divide-and rule-formula of the British Rule has created a minority complex of the majority people – the Singhalese, which is often described as root cause of the later radicalisation of the ethnic divide (Rajasingham-Senanayake 1999: 120). Rösel points out that the economic, administrative and political transformation introduced by the British contributed to the uprising of a Sinhala Buddhist nationalism which was built on the stigmatisation of minority groups, especially the Tamils, as enemies of the “the land, the race and the face” of Singhalese. While the economic transformation of the tea-estate sector in the hill country of Sri Lanka led to immigration of Indian Tamils as workers in the tea estates, the administrative transformation provided new career opportunities for high-caste Sri Lankan Tamils, who were proportionally better represented within the higher civil servant positions than the Singhalese. The political transformation towards a universal election franchise opened the doors for the establishment of a Sinhala Buddhist nationalism by the Singhalese elites, which used images of threats through minority groups to

³ The expression ‘Sri Lankan Tamils’ describes those groups which refer to the North-East of Sri Lanka as their traditional homeland and which are thus affected by the ethno-political conflict. The second group of Tamils are the Indian Tamils, which were invited by the British from India as plantation workers. This group lives predominantly in the plantation sector in the hill-country. In this thesis I will refer to the first groups as Tamils while the second group will be specified as Indian Tamils.

⁴ This data is from the census conducted in 1981, see also Central Bank of Sri Lanka: Economic and Social Statistics of Sri Lanka 1991, Colombo 1992: 9.

strengthen their leadership position among the Sinhalese voters (Rösel 1997: 49).⁵ The British also influenced the early development of the democratic system of Sri Lanka, namely the structure of government, the administrative system and the education system. The first constitution of Sri Lanka – the Soulbury constitution – was modelled on the British Westminster system of government (Baxter et al 1998: 317). However, Sri Lanka's contemporary governance challenges can not be understood without looking into its history of nation building after colonial rule. In the years after independence, Sri Lanka struggled in its efforts to create a viable, stable and legitimate political system with inclusive democratic institutions. Shastri argues that to a substantial degree, the process of nation-building in Sri Lanka is characterised by a crisis of legitimacy, which has its roots in the repeated inability of the ruling elites to promulgate a constitution and effect constitutional changes which were backed by a majority (Shastri 1997: 173). Today, all discussions on reform of the political system, such as the debate on constitutional amendments or devolution of power, are closely interrelated with the conflict transformation debate.

3.1.2 Actors, issues & mobilisation strategies

In Sri Lanka, the protracted violent conflict between the government and the separatist Liberation Tigers of Tamil Eelam (LTTE) has brought about a polarization between ethnic groups, especially between the Sinhalese majority and the Tamil minority. The politicisation of ethnic difference, which had already started in the early process of state and institutions building after independence, is often seen as the basis of the conflict (Orjuela 2004: 85). Furthermore, the institution building process has failed to bring about a political system which accommodates all identity groups and provides for minority safeguards. Looking into some characteristic features of this early nation-building process and shedding some light to the background and dynamic of violent conflict in the country, I will distinguish three phases:

Phase 1 - Situation of submerged tensions: Party formation, Sinhalisation of the State and fragmentation of the political parties along ethnic lines (1948-1970)

Phase 2 - Situation of rising tensions and eruption of open confrontation: radicalisation of the political arena, the start of the civil war and internationalisation of the conflict (1971-1993).

Phase 3 - Fragile transitional situation and revival of confrontation: from negotiation to peace processes and back to war (1994-2005).

⁵ For further interpretation of the British influence in inter-ethnic relation see also (Tambiah 1986: 66).

▪ **Phase 1: Situation of submerged tensions - Party formation, Sinhalesation of the State and fragmentation of the political parties along ethnic lines (1948-1970)⁶**

The Jaffna Tamil and Sinhalese political elites, under the umbrella of the 'Ceylon National Congress' (CNC), fought jointly for universal suffrage and participation in the government against the colonial ruler. However, some of the roots for the later fragmentation of the party system along ethnic lines can be traced back to the political process preceding the Donoughmore constitution (1931). The political transformation towards a universal election franchise opened the doors for the establishment of a Sinhala Buddhist nationalism by the Sinhalese elites, which used images of threats through minority groups to strengthen their leadership position among the Sinhalese voters.⁷ As the CNC, which was transformed into the 'United National Party' in 1946, developed more and more into a pro-Sinhalese party, the other ethnic groups started to form their own political parties. The Jaffna Tamils left the CNC and founded the 'Tamil Congress' (TC) in 1944 and the 'Federal Party' (FT) in 1949, while the 'Ceylon Muslim League' was founded in 1924 and the 'Ceylon Indian Congress' (CIC), founded in 1939, started to represent the interests of the Indian Tamils. All parties were dominated by one or few leading elite families (Rösel 1997: 59) - a characteristic of the Sri Lankan political system that continues till today.

The United National Party (UNP), which represented different Sinhalese elites as well as parts of the Tamil and Muslim minority groups, formed the first government after independence in 1948.⁸ In 1952 the 'Sri Lanka Freedom Party' (SLFP) was formed under the leadership of S.W.R.D. Bandaranaike, who had left the UNP. This first phase of party formation had mainly created two mass parties – UNP and SLFP and some small parties, representing different ethnic minority groups. Until today, both mass parties have, in rotation, formed the respective governments in coalition with some of the smaller parties. These two main parties have recognised more and more the potential of mobilising along nationalist and partly ethnic lines, which has become apparent in the politics of the first centuries after independence. A first signal for the politicisation of ethnic difference was the disenfranchising of about a million Indian Tamils working in the plantation sector who had lived in Sri Lanka for generations. The issue of denial of citizenship of the Indian Tamils lead to a tremendous change of the ethnic demography, especially within the

⁶ A detailed overview on the politics in Sri Lanka between 1947 and 1979 is provided by Wilson (1979).

⁷ The polemic against minorities was primarily focused against the Jaffna Tamils and the Burghers, who due to their English education competed for higher civil servant positions with the Sinhalese elites. The more traditional minority group of the Muslims was however not perceived as threat, as they did not compete for higher positions in the economy or public service (Rösel 1997: 47 ff).

⁸ The history of the UNP is described in detail by Prinz 1989.

areas of the estate sector and resulted in the dissolution of the 'Ceylon Indian Congress' (CIC) (Rösel 1997:59).

The election victory of the SLFP in 1956 can be seen as a symbol for the beginning of the ethnic divide within the political party system and the nationalisation and ethnisation of the political process. The new government coalition with the SLFP and other left-wing parties could only succeed with massive support from Buddhist groups and the Buddhist clergy, which promoted the specific link between Sri Lanka as the holy land of Buddhism and the Sinhalese as its chosen people under the slogan 'land, race and religion' (Wagner 2003: 33, Rösel 1996). The central mobilisation issue for the election was the proposal to introduce Sinhala as the only official language of the administration ('Sinhala Only'⁹). Thus language policy was used as a tool of positive discrimination for the Sinhalese, who were up to that time proportionally under-represented within the public sector. As a consequence there was also a strong Tamil nationalist movement around the issues of country, language and religion (Wagner 2003: 33, Wilson 2000: 29).¹⁰ The 'Federal Party' (FP) responded to the 'Official Language Act' by claiming for the first time cultural and language autonomy for the North and Eastern Provinces (Rösel 1997: 78).

The 'Sinhala Only' policy led to massive protest of the Tamils and first violent confrontations.¹¹ Various attempts to negotiate a compromise (Bandaranaike-Chelvanayagam Pact 1958, Senanayake-Chelvanayagam Pact 1965), which contained models of federal power-sharing between the regions, were always defeated by the respective opposition party and by Buddhist organisations, which demonstrated against the loss of the 'holy unity of the country' (Wagner 2003: 33). Besides the language policy, access to employment as well as land and settlement policy were the disputed topics which led to an exclusion of the Tamil minority group. The Sinhalisation of the Sri Lankan state had a negative impact on the status of minorities in the country and gradually made them see themselves as 'second class citizens' (Orjuela 2004: 91). The policy of the early nation-building process had furthermore negatively influenced inter-ethnic relations and especially contributed to growing tensions between Sinhalese and Tamils, which resulted for example in the Anti-Tamil riots in 1958, described as the worst communal riots the country had faced up to that point (DeVotta 2004: 118).

⁹ The 'Sinhala Only' policy of the SLFP launched by the parliament in 1956, made Sinhala the sole official language of the state, thus excluding Tamils more and more from higher positions within the civil service and economic sector. This policy was revised in 1978, and Tamil was accepted as a national language. The state administration is still not fully bilingual (see DeVotta 2004, Orjuela 2004, Wilson 2000).

¹⁰ Coomaraswamy states that "the vision of a minority operating in a pluralistic society was gradually transformed into a vision of a separate historical polity, with a territorial base and distinctive manifestations of race, religion and language" (Coomaraswamy 1984: 178).

¹¹ Between 1958 and 1970 emergency rule had to be introduced four times due to violent escalations and pogroms between Sinhalese and Tamils (Lamballe 1985: 85).

▪ **Phase 2: Situation of rising tensions and eruption of open confrontation -
Radicalisation of the political arena, the start of the civil war and
internationalisation of the conflict (1971-1993)**

This second phase is characterised by the manifestation of a Sinhala nationalist definition of the state as well as a further deterioration of minority safeguards. This also led to a further fragmentation and radicalisation of the political party landscape, not only along ethnic lines but also along class lines. The Marxist peoples' liberation movement 'Janathi Vimukti Peramuna' (JVP), which particularly mobilised better educated poor youth of Central and Southern Sri Lanka whose aspirations for employment opportunities had not been met by the state, challenged the State through an insurrection in 1971 (Mayer 2002, Uyangoda 1996). Although the state, supported by military aid from abroad, managed to put down the uprising, the government responded to the demands of the JVP through further positive discrimination for Sinhalese students to obtain university admission. This policy especially discriminated against Tamil students, who needed better marks to obtain university admission. The government, under the leadership of the SLFP, ratified a new constitution in 1972, where Buddhism found its prominent position compared to the other religions. It furthermore removed previous minority safeguards (Rajasingham-Senanayake 1999: 117). The Tamil minority group experienced their powerlessness due to their demographic minority status and due to the lack of willingness among the Sinhalese elite to compromise and to accommodate their demands. This situation was further heated up by a state-organized settlement of Sinhalese in Tamil areas in the North-East, which was viewed by Tamils as "Sinhalese colonisation undermining the territorial integrity and political demography of the Tamil homeland" (Wilson 2000: 86).¹² As a consequence, and in response to the new constitution and discrimination policy, the thus far competing Tamil parties unified under the Tamil United Liberation Front (TULF) demanding a separate Tamil state in the North-East. In the Parliamentary election of 1977 the TULF gained all votes in the Tamil dominated electorates. Secondly, since the mid 1970s, various militant Tamil groups, recruiting their members mainly among students, started the first violent attacks demonstrating against the government policy, which further undermined their job opportunities and future perspectives (Wagner 2003: 35). Among the Tamil militant groups, which started to fight against each other for the leadership position, the Liberation Tigers of Tamil Eelam could manifest a superior position, thus claiming to be the sole representative of the Tamils.¹³

¹² The settlement had two impacts: 1) it broke the Tamil-speaking contiguity between the North and the East which was the basis of the Tamil demand of a homeland and 2) the ethnic balance of previously Tamil electorates was changed in favour of the Sinhalese (Bastian 1999).

¹³ Hellmann-Rajanayagam provides a good overview on the rise of militant secessionism and the diverse Tamil militant youth groups in Sri Lanka (Hellmann-Rajanayagam 1994: 169).

After the UNP took over in 1977, a new constitution was passed in 1978, which introduced a presidential system, an electoral system of proportional representation as well as a policy of economic liberalisation. But there was no attempt to accommodate and safeguard the rights of the minority groups (Wagner 2003: 35). The rhetoric of a Sinhala Buddhist identity and unity, aiming at bridging class, caste and partisan differences among the Sinhalese majority population, but marginalizing other ethnic identity groups, continued under the new government (Tennekoon (1988: 298). The situation was further heated up by militant agitations of Tamil groups and Anti-Tamil rhetoric by Sinhalese politicians, drawing a picture of threat facing the Sinhalese and Sri Lanka, resulting in Anti-Tamil riots in 1977 and 1981 (DeVotta 2004: 149).¹⁴

The worst riots and a series of pogroms against Tamils all over the country, however, started after the killing of 13 Sri Lankan soldiers by the LTTE. This is the agreed turning-point in Sri Lanka's recent history and can be seen as the starting point of the civil war (Rajasingham-Senanayake 1999: 100). The UNP government responded with emergency rule against the escalation of violence, which led to a long period of authoritarian rule. Parliamentarians of the TULF got excluded from parliament.

The escalation of violence after 1983 also led to an internationalisation of the conflict, as India got involved, trying to mitigate between the two warring parties. Under the Indo-Lanka Peace Accord in 1987, Indian Peace Keeping Forces (IPKF) were stationed in the North-East with the aim to safeguard ceasefire and to disarm the militant groups. Secondly, a new administrative system - the Provincial Council system - was introduced, to provide more autonomy to the population in the North-East. These attempts were defeated by the LTTE as well as by the JVP. The revived JVP, this time under a more Buddhist-nationalist than Marxist ideology, perceived the Indian mission as an invasion and colonisation attempt. In an even more violent second insurrection from 1987 to 1989, the JVP challenged the government, leading to a period of counter-terror by paramilitary groups, until the JVP leadership was assassinated and the movement was cracked down leaving approximately 60,000 people killed. The UNP government under Premadasa responded to the violent movement by asking the Indian army to leave the country, after having obtained a ceasefire agreement with the LTTE (Wagner 2003: 37). But neither the new Provincial Council system nor the ceasefire agreement led to a stable situation.

¹⁴ The burning of the Jaffna Municipal Library, which was undertaken by government sponsored rioters, destroyed nearly 100,000 ancient and rare documents, was the starting point of the following ethnic riots in 1981 (DeVotta 2004: 150).

▪ **Phase 3: Fragile transitional situation and revival of confrontation - From negotiation to peace process and back to war (1994-2005)**

Between 1994 and 2001, successive governments have attempted to address the conflict through seeking a political solution (Rajasingham-Senanayake 1999: 121).¹⁵ The PA government for example had entered into a negotiation process with the LTTE in 1994. After all negotiation attempts with the LTTE had failed, the new policy of the government was one of 'war-for-peace', leading to an explosion of military expenditure and an escalation of the war in the North-East, especially in the Jaffna peninsula.¹⁶ Early in 2000, the PA-government invited the Norwegian government to facilitate in the negotiation process, which brought some new movement into the stalled peace-endavours. The December 2001 election brought a new UNP government under Prime Minister Ranil Wickremesinghe. Prior to the elections, there was a so far unknown movement among the Tamil parties, which joined together under the umbrella of Tamil National Alliance (TNA). Furthermore, the TNA signed an agreement with the LTTE, regarding the LTTE as sole representative of the Tamils in a negotiation process with the government. Thereby the LTTE got back into the political process, showing their support for the UNP/UNF and their commitment to re-enter into a process of political negotiations for conflict resolution (Wagner 2003: 44).

The victory of the UNP/ UNF brought about the situation of 'cohabitation', as the president and the prime minister were from different opposing parties. The UNP/ UNF, unlike the PA-government, agreed to a number of LTTE concessions to restart political negotiations. Facilitated by the Norwegian government, a ceasefire agreement was signed in December 2001, followed by a Memorandum of Understanding (MoU) in February 2002, which formed the basis for further political negotiations. The first successes of the peace-process became visible through the relaxation of security measures in the North-East and the opening of the highway to Jaffna, which allowed the flow of goods into the conflict affected regions.

Important progress came into the peace process when the first rounds of negotiations started in September 2002 in Thailand, where LTTE Advisor Anton Balasingham declared that the Tigers were willing to settle for a political solution within a unified Sri Lanka, with substantial autonomy to the Tamil regions (The Refugee Council 2003: 6).¹⁷ However, after the enthusiasm

¹⁵ Uyangoda provides a detailed overview on the negotiation and conflict resolution experiences of Sri Lanka, see Uyangoda 2005, as well as Weiberg 2003.

¹⁶ The lack of a professional mediator or facilitator was seen as one reason for the failure of this negotiation phase, as the parties themselves were not equipped to handle the demanding task of establishing an atmosphere conducive for successful negotiation. This is why for the next attempt of conflict resolution President Kumaratunga called the Norwegian into the negotiation process as facilitators (see Uyangoda 2005: 215).

¹⁷ After this encouraging opening, there were five more peace talk sessions held between September 2002 and March 2003, with various issues being discussed, such as the establishment of Sub-committees for humanitarian, political

accompanying the first rounds of peace-talks, the peace process came to an almost stand-still in April 2003 for a variety of reasons. Besides the lack of equity of status (Ropers 2003: 4), another reason for the LTTE to withdraw their participation in further peace talks for some time was obviously to gain time for re-organisation and conceptualisation of their strategy and proposals for a restructuring of the political system. The massive donor engagement in the peace and rehabilitation process had obviously started to dominate the dynamics – a fact that undermined the autonomy of the LTTE to decide on their political strategy.¹⁸ Other backlashes of the peace process were the continuous army presence in the North-East, the tax policy and abduction policy of the LTTE and other ceasefire violations.¹⁹ The situation of the Muslims in the North-East was a further sensitive political question which came up in the course of the ceasefire (Uyangoda 2003: 107). The importance of this issue gained additional urgency through violent incidences and riots between Tamils and Muslims in the Eastern Province. After the government changed again in 2004, negotiations were not revived until the challenge of post-tsunami reconstruction made joint decisions necessary.²⁰ However, the current peace process still needs to be revived, addressing especially the challenge to recognise all ethnic minority groups. As Ropers notes, the challenge is “the official recognition of the people in a numerical minority position as equal partners in constituting or re-constituting the common state” (Ropers 2003: 3). This means tackling particular issues such as the creation of suitable power-sharing arrangements for the minority groups, for example through the introduction of a far-reaching federal system.

3.1.3 Catalysts of violent conflict

Having highlighted the conflict issues and mobilisation strategies of the key political actors in Sri Lanka it is furthermore interesting to shed some light on the factors, which affect the intensity and duration of conflict. External catalysts of the conflict in Sri Lanka are for example the

issues and security issues, discussions on a power-sharing solution, human rights and rehabilitation issues (Uyangoda / Perera 2003).

¹⁸ As the LTTE was not invited to the G-24 Development Committee meeting in Washington, a preparatory meeting organised by the USA for the “Tokyo Conference on Reconstruction and Development of Sri Lanka” in June 2002, the LTTE decided to suspend their participation in the Tokyo conference as well as in the further peace negotiations (The Refugee Council 2003: 16).

¹⁹ As stated by the Sri Lanka Refugee Council, “There have been positive developments and the involvement of the international community in ceasefire monitoring, and reconstruction have boosted the chance of peace. However, every month hundreds of ceasefire violations are reported. Since February 2002, there have been a number of killings and other human rights violations. Significantly, the government is reluctant to amend or repeal the Prevention of Terrorism Act (PTA), which has facilitated human rights violations. In addition, political problems such as the rivalry between the UNF and PA and the antagonism between the government and the President also threaten to destabilise the peace process” (The Refugee Council 2003: 5).

²⁰ The signing of the Post Tsunami Operational Management Structure (P-TOMS) by the Sri Lankan Government and the Liberation Tigers of Tamil Eelam (LTTE) in June 2005 is the result of these revived negotiations (TamilNet, June 24, 2005).

interventions of India in the conflict, the international debate on terrorism, availability of weapons for LTTE through international arms trade, as well as the role of the Tamil Diaspora in financing the LTTE-movement.

Internal factors which influence the intensity and duration of the conflict are for example the opposition politics of the two majority parties (UNP and SLFP), which undermined many necessary decisions for far reaching constitutional amendments with regard to power-sharing, or the economic factor of the army, as a job-provider for young Sinhalese men from the poor Southern regions. Another internal catalyst is the multi-dimensional character of the conflict in Sri Lanka, with a variety of inter- and intra-group tensions, which impact on the dynamics of conflict. Goodhand, Klem & all speak of a 'complex and mutating conflict system involving a welter of inter-connected and multi-level conflicts' (2005:38). This system is characterised through:

a) Inter-ethnic conflicts:

Besides the Tamil-Sinhalese tensions, the war has also affected the relations between the Sinhalese and Muslims²¹, as well as between Tamils and the Muslims, especially in the North and East. "Killings of Muslims and ethnic cleansing by the LTTE are a tragic part of the relationship which has polarised the two communities" (Uyangoda 2003: 107).²² Furthermore, the denial of citizenship for a large number of Indian Tamils in the plantation sector has fuelled tensions between the Tamil population and the Sinhalese establishment in this area. This has manifested itself in violent clashes between these two groups several times.²³

b) Intra-group conflicts:

The fragmentation of the political landscape has brought about different movements within each ethnic group, which are partly directed against each other using violent means and which are partly anti-state directed. Within the Tamil community during the 1980s, there were assassinations among the militant groups for the leadership position, repeated later on by the LTTE against opponents from other parties and vice versa.²⁴ Among the Sinhalese, the radical left wing JVP has challenged the state through insurrections, causing more deaths than the

²¹ There have been repeated riots between the Sinhalese and Muslim community, particularly in the Kandy area, often aggravated by political leaders.

²² It seems clear that these contemporary 'ethnic riots' are partly organized and executed by riot entrepreneurs who are linked to professional politicians who know the political value of communal violence (Uyangoda 2003: 106).

²³ For further information on the ethno-political tensions in the estate areas of Sri Lanka see Emmanuel / Mayer / Wagawathe (2004): Youth in Vocational Training and Conflict Prevention. A Study on Peace Potentials and Conflict Risks of Development Interventions in the Plantation Sector of Sri Lanka. GTZ Sri Lanka, Colombo.

²⁴ Swamy (1996) tells the story of the violent clashes among the Tamil militant groups and the rise of the LTTE superior leadership.

ethno-political war in the North-East.²⁵ The political culture of violence also manifests itself during elections, where violent assaults between the two leading parties UNP and SLFP are common.²⁶

Goodhand, Klem & all stress, that inter- and intra-group tensions are likely to be heightened during periods of intensified political engagement, as for example during peace processes (2005: 37). Regarding the latest peace talks in Sri Lanka the authors stress, that they have acted as a 'lightening rod' for wider societal tensions, accentuated pre-existing fault lines and helped forge new ones, thus illustrating the multi-dimensional nature of conflict in Sri Lanka (Goodhand, Klem & all 2005: 37).

To summarise, Sri Lanka's state and institution building process, as well as the negotiation rounds for conflict resolution, have so far been unsuccessful in establishing a political system which accommodates all identity groups. The dynamic of the protracted conflict in Sri Lanka has been highlighted by looking into the background causes, actors, issues and mobilisation strategies as well as into some catalysts that have further impacted on the intensity and duration of the violent conflict. Some of the analysed "pathologies" of the state can be partly regarded as cause and partly as consequence of the conflict. Goodhand, Klem & all (2005: 37) stress that the failure of the State to institutionalise democratic politics, has led to a system of governance and a political dynamic in the South that impedes the search for a solution to the conflict. Thus a complex combination of structural, institutional and contingent factors have created this dynamic, making clear that both the "causes" (the nature of the state and system of governance) and the "causers" (the behaviour, choices, and politics of political elites) need to be taken into account for a political analysis of conflict and entry points for conflict transformation.

In Sri Lanka, the political debate on opportunities for conflict transformation has always highlighted the potentials of power-sharing arrangements: the issues 'devolution of power' and 'territorial federalism' have dominated the discourse in repetitive cycles, but have always been heavily opposed by certain political actors in the past. In the following section I will therefore look into the discourse on decentralisation and devolution in Sri Lanka as a potential solution to the ethno-political conflict.

²⁵ Further information on conflict dimensions in the South is provided by Mayer et al: 2003.

²⁶ The election violence is documented in various reports of different organisations which monitored election violence during recent years, such as the 'Centre for Monitoring Election Violence' (CMEV: 2000), the 'People's Alliance for Free and Fair Election (PAFFREL)' or the 'Movement for Free and Fair Elections' (MFFE), www.peacebrigades.org/lanka/slp9704.html.

3.2 Milestones in devolution politics and discourse on federalism

In Sri Lanka, the issue of decentralisation and devolution of power to sub-national government levels has been the subject of debate and experimentation since independence and before. Decentralisation was discussed, not only as a response to the ethnic factor, but also in recognition of the need for participatory development and as a reaction against highly centralized colonial bureaucratic structures (Leitan 1990: 5). Thus the system of sub-national government in Sri Lanka, which incorporates deconcentrated and devolved forms, evolved as a series of successive administrative and political decentralisation initiatives to manage conflict and development (Gunawardena 2003: 1).

Coomaraswamy (2003: 153) states that in the period after independence there were different opinions of the various political and identity groups about the nature of the state; for example a strong central state was demanded by Buddhist nationalist and Marxists while the Tamil minority asked for a minimalist state within a consociational federal arrangement. Leitan argues that there is a tradition of praising decentralisation and practising centralisation in Sri Lanka. This trend towards centralisation can be observed even after four decades of independence (Leitan 1990: 8).

With its heritage from colonial rule, Sri Lanka entered independence as a centralized state with an integrated territorial system as the framework of sub-national government. The Government Agent (GA) as the head of territorial, or provincial, administration constituted the link to the central government. After independence most new government departments established their own provincial sub-offices, thus weakening the GAs central position in the province.²⁷ Another reform after independence was to de-link the local government bodies (Municipal Councils, Urban Councils, Town Councils and Village Councils), which were also introduced by the British, from the integrating authority of the GA, thus setting the stage for the parallel functioning of structures and systems of government and administration at the sub-national level (Gunawardena 2003: 2). Thus after independence, the system had on the one hand an administrative decentralised arm, where the divisional secretary reports to the district secretary (Government Agent) and on the other hand a political arm of elected local government authorities, the latter being very weak in their powers and functions.

²⁷ Since the 1930s, the emphasis has been on separate functional departmental organisations within the Sri Lankan provincial administration, which grew up in parallel with the Government Agent's organisational structure. Each department whose functions made it necessary to operate in the field, has set up its own vertical line organisation with the head office located in the capital city. In this deconcentrated structure, Government Departments are thus the chief executors of governmental policy (Leitan 1990: 31).

In the 1970s, two reforms took place with the aim of decentralisation, but which in reality brought about a greater degree of centralisation (Leitan 1990: 8). First there was the system of District Political Authorities²⁸ and the Decentralised Budget, introduced by the Sirimavo Bandaranaike Government in 1973/74 and secondly, the system of Development and District Ministers introduced by the UNP regime in 1979/80. Both reforms further institutionalised the power already enjoyed by the Members of Parliament and established central political leadership in each district.

The UNP-led reform introduced under the Development Council Act No. 35 of 1980 followed to a large extent the minority report, submitted by the official nominee of the Tamil United Liberation Front (TULF), thus attempting to accommodate Tamil aspirations (Leitan 1990: 10). An important feature was that the head of its executive committee was the District Minister appointed by the President from among the MPs of his / her party. Leitan points out that although the new system created hopes in terms of effective decentralisation, it was almost a complete failure: "Again central political leadership was perpetuated through the role of the District Ministers and the MPs, resulting in excessive centralisation, with locally elected members having hardly any voice in the deliberation of the councils" (Leitan 1990: 10).²⁹

The failure of this further decentralisation attempt, which could have brought localities into the mainstream of the decision-making process for local development, resulted in disenchantment with the entire political process among the Tamil ethnic groups and the Sinhalese youth in the south (Leitan 1990: 11). This hybrid system of sub-national government, which contained elements of administrative de-concentration as well as attempts for political decentralisation while at the same time maintaining or sometimes even strengthening central control, proved inadequate to accommodate the demand for local autonomy amongst the Tamil people in the north and the east (Gunawardena 2003: 3).

The first milestone in the devolution politics of Sri Lanka was the above mentioned 13th Amendment to the 1978 Constitution, certified on 14th November 1987 with the introduction of regional devolution of power to the provinces of Sri Lanka as a means of conflict management and accommodation of Tamil aspirations (Uyangoda 1994: 83). With the establishment of the

²⁸ The District Political Authorities (DPA) were chaired by a senior MP and the GA and his administrative personnel were required to function under his directions. Under the direction of the DPA, the Decentralised Budget – a single fund disbursed to the district – was used for local development. In this reform model, "decentralisation was interpreted as deployment of central politicians to the periphery, rather than as a further development of local governments of each area, which still remained divorced from development activities" (Leitan 1990: 9).

²⁹ The District Development Plan, which was elaborated under the coordination of the Development Councils, was largely a collection of sectoral programmes of individual ministries, which were merely ratified at meetings of the Development Council (Leitan 1990: 11).

Provincial Council System to meet Tamil territorial claims, as well as making Tamil an official language, devolution of power was introduced for the first time in the post-colonial Sri Lankan Constitution. While the driving force for earlier decentralisation attempts in the 1960s and 1970s was more developmental, the ethnic problem was in the forefront of this new reform. The Center for Policy Alternatives (CPA) notes that, “the scheme of devolution was meant to cover the entire country, but it is indisputable that the catalyst and main driving force behind the search for an appropriate scheme was the ethnic conflict and the need for a politically negotiated settlement, by addressing the legitimate grievances and aspirations of the minority nationalities of this country” (CPA 2001: 18).

The Indo-Sri Lankan accord provided acknowledgement of the distinct character of the North-East, although the devolved powers granted to the regions were limited, leaving most powers with the central government. As Edrisinha has stated, “the 13th Amendment permits the Centre both to retain so much power and also undermine devolved powers so easily, that it could not lead to substantial devolution” (Edrisinha 1999). It furthermore resulted in a superimposition of the provincial council system upon the administrative district system, leading to a double structure and overlaps of the new and old institutional arrangements at the local level.³⁰

Wagner stresses that, “again the Buddhist nationalist opposition and the SLFP influenced the UNP to withhold important concessions to the Tamils like the permanent merger of the Eastern and Northern provinces to form a single Tamil linguistic unit and a devolution of power which included powers on land colonization policies” (Wagner 1997: 204). Therefore neither the TULF nor the LTTE have accepted the Provincial Council System.

Thangarajah describes the introduction of the Provincial Council System from a Tamil perspective as follows:

“The creation of Provincial Councils itself was a controversial Act, done not as a genuine act of political accommodation but an exercise forced by India. Opposed by some of the most powerful figures within the government of that time, the exercise in devolution, the 13th Amendment was doomed from the beginning. Opposed by the Peoples Liberation Front (JVP) and used as a means to nearly topple the government, the new Prime Minister chose to de-legitimize the Provincial Councils. Seen as an appendage of India, the Prime Minister wanted the ex-militant groups who were elected to the North-East Provincial Council to be humiliated and the powers

³⁰ The key elements of the powers and responsibilities of the Provincial Councils are well described by Gunawardena 2003: 4, Leitan 1990: 12ff, Leitan / Selvakkumaran 1999. The main powers are a) legislative responsibilities in terms of statute making for the province, b) executive responsibilities in term of actions to be taken, c) fiscal responsibilities in terms of managing the finances of the province, the raising of revenues an incurring of expenditures for meeting executive responsibilities as well as d) administrative responsibilities in carrying out ensuing legislative and executive actions. Key elements of the PC function as a sphere of devolved sub-national government are statute making, policy formulation and implementation, resource mobilization and expenditure management, staffing and personnel management, the organisational arrangements for the service delivery system (Gunawardena 2003: 4-5).

deranged.... Hence, the PC was a non-starter from the beginning. With the departure of the Indian army, the elected members left for India fearing annihilation in the hands of the LTTE” (Thangarajah 2003: 73).

The LTTE as well as JVP repudiated the accord, which resulted in the war against the Indian Peacekeeping Forces. The Provincial Council of the North-East lasted only from 1988 to 1990 and was afterwards deprived of its power. The Governor, appointed by the President, took over the control of the North-Eastern province.

An achievement of the devolution policies of the past was that the Preamble to the Indo Lanka Accord acknowledged that Sri Lanka is a multi-ethnic, multi-lingual society. It recognised that each ethnic group has a distinct cultural and linguistic identity and recognised that the North-Eastern areas are that of “historical habitation of Sri Lankan Tamil people who have at all times lived together with other ethnic groups”. No Constitutional reform thereafter has tried to challenge this multi-ethnic, pluralistic social perception of Sri Lanka, which against the backgrounds of a history of “chauvinism” can be seen as considerable achievement (CPA 2001: 20).

On the other hand the devolution of power to regions was already too much in the eyes of the Janatha Vimukthi Peramuna (JVP), the radical Sinhalese nationalist movement, which mounted a violent campaign against the government. The terror campaign of the JVP affected the implementation and operations of the new decentralisation initiative to a considerable degree (Slater 1989: 77). The time between 1978 and 1994 is termed by some scholars as period of authoritarian rule during which the devolution policy was not brought much forward. After the PA-government took over in 1994, attempts were made to enter into a peace process with the LTTE through negotiating further autonomy models. During the following years, several proposals for a further reaching devolution of power to the regions were designed by the ruling party and discussed in the parliament with opposition parties.³¹

According to Sri Lankan scholars, the reform proposal from 1995 which is incorporated in the draft constitution produced in 1997 represents the furthest reaching attempt to share power as a means of ethnic reconciliation. It defines the nature of the state as a “union of regions”. This draft constitution, in moving away from an entrenched unitary state, has brought about a paradigm shift in policy formulation towards a meaningful sharing of power between regions and communities. The constitutional reform proposal is based on the realization that one of the

³¹ The most important proposals which need to be mentioned are the August 1995 Proposals (or Legal Draft of January 1996), October 1997 Proposal and the Draft Constitution August 2000, which is finally the first step of a consensus paper between the PA and UNP.

central problems of modern constitutionalism is to take aspects of recognition and cultural identity into account to contribute to reconciliation of ethnic conflict. In Sri Lanka it is argued that the symbolic recognition and acknowledgement of Tamil identity must precede negotiations on power-sharing arrangements (Tiruchelvam 2000).³² The draft constitution also gave strong powers to the regions in the areas of finance, education, law and order and land; similarly to the powers of the federal units in India (Coomaraswamy 2003: 165).

The most recent proposal on devolution is the *Draft Constitution from August 2000*. As Edrisinha has stated, “it is the most accurate reflection of a broad consensus of the two leading political parties - the People’s Alliance (PA) and the United National Party (UNP) - and shows the scope and extent of devolution of power the two parties were willing to agree upon” (Edrisinha 2001: 12). However, the proposal is rather disappointing and even moderate Tamil parties who were willing to compromise and support the October 1997 draft had difficulties in accepting it. The most significant negative change was the deletion of the reference to Sri Lanka as a “union of regions”, which the UNP found unacceptable. Another major obstacle at the most recent stage of devolution is that there is no regional representation at the centre, which is one important precondition for a substantial autonomy within a united country (Edrisinha 2001:12). All the advantages made in the areas of land, law and order, education and finance were also drastically watered down, with the centre exercising strong control over the periphery (Coomaraswamy 2003: 166).

The Draft Constitution from August 2000 reflects the status quo in the devolution debate between the two leading parties (PA and UNP) before the Memorandum of Understanding was signed. As the LTTE has not been involved in the drafting of any of the devolution proposals, it is now necessary to restart the negotiation for constitutional reform towards greater devolution of power with the LTTE as well as bringing representatives of the Muslim community on board. In light of the fact that in the past it was not even possible to find an agreement on constitutional reforms among the PA and UNP, this new negotiation process, which now has to build upon the LTTE proposal for an Interim Authority for the North-East, will surely be the major challenge of the peace process.

To summarise, in Sri Lanka decentralisation and devolution has had a history as long as that of centralised government (Suriyakumaran 1996: 241). The system which has so far been

³² The draft constitution of 1997 also provides for a referendum for the voters of the Eastern Province on whether they would unite with the Northern Province as a single province, which had provisionally be installed since 1989. Another referendum would determine the fate of the Ampara District (Baxter et al 1998: 321).

developed consists of a double structure of a deconcentrated and decentralised administrative government arm and a political arm of Provincial Councils and local government authorities. The tradition of deconcentrated vertical departmentalism has led to the situation that policy is being executed not by the elected local bodies in every area, but through bureaucratically organised departmental field agencies (Leitan 1990: 32). Another major problem which still exists is that this hybrid system of parallel development functions, delivery programmes and administrative structures creates duplication of administrative arrangements, confusion and ambiguity regarding roles and responsibilities of both elected and appointed arms of local government (Gunawardena 2003: 9). This situation, which has resulted in a climate of competition and non-cooperation among the administrative system and the political system, forms the framework of the governance system at the local level.

Leitan stresses the need for further devolution of power from the centre to the provinces, but also for decentralisation within the province, and inter-linkage between the different levels down to the grass-roots, thus creating genuine participation of localities in decision-making (Leitan 1990: 1). Through this process, decentralisation could then be the answer, not only to the problems of accommodation of different ethnic groups in Sri Lanka, but could also contribute to the need for balanced regional development, thus abandoning the alienation felt by rural localities, especially the rural youth (Leitan 1990: 1). To this end, an extension of devolution of power to the Provinces in Sri Lanka could score two main objectives: 1) as starting point for greater power-sharing to address the ethno-political conflict in the North-East, and 2) to support balanced regional development, which can be supplemented through re-distribution of resources from richer areas to poorer areas. The dilemma is that the potential of the second objective – devolution of power to the regions for economic development – is hardly discussed, while the first objective - devolution of power for conflict resolution – is contested by nationalist Sinhalese parties and misused for political power games. It would thus be important to revive a positive discussion on devolution of power, pointing to the potential for regional development as well as for conflict resolution.

The furthest reaching ideas with regard to further devolution of power are the discourse on federalism as a solution to the ethno-political conflict. This discourse, which started already prior to independence, was later replaced by the separatist claims of the LTTE as well as by the devolution discourse. In the recent peace process, the federalism discourse has been revived and re-entered the political debate on the reform of the political system of Sri Lanka. This is summarised in Box 3.³³

³³ Further details on the discourse on federalism in Sri Lanka is provided by Bigdon 2003, Pravada 2002.

Box 3: The Discourse on Federalism in Sri Lanka

Federalism is a lively issue in Sri Lanka. As Wilson points out in his historical chapter on the uprising of Tamil nationalism, the Tamils in Sri Lanka began to support a violent separatist movement only in 1976, after federalization was denied for decades (Wilson 2000). The Federal Party, which was later transformed into the Tamil United Liberation Front (TULF), had fought between 1949 and 1976 for a federal solution to accommodate the demands of the Tamil community. The comprehensive proposal of the Federal Party for a federal solution in 1970 was unequivocally rejected and the various constitutions of Sri Lanka always stressed the unitary character of the state (Uyangoda 1994: 103).

Between 1972 and 1975, the Federal Party changed its political struggle towards a separatist solution. This change of heart was the result of 20 years experience of different ruling Sinhalese governments, which refused to agree to a federal solution, or in some cases agreed to it but failed to implement it. The TULF (Tamil United Liberation Front) redefined their claim for Elam in a federal formula in 1989.³⁴ The TULF promoted a 'union of states' and later a 'union of regions' as political solution to the conflict, terms which were incorporated in some of the devolution proposals formulated by the PA-government and the opposition parties after 1994.

Since the breakthrough in the peace talks in Oslo, where the LTTE publicly agreed for the first time to the option of a federal solution to the ethnic conflict under the condition of far-reaching autonomy for the North-East, the term federalism suddenly entered the public discourse. In this regard, the Memorandum of Understanding between the Sri Lankan government and the LTTE has provided the necessary conditions to allow the debate on federalism to be re-established and the ongoing peace talks provide the necessary foundations so that the establishment of a future federal structure for Sri Lanka can be envisaged.

In this recent debate it is stressed that a federal solution in Sri Lanka needs to give recognition to the Tamil people living predominantly in the North-East as an independent nation. As this acknowledgement is the most sacred demand of the Tamil national movement, the political solution needs to recognise a historic homeland of the Tamil community constituting the North-East. However, recognising a Tamil nationhood should not in any way reduce the political status of the Moslems and Sinhalese people living in these areas or in the country. The same is true for all communities living elsewhere in the country, including the Tamil plantation workers (see Rupasinghe, Sunday Observer 12.1.03: 9). A federalist option would need to safeguard equal opportunities for all communities in all regions of the country.

In the following section I want to look into the local government system as the lowest level of the devolved political system. The aim is to analyse what impact the devolution policy in Sri Lanka had with regard to granting autonomy to the local authorities. The local government is closest to the people and therefore is the political level which needs to accommodate the demands of the different identity and minority groups at the local level. Therefore the strengthening of good governance and the recognition of minorities at the local level can be seen as an important entry point for the stabilisation of ethnic relations, which will support the national political process of reconciliation. Furthermore, good practice at local level can be regarded as a training ground for other regions and thus can inspire the national reform processes.

³⁴ Since 1992, there has been a Tamil party consensus for a need for a federal solution, which was shared by TULF, TELO, PLOTE, EPRLF, while the political leader of the up-country Tamil population in the estates, A. Tondaman, argued against a federal solution.

3.3 Re-centralisation or more autonomy for local government?

3.3.1 *Historical development of the local government system*

Examining the history of local government in Sri Lanka, it becomes clear that there was a high degree of autonomy in village communities prior to the colonial rule. A well-organized system of local government, called *Gam Sabhas* or village assemblies were responsible for all local affairs such as use and management of local resources, settlement of disputes, cultural activities, etc (Gooneratne / Jayasinghe 2000: 159). Within the deconcentrated administrative structure of Government Agent authority and vertical departmentalism, local government was ‘introduced’ by the British in the late 19th and early 20th century. However, local bodies which were established by the British, in both urban and rural areas, were designed more for the purposes of administrative convenience than as institutions of genuine local democracy. The local governments were controlled by the G.A. and his staff at different levels. This is seen as a reason that local government ‘never caught fire’ in Sri Lanka, because these institutions came to be identified as part of the bureaucratic structure, rather than as institutions of local democracy (Leitan 1990: 6). Under this centralized administrative system, the functions of the local government authorities (Municipal, Urban, Town and Village Councils) which were introduced in 1930s and 1940s, were reduced to the provision of traditional services, while the implementation of government policies and development activities became the responsibility of the district administration and the line ministry structure. Leitan further points out that a centralizing British rule produced a centralizing nationalist movement, with the result that local government reform assumed a low priority with the Ceylon National Congress (Leitan 1990: 7).³⁵

From 1948 until today the local government system has been reformed several times, with a lot of ups and downs in the devolution of power to lower levels. It is important to stress that the reason behind the reforms of the local government system had nothing to do with considerations of conflict resolution, but were rather based on the desires of national politicians to gain more influence at the local level. Furthermore some of the reforms also tried to encourage more development activities through local level institutions.

The Department of Local Government was established in 1946 with the aim of broadening the scope of local government services and to provide guidance and supervision to the local authorities. The supervisory functions vested on the Government Agent were transferred to the Assistant Commissioner Local Government as a step to ensure more autonomy of the local

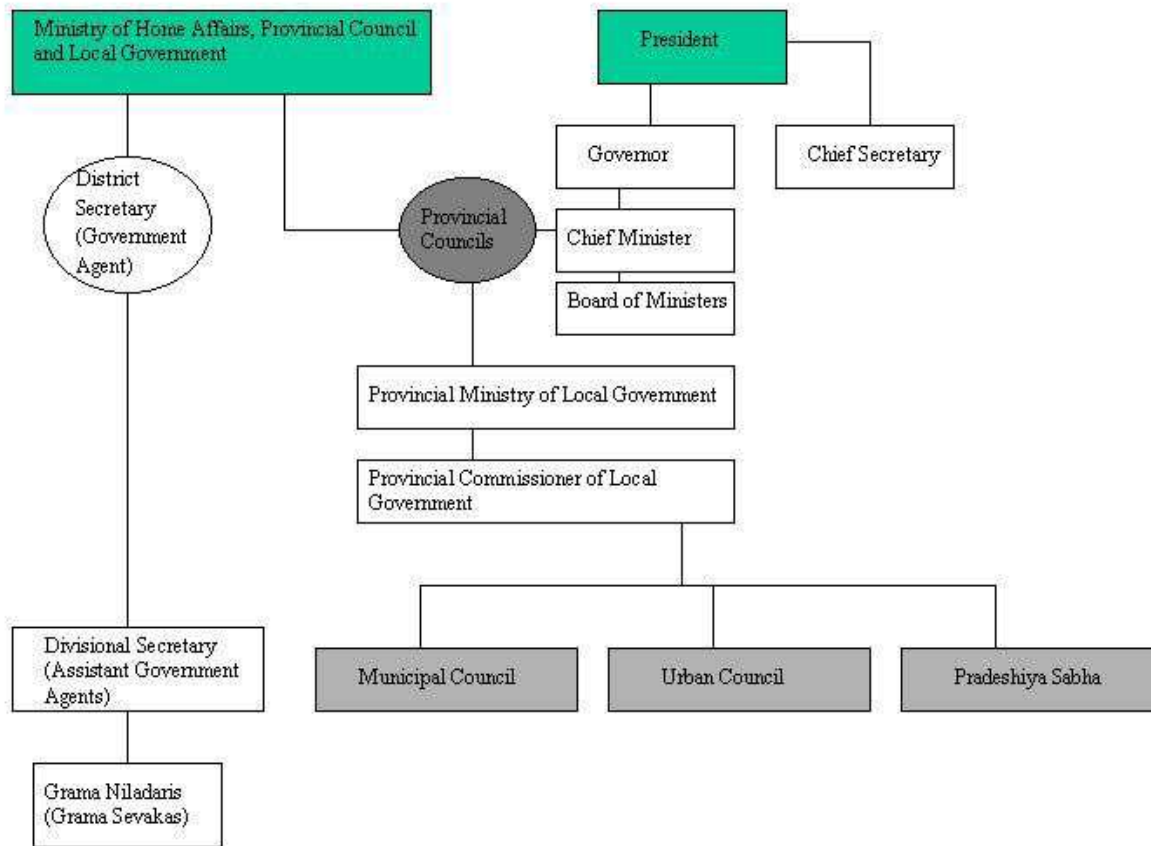
³⁵ A good overview over the development of the local government system in Sri Lanka is also provided by UNESCAP 2002.

authority (GoSL 1999: 15). Between 1948 and 1980, more powers were vested in the local authorities through introduction of various amendments and in 1977 even the power to approve the budget was vested with the head of the local authority.

The first serious decrease in the devolution of more powers to the local authorities took place in 1981, when the Tennakoon commission recommended the establishment of district development councils. Town Councils and Village Councils were abolished and legislation was enacted for the transfer of their functions to the Development Councils. The development councils commenced their term of office in July 1981. From then on, all Town Councils and Village Councils were abolished and their functions transferred to a reduced number of District Development Councils (DDC). Consequently, a large number of elected representatives of the Town and Village Councils, which represented 85% of the population, lost their political mandates (Leitan 1990: 26). Another undesirable effect was that there was a double structure created on district level, where the District Administration and the District Development Administration under the District Development Committee (DDC) were both in charge for the development planning on district level (GoSL 1999: 19-20).

To counter the decline of people's participation in local government, which started with the abolition of the town and village councils, the attempt was made to introduce Gramodaya Mandalas (Village Development Committees) as people's forums on village level. The Gramodaya Mandalas were set up from 1981 onwards, but proved in practice to be unable to provide the community service at the village level which the government expected them to do (Leitan 1990: 26). The introduction of the Provincial Council System, which is described in the following section, brought about a major change for the functioning of local government in Sri Lanka.

Figure 2: Provincial Council and Local Government Structure in Sri Lanka



3.3.2 Introduction and functions of the provincial council system

A major change was introduced in 1987 with the 13th Amendment to the Constitution of Sri Lanka and the Provincial Councils Act No. 42 of 1987, which devolved some authority and responsibility to the sub-national level – the province. The newly established system was supported by larger sums of financial resources and politico-administrative arrangements with greater autonomy (see Gooneratne / Jayasinghe 2000: 161).³⁶ The PCs consist of a board of elected Ministers, headed by a Chief Minister (see Figure 2). The people in a province elect the members of the PC on the basis of the system of proportional representation. The number of

³⁶ The powers of the center and of the Provincial Council (PC) are laid down in three lists: List I. – Provincial Council List, List II – Central Government List and List III – Concurrent List. The functions given to the Provincial Councils under List I. are: police and public order, provincial economic planning, education, health, provincial housing and construction, agriculture and agrarian services, rural development, local government, land use and land settlement (subject of specification), food supply and distribution, irrigation (other than inter-provincial irrigation), co-operatives development, etc. The PC may also pass statutes on subjects under the concurrent list (Gooneratne / Jayasinghe 2000: 163).

ministers of each PC is determined by the area and population of the province. There is no reservation of seats for specific groups like women, ethnic groups etc. An interesting feature of the Provincial Council structure is that the highest authority (the chief executive) is the Governor of the Province, who is not elected but appointed by the President. This reflects the lack of willingness of the central government to give away an extensive amount of power to the regions. The Board of Ministers is required to advise the Governor.³⁷

A major obstacle with regard to a real devolved structure with extensive powers of the sub-national units is the lack of proper fiscal devolution. Besides the financial problems of the PC, there are other administrative and planning weaknesses:

- The percentage of national revenue sharing with the PCs is about 5% percent of the total National Revenue, while in India, for example, it is 46%.
- The low amount allocated to the PC under the Criteria-based Grants is inadequate for the development works to be able to fulfil the mandate given to the PC.
- Furthermore the Criteria-based Grants reach the more developed Provinces to a greater extent than the less developed Provinces (Gooneratne / Jayasinghe 2000: 165).
- The absence of a long-term development plan of the region undermines coordinated planning for resource allocation.
- Numerous restrictions and administrative delays in recruitment procedures and fund allocation to the PC undermine the planning and implementation efforts of the sub-national level.

Within this newly established 'devolved' system of Provincial Councils, the next level down is characterized through a double structure of administrative and political institutions. The administrative structure is headed by the Government Agent (redesignated as 'District Secretary') who performs a coordinating role, holding various committee meetings and supervising the work of the Divisional Secretariats. The Divisional Secretariat serves as a focal point of the deconcentrated administrative structure of the central government, exercising statutory and administrative authority delegated to it by various government departments as well as the PCs. Officials of these organisations are generally stationed in the Divisional Secretariat and work under the supervision of the Divisional Secretary. Since the Divisional Secretary is directly answerable to the centre, the progressive devolution of agreed powers and functions to the PCs and through them to the levels below has clearly been undermined (Gooneratne /

³⁷ Only four ministers should be represented in the boards, each ministry consisting of a grouping of several subject areas.

Jayasinghe 2000: 162). This becomes obvious in the fact that the Decentralized Budget allocated for respective areas by the four District Ministers are usually channeled through the Divisional Secretariat, which often have more decision-making power than the elected local authorities to manage and implement these funds.

In the following section the local government system as it functions today will be outlined to provide the reader the necessary structural background to understand the functioning of local governance.

3.3.3 The present local government system

As the performance of the Development Councils was unsatisfactory, the Pradeshiya Sabha³⁸ system was developed as official councils with the purpose to facilitate people's participation in administration and development. The Pradeshiya Sabha Act was debated in detail by the Parliament before it was passed as Act on April 15th 1987.³⁹ The Pradeshiya Sabhas were seen as rural republics which would provide the training ground for young leaders to take up higher responsibility in the course of time. The elected local authorities are vested with powers to handle traditional functions such as a) road and thoroughfares (construction, maintenance, lighting, etc.), b) public health and c) public utility services (water supply, electricity, etc.).⁴⁰

The Pradeshiya Sabha Act No 15 of 1987 entrusts the PSs with additional functions. These are development-oriented, such as integrated village development, construction, improvement, and maintenance of village works, employment generation, community development, maternity and child welfare services. Thus the PSs have the mandate to play a more active role in rural development, provided resources and skills are available. The PS areas generally overlap with the Divisional Secretariat divisions.

³⁸ Pradeshiya Sabhas (PS) can be described as elected rural regional councils, which represent approximately the population of one Division. The population can vary to a great extent, e.g. PS Ambagamuwa, which is the biggest PS area in Sri Lanka, has 188,147 inhabitants while Moneragala PS has only 42,575 inhabitants (Statistical Data 2001 by the Divisional Secretary).

³⁹ The two major topics which were discussed were whether the earlier Gram Sabhas (village councils) were more suitable and whether the system of voting under proportional representation is suitable on the local level (GoSL 1999: 20). Both questions still give reason for discussion and reform proposals today.

⁴⁰ The Pradeshiya Sabha Act was debated in detail by the Parliament before it was passed as Act on 15. April 1987. The two major topics which were discussed were whether the earlier Gam Sabhas (village councils) were more suitable or whether the system of voting under proportional representation is suitable on the local level (GoSL 1999: 20). Both questions are still open for discussion and reform proposals today.

With the 13th Amendment, the control and supervision of the local government, which was vested under the Ministry of Local Government, became a subject under the Provincial Councils. The Department of Local Government at the national level was discontinued and the eight Commissioners of Local Government were appointed under the eight Provincial Councils. One problematic issue is that the Departments of Local Government or units established under these Commissioners did not possess the capacity of the former Department in the exercise of supervision and the provision of guidance to local authorities. The insufficient supervision and capacity building provided by the PC to the local government authorities is one of the weaknesses of the recent system.

Under the devolved structures, the local authorities, in particular the PSs, are expected to be the development arm of the PCs. Thus the PSs are local level institutions directly linked to rural development. At the beginning, the Assistant Government Agent (AGA) served as the Secretary to the Pradeshiya Sabha, but with the re-designation of the AGA as Divisional Secretary, he was detached from the PS and established as a parallel organisation (Gooneratne 2000: 162).⁴¹ This has led to a counterproductive competition between the administrative system (represented by the DS) and the elected local government authority on local level. Instead of cooperation to implement development projects at the local level, the experience reveals that there is often duplication of planning and competition as regards the finale authority implementing certain projects. This competition is reinforced further by the political loyalties of the DS or the Chairman of the PS.

With regard to the North-East, the development of the local government system was strongly affected by the struggle between the LTTE and the Sri Lankan government. While the Sri Lankan government tried to show the presence of the Sri Lankan state in the North-East through the maintenance and establishment of administrative and democratically elected institutions, the objective of the militants was to de-stabilize the central state and its institutions. As the LTTE perceived the elected local government authorities as a structure undermining their struggle for autonomy, they attempted to weaken these newly created bodies. Thangarajah shows that the tension between these two forces impacted considerably on the functioning of the administrative and local government structures in the North-East (Thangarajah 2003).

⁴¹ In October 1987, the Wanasinghe Committee proposed that the total Governmental Administration should be conducted at the Pradeshiya Sabha level for which the Chief Executive Officer of the Pradeshiya Sabha should be designated. However, the government was not inclined to accept these recommendations made by this commission (GoSL 1999: 21).

At present, the local authorities are not functioning in major parts of the North-East due to the conflict situation. Since the breakdown of the Provincial Council in the North-East in 1990, the local government elections were rarely held in these areas, as they were boycotted by the LTTE. Only in a few areas of the North-East were local government elections held, such as in Jaffna or Ampara. In these areas the Pradeshiya Sabhas are functioning with elected representatives. In the other areas the local authorities are now run by administrative staff under the responsibility of a Special Commissioner, usually the Divisional Secretary.⁴²

With regard to the local government election system, the proportional representation system replaced the earlier wards system (first-past the post). Under the PR-system the entire local authority area is considered as one electoral area. Political parties or independent lists make nominations for elections. The advantage is seen in the higher representation of minorities through the proportional representative system.⁴³ The Mayor or Chairman of the local authority is no longer elected by the members of the council but nominated by the political party or group, which has the majority in the council. The local politicians are mostly linked to the national parties and are the direct party supporters of national parliament candidates, which can be seen as a negative consequence of the PR system. Leitan points out that the relationship and influence within the party becomes more important for the candidates than the personal contact and close interaction with the voters, as the national parties nominate the local representatives. Thus the PR system contributed to an alienation of the people from the local politicians and thereby to a decline in interest in local government elections (Leitan 1990: 24). This is why there is always a tendency to treat the earlier ward system in a more positive light as the latter created a stronger bond between the elected representatives and their electors.

In summary, the tendency of centralisation or re-centralisation described in the previous chapter has also led to a marginalization of the lowest political level – the local government system. Fleiner stresses that the legitimacy of the state at the local level can only be strengthened if authorities are able to respond to the legitimate needs of the population. Although a decentralized government has some advantages in this regard, it often faces technical and political difficulties in the implementation (Fleiner / Kälin et al 2002: 252). This calls for reforms,

⁴² According to my information, the elections in most areas of the North-East were last held in 1994 and the elected representatives were active until 2000. Later on the Special Commissioners took over the responsibility for the local authorities.

⁴³ "The scholarly orthodoxy has long argued that some form of proportional representation (PR) is needed in cases of deep-rooted ethnic divisions. ...In terms of electoral systems, consociationalists argue that party-list PR is the best choice, as it enables all significant ethnic groups, including minorities, to define themselves into ethnically based parties and thereby gain representation in the parliament in proportion to their numbers in the community as a whole" (see Reilly 2002: 157).

which address the identified weaknesses of and obstacles to the decentralized political system. In the following section, the ongoing local government reform agenda of the Ministry of Home Affairs, Provincial Council and Local Government is introduced to get an insight in the reform issues which have already been identified. Furthermore, the potential for the implementation of reforms is critically examined by looking into common obstacles of policy reforms in Sri Lanka.

3.3.4 Reform Agenda of the Ministry of Home Affairs, Provincial Council and Local Government

Many of the shortcomings of the local governance system mentioned above have also been topics of reform debates in Sri Lanka. Amongst various commissions, the latest was the 'Presidential Commission of Inquiry into Local Government Reform' already set up in 1998. Major recommendations of the report were the need for a greater degree of autonomy, better use of available local resources, greater responsiveness to local needs, more engagement in participatory development and a change of attitude from patronage to partnerships between national and provincial levels towards the local level.

The extensive 400-page report focuses attention on various aspects of local government affairs, ranging from financial management, human resources, developing planning, public utility services and people's participation to constitutional and legal aspects. The major focus is on financial management, public utility services and constitutional and legal matters. Only four pages are given to the aspect of people's participation and one page for the promotion of ethnic harmony through local government – obviously this was not considered as the most important aspects of local government reform. Nevertheless, these issues got considerable attention within the final parts of the report, the 'new vision for local government' and in the recommendations.

The report also recommended the revision of the electoral system, eliminating the proportional representation system and going back to the earlier ward system (first past the post) to enhance the responsiveness of the council members towards their constituencies. The revised ward-based system would also offer opportunities to set up ward committees, through which people could participate directly in the planning and decision-making process for priority projects. Even though the report outlines many short-comings of the present system and gives valuable recommendations with regard to various aspects, the question of representation and recognition of minority groups at the local level received little attention. The question as to whether a quota system should be introduced to the elected local bodies to guarantee greater representation of the different identity groups was hardly touched; it was only mentioned that quotas could increase inter-ethnic division.

With regard to peoples' participation, the establishment of several forums, such as ratepayers associations and peoples committees as non-formal arrangements which bring people into the decision-making process, were recommended by the Commission. Furthermore the Commission stressed the vital role of the local authorities in finding solutions to the ethnic problem in the country. It is seen as particularly important that services are provided without discrimination on ethnic or communal grounds. In this regard, the report recommended the following tasks to be fulfilled by the local authorities: equal distribution of resources among all; equal attention to proposals from all sections of the community; provision of services in Tamil and Sinhala; equal attention to cultural values; promotion of religious and cultural festivals; engagement in conflict settlement in cases of ethnic conflict and proactive engagement in the creation of relationships and friendships amongst communities.

The recommendations formulated by the commission were far-reaching, covering various aspects such as local autonomy, public accountability, responsiveness to the needs of the local constituents, strengthening the development role of local government and the development of a new local government culture, aspects of people's participation in the affairs of local government as well as promotion of ethnic harmony (GoSL 1999). In the concluding chapter of the report, the Commission stresses that it "strongly feels the need to adopt a new vision appropriate to make local self government meaningful, efficient and effective to serve the community at the local level".

Since 1999, only a few elements of the recommendations of the Commission Report have been implemented by the recent governments, which means that most of the shortcomings outlined by the Commission still persist. The UNP government under Ranil Wickremasinghe has appointed a Cabinet Sub-Committee to study and submit recommendations on policy reforms appearing in the report of the 'Commission of Inquiry on Local Government Reforms'. Based on the Commissions report, this Cabinet Sub-committee has formulated some recommendations on specific aspects. Some of the recommendations of the Commission, e.g. the incorporation of local government into the constitution as a level of governance or that local authorities should be the planning authority at local level, were accepted and recommended by the Cabinet Sub-Committee. Other recommendations, such as the restructuring of the local government institutions into four levels (municipal, urban, town, village) were rejected by the Committee. Again, other issues were referred to a Parliamentary Select Committee for further study and investigation, for example the recommendation to re-introduce a ward-based election system at the local level. The Cabinet Sub-Committee proposed to have a combined, parallel system, but

as this decision would need the consensus of all political parties, the decision was referred to a Parliamentary Select Committee.

Within the Ministry of Home Affairs, Provincial Council and Local Government, an operational Committee headed by a Senior Assistant Secretary of Local Government has extracted recommendations of the Commission's Report and has formulated an action plan on local government reforms. Most of the recommendations of the Commission's report and the Cabinet Sub-Committee are reflected in the extensive working plan for reforms. Yet many issues of reform still need further elaboration of suitable concepts for implementation. According to the Ministry, the most important reform steps that it wants to implement are the following steps, which are presented in Box 4.⁴⁴

Box 4: Local Governance Reform Steps of the Ministry of Home Affairs, Provincial Council and Local Government

➤ **Revision of the Local Election System:**

It was acknowledged that the election system is a major issue with regard to conflict resolution and therefore it was accepted to change the local election system. Recently the legal issues with regard to the election system were studied by a committee established by the Ministry which will afterwards go to the Cabinet-Sub-Committee for further consideration.

➤ **Re-establishment of the Boundaries Commission:**

There are a lot of conflicts in border areas with regard to the demarcation of electoral boundaries, as well as the boundaries of local authorities. It is therefore planned to re-establish and strengthen the Boundaries Commission, which was abolished at the end of the 1980s.

➤ **Strengthening of People's Participation:**

As people do not have much contact with the local authorities and participate only in the elections every 4 years, it is planned to make people's participation mandatory within the local councils.

➤ **Strengthening of Financial Resources System:**

The Ministry intends to support the local authorities to improve the revenue collection by introducing new packages for the accounting system. Furthermore action-research will be conducted by the S.L.I.L.G. focusing on the question of how to write bye-laws to generate more revenue. The plan is to improve the bye-law system and to contribute to capacity building for local authority staff to formulate these bye-laws. To increase transparency each local authority would in future formulate a four year plan which is to be made available to the public. A new accounting package and tax collection system has been formulated and will be introduced to the local authorities to improve their financial systems. This new system will also help to lessen the negative impact of the further reduction of government cadre.

⁴⁴ The following is a summary of the discussion our research team had with two representatives of the Ministry of Home Affairs, Provincial Council and Local government on (Mrs. Speldewinde, Secretary to the Minister of Local government and Mr. D. Premasiri Hettiarachchi (Senior Assistant Secretary (L.G.) of the Ministry of Home Affairs on 5.12.2002.

➤ **Contributing to conflict resolution through strengthening of local authority capacities:**

The Ministry stressed that where local authorities are weak, space is created for conflicts at the local level about even minor problems that can easily escalate within an environment of already existing tensions. Therefore the need is there to strengthen the efficiency and capacities of local authorities through the following measures:

- Training in all languages in the local authority areas through the S.L.I.L.G. for the representatives and staff of local authorities.
- Stronger focus and support for the local authorities in the North-East.
- Identification of the most needy and backward areas and formation of a support team to assist these local authority areas with their specific problems. With the support of donor funds these areas could be especially supported.

Besides these planned reform steps, the Ministry has also stressed the weaknesses of the supervisory function of the Provincial Council. The investigation officers of the PC, who are responsible for the supervision, are not able to do their job properly. The reason is seen in the number of vacancies for investigation officers and the vast areas the officers have to cover. As the Government will further reduce the number of government employees, this problem will persist. To bridge the short-comings the Ministry tries to send some officers to the most affected PC areas to assist and support the PCs.

The establishment of various Committees at different levels to further investigate and specify the reform steps shows that there is some movement in the field of local government reforms. Furthermore, the *Regaining Sri Lanka Report* (GOSL 2002: 87) of the Sri Lankan Government has stressed the willingness of the Government to reform governance practices, for example through further decentralisation of power, public sector management reforms, introduction of new management techniques, reduction of overlap and duplication between government departments, creation of greater scope of private sector participation in service provision and extension of the fiscal autonomy to the Provincial Councils etc. However, bearing in mind the considerable time which has passed since the Commissions Report on Local Government Reforms was submitted and the fact that nothing much has been implemented so far, one should keep expectations low that extensive reforms are implemented in the near future. The elected representatives at the local level were often hardly aware about the ongoing reform debate. It seems that there is a need to further institutionalise the reform process by bringing in the elected representatives and voices from the people. Furthermore, external expertise on certain issues, such as election systems, by-law systems, financial resources management and conflict management seem to be necessary to guarantee that the reform steps are suitable to address the major problems without aggravating more tensions. The political reality in Sri Lanka also shows that for certain urgent reform issues such as more devolution of power to the regions, there is a lack of compromise among the leading political parties. The ongoing peace-

process might increase the pressure to address certain issues of local governance reform in the near future.

This chapter has provided an overview on the state- and institution-building process in Sri Lanka, focusing on the fragmentation of political parties along ethnic lines and the roots and dynamics of inter-ethnic conflicts. Furthermore, the ups and downs with regard to devolution politics and the development of the provincial and local government system have been outlined and provide the necessary contextual background for the development of a context-specific good governance model. The history of ethno-political conflict and the strong tradition of centralisation in the country will be reflected in any context-specific good governance model.

In the following chapter, I will discuss the empirical findings from three case studies, looking first of all into the specific socio-political context of the three research regions, secondly into the local elites' definition of good governance, and finally into the way local governance in Sri Lanka actually functions.

Chapter 4: Empirical Study on ‘Good Governance’ and the Realities of Local Governance in Selected Regions of Sri Lanka

4.1 Introduction to the three research regions: the actors, institutions and development & conflict dimensions

This chapter introduces the research locations focusing on a) the area and its regional context, b) socio-economic context and conflict dimensions in the area, c) the actors and institutions of the local governance system and d) people’s perceptions of the actors of the local governance system – the findings from the household survey.

4.1.1 Ambagamuwa Pradeshiya Sabha, Nuwara Eliya District

4.1.1.1 The area and its regional context

With 188,147 inhabitants, Ambagamuwa is one of the largest Pradeshiya Sabha areas in Sri Lanka, situated in the hill country of Nuwara Eliya District in the Central Province. The region is well known among local and international tourists, as the famous Adams Peak, one of the largest cultural attractions in the country, is located in the area. It attracts an estimated one million people each year. The region also records the highest annual rainfall in the country. There are four large rainwater reservoirs in the area, which generate a significant amount of hydro-electricity in the country. Last, but not least, a large part of the region is covered with tea plantations, which provide direct and indirect employment to thousands of workers in the area.

Nuwara Eliya district has the largest concentration of Tamils working on the tea plantations in the country. Though there are many traditional Sinhalese villages in the district, the Sinhalese constitute a minority there. Tamils constitute as much as 76% of the population in Ambagamuwa, whereas the Sinhalese, who constitute 74% of the country’s population, comprise only 21% of the local population. The percentage of Muslims among the population is approximately 1%. The prevailing election system of proportional representation (PR) naturally gives a clear majority to up-country Tamils in the Ambagamuwa Pradeshiya Sabha.

Map 2: Research Study Location in Nuwara Eliya District – Ambagamuwa PS Area

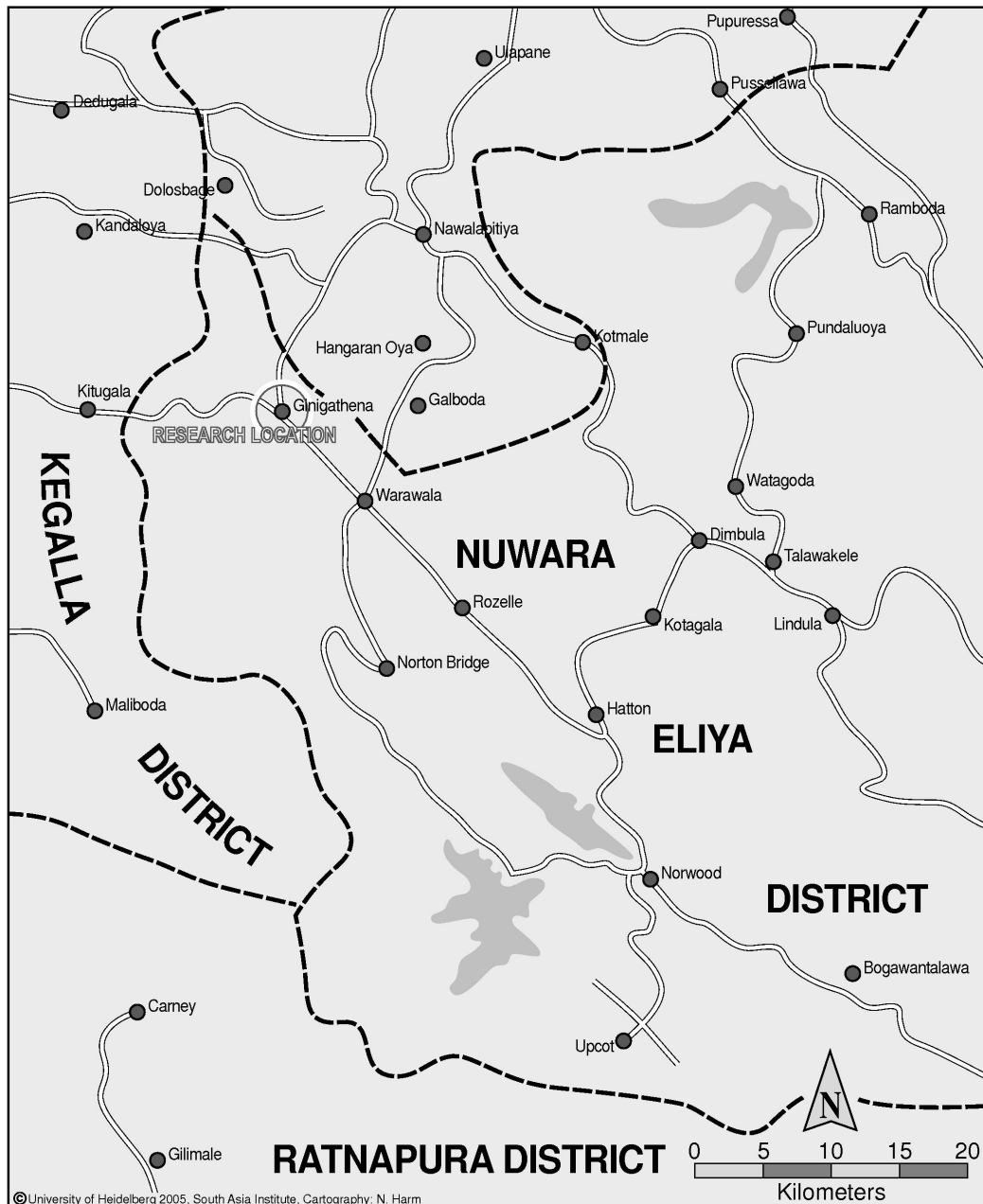


Table 3: Ambagamuwa PS Area - Population on the Basis of Ethnicity

Sector	Sinhalese	Tamils	Muslims	Burgher	Others	Total
Rural	35,573	8,942	1,089	33	27	45,664
Estate	5,269	135,870	1,231	40	73	142,483
Total	40,842	144,832	2,320	73	90	188,147
%	21.71%	76.97%	1.23%	0.04%	0.05%	100%

Table 4: Ambagamuwa PS Area - Population on the Basis of Religion

Sectors	Buddhist	Hindu	Islam	Roman Catholic	Other Christian	Others	Total
Rural	35,481	7,570	1,173	873	480	87	45,664
Estate	5,432	121,290	1,708	11,055	2,775	223	142,483
Total	40,913	128,860	2,881	11,928	3,255	310	188,147
%	21.74%	68.48%	1.53%	6.36%	1.73%	0.16%	100%

Specific to the Ambagamuwa Pradeshiya Sabha is the high concentration of tea estates within its boundaries, leading to the high number of Tamil plantation workers living in the area under specific socio-economic conditions. A majority of plantation workers are treated as Tamils of Indian origin, whose Sri Lankan citizenship has been denied by the policy of the Sri Lankan governments between 1949 and 1963. From 1949 until 1964, the Tamil estate workers of India origin were denied citizenship. From 1954 onwards, the future of this stateless population was negotiated between the Sri Lankan and Indian government. India agreed to provide citizenship to a majority of Indian Tamils and to repatriate the workers over a longer period of time. The agreement of 1964, which is still not fully implemented, was that India would provide citizenship to and repatriate 525,000 of the 825,000 stateless Tamils of Indian origin, while Sri Lanka would naturalize the other 300,000 Tamils (Rösel 1997: 63).¹ So far, only about 16% of the Tamil estate workers who submitted a naturalization application were given citizenship by the Sri Lankan government, while India has so far only repatriated about one fifth of the envisaged number. There are various initiatives by politicians, trade unions and NGOs to lobby for and support the applications of the remaining stateless 'Indian Tamils' to obtain citizenship. However, there are still a considerable number

¹ A revision of this contract in 1974 also took the children of these 825,000 Tamils into consideration.

of Tamil plantation workers who have so far not been granted citizenship for various political and administrative/logistical reasons.²

The plantation sector itself has also undergone considerable change over the last four decades. Tea and other plantations owned by foreign companies and large planters were nationalized in the early 1970s and due to pressure from the international finance institutions re-privatised in the early 1990s. Nevertheless, living and working conditions of plantation workers in general did not improve significantly for various reasons and due to a failure by the political parties to change the situation of their electorate. The tea plantations, established during the 19th century, continue to remain relatively isolated from the surrounding communities.³ In other words, the plantation workers' families depend very much on the plantation companies for their day-to-day needs and have very little or no contact with state institutions.

Besides plantation workers, another identity group living in the area is the small Muslim community living mainly in the town areas, engaged in business and trade. There are also many remote Sinhalese villages, whose inhabitants are small-scale farmers or small-holders of tea estates. The remoteness of many Sinhalese villages within the huge area of Ambagamuwa PS leads to poverty and marginalisation among the rural population.

4.1.1.2 Socio-economic context and conflict dimensions in the area

Ambagamuwa is a rural area with no large business enterprises besides the plantation companies and most local residents are poor. Sub-division of land also leads to low incomes and poverty. According to the data available at the DS office, over 50% of the village families receive some form of income support from the government, such as Samurdhi Welfare⁴. In the context of the rising cost of living, many families continue to struggle to meet their day-to-day needs.

In spite of the availability of the above mentioned resources (Adams Peak area, rainwater catchments area etc.), people living in Ambagamuwa PS area experience a variety of difficulties due to poor social and economic infrastructure facilities. The household survey, conducted within 4 different village and town communities in the area, pointed to some of

² In 2003, the Sri Lankan Parliament brought out an act called 'Grant of Citizenship to Persons of Indian Origin Act, No 35 of 2003', where the remaining number of stateless Tamils is estimated at 360,000.

³ Most workers employed in the plantations and their families still live in line rooms provided by the plantation owners, which are long buildings, not more than a basic shelter, with little units for each family provided to the plantation workers. Often one unit comprises not more than a room, where a family with several children lives. The sanitation facilities are in a separate building and are jointly used by all habitants of the line rooms. The workers are also supplied with basic facilities like water, food, rations, basic healthcare and basic education for the children on the plantation itself.

⁴ See Dissanayake 1995.

these key problems like lack of water, inadequate access to health facilities, very poor condition of roads, inadequate public transport facilities, poverty, unemployment, crime and environmental pollution. Data from other sources shed further light on the same issues. Interviews and focus group discussions with community members, the local elite, and officials pointed to many other problems that continue to remain unresolved. These range from specific problems faced by different communities and groups such as estate workers, remote villagers, elderly, youth and women to wider issues connected with the PS, political parties and other institutions in the area.

As mentioned above, the situation among plantation workers is even worse. Plantation workers usually live in the line rooms provided by the estates. These line rooms belong to the estates and are maintained by plantation companies. The public amenities on these plantations such as foot paths, roads, dispensaries, and day-care centers also come under the purview of the estates. The result is that many public sector programs in infrastructure development do not reach the plantation communities. Accordingly, the living conditions in these settlements leave much to be desired. The low wages of the plantation workers do not go very far in meeting their diverse needs. The poor health condition of many mothers due to malnutrition, widespread alcoholism among men, as well as unhygienic sanitary facilities, leading to higher disease-infection rates of children are the reality within the plantation workers squatters. Even the more urban centres, such as the largest market town of Ginigathena where the key public offices including the PS are located, lack proper urban infrastructure or public facilities, such as properly paved roads, drains, public toilets, recreation facilities, public meeting places, adequate running water, spacious public transport terminals, well-equipped health facilities etc. There has not yet been any major program to plan and develop these townships.

The conditions described so far indicate the level of underdevelopment in the area. People living in villages, plantation settlements and towns have many unfulfilled expectations and desires with regard to their socio-economic situation as well as services and social infrastructure in their own neighbourhoods and the surroundings, which tend to aggravate their economic problems and sometimes even trigger conflict between different identity groups.⁵ The escalation of the ethno-political conflict in the North and East of the country, with a ripple effect elsewhere, also influenced inter-ethnic relations at regional and local levels in many parts of the country, especially in the up-country areas, where different ethnic

⁵ Further information on inter-ethnic violence in the estate areas are provided by the Sri Lanka: State of Human Rights 2004 Report. The violent incident in the Bindunuwewa Rehabilitation Centre in Bandarawela in 2000, where Tamil detainees of the rehabilitation camp were killed by a Sinhalese mob is critically assessed by the AHRC official Interims Report, see http://massacre.ahrchk.net/bindunuwewa/main_file.php/Official+Report/137/.

communities have lived side by side for many decades (see Mayer et al 2003: 7). There are examples of inter-ethnic clashes in response to incidences between the LTTE and the Sri Lankan army in the North of the country.

The unique situation of Tamil plantation workers, who are not only economically deprived, but also often still deprived of their citizens' rights, has also lead to violent tensions between these groups and the Sinhalese plantation management or small-holders. The language policy with its specific consequence of denial of justice for specific identity groups, like the Tamils, whose complains are not taken up by Sinhala-speaking police officers, contributes to inter-community misunderstanding and tension (Hettige 2003: 40). As Mayer et al (2003: 7) point out, the "privatization of estate companies and reform efforts in the educational sector has increased the number of un(der)employed youth, who are facing various discriminatory practices to find employment outside the estate sector. Sporadic outbreaks of violence in the hill country in the recent past must be seen as a serious warning that may point towards another youth unrest potential in the country".

Both the Sinhalese and the Tamil community are facing economic problems. With rapid population growth over the last few decades, small parcels of land jointly held by a number of nuclear families connected by kinship and community ties have become further sub-divided. Without clear titles and boundaries, they often get into disputes, which, according to local sources, become endemic during harvesting times. The shortage of land leads to an increase in such land disputes, which are not easily resolved. According to local police reports, they often lead to physical violence involving disputing parties, at times even leading to murder.

A potential conflict dimension is the violent youth unrest mobilized by parties like the JVP. Since the education level among the youth of the Tamil plantation workers communities has increased, the expectation among those youth for a better future has increased. The lack of alternative job opportunities and the prevailing security situation in the country increases the danger that those frustrated youth will be organized by political actors who use violence against the state or other identity groups to achieve their goals. Hettige (2003: 30) states that it is against this background that in the mid 1990s some leaders in the plantation areas feared widespread youth unrest and persuaded the President of the country to appoint a special Presidential Committee to investigate the social and cultural problems of the plantation community and propose remedies, thus pointing to the importance of local governance for conflict prevention.

4.1.1.3 *The actors and institutions of the local governance system*

In Ambagamuwa PS area, there are many agencies and actors entrusted with the responsibility of solving various socio-economic problems faced by the people. These range from central government actors such as Cabinet Ministers and Members of Parliament (MPs), representing the local population, through Provincial Councils to the Pradeshiya Sabha, the Divisional Secretariat, Line Ministry offices, plantation companies and non-governmental organisations.

Among the key actors of the local governance system in Ambagamuwa is the **Pradeshiya Sabha Council (PS)**, with 23 elected representatives.⁶ Ambagamuwa PS comes under the Central Provincial Council, which operates from the provincial capital of Kandy. The Provincial Commissioner of Local Government based in Kandy oversees the local government institutions in the Province including the channelling of funds. People naturally put pressure on their community leaders and local representatives in order to force them to do something about their problems. In this regard, Pradeshiya Sabha representatives are more significant, as they are the closest to the people. In fact, 80% of those interviewed as part of the household survey at Ambagamuwa stated that they knew their local representative, which is not necessarily the case with representatives of the Provincial Council or Members of Parliament.

The **Divisional Secretariat (DS)**, being the administrative office that coordinates the activities of various state and other agencies at local level, has maybe the closest links to local communities. As the DS is the office to contact for diverse issues such as land, income support, permits, licenses, National Identity Cards and certificates of various kinds, many local people visit the DS office frequently. As a result, the DS office stands out as a local institution that has an impact on the day-to-day lives of the people, more so than the PS office.⁷

The DS operates through a network of village officers, known as Grama Niladaris (formerly Grama Sevakas, GS) who are scattered throughout the division.⁸ There are also other local level officers, such as Samurdhi Niyamakas (social service officers), Rural Development Offices (RDO), Medical Officers of Health (MOH) or Family Health Workers functioning at community level, who also work in close contact with the DS office. The PS, however, has no such regular salaried officers functioning at community level. Though public health is a major

⁶ The composition of the Pradeshiya Sabha council is: 15 UNP/UNF (out of this CWC holds 8 and UNP holds 7 - 5 Sinhalese, 10 Tamils), 2 Peoples Alliance (PA) (2 Sinhalese), 4 Independent Group (4 Tamils), 2 Ceylon United Workers Front (CUWF) (2 Tamils); the chairman is Tamil and from the CWC. The ethnic composition amongst the 23 elected representatives is: 16 Tamils, 7 Sinhalese. Three of the members are women.

⁷ Like the Pradeshiya Sabha, the DS offices often cover a large geographical area with a large population. This is particularly the case with the Ambagamuwa DS division. The area is as much as 470 sq kilometres and the local population is over 190,000.

⁸ Being salaried officers, GSs are regular state functionaries working in rural areas.

area of responsibility of the PS, the MOH often operates relatively independently, except when there is a major epidemic in the area.

The fact that Ambagamuwa has a large plantation worker population within its territory of authority adds greater complexity to the local institutional framework. The plantations, managed by private companies, enjoy considerable autonomy within the local context. They not only control the landed property, but also roads and other amenities falling within their boundaries. Most worker families still live in housing settlements located on the plantations, which are therefore owned by plantation companies.

Given the enclave nature of the plantation community and the lack of citizenship rights to Tamils of Indian origin, trade unions in the sector have provided the main link between the community and the outside world for many years. Plantation workers are often members of long established trade unions, which not only mediate between workers and their employers but deal with external agencies like the police and other state institutions on behalf of their members. Some of these trade unions are already registered political parties contesting national, provincial and local elections. The largest of these, the Ceylon Workers Congress (CWC) controls several PS's in the region.⁹ This kind of influence no doubt helped boost the significance of the plantation community in the national political arena. Moreover, the granting of citizenship rights and subsequent political reforms enabled the political leaders representing plantation Tamils to gain political power at the local level in areas where the latter constituted a majority. In the plantation sector, the institutional landscape is especially characterized by the emergence of hundreds of trade unions who are competing with each other to build their support bases. Thus, these groups can be regarded as powerful forces in the decision-making processes in the region. However, although there are many people involved in trade union political activism, there is also 'a growing resentment about the lack of commitment by the trade unions to the upliftment of the plantation community' (Emmanuel 2004: 12).

With the nationalization of the plantations in the 1970s, the 'Plantation Housing and Social Welfare Trust' was established to look into the social needs of plantation worker families, playing a considerable role in bringing about betterment for the estate population. Furthermore, many externally funded projects and programmes in such fields as education, child welfare and health also began to play an important part in bringing about change. As elsewhere in the country, many NGOs have also been active in some plantation areas. They

⁹ In Sri Lanka, trade union leaders could move into politics as regional leaders and Parliamentarians. Following the introduction of the PR system in the late 1970's, the relative influence of the leaders representing plantation workers increased significantly. In a situation where the two main national parties in the country now had to depend on smaller parties to form ruling coalitions, the parties representing plantation workers such as the CWC could at times even play the role of the "king makers" at the national level.

have implemented diverse programmes, ranging from social mobilization through income generation projects to increased social and political awareness.

4.1.1.4 People's perceptions about the actors of the local governance system – findings from the household survey¹⁰

In the household survey, 60 people from different locations¹¹ in the Ambagamuwa PS area were asked which institutions they contact to resolve the worst problems of the area (lack of water facilities, infrastructure problems, lack of health and sanitary facilities).¹² The majority of the people said they contact political actors (such as the Pradeshiya Sabha Council representatives, Members of Parliament, Provincial Council Members or party organizers) to solve these problems (65%). A smaller number of people (15%) also considered contacting the administrative bodies (Divisional Secretariat, Grama Niladari, Line Departments) and a similar number of respondents (15%) – presumably the estate population - mentioned that they contact the estate management or thalaivar (estate officer). It is interesting that more people would directly contact the national Members of Parliament to address those problems (57%) than the local Pradeshiya Sabha council members (36%).

The people were asked whether they have visited the Pradeshiya Sabha office in the past two years. A majority (70%) stated yes, while 28% stated no. In this case the majority of respondents who had visited the PS-office came from Ginigathhena (31%), while only 11% came from Sooriyakanda, which is the remote estate village. Considering that the PS does not usually feel responsible for the estate workers, as the Estate Management is perceived as responsible for their well-being, it is rather surprising that at least 33% of the respondents from Sooriyakanda have been to the PS-office. Among those who have been to the PS office

¹⁰ In the Ambagamuwa PS area, the household survey covered 60 people from four different locations (Upcot town, Morahenagama, Sooriyakanda Estate, Girigathhena town – see Annex 8). Among these 4 locations, one location was always characterized by being far from the local council's office, one location was always in the vicinity of the council and the two other locations were usually selected on the basis of its ethnic composition, e.g. a Sinhalese village or a Tamil estate worker village etc. to cover the most important groups in the particular area. To select the random sample of households to be interviewed, each of the selected locations was divided in two clusters "A" and "B". 15 households were surveyed in one location, which means that 7 or 8 households were covered in each cluster. The selection of the households considered ethnic balance and gender balance in the particular location. It was furthermore envisaged to have a good mixture of the social strata, considering for example professionals, housewives, retired people, teachers, priests and youngsters. The household survey was conducted on 5th to 7th of April 2002 by Mr. M. Thirunavukarasu, Ms. D.J.D. Shiromi Abeyratne, Mr. W.K.T.N. Walpola, Mr. Thanakumar under the supervision of Prof. S.T. Hettige, Ms. Nandani Gunasekera, Ms. Ayoma Abeyesuriya Sanderatne and the author. The questionnaire of Moneragala household survey is presented in Annex 3, containing the same questions like the Ambagamuwa household survey.

¹¹ The four locations of the survey are briefly described in Annex 6, to explain the respective characteristics of the context.

¹² Out of the total number of 60 respondents of the household survey, 58 % were male and 42% female. All age groups were represented: 15% of the respondents were aged 18-28, 28% aged 29-39 and 27% aged 40-50 years old, the remaining 26% were older than 50. The professional background of the respondents is mixed and varies from Estate workers (25%), housewives (21%), Self-employed (17%), Government employees (18%), unemployed (5%) etc. 31% of the respondents had a GCE O/L- degree, 20% a A/L-degree, 27% had a Grade 5-10. It is interesting to note that the education level under the sample groups was nearly the same for Sinhalese and Tamil respondents.

31% came from Morahenagama which is a remote Sinhala area. This means again that the remoteness seems not to matter so much. People seem to make an effort to visit the institutions if necessary, even from remote areas. More males (66%) than females (33%) have stated that they have visited the PS. More Sinhalese (61%) than Tamils (38%) have visited the PS-office, which is again interesting, as the Sinhalese are in a minority in this area and told us that there are not enough Sinhalese representatives in the PS who would take up their problems.

The respondents were asked whether they know the Pradeshiya Sabha council members in their area. A high number of 80% knew the PS-member in his/her area, while 8% did not know the members in the area. Among the other state institutions, 40% of the respondents mentioned the police as an important institution, as well as the mediation boards (17%) and courts (13%). The civil society organisations, NGOs and CBOs, seem not to play such a role. 15% of the respondents did not answer the question about contact to NGOs. The majority of respondents (56%) only mentioned the Death Donation Society¹³ as an important civil society organisation. Other NGOs or CBOs, such as Hindu organisations, Women's organisations, Samurdhi or Development Committees were only mentioned by a few respondents. At least for the Tamil estate population, trade unions seem to play an important role. 21% of all respondents named the CWC and 15% the Small Tea Holders Association as important organisations.

4.1.2 Moneragala Pradeshiya Sabha, Moneragala District

4.1.2.1 The area and its regional context

Moneragala, meaning the 'rock of peacock landing', denotes both the name of the local government area and the district. The whole district of Moneragala is located in a "transitional zone between the central highlands and the lowlands" towards the south and the southeast.¹⁴

The total population of this PS area is 42,575 people. The ethnic composition in Moneragala PS is 84% Sinhalese, 14.3 % Tamils (8.6% Indian Tamils, 5.7% Sri Lankan Tamils), 0.78 % Muslims and 0.2 % Others.

¹³ The Death Donation Society (DDS) is a CBO which exists almost countrywide at the local level. A majority of families are members in the DDS, are paying a membership fee and would get financial support for funeral costs in cases of death in the family.

¹⁴ Odd Eric Arnesen, 'Peasant Economy and Community Development in the Moneragala District,' The MONDEP Experience: Seminar Series, No. 3, Regional Development Studies Center, University of Colombo, 2000: 25.

Map 3: Research Study Location in Moneragala District – Moneragala PS Area

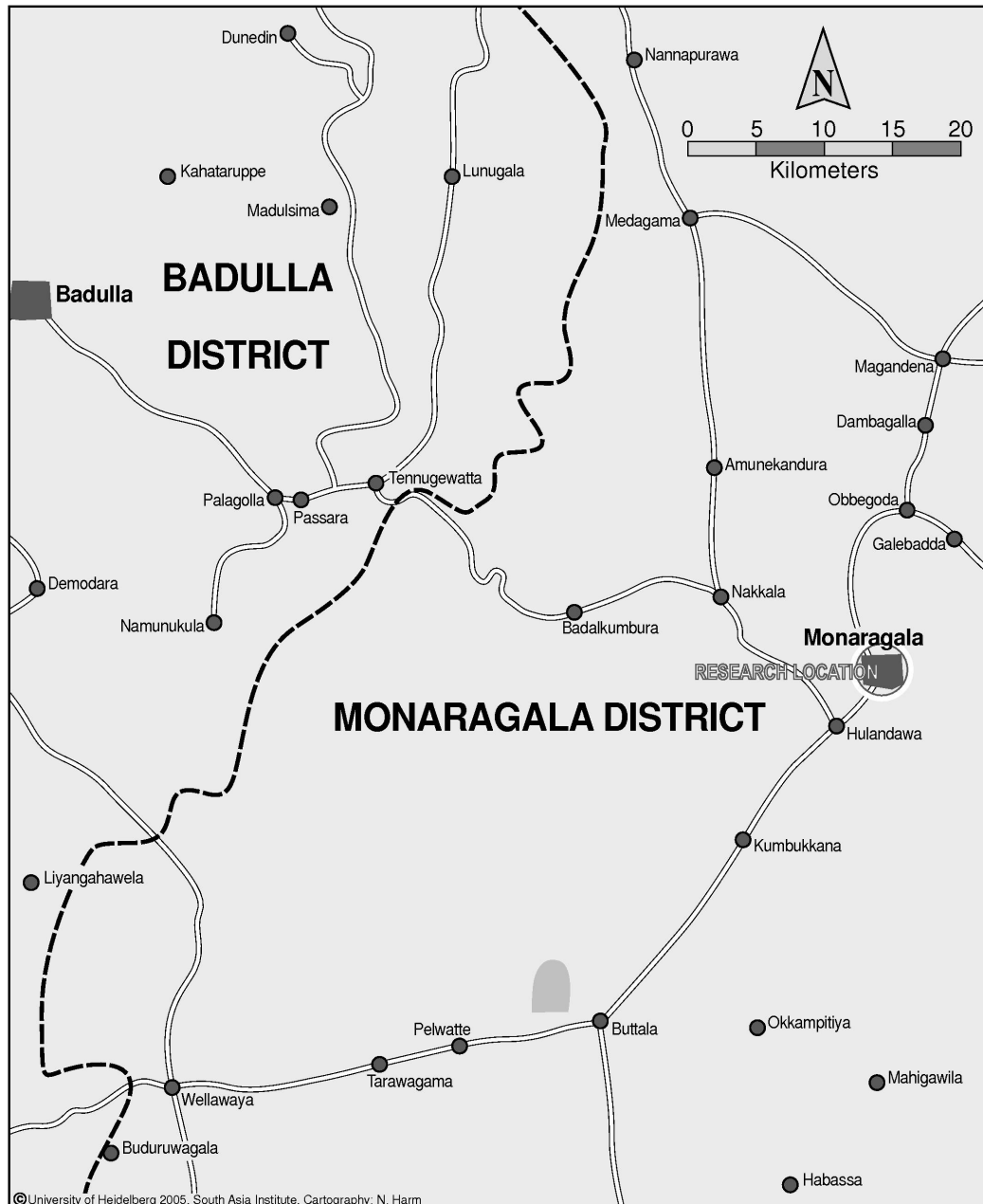


Table 5: Moneragala PS Area - Population on the Basis of Ethnicity

Ethnic Group	Total	Percentage
Singhalese	35,985	84%
Indian Tamils	3,699	8,6%
Sri Lankan Tamils	2,460	5.7%
Muslims	334	0.78%
Burger	54	
Malay	14	0.2%
Chetti	5	
Other	24	
TOTAL	42,575	100%

Source: Department of census and statistics - 2001

Table 6: Moneragala PS Area - Population on the Basis of Religion

Religious Groups	Total	Percentage
Buddhist	35,874	84%
Hindus	5,696	13%
Islam	421	0.9%
Roman Catholic	388	0.9%
Christian	189	0.4%
Others	7	0.01%
TOTAL	42,575	100%

Source: Department of census and statistics – 2001

Moneragala is undoubtedly one of the most isolated and neglected districts in the country. This neglect seems to be long standing, which has given rise to some kind of revolt among the people against the authorities and the political system at large. An expression for this marginalized status of the region and the latent resistance of the population against the government authorities is best documented in the high number of youth from this region who participated in the Janatha Vimukthi Peramuna (JVP)¹⁵ led youth rebellion in 1971 and 1987-1998 (Uyangoda 2003b).¹⁶ The suppression of the movement by the Sri Lankan government caused nearly 40,000 to 60,000 dead or missing, most of them youth. As Mayer et al (2003:

¹⁵ The JVP is a radical nationalist and Marxist oriented party that was behind the youth unrest in the past.

¹⁶ The first two police stations that were attacked, even before the set date for the so-called insurrection, were in this district - the stations of Moneragala and Wellawaya (Fernando 2003: 39).

7) point out, “the reasons for the unrest can be seen in the structural changes in the agricultural sector that has limited livelihood opportunities (...) Missing (or not perceived) alternatives have led to unemployment and frustration of a large number of educated rural youth”. In the last 10 years, the JVP has regained substantial political power and Moneragala is one of the regions which can be seen as a stronghold of JVP-supporters. As Uyangoda points out, Moneragala District has a strong rural JVP support base, especially in the areas that have suffered greatly due to neglect, mal-administration, lack of infrastructure development and natural disasters such as drought (Uyangoda 2003). This can be seen as a strong indicator for the pertaining dissatisfaction of rural youth with the existing social and political system (Mayer et al 2003: 7).

Another expression of youth unrest has been their involvement in electoral related violence, for example in the last local government election in Moneragala in 2002.¹⁷ Fernando (2003: 39) states that, “underneath these disturbances seemed to be the many facets of social and economic grievances that give rise to conflict with the authorities when there is opening and opportunity. When people were asked, during our interviews, as to the nature of conflicts existing in the PS area, the overwhelming majority was unanimous in identifying social and economic grievances”.

4.1.2.2 Socio-economic context and conflict dimensions in the area

Moneragala is the second largest district in the country with over 6,000 sq. km and a population of around 400,000 people. The population density is 65 persons per sq. km, while the national average is 94.¹⁸ Somewhat sparsely populated, without proper utilisation of land for development or environmental conservation, it is apparently the third poorest district with 67 percent of Samurdhi recipients.¹⁹ It is no exaggeration to describe Moneragala as a classic case of underdevelopment, poverty and related socio-economic conflicts (Fernando 2003:48).

Generally, the district is agricultural, with paddy, coconut, pumpkin, fruit and vegetable cultivation. There are also a few tea and rubber estates in the area, but the social conditions of workers in these plantations are below the standards in the upcountry estates. The difference of social conditions is partly due to the difference between the fortunes of the two industries - tea in the upcountry and rubber in the low country. The rubber estates in Moneragala, like the rubber industry in general, have only recently recovered from a major crisis due to low prices in the world market.

¹⁷ Interview with the police officers. This figure is only for the Moneragala PS area.

¹⁸ There are around 108,786 family units in the district, with an average family size of 3.6 members.

¹⁹ Samurdhi is a poverty alleviation payment given by the state to families who are supposed to be below the poverty line. As a poverty indicator, the percentage of Samurdhi recipients can be slightly exaggerated because of the political and other motives to reward and receive these monetary benefits.

Regarding the basic needs problems, water ranked first among the most severe issues for the people interviewed in our household survey. As there is a drinking water and cultivation water scarcity, particularly during the dry season, 21 percent of the respondents highlighted this problem as the primary issue. The second most severe problem seems to be the poor infrastructure, such as roads, electricity and transport which was mentioned by 16% as a priority issue. This problem was closely followed by sanitary and health issues, such as lack of lavatories and dispensaries which 15 percent of the sample highlighted as a most severe issue. The conditions of infrastructure facilities in the district are appalling. In terms of transport, the main towns of these divisions or localities are fairly well connected through link roads. The roads, connecting various villages to the next main town, are in a very poor condition or non-existent. There are a number of isolated villages still without road access. Since people have to come to these main towns to reach the Divisional Secretariat, the Pradeshiya Sabha office, hospital or schools, this lack of mobility is unsatisfactory. It is not only the roads but also the lack of motorised transport or any type of regular bus service, private or public, that hampers social mobility. Although there are over 250 schools in the district, the rate of attendance is little more than two thirds of the school-age population. Therefore, it is no surprise to see a lower literacy rate of 81 percent in the district compared to the national average of 87 percent. One reason for this might be the high number of teaching position vacancies at various schools. Like other public servants, the teachers consider Moneragala to be a difficult posting and most of the public servants, including teachers, are posted to Moneragala on 'punishment' transfers.

The district had a reputation of having an abundance of land, which could be encroached, leading to an in-migration of thousands of land-hungry peasants.²⁰ The newcomers are not only peasants. Some of them have migrated to pursue small businesses and various other vocations. They seem to have been attracted by the development initiatives taking place under the leadership of NORAD and other donor agencies. They constitute a new layer of the elite different to that of the traditional ones. Fernando (2003: 49) states that, "the traditional elite is somewhat a vanishing breed nevertheless holding on to political power at local levels".

Like Fernando (2003: 49) points out that the in-migration of land encroachers to the district has at least two implications for the potential for conflict. For obvious reasons, in certain areas there are frictions between the traditional farmers and the new encroachers. Secondly, and more importantly, the newcomers are mainly from the south or low-country and the majority of them have different caste backgrounds to that of the traditional farmers. The

²⁰ Moneragala has a comparatively high population growth rate of 2.5%, compared with the national average of 1.5% growth rate. Mallika Wanigasundara, 'A Document on the Integrated Rural Development Programme', MONDEP 1995: 2.

traditional farmers are up-country people with Kandyan names and ancestry. Caste is not a major conflict in the areas, but there are still stories of prevailing caste frictions and discriminatory treatment based on caste in traditional villages, where so-called upper caste families are powerful. What is created mostly as a result of immigration is friction between the 'in-group' (traditional elites) and the 'out-group' (newcomers). This is somewhat reflected in politics, where members of the 'in-group' seem to have better access to high positions than members of the 'out-group'.²¹

As in other districts, the national ethnic conflict has also impacted on the minds of the people, leading to latent internal ethnic frictions between different identity groups in the area. Moreover, Moneragala district borders the Eastern Province, with certain villages very much closer to the war scene, leading to the fact that there were even police posts stationed to safeguard a cultural site, such as a major Buddhist shrine in the district not far from the Moneragala town.²² Many poor families have sons employed as soldiers of the Sri Lankan Armed Forces (SLF) fighting in the North-East. In the household interviews, people mentioned a few instances where communal feelings had run amok in this predominantly Sinhalese district against the Tamil estate workers when funerals of those killed soldiers were held in the villages. Apart from these concerns, however, the national ethnic conflict has been physically quite peripheral to the district. Fernando (2003: 40) states that the conflicts and the concerns of local governance were located primarily within the micro level issues of social-economic and environmental nature. Persistent conflict dimensions are mainly seen with regard to natural resource management problems and marginalization of youth, which could result in a radicalisation as in earlier JVP-insurrections. Mayer points out that failed development policies in the past, which did not manage to meet the expectations of marginalized youth, contributed quite significantly to the general feelings of frustration and the centralized planning for development. Controlled by the Colombo based political elite, this has increased the alienation of youth rather than supporting their empowerment and social integration (Mayer 2000). Analysing the present potential for conflict in the South of Sri Lanka, Mayer et al point out that there is still a huge gap between aspirations and opportunities, especially with regard to job avenues for youth, leading to a high level of tension among the youth and certain events of resistance against the system - be it farmers

²¹ A particular Vice-Chairman of a Pradeshiya Sabha felt that perhaps he could not obtain the top post, although he is better educated and obtained more preference votes, because he belonged to the 'out group' (see Fernando 2003: 49).

²² During the household interviews, we were told that there had been several encroachments of LTTE cadres in the past in the area even as far as to places like Kahambana, just 18 km from the Moneragala town and within the PS area of our major research area. The LTTE seemed to have infiltrated through the jungle areas of Siyabalanduwa towards Moneragala. Some Sinhalese villagers feared that the LTTE might be claiming certain areas of the Moneragala district as part of their Tamil 'homeland' (see Fernando 2003: 39).

protesting against removal of fertilizer subsidies or university students violently protesting against the university hierarchy (Mayer et al 2003:16).

4.1.2.3 The actors and institutions of the local governance system

Moneragala district is part of the Uva Province and administered under the Uva Provincial Council for the matters of devolved powers from the central government. The other district in this Province is Badulla, which is in the hill country and therefore different from its socio-economic landscape and ecology. Both the Secretariat and the Council of the Uva province are located at Badulla (town) and the people in Moneragala feel that they are somewhat neglected by the politics of the council which claimed to be dominated by the politicians of the Badulla district.²³ Fernando (2003: 45) interprets this dissatisfaction of the Moneragala people with the Provincial Council in light of the general weaknesses of the Provincial Council system: "(...) The Provincial Councils all over the country are constrained and restricted both in resources and policy initiatives primarily because of the interferences and restrictions on the part of the central government. It is this situation of weak and ambiguous devolution of power to the provinces that creates misunderstandings, grievances and even conflicts on the part of different stakeholders in the provinces such as the Provincial Councils, Pradeshiya Sabhas and the district population".

The **Pradeshiya Sabha** (PS) and the **Divisional Secretariat** (DS) are again the main local agencies engaged in development and service provision. The present Moneragala PS area is a product of the merger between the old Moneragala Town Council and the old Muppene Village Council that existed prior to its creation in 1992.²⁴ A consequence of this merger is that there is a feeling among the rate payers from the town area that they pay, while the rural population receives. Fernando (2003: 50) stresses that, "Moreover, both in terms of development and governance, the needs of the Moneragala town seem to be vastly different to its larger periphery which has become the backbone or rather the burden of the Moneragala Pradeshiya Sabha". But obviously the resources and capacities of the PS are so limited that neither the town nor the rural areas are receiving much remedy through the PS activities.

The way the Divisional Secretariats function in the Moneragala PS area is not much different from in other areas. The role of the national MPs is often perceived as more influential than

²³ This feeling was expressed during our numerous interviews and discussions with the people as well as local politicians such as PS members.

²⁴ The composition of the PS from the 2002 elections along party lines is: 6 members from UNF, 3 members from PA. The chairman is an elite Sinhalese from the area and member of the UNP. All PS council members are Sinhalese.

the local elected PS-council members or administrators. In one of our household research locations (Oilpalm), people mentioned that they directly addressed the Secretary of the MP from this region with the request to rehabilitate the main road in the village, as they perceived the MP as more influential than the PS-chairman.²⁵ Among the semi-government actors is the Integrated Rural Development Programme Moneragala (IRDP) which is supported by NORAD. The IRDP is engaged in various infrastructure programmes at the local level, but its impact in the locations of our study was rather limited, as IRDP has concentrated its work on other villages.

Besides these key actors at the local level, as in the Ambagamuwa PS area, there are other local actors, such as NGOs and CBOs, as well as a few private organisations, for example the Chamber of Commerce. However, Fernando (2003: 47) points out that “governance is mainly a matter for the public sector institutions and civil society, as the private sector is very weak”.

The role the civil society plays within the local governance system is not easy to estimate. It seems that although there is a multitude of registered non-governmental (NGOs) and community-based organisations (CBOs), these organisations are often not actively functioning. They perceive their role not as political lobby groups for certain identity groups but rather as welfare organisations or as recipients of certain state benefits. In some cases, people have also experienced corruption or cheating by these organisations.²⁶

In our study, the NGO consortiums in Moneragala mentioned more than 150 registered organisations (NGOs) working in the district. A dozen of them are district branches of prominent national NGOs. Many others are district-based organisations either linked to or receiving funds from national or international organisations through various intermediaries. These NGOs could be separated into three categories: (1) developmental (2) environmental and (3) lending bodies.

Fernando stresses, that “there is no doubt that these NGOs contribute to local governance particularly in the spheres related to developmental and environmental activities. However, their contribution in terms of public policy making at the local government level or social mobilization for citizenship rights is almost negligible...It is unfortunate that although there are over several hundred NGO groups, large and small, working throughout the district almost none of them concentrate on the issues of human rights, good governance or conflict management.”²⁷

²⁵ Interview No. 26, Young Mother, Oilpalm.

²⁶ As reported to us in Oilpalm, a local “Development Bank” had encouraged people to start a saving programme and after 6 month the representative disappeared with all the money (Interview No. 26, Young Mother, Oilpalm).

²⁷ One exception could be considered the Moneragala Community Center of the Center for the Study of Human Rights (CSHR) of the University of Colombo. However, for various financial reasons, this community center has not been very active in the past two three years.

Fernando (2003: 49) argues that there is a particular economic or social threshold that is necessary for the emergency of an active civil society. Economic viability and level of education are important factors to pass this threshold. "It appears that only a small percentage of the people in the district have passed this threshold and as a consequence there are no viable civil society organisations to participate effectively in the matters of local governance in the district (Fernando 2003: 49).

Unlike in the Ambagamuwa PS area, **trade unions** do not play a big role in the Moneragala PS region due to the small number of estate workers. Consequently, there is a low impact from this small voter base on the political fortune of trade union leaders. Fernando (2003: 54) cites a young man in the estates, who said that their own "leaders in the trade unions or in the political field are also neglecting them because their vote does not make any impact on their leaders' fortunes. These leaders do not contest in the Moneragala district". Still the respondents of the study told that the estate workers in Kumarawatte have contacted the trade union (CWC) to solve conflicts with the companies: in one case where the rubber company was not paying into the Employee Trust Fund (ETF) for the pensions of their workers. For estate workers, an important actor is the estate management and particularly the 'thalaivar' (officer in charge for the workers), whom they would contact for problem-solving.

In Moneragala the interviews also revealed that the **Mediation Board** is well functioning and is approached for local level conflict mediation, according to their mandate only in cases which are not severe enough to be resolved directly by the court.²⁸ The importance of the mediation board in this region became obvious when we observed a meeting where different cases were addressed. Among those cases were quite a number of violent incidences²⁹, which according to our understanding generally would need to be settled by the civil court. As the courts are usually overburdened with work and therefore have long delays, many severe cases also end up in front of the mediation board. This leads to the situation where the mediation board in Moneragala plays a considerable role in conflict solving and protection of rule of law. However, it seems that the board is hardly contacted by Tamil estate workers, who often did not even know about the existence and activities of the

²⁸ The Justices of Peace, appointed to mediate in this board, are usually voluntary but honorable elites from the region. After having obtained training, the JPs are appointed by the Ministry of Justice. The JPs can also verify certificates or write character letters for the peoples in their area. As the JPs are close to the people, they are more accessible than lawyers or the DS who can also verify certificates. They are not allowed to take money for their services, although this is sometimes done. The JP should also work for peace in the community through mitigating conflicts. Although there is an attempt to appoint a higher number of female JPs, the majority are still older men.

²⁹ There was for example one case where a off-duty police officer out with a friend had been involved in a dispute and severely injured two young men by attacking them with knives. The mediation board tried to find an agreement of compensation for the two young men.

mediation board. The lack of Tamil-speaking mediation board members seems to contribute to this fact.

4.1.2.4 People's perceptions about the actors of the local governance system – findings from the household survey³⁰

In the questionnaire of the household survey, the respondents were asked which institutions are responsible for solving the problems that they have identified. It is important to note that 26 percent (the highest single category) identified the PS as the first responsible institution. It is also important to note that 22 percent also considered the central government and 23 percent the administrative bodies, such as the Divisional Secretariat, to be responsible for resolving their problems. However, no one had any notion of the Provincial Council as a responsible institution (Fernando 2003: 64). That the Provincial Council is not playing an important role for citizens at the village level becomes also obvious in the fact that 71 percent of the sample had so far not yet contacted a Provincial Council member for any request.

When I investigated more directly to whom people would go to address their problems, 19 percent stated that they would go to the relevant officers in the bureaucracy; 17 percent would go to the politicians, meaning the national or provincial level politicians; 16 percent would approach the PS Chairman, but apparently not the PS members; and 11 percent, all being estate workers, would approach the estate management. Generally, the impression is that people contact different institutions for the same problem. If they can approach a national politician (MP) they would always try to ask for his/her support. As Fernando stresses, this is perhaps symbolic of how people think about the issues of governance, that is that the central government is perceived as more influential than the local authorities.

Another question in our survey asked the people whether they have visited the PS office in the past two years for any kind of requirements or needs. 59% answered with yes, while 40% answered in the negative. Of the male respondents, 64% had visited the PS office in the past, with 53% of the female respondents 53 % visiting the PO office. With regard to an ethnic differentiation 62% of the Sinhala respondents and 53% of the Tamil respondents had visited the PS office. It is rather surprising that about 50% of the Tamils had gone to the PS office in the past after all. The impression I got in the qualitative interviews was rather that

³⁰ In Moneragala PS the household survey (see questionnaire Annex 3) was conducted in four different locations: Moneragala town, Kumarawaththa (Paravilla estate), Kahambana, and Oil Palm (see description of research locations Annex 9). In each of the four locations 15 interviews were conducted in two different clusters of the location, except for Kahambana. The survey considered a gender balance as well as a balanced representation of ethnic groups. The household survey was conducted on 30th of May to 3rd of June 2002 by Mr. D.M.D. Dissanayake, Mr. M. Thirunavukarasu, Ms. D.J.D. Shiromi Abeyratne, Mr. W.K.T.N. Walpola, Mr. Sureshkumar and Mr. Meharaj under the supervision of Prof. Laksiri Fernando, Ms. Nandani Gunasekera, Ms. Ayoma Abeyesuriya Sanderatne and the author.

they feel isolated and neglected and have no contact to the state institutions, if at all to the estate management and the trade unions.

With regard to the regional differentiation, it is not surprising that the highest percentage of positive answers came from Moneragala town: 86% of the respondents from Moneragala town had visited the PS office in the past. It is surprising that among the three other locations there is almost no difference: from all three locations about 50% of the respondents, which is still quite a high number, had answered positively that they had visited the PS office in the past. The remoteness of Kahambana does obviously not prevent people from visiting the PS. People were also asked, whether they approach the PS members outside the PS office for any kind of requirements or needs. 30 % answered yes, while a high number of 70% were of the opinion that people would not contact the PS members. An explanation for this distance towards the PS members is that the current proportional representation system has created a situation where the candidates are often not personally known to the local people. In contrast to the earlier ward system, where the candidates came from a specific ward for which they were responsible after the election, the members of the recent PS council are not responsible for specific areas.³¹ Fernando (2003: 65) states that as a consequence the functions of the PS have become more concentrated in the hands of the PS chairman. "Generally in our conversations there was a tendency that people perceived the PS members as a 'helpless lot'" (Fernando 2003: 64). Other important local institutions or officials which people mentioned for the solution of various problems are the Grama Sevaka, the police and the religious leaders. 98 % have contact with the GS and see him as important actor to bring forwards problems. 64 % of the sample would contact the police to resolve small issues and quarrel. 83 % go to the clergy for problem solving.

NGOs and CBOs seem not to play a very important role. 79 % of the respondents stated that they would not contact an NGO for anything, and 91 % said that they would not contact the RDS for problem-solving.

4.1.3 Kaluvanchikudiyiruppu Pradeshiya Sabha & Kattankudy Urban Council, Batticaloa District

4.1.3.1 The area and its regional context

Batticaloa district is divided in 12 administrative divisions (Divisional Secretariat divisions) out of which two divisions, Manmunai South / Eruvil Pattu DS (MSEP) and Kattankudy DS were selected for the study. The local government authorities within these two divisions of our study are Kaluvanchikudiyiruppu Pradeshiya Sabha and Kattankudy Urban Council. Batticaloa is one of three districts in the Eastern Province of Sri Lanka, located in the middle

³¹ This fact is at the moment being revisited within the local government reform process and might be changed back to the old system.

region between Trincomalee district in the north and the Amparai district in the south. While the overall proportion of Sinhalese, Muslims and Tamils in the entire Eastern province is approximately one third each, in the Batticaloa district, the dominant group is the Tamils with over 60% of the population, while the Muslims form only 25% of the population and Sinhalese are less than 1% of the population (Thangarajah 2003: 70).³²

³² The total population of the district is around 535,000 inhabitants (Bauer et al 2003: 5).

Map 4: Research Study Locations in Batticaloa District - Kaluvanchikudiyiruppu Pradeshiya Sabha & Kattankudy Urban Council area

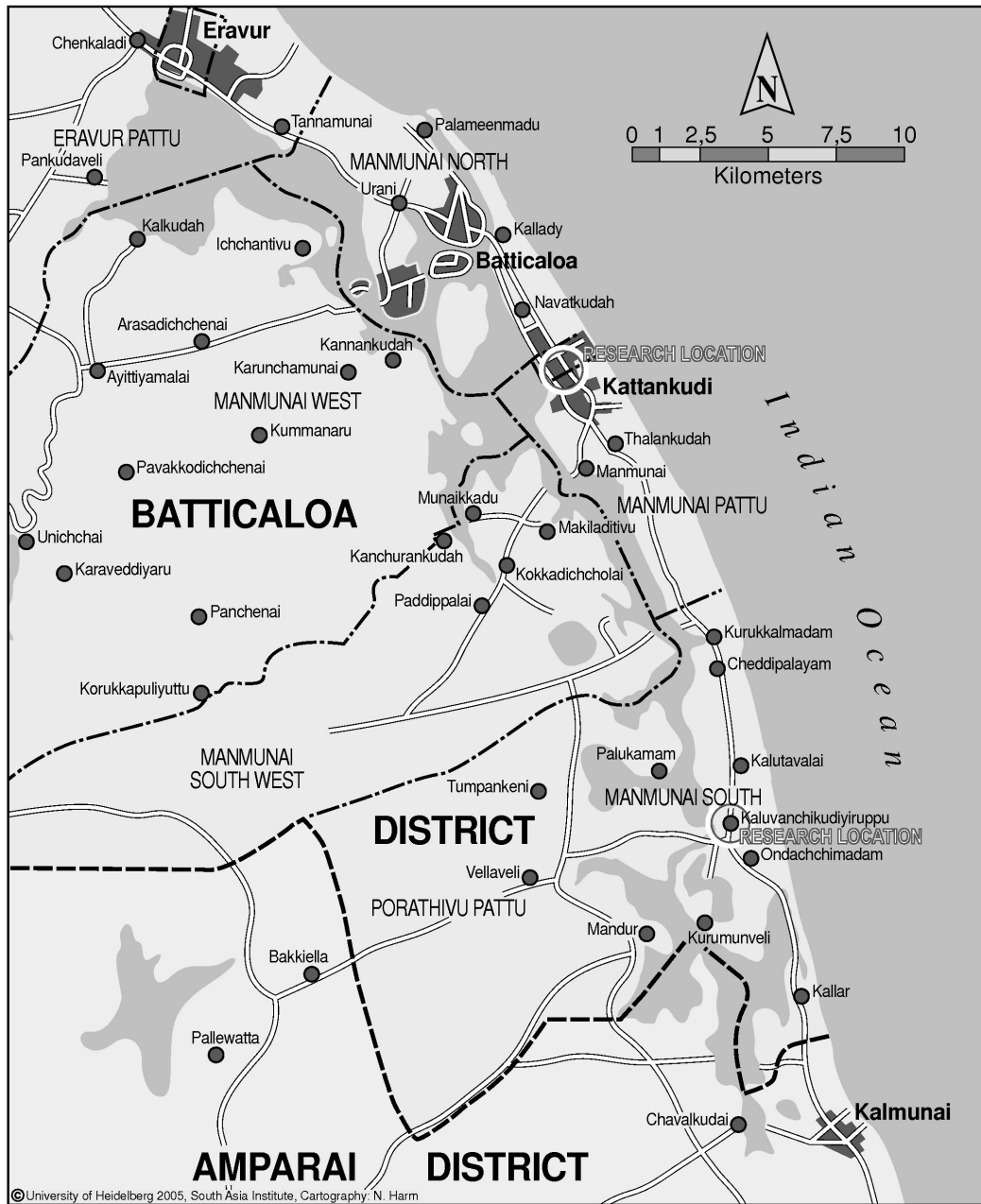


Table 7: Batticaloa District, Kattankudy UC & Kaluvanchikudiyiruppu PS Area - Population on the Basis of Religion

Sectors	Hindu	Christian	Muslim	Buddhist	Others	Total
Total (District)	353,399 69%	30,713 6%	130,864 25%	571 0,1%	160 0,03%	515,707 100%
Kattankudy (DS)	-	-	36,601	-	-	36,601
M S E P (DS) (Kaluvanchikudiyi ruppu PS)	52,188	2,037	02	22	17	54,266

Source: District Planning Secretariat & District Statistical Office, Batticaloa 2000

In the Batticaloa district, the Muslims live in tightly knit communities primarily in the northern segment of the district and in two locations close to the Batticaloa town. The LTTE controls almost 80% of the land, the so-called 'uncleared' areas, though 80% of the population lives in the government-controlled area (mainly along the coastline).³³

Specific to the area is its location: the region is claimed as traditional Tamil homeland – the so-called Eelam – and it is therefore affected by the ethno-political war between the Tamil Tigers (LTTE) and the Sri Lankan Armed Forces (SLF). From 1983 to 2002, the national conflict between the Government of Sri Lanka and the LTTE caused the death of over 60,000 people. More than 800,000 have been displaced, which has resulted in massive demographic changes within the country.³⁴ Since the war started, Batticaloa District has experienced killings and ethnic clashes between all parties to the conflict – armed and civilian. Especially after 1990, when the so-called Eelam War II broke out, ethnic divisions and violence have been an integral part of daily life. The local Peace Committee registered 1,500 disappeared people in Batticaloa Town between June and December 1990, victims of extra-judicial executions committed either by the Sri Lankan Army or the militants (Fuglerud 2003: 66).

³³ In the Tamil regions, geographically there are the categories of the 'cleared' and 'uncleared' areas. While the areas under control of the Sri Lankan security forces, at least during the day time, are perceived to be where the Sri Lankan state is functional, there are large areas not under the control of the Sri Lankan security forces. Generally referred to as 'uncleared' areas, the LTTE exerts complete military and political control over these territories. For reasons of comparison, the study did not include uncleared areas. The administrative system in the 'uncleared' areas, even though on the surface it may still be seen as state influenced, is only a façade. The local councils have not been able to function at all in such 'uncleared' areas (Thangarajah 2003: 69).

³⁴ Estimates indicate that around 700,000 Tamils, one third of Sri Lanka's entire pre-war Tamil population, have settled out of the country creating a big Tamil Diaspora abroad (see Bauer et al 2003: 5).

The signing of a ceasefire agreement (Memorandum of Understanding) between the Sri Lankan government and the LTTE in February 2002 brought the most secure and promising period in the island's troubled recent history, which committed the two sides to maintaining a separation of forces, restraint from offensive manoeuvres and which allowed the unimpeded flow of most items between the areas under their respective control. However, the situation in the North and East is still considerably affected by the impacts of the almost 20 year old conflict. The Poverty Reduction Strategy Paper describes the situation in the North-East of Sri Lanka as follows:

"The humanitarian, social and economic impact of the civil war in Sri Lanka is felt most directly by populations in the North and East and the areas bordering it. The effects of the conflict have far reaching economic, social and psychological repercussions that extend beyond the theatre of battle. Some of the effects of the conflict include: loss of civilian lives and psychological trauma, damage to infrastructure and homes, displacement, restricted mobility in some areas in the country, disruption of local economies, disruption of community and institutional networks, disruption of children's education, high dependence on relief, deterioration on the health status of the population, and wide spread vulnerability and insecurity among the population. Qualitative reports suggest that income poverty, health care, education and economic conditions are far worse in areas racked by war than in other parts of the nation" (GOSL, 2002b).

Both local authority areas selected for the study belong to the North-Eastern Provincial Council, which has not been elected since 1990 due to the conflict situation. Since then it has been functioning under the responsibility of the Governor, appointed by the President. Furthermore, the last local government elections were held in 1994 and the councils were in control until 1998. Afterwards their mandate was extended till 1999, but was then dissolved as the election could not take place. As a consequence, there are at present no elected members. In the absence of elections, the local councils are administered by the Special Commissioner, who is usually the Divisional Secretary (DS). The day-to day functions of the councils and provision of services are carried out by the remaining administrative staff and are therefore rather limited.³⁵ Another consequence of the conflict is that the local authority areas have been composed as ethnically homogenous areas, meaning that Tamils and Muslims both have their separate local councils. The population within Kaluvanchikudiyiruppu PS is therefore almost 100% Tamils while Kattankudy is almost 100% Muslim population.³⁶ This shows that due to a spatial and social segregation there is no

³⁵ It is important to stress that the situation in the North-East varies from location to location. While for the majority of local government areas it is the case that the elections have not been held since 1994, there are few areas, such as Jaffna and selected areas in Batticaloa and Ampara, where local government elections were held in 1998. In these areas, the local councils existed during the time of our research. Furthermore there are the so called 'uncleared areas', which are under control of the LTTE and where no elections have been held at all. In uncleared areas, CBOs and local NGOs have to fill the vacuum of non-existent government services. Here the CBOs are much more active than in other areas.

³⁶ Source: Statistical Hand Book, Batticaloa District 2000.

democratically elected joint platform of all ethnic identity groups which could support reconciliation at the local level.

The local government system in the North-East can therefore hardly be compared with the local government authorities in the other regions of the country. It is nevertheless interesting to investigate the realities at the local level in these two local authorities, where elections have not been held since 1994, to compare how citizens perceive the local governance system in this war-affected area and to investigate which institutions are playing a role within the local governance system. It is interesting to see whether there are any entry-points for reconciliation of the ethnic tensions provided by the remaining actors of the local governance system.

4.1.3.2 Socio-economic context and conflict dimensions in the area

The economy of the district is mostly dependent on agriculture and fishing, with 58,374 acres of paddy land and the prominent system of lagoons.³⁷ But agricultural and fisheries production fell tremendously, particularly during the 'hot' phases of the war and has only partly recovered since the late 1990s and especially since the ceasefire.³⁸ Although it is a remarkable feature of the Sri Lankan conflict that government structures and services have been maintained in most areas in the North and East throughout the conflict, people still perceived a decline in government services. The quality and depth of these services have been much lower than in other regions of the country (Lewer / Goodhand 1998: 16). Box 3: provides a record of the problem situation in the North-East by Bauer et al (2003: 4), which also reflects the particular problem situation in the Batticaloa-District.

The conflict has had profound effects on the micro-economy in the region, as productive activities like agriculture, fishing and coconut plantations have declined. As Lewer / Goodhand (1998: 12) discuss, the lack of productivity has increased the reliance on transfers of incomes into the area: "The most significant transfers are remittances, government anti-poverty programmes and NGO support" (Lewer / Goodhand 1998: 12). Food-stamps are the most important form of government assistance which is provided in the East.³⁹ After the cease fire and the subsequent relaxing of restrictions, some IDPs began to return to their places of origin. Still, the return has been much slower than in other areas due to human rights concerns and lack of infrastructure in LTTE-controlled areas.

³⁷ Over 30,000 families depend on agriculture and another 16,300 families are involved in fishing (Thangarajah 2003: 69)

³⁸ While the Gross Domestic Product (GDP) in Sri Lanka grew by an average of about 4% per year during the war and reached about 900 US\$ per head in 2002, these figures were much lower in the North-East. Contradictory and unreliable figures are available; probably the average GDP per head in the NEP was not more than half of the country's average (Bauer et al 2003: 3).

³⁹ Other allowances paid by the government are resettlement and death compensations. There are often complaints about bureaucratic delays or corruption by the GS in the distribution of these allowances (Lewer / Goodhand 1998: 16).

The war economy has a strong ethnic dimension. As Muslims are well placed between the Sinhalese and Tamils, with many links to both, they own or control much of the transport and trading enterprises which link Colombo with Batticaloa. On the one hand this exploitation of opportunities leads to suspicion and hostility among the other groups, especially the Tamils. But the economic interdependence also increases the contacts the groups have with each other, providing the opportunity for inter-ethnic cooperation. Lewer and Goodhand (1998: 21) stress that even if this mutual economic inter-dependence is primarily on a business level, it is still dependent on trust.

Box 5: Socio-economic situation in war-affected Batticaloa District, Sri Lanka 2003

- Basic social and economic infrastructure as well as houses, particularly in the western areas of the district, was destroyed to a large extent during the war.
- Public services (health and nutrition, education, agriculture etc.) are almost non-existent in the Western areas of the district leaving the population with very limited access to medical and school services as well as agricultural inputs and advice.
- Trade facilities are restricted; the transfer of goods in and out of the area is particularly difficult due to the dilapidated road conditions and is expensive due to other restrictions prevailing. These conditions prevent economic development in the wider sense.
- Moreover, many are burdened with the psychological and social consequences of repeated flight and displacement. Many of the displaced persons have been living in temporary places for more than 10 years.
- Internally displaced persons living now along the East coast hesitate to resettle in their home villages in the West of Batticaloa-District due to the fragile security situation and the prevailing negative economic conditions.
- Food production, especially in the western area, is low, not only for the main staple food rice but also for other field crops, fish- and animal products as well as all other goods.
- Income earning opportunities for both internally displaced persons along the coast as well as for the population in the West of Batticaloa-District, are almost non-existent as a consequence of the above problems. This has produced a large number of unemployed youth.
- Widespread acute and chronic malnutrition and high prevalence of nutrition and hygiene related diseases have occurred as a consequence of low production and low consumption of healthy food.
- People living in the areas controlled by the LTTE suffer from limited access to food; their opportunities for employment and income are predominantly subsistence-oriented and they have virtually no access to social services.

Source: Bauer et al (2003: 4)

Besides the ethno-political conflict dimension between the State and the Tamil identity groups, represented by the LTTE, there is also a conflict dimension between the Muslims

and Tamils in the region.⁴⁰ While previously both groups lived together peacefully, experiences of trauma and deprivation during the war exacerbated stereotypes and internalised fear and distrust among communities. Due to the particular shaping of Batticaloa-District, most of the displaced families are internally displaced from the Western, low density populated parts of the district under LTTE control to the Eastern, highly populated small strip along the coast line. This has produced additional socio-economic pressure among both identity groups to safeguard their income sources and property, especially land-rights. The periodic violence and the restriction on mobility and thus livelihood activities of the Muslims has also increased the competition on land rights and those income opportunities which were still possible within the conflict context as well as creating enormous amount of pressure on the existing infrastructure of these areas. "Sandwiched between the Tamil dominated areas, the Muslim communities infrastructure has been bursting at seams. Such local level concerns and issues which are best dealt through the local authorities such as the PS has created a vacuum in the absence of regular and periodic elections to these local bodies." (Thangarajah 2003: 77).

As Thangarajah (2003: 70) points out, this conflict between Tamils and Muslims goes back to the 1980s, where after the organized violence against the Tamil minority in 1983 and the subsequent vacation of seats by the Tamil parliamentarians, Tamil parliamentary representation was absent until 1988. During this period of vacuum, Muslim parliamentary representation continued without interruption. In the perception of many Tamils, the Muslim community benefited particularly in the provision of education and land from the patronage of successive Sri Lankan governments. They complain that Muslims benefited from the war (with the assistance of the security forces) as they systematically bought the lands and assets of Tamils desperate to go into exile at a low price (Bauer et al 2003: 6). In some areas about half the land property was sold off to Muslims, transforming former Tamil Divisions into Muslim settlement areas (Fuglerud 2003: 72).⁴¹ The aggression against Muslims was further stimulated by the army's enlisting of assistance from Muslim home guards in the East for retaliations against civilian Tamils (Fuglerud 2003: 71). Muslims are thus suspected to be army spies and rumours and misinformation have been important factors in fuelling tensions (Lewer / Goodhand 1998: 21).

⁴⁰ Batticaloa is known as the district with the 'toughest' LTTE military command. Recent conflicts have, in most cases, started from Batticaloa and the suspicion between government and LTTE is probably more serious there than in the northern parts of the province (Bauer et al 2003: 4).

⁴¹ Fuglerud points out that prior to the war, most transactions of land between Tamils and Muslims took place without controversy. "What made land an issue of communalism and conflict was the intrusion of the state in the form of settlement schemes privileging members of the Sinhala minority community. The Sinhalese programmes of 'colonization', carried out in Tamil areas throughout the better part of the twentieth century.... may have affected the Tamil community in the East harder than the Muslims, which raised ethnic awareness and politicised the land issue among all parties" (Fuglerud 2003: 72/73).

After the 1990 election, the Sri Lanka Muslim Congress (SLMC) managed to get into a strategic partnership with the new coalition government 'Peoples Alliance' and thus into a kingmaker position. With this privileged role and the Ministerial portfolio of Northern Rehabilitation, large-scale reconstruction programmes could be gained for the Muslim areas in the East. The Muslim Minister also engaged in the consolidation of areas south of Batticaloa where there was a substantial number of Muslims by creating new exclusively Muslim administrative divisions (DS) (Thangarajah 2003: 76).⁴² This has increased the resentment among Tamils that Muslims are collaborating with the central government for their own economic benefit.

The Muslims on the other hand describe the massacre against Muslims in the East by militants, which happened 1990 in front of the eyes of their Tamil neighbours, as betrayal of century-old kinship and friendship between the two communities: "the betrayal of 1990 was the starting point of our enmity with the Tamils. We lived side by side and believed they were our friends..." (Fuglerud 2003: 70). The Muslims furthermore experienced expulsion from the North and other threats posed to them by the LTTE in the recent past. The continued harassment of Muslims in the North-East, particularly with the imposition of illegal taxes, extortion, abductions, assassinations and ransom, serve only to reconfirm their fears of ethnic cleansing through a LTTE dominated Provincial Council (Bauer et al 2003: 6). A consequence of this conflict between Tamils and Muslims was re-demarcations of electorates which helped to secure seats to the respective community. The Sri Lanka Muslim Congress (SLMC), which claims to represent the Eastern Muslims, thus propagates the establishment of a separate Muslim province in the southern part of the present Eastern Province. A result of this segregation policy is the creation of more and more single ethnic villages, separated schools, and distrust between former neighbours and friends. Furthermore, the Muslims have been resentful of the demands made by the militant groups on Muslim businesses including extortion, particularly by groups such as Tamil Elam Liberation Organisation. In addition, the restriction on political activity of national political parties imposed by the militants also created another level of dissent.

Violent clashes in the last decade have resulted in the deaths of hundreds of people. People from both ethnic groups seek revenge which again and again stimulates counter-violence.⁴³

⁴² Earlier some of these new divisions had a substantial number of Tamils (Thangarajah 2003: 76).

⁴³ During the field research for this study, the research team experienced an ethnic riot between Tamils and Muslims on the way to Batticaloa. The team could not proceed to Batticaloa due to ethnic riots on the way from Polonaruwa to Batticaloa in the village Otamavady. Violence broke out between Tamil and Muslim communities and houses got burned. The riots started in Mutur after an LTTE-office was attacked by a Muslim group. The Muslims blamed the LTTE for taxing them, although the head of the LTTE had promised that this would stop. The Tamil community announced a 'hartal' to demonstrate against the Muslim attack in Mutur, and in course of the

Despite the ceasefire agreement in the North-East, the special conflict situation in Batticaloa between the Muslim and Tamil population is becoming tenser for various reasons and clashes between both parties have increased during the last months. Some leaders and warmongers use this to gain political power by polarising the population (Bauer et al 2003: 6). Nevertheless, there is contact, communication and willingness to overcome past problems among many civilians on both sides (Fuglerud 2003: 77) – one can say, that a significant majority of both communities is committed to tolerance and peaceful coexistence.

4.1.3.3 The actors and institutions of the local governance system

The institutional landscape in the Batticaloa district is theoretically similar to those in other regions of the country, but in practice it has been highly affected by the 20 year old civil war. While the administrative and political government apparatus was still maintained in the North-East, its functioning in many areas was undermined by the fact that the western segment of the District was totally under the control of the **LTTE**. Thus in the 'uncleared' areas the local government institutions and administration were almost non-existent.

Even in the areas under the control of the Sri Lankan army, the functioning of the local administration and local government councils was rather limited, as the contest for legitimacy by the Sri Lankan state and the LTTE meant that the local level entities that represented the state are left limited in terms of effective functioning (Thangarajah 2003: 79). The **LTTE** plays a considerable role in the government held areas (cleared areas) as well. Although people are rather reluctant to talk about the role of the LTTE, Goodhand / Lewer have also stressed in their community survey from Batticaloa that, "the 'hidden hand' of the LTTE is a critical factor in influencing organisational and individual behaviour...all internal organisations are under the watchful eye of the LTTE. Their influence on relations between the village and external organisations, though less direct, is still pervasive" (Goodhand / Lever 1998: 19).

It is the presence and infiltration of the LTTE which produced the government officers' hands-off approach to the villages and also caused other militant groups to agitate among village people against the LTTE. Unlike the government officers, who often do not stay regularly, the LTTE cadres have a day-to-day presence in the villages and thus are the ultimate decision makers on matters immediately affecting the village, including local taxation, law and order etc. (Goodhand / Lewer 1998: 17).

In our interviews people also mentioned the influence of the LTTE cadres in dispute settlement in family quarrels or land dispute and the engagement against caste-based

demonstration Tamils and Muslims started to attack each other and their properties. The government reacted by announcing a curfew.

discrimination.⁴⁴ People in the Tamil populated areas mostly believe in the LTTE and go to the cadres for solving of disputes. The LTTE also plays a role as the upholder of civic and individual virtue and heavily punishes what they perceive as immoral or criminal behaviour (Goodhand / Lewer 1998: 21). Since the ceasefire agreement, the LTTE has established development committees at the local level to facilitate development activities in the area. As Goodhand / Lewer (1998: 19) notes, "one should not overstate the influence of the LTTE in such a fluid and unpredictable environment, but clearly they are one of the primary forces shaping the institutional environment in the Batticaloa region".

Besides the LTTE, one also needs to mention the other **militant groups** as important actors in the region. There is a long tradition of various radical and militant Tamil organisations fighting against each other. Although the LTTE has proved to be militarily superior to other organisations, there have always been other groups, like the 'Elam People's Democratic Party' (EPDP), 'Tamil Elam Liberation Organisation' (TELO), or 'Peoples Liberation Organisation of Tamil Elam' (PLOTE) or in Batticaloa district the 'Rasiq group', which, supported by the SLAF, have fought militarily against the LTTE and its influence on local level. People at the village level have often been at the centre of intimidations by these groups (Goodhand / Lewer 1998: 8). With the backing of the army, these groups have increased the instability and fears on ground level and people have become sandwiched between the different militant groups and their violent actions.

Another important actor at the institutional level is the **Sri Lankan Armed Forces (SLAF)**. The entire administrative structure in the districts of Batticaloa, Trincomalee and Amparai is controlled by the **military**. Any activity either of a regular administrative nature or development-orientation has first to be cleared by the 'civil affairs unit' of the military. The increasing regulations that concentrated authority in a top-down model at the hands of the district further undermined the ability of an administration to function effectively. Every development programme undertaken by the PS is carefully vetted by the military to ensure that it will not offer any benefit to the militants. Since 1994, no local government elections have been held in the East and the last elected representative left the posts in 1999. As previously mentioned, since then the local authorities have been functioning under the authority of a Special Commissioner, which is the Divisional Secretary of the area.

⁴⁴ Regarding caste discrimination, the LTTE pay at least lip-service to the ideas about caste emancipation and many of their leaders are from lower castes. In the past they have sometimes actively prevented people from mentioning caste differences, and have even become violent against people who discriminate on the basis of caste. However, Lewer / Goodhand (1998: 4) point out that, "caste is still deeply ingrained and a source of identity that underlies social relations. Caste relations are often exposed for example, at religious festivals, in marriages and sometimes as a result of conflict". Often when there are fights or conflicts caste plays a role.

Thangarajah (2003: 84) stresses that, "the absence of an elected leadership combined with the administrative take-over of the elected bodies, reinforced the role of the central authority. The consolidation of the centre and the channelling of power and authority from the elected local leadership indirectly reinforced the authority of the national **Members of Parliament**. The latter is especially true for the Muslim community, who have a strong parliamentary representation through their Muslim Member of Parliaments. Additionally, it also consolidates the power and authority of the officials such as the DS of the various divisions and the Commissioners of Municipal and Urban Councils".

Another impact of the civil war is the weak structure of the **civil society**. The power politics of the LTTE as well as the army in the region has led to the situation that people would rather not engage in politics to avoid threats from either party. This is also true for traditional leaders, like village headman, who now have limited power and status. Lewer and Goodhand stress (1998: 18) that, "the lack of density and depth of local associational life is hardly surprising given the climate of insecurity and recent history of displacement and resettlement". Thus, there are not many politically active **NGOs** in the region, only those **CBOs** formed by government agencies, like the Rural Development Society (RDS), Samurdhi etc. as well as the LTTE controlled TRO. There are some international NGOs or bilateral organisations working on relief and rehabilitation. NGOs can also only work in villages if they have the approval of the LTTE. People in the area mentioned that the Rural Development Society (RDS) is the CBO which plays some role in identifying the needs of people and thus transferring this knowledge to the Pradeshiya Sabha. Due to a lack of funds, the impact of these organisations is rather limited. It is mentioned by Lewer / Goodhand (1998: 2) that in the 1980s these community based organisations were better resourced and more active than today, but on the other hand rarely consulted the people about what they wanted or needed. Most NGOs working in the region are involved in traditional relief and welfare programmes, sometimes with some activities in the field of income generation and saving schemes. The capacity of NGOs to have a wider impact in supporting peace building processes and developing an alternative leadership is rather limited (Lewer / Goodhand 1998: 25). An important aspect of NGOs working in these war-affected areas mentioned by the people is their role as witnesses for human right abuses and violence from different groups against civilians (Lewer / Goodhand 1998: 25). Despite this, people have little faith in NGOs as they arrive and leave again and then disappear.

In our interviews for the household survey, it was also mentioned that the **religious leaders**, like the priest of the temple (Kovil Dharmakartha) and the 'Ulamas' (Muslim Religious Leader) of the mosques have some influence in the local development process. The position

of the 'Ulamas' within the Muslim communities is very high, as they also mitigate in family disputes and intervene in some political matters. During our survey it was stated by the people that the 'Ulamas Council' is the most powerful body among Muslim people, as the council members are the ones who decide on important issues and give directives to the people.

In summary, Goodhand / Lewer have pointed out that, "violence has created new incentive structures and new hierarchies that have undermined the previous institutional arrangements. In Batticaloa district, the key forces influencing the institutional environment are the LTTE, the SLAF, the Home Guards and the militant groups (like e.g. earlier the Rasiq group)." Furthermore, the Muslims MPs have a strong influence in matters concerning the Muslim communities. The example described by Lewer / Goodhand, where violent riots between Tamils and Muslims were finally solved through intervention of the LTTE, who sent a warning to the Muslim MP bringing about a settlement, clearly shows where influence and power lies. Lewer / Goodhand also stress that this example shows the difference in leadership between the Muslims and the Tamil communities. While "the Tamils have no elected political representation, the Muslims in contrast have an active and vocal political lobby which gives them much more leverage in relation to the government. The Muslim community as a result has greater access to public entitlements than the Tamil community" (Lewer / Goodhand 1998: 23).

4.1.3.4 People's perceptions about the actors of the local governance system – findings from the household survey⁴⁵

Regarding the knowledge of citizens about the local governance system and its actors it is interesting that 35% (21) of the respondents of the household survey⁴⁶ in Batticaloa did not know that the local authorities (PS/UC) continued to function under the Special Commissioner after the term of office of the last elected councils expired in 1994. 63% (38) knew that it is under the responsibility of the Special Commissioner. 80% of the people knew

⁴⁵ In Batticaloa, the household survey was conducted in one Tamil PS area (Kaluthavalai- Kaluvanchikudiyiruppu) and one Muslim Urban Council area (Kattankudy). Within the Tamil PS area, 15 interviews were conducted in Kaluthavalai and 15 in Mankadu (Kaluvanchikudiyiruppu PS). Within the Muslim area, 15 interviews were conducted in Fareed Nagar (Kattankudy UC) and 15 in Kattankudy town (division 5). The household survey was conducted on 25th to 29th of July 2002 by Mr. M. Thirunavukarasu, Mr. D. Thanakumar, Mr. M. Sureshkumar, Mr. T. Meharaj, and Ms. Nafeela under the supervision of Dr. Yuvi Thangarajah, Ms. Ayoma Abeysuriya Sanderatne and the author. In Annex 10, the four locations of the survey are briefly described to assist understanding of the respective characteristics of the context. The questionnaire of Moneragala household survey is presented in Annex 3, containing besides small changes the same questions like the Batticaloa household survey.

⁴⁶ Details on the sample: 51% of the respondents were male and 48% were female. 21% of the respondents were between 18-28 years, 40% between 29-40, 26% between 40-50, while the rest were over 50 (10%). The professional background of the respondents was from government sector employees (16%), to Self-employed (33%), to 21% Housewives, 15% were students, less than 5% unemployed, farmers and retired. 21% of the respondents had an O/L degree, 13% A/L -degree, only 3% a higher degree, 26% only Year 1-6 and 35% Year 7-11. One of the respondents was Sinhalese, 29 of the sample Tamil and 30 Muslims.

that the last local government elections were held in 1994 and only 20% of the respondents did not know when the last elections were held.

45% of the sample stated that they had earlier experiences with the elected local authority members, while 55% had so far no experience with elected local representatives. Asked which system functions better (the elected councils or the councils under the Special Commissioner), 41% (25) answered that they prefer the local authority to be run by elected representatives. Only one person preferred the Special Commissioner to be in charge of the LGA. Asked whether they would like the local government elections to be held in September 2002, a surprising high number of 91% (55) said 'yes', while only two people stated 'no' and three felt it would make no difference.

Asked which institution should be responsible to solve the above mentioned prevailing problems of the area, a similar number mentioned the PS/UC, the Central Government and the administrative institutions, such as DS, while only very few (1%) mentioned Social Clubs/CBOs or LTTE/Police/Army as responsible institutions. Asked where the person or people would go first to solve these problems, the absolute majority mentioned the administrative bodies (approx. 70%) (GS, DS, GA.), second came the political wings (approx. 20%), and only very few the LTTE/Army/Police or Social clubs/CBO or local elites (1%).

Still, 50% of the respondents stated that they go to the PS to address problems, while only 5% would contact PC-members. Interestingly, only 1.7% of the sample stated that they would contact the Special Commissioner who is in charge for the PS. As 50% had stated that they contact the PS for various problems the assumption is that the people would rather contact the administrative staff at the PS-office and not go directly to the Special Commissioner in charge. As 78% of the respondents did not answer this question at all, another assumption is that this might be an indicator that the majority of the people know little about the function of the Special Commissioner or do not know who this is. When asked about the concrete visits of the local government office in the past, 61% (37) of the respondents stated that they have visited the PS in the past, while 38% (23) stated that they have not yet visited the PS. More Muslims (21) than Tamils (16) had visited the Local Authority and more males (25) than females (12). Most of them visited the PS this year for personal matters (land, housing, jobs, welfare), common needs and to obtain documents.

Although people mention the PS as a forum to address problems, there is still evidence of a continued dominance of the national and district level political structures at the local level, represented through the national MP or the district administration. A high percentage of 61% mentioned that they would directly contact a Member of Parliament to resolve their problems. 93% of the people responded that they would contact the *Grama Sevaka* to solve problems

or to request for common needs. The GS, who is the lowest level of the administrative system, seems to be the most important link at the village level to the public institutions. Surprisingly, the local elite do not seem to play such an important role in problem-solving. The majority (53%) mentioned that they would not turn to the elite for addressing problem-solving issues, and others would mainly contact the elite for lending of money. Similarly NGOs seem not to play a prominent role. Only 35% of the respondents would contact NGOs for assistance or grants.

A mediation board exists only in Kattankudy and thus only a part of the respondents (9) answered that they go to the mediation board for problem-solving. Only 8 out of 60 mentioned that they would contact the LTTE or the army for problem-solving, and that is mainly for issues such as control of disputes, personal problems and common needs, while a majority of 51 out of 60 responded that they would not contact the LTTE or the army. Whether these answers reflect the reality needs to be questioned, as in informal conversations the importance of the LTTE as institution to which peoples would address problems and disputes came out much more strongly. LTTE cadres, for example, often intervene for the resolution of family disputes, small land disputes, thefts etc. As there are no mediation boards in this area, the LTTE and earlier also the army have acted as mediators for disputes. After the Memorandum of Understanding was signed, the influence of the LTTE has considerably increased. LTTE has, for example, started to form Development Committees in all Tamil villages to stimulate and facilitate development activities.

Asked whether they believe that the LTTE or the Army have an influence over the affairs of local governance, 58% stated yes (influential), while 29% state not influential and 11% feel it would be moderately influential. All who stated that they are influential were Tamils, while most Muslims did not respond to this question at all.

This section has provided an overview on the socio-political context of the three research regions, looking into the actors and institutions of the local governance system, conflict dimensions and people's perceptions of local governance functioning. In the following section, I will analyse the interviews with local elites, including how they define 'good' and 'bad governance'.

4.2 Finding a local definition for good governance and elaboration of the research framework

This section will analyse the interviews held with local elites in the three research regions, regarding their definitions of “good” and “bad governance”. The aim is to develop a context-specific good governance model consisting of a set of indicators that reflects the answers of the local elites.

4.2.1 'Good governance' or 'bad governance' - definition and indicators for good governance as provided by local elites

In this chapter, I will discuss how Sri Lankan local elites define good governance. As was shown in chapter 2, there is no single definition of good governance: different organisations have formulated definitions and indicators, focussing on different elements of good governance. However, there are some agreed standards best summarised by the UNDP definition for good governance, or as they call it, ‘democratic governance’. According to these agreed standards, good governance focuses firstly on what makes institutions and rules more effective, including transparency, participation, responsiveness, accountability and the rule of law and secondly on the need to guarantee equal access to institutions / non-discrimination (based on race, gender, ethnicity, class) and human rights and fundamental freedoms protection (UNDP 2002:51). Furthermore good governance should be poverty-focussed and orientated to the future, stimulating sustainable development.

To avoid using a definition which is not relevant to the local context, we asked local elites¹ in the three research regions what their understanding of good governance is.² The respondents were asked what came to mind when thinking of good governance. To cross-check the indicators, the respondents were then asked what came to mind when they thought of “bad governance”. The answers provided by the respondents were converted into indicators for good governance. In this section, I will elaborate on the answers to these two questions, in order to reach a local definition of good governance through the development of a set of indicators for good governance, considering also regional differences.³

¹ We defined mainly those people with an understanding for political issues and the political system as local elites, for example school teachers, principals, social workers, lawyers, trade union leaders, businessmen etc. We left government representatives out. The expression 'good governance' was translated into equivalent expressions used in Sinhala and Tamil.

² The sample included: ten elite interviews in Ambagamuwa PS area, ten in Moneragala PS area and nine in Batticaloa (Kaluvanchikkudy Pradeshiya Sabha & Kattankudy Urban Council).

³ The elite questionnaire is documented in Annex 2.

Indicators by Local Elites for ‘Good Governance’:

The 29 local elites interviewed in the three research locations gave multiple examples and indicators for good governance. All answers provided by the local elites describe a certain aspect or element of good governance, formulated sometimes in a very precise manner, sometimes rather circumlocutory. The complete set of answers is presented in Annex 11.

These answers were first of all reduced to their core, looking for one generic term that best describes their content. For example, several local elites answered that good governance means; “treating all equal”, “impartiality”, “equal opportunities for all ethnic groups”, “no discrimination”, “equal treatment to all citizens” etc. These answers were all categorised under the indicator “equality”, as the demand for “equality” could be regarded as the key issue in all of the above comments. Not all of the answers of the elites were easy to categorise as just one indicator as sometimes the answer related to several indicators. However, this only influenced the number of indicators given under one answer, but not the variety of indicators in general.

The following set of indicators were finally developed out of the elites’ statements as to how they would define good governance: *efficiency, responsiveness, professional leadership, equality, transparency and accountability, human rights protection, people’s participation, rule of law, and conflict transformation capacities*. The most mentioned indicators, cited ten times or more, were: *efficiency, responsiveness, professional leadership, equality and transparency & accountability*. *Human rights protection, people’s participation, rule of law, and conflict transformation capacities* were mentioned less frequently but at least four times.

Figure 3: Indicators for good governance as defined by local elites from three regions in Sri Lanka

Efficiency
Responsiveness
Professional Leadership
Equality
Transparency & Accountability
Human Rights Protection
People’s Participation
Rule of Law
Conflict Transformation Capacities

With regard to regional differences in the indicators for good governance, it is interesting that in all three regions almost all nine indicators were mentioned.⁴ While in Ambagamuwa *professional leadership* scored highest on the indicator list, *efficiency* was more important in Moneragala while in Batticaloa, the region which is severely affected by the civil war, the respondents particularly mentioned *responsiveness* and *equality*. It is also interesting that the Batticaloa respondents did not mention any example or indicator which would fit under the heading *professional leadership*. In Ambagamuwa there was on the other hand no mention of *people's participation* as an indicator of good governance.

Responsiveness scored relatively highly on the list in all three regions. *Equality* was mentioned also several times in Batticaloa and Ambagamuwa – the two regions which are more heterogenous – while the elites of the less heterogeneous Moneragala area mentioned this indicator only once.

Asking about the opposite, what would come to mind when thinking of 'bad governance', the indicators for good governance were cross-checked.

Indicators cited by Local Elites for 'Bad Governance':

I wanted to know from the local elites what came to mind when thinking of 'bad governance'. This time, all the answers in the three regions can be reduced to 11 indicators, meaning that answers were given for bad governance that required the introduction of additional indicators. Besides the previously mentioned indicators, which are now in the negative *inefficiency, lack of responsiveness, bad / unprofessional leadership, inequality, lack of transparency and accountability, human rights violations, lack of people's participation, rule of law undermined, and lack of conflict transformation capacities*, there are the additional indicators of *lack of trust in politics*, and *lack of basic security*.⁵

The most cited indicators that were mentioned more than ten times are *inequality* and *bad / unprofessional leadership*. *Inequality* ranked the highest on the list of 'bad governance' indicators, with 21 responses. The indicators *lack of responsiveness, inefficiency, human rights violations and intransparency* and *lack of accountability* (mentioned 7-9 times) are also clearly important, while the other indicators were only mentioned between two and four times.

⁴ The regional differences are presented in Annex 12.

⁵ The detailed answers are documented in Annex 13.

Figure 4: Indicators for 'bad governance' as defined by local elites from three regions in Sri Lanka

Inequality
Bad / Unprofessional Leadership
Lack of Responsiveness
Inefficiency
Human Rights Violations
Lack of Transparency & Accountability
Lack of People's Participation
Lack of Trust in Politics
Rule of Law Undermined
Lack of Conflict Transformation Capacities
Lack of Basic Security

Regarding the regional differences, it is not surprising that for the Batticaloa elites *inequality* is the most important characteristic for 'bad governance', mentioned eight times (see also Annex 14). This indicator scores highest on the list of Batticaloa elites and leaves other indicators far behind. *Inequality* is almost as important to the elites of the multi-ethnic Ambagamuwa area (8 mentions). The Moneragala elites also mentioned *inequality* quite often (5 mentions), but the focus was less on inter-ethnic inequality, but more on socio-economic inequality to poorer groups or inequality based on party discrimination. In Ambagamuwa and Moneragala *bad / unprofessional leadership* was another very important characteristic for 'bad governance', an expression of their discontent with the politicians and higher administrative officers. The Batticaloa elites mentioned this indicator only twice.

Inefficiency was mentioned four times by the Ambagamuwa elites, pointing to the aspect of non-implementation of agreed programmes, as well as lack of planning, administration and financial control mechanisms. Moneragala elites mentioned this aspect three times and Batticaloa elites only twice.

In Ambagamuwa, *lack of responsiveness*, pointing to citizen's unfulfilled basic needs is another indicator mentioned several times. Moneragala elites mentioned this indicator even more often, criticising particularly the weakness of the services and functions of the PS.

Finally, *human rights violations* are mentioned four times as a characteristic of 'bad governance' by Ambagamuwa elites, in reference to the cultural and economic suppression of Tamils. It is not surprising that among the Batticaloa elites, this indicator was also mentioned three times, referring to 'genocide' and 'planned settlement against Tamils'. In

Moneragala only one person mentioned that people were being harassed, without specifying which people were being referred to.

In Moneragala, instead of human rights violations, '*lack of transparency & accountability*' was mentioned more often (three times), indicating the problem of corruption and fraud. Among the additional indicators which were not mentioned when asking in the positive about 'good governance' is *lack of trust in politics*, which was mentioned at least once by elites from all three regions, twice by the elites from Batticaloa. This indicator points to the inability of the system to engender trust and harmony among the ethnic communities in the country, indicating a climate of suspicion, and the growth of public protest. It is a subtle indicator which is fairly well described in the statement, "no good feeling when we talk about politics".

The other indicators, which were mentioned by only a few individuals, are *rule of law undermined*, *lack of conflict transformation capacities* and *lack of basic security*. The latter two point to the ethno-political conflict and other growing social conflicts which cause a threat to people's lives. It is rather surprising that the indicators *rule of law undermined* and *lack of conflict transformation capacities* were not named by the Batticaloa elites, which, compared to the elites of the other two regions, have probably experienced the deterioration of the rule of law and the lack of conflict transformation mechanism more often. An explanation might be that local elites in Batticaloa were rather reluctant to talk about these critical issues, as the situation in the District is still far from being free of political intimidation.

4.2.2 Assessment of governance by local elites

In the elite questionnaire, I also wanted to know whether local elites perceived the last local government regime as 'good governance', 'bad governance' or 'moderate' and I asked about the reason for their answer. Secondly, I wanted to know who is responsible for a decline in good governance, asking very open-ended questions, without providing any categories for answers. Furthermore, there was a question about which agencies should contribute to good governance, providing a list of agencies, such as central government, local government, media, administration, NGOs etc and asking how important they were to ensure good governance.⁶

⁶ See elite interview guideline in Annex 2.

Assessment of the last local government regime by local elites:

Local elites were asked how they perceived the last local government regime in their region. For Moneragala and Ambagamuwa, the question referred to the Pradeshiya Sabha Council which governed between 1998 and 2002. For Batticaloa, the question referred to the existing PS-office, which is run by administrative staff under the supervision of the Divisional Secretary, without elected council members.⁷

A clear finding is that there is a high degree of dissatisfaction with the performance of the respective local government regimes. In all three regions almost no respondent stated that the local governance actors displayed good governance. A high number of seven elites from Moneragala stated that the last local government regime displayed 'bad governance', while three said it was 'moderate'. In Ambagamuwa, five elites felt it was 'bad governance', while four said it was 'moderate', and one even felt it was 'good governance'. Batticaloa elites judged the previous local government regime as either 'bad' or 'moderate' in terms of governance. None of the Batticaloa elites judged the previous local government regime as displaying 'good governance'.

Batticaloa elites mentioned the lack of democratic representation several times as the reason for the assessment 'bad governance', as there are no elected candidates. Furthermore, they stated that it is not clear when elections will be held and when elections are held they are usually corrupt. They also stressed a lack of responsiveness to people's needs, due to self-interested politicians. Finally, they spoke of political victimisation and of gang violence, which puts pressure on public administration to re-allocate funds for specific purposes. Under 'moderate governance', respondents also mentioned rather negative explanations, such as the lack of skilled and knowledgeable leadership.

Moneragala elites, with seven mentions for 'bad governance', were very critical of their last local government regime, giving various reasons. Inefficiency, lack of representation and recognition of people's needs by politicians, lack of proper planning, and lack of people's participation were mentioned. Furthermore, local elites criticised party conflicts, political party competition, and the PR-election-system which stimulated conflicts. Corruption, intimidation, and fraud were amongst the most severe criticism that local elites mentioned frequently, which indicates that there was obviously some illegal activity going on in the PS-council. Those who felt that the last regime was moderate argued that with the scarce resources the

⁷ The detailed answers are documented under Annex 15.

local government is not able to serve the people satisfactorily and they felt that while some services were provided nothing significant took place.

For the assessment 'bad governance', Ambagmuwa elites argued strongly that there was a lack of funds and a lack of proper management in the last local government council. Lack of responsiveness, ignorance of existing conflicts in the planning process as well as weak planning and evaluation capacities were also mentioned. The political influence of the majority party was also criticised. A reason for the assessment 'moderate' that elites mentioned was although things were done, they were done without a proper plan, but they mentioned as a positive that the chairman was trilingual and that there was no ethnic disparity in the work of the local council. The person who assessed the last regime as 'good governance' stressed that there was no corruption and good coordination between the people and the administration.

Generally the assessment of the last local government regime was very critical and the answers of the local elites reflect the indicators for 'good' and for 'bad governance' elaborated above.

Assessment of who is responsible for a decline of governance by local elites?

Asking the elites of all three regions, who according to their opinion is responsible for the decline of governance, the answers were either a) government (meaning either government institutions or representatives, such as politicians or public servants) or b) civil society (meaning the people or their civil society leaders / organisations). Only very few mentioned others, like the police or very unspecific "local or foreign forces, who would take advantage of the weaknesses of the country".

The absolute majority of the respondents named the government as responsible for the decline in governance (46). In this category, political leaders (politicians as well as higher officers) were named more than twenty times. Two specified "unsuitable and uneducated leaders". Six mentioned especially the central government officials, such as the Prime Minister, the President or other highest rank politicians and institutions. Again six specified the public servants whom they see as responsible for the decline of governance, such as the Government Agent or the Divisional Secretary. Another six votes focussed on the local government institutions and their leaders, such as the Pradeshiya Sabha chairman and elected representatives.

Civil society was the second actor category perceived as responsible for the decline of governance (19 mentions). Most of the respondents named "the people", whom they perceive as responsible for the decline in governance, as they elect those who govern, or

because the people lack interest in matters that concern them. Four mentioned civil society organisations and their leaders, such as religious leaders or leaders of CBOs. Twice intellectuals were blamed for their disinterest in contributing to the development of their country. Traders were mentioned once, because they fund politicians for their own personal benefit.⁸

Regarding the regional differences, the elites from Batticaloa and Moneragala blamed the government (institutions & representatives) for the decline of governance to a greater extent (more than 70%), than the elites from Ambagamuwa. For the elites of Ambagamuwa, civil society also plays a considerable role in the decline of governance. Generally, the answers of the elites in all three regions were similar.

Local elites' assessment of diverse local agencies with regard to their contribution to good governance at the local level in Sri Lanka:

To get an idea which actors are playing what role in contributing to good governance, the elites in all three regions were asked, "how important are the following agencies in contributing to good governance at the local level in Sri Lanka". The question was not meant as an assessment of the real situation, but more to understand which agency people perceive as important or not important from a local point of view. However, the performance of the respective agencies at the local level has doubtless had an influence on the answers of the people.

It is obvious that the central government and parliament ranks highest on the list of the agencies that are important for the people for good governance at the local level. Two different categories were named, a) central government and b) parliament, which both together represent the central government authorities. These two categories together got 36 points from the elites of all three regions in the category '*important*'. This clearly shows the influence of the central government for local politics and the significant influence that national politicians (e.g. MPs) play with regard to local development planning. This importance of the central government can be interpreted as symbolic for the tradition of centralism in Sri Lanka, which is deeply consolidated in the minds of the people. An interesting regional difference is that Batticaloa elites gave only half as many points to the government agencies (central government & parliament) as being important actors for good governance than the elites of

⁸ Detailed answers are presented in Annex 16 and regional differences under Annex 17.

the other two regions. This might also be a sign for the critical distance of the war-affected population of the North-East with regard to central government agencies.

It is rather unexpected that the second most important category was “the people”, which got 29 points in the category ‘*important*’ for good governance from the elites. This clearly shows that although there is still a lack of people’s participation in decision-making within the governance system of Sri Lanka, people’s participation is perceived as extremely important for political life.

The third most important agency mentioned by the elites as important for good governance at the local level is local government (25 mentions). Again, although people in our interviews criticised the inefficiency and weakness of the local government authorities, they still perceive the local government as important for good governance at the local level. This category was closely followed by three other agencies, namely the judiciary (24 mentions), the bureaucracy/administration (23 mentions) and the police (23 mentions). If one considers the dominance of the administrative system and the double structures created to keep the administration in power besides the political apparatus, it is rather surprising that the local elites did not rank the bureaucracy / administration as more important than the local government.

Among the agencies which are not considered as important in their contribution to good governance at the local level is by far the army. This agency seems to play a marginal role for the respondents, which is not surprising for Ambagamuwa and Moneragala, where there is almost no presence of army personnel at the local level. But it is rather surprising that the army is also not perceived as a more important actor with regard to good governance. Among the Batticaloa elites, which have experienced 20 years of massive army presence due to the ethno-political conflict, only three respondents considered the army as an important agency to contribute to good governance, while six respondents considered it as not important.

The Provincial Council and the trade unions are the other two agencies which were named as not important by several people (6), while the majority of respondents still considered these two agencies as important. Besides the army, all agencies have more votes on the side of “important” for local governance than on the side of “not important”. This shows that the local elites have a multi-actor understanding of the governance system, meaning that they consider a variety of agencies to be important to reach good governance at the local level.

Table 8: Agencies important for good governance at the local level⁹

Agencies:	Important	Somewhat important	Not important
Central government	24	8	4
Parliament	12	5	2
Provincial council	19	4	6
Local government	25	3	1
Bureaucracy/ Administration	23	2	3
Judiciary	24	5	0
Police	23	5	1
Army	7	3	19
Media	23	4	0
Political parties	19	7	3
NGOs & CBOs	17	11	1
Trade unions	15	8	6
People	29	0	0

Source: Qualitative interview with local elites in selected regions in Sri Lanka

4.2.3 Elaborating on an organizing research framework of good governance indicators

The set of good governance indicators formulated on the basis of local elites understanding of ‘good governance’ and ‘bad governance’ shows that local elites have a very complex and demanding understanding of how democracy should work at the local as well as at the national level. It also shows that the definition of good governance by local elites fits the international indicators formulated for good governance, such as the above set of indicators formulated by UNDP, to a surprising extent. The only differences are the indicators *professional leadership*, *trust in politics*, *basic security* and *conflict transformation capacities*. These indicators were mentioned by Sri Lankan elites, but they are not always explicitly part of international good governance definitions. Within the discourse on conflict resolution and good governance, there is a relatively extensive discussion on ‘human security’ and conflict transformation capacities as part of good governance (Sato 2004): ‘Professional leadership’ is often subsumed under ‘efficiency’ and ‘trust in politics’ subsumed within the overall debate on the impact of good governance on the legitimacy of the State, and thus is seen as a by-product of good governance (World Bank 1992). In the context of a conflict-affected country that has experienced decades of protracted violent conflict, it is not surprising that

⁹ Regional differences are presented under Annex 18.

professional leadership, basic security, conflict transformation capacities and trust in politics are of high importance for local people and elites. It is a characteristic of a context-specific good governance definition that these indicators are included into the set of good governance indicators.

It is also interesting to ask how the fact that the other indicators of local elites in Sri Lanka are almost identical with those formulated by international organisations, such as the UNDP, can be explained. One explanation is, for example, that Sri Lanka has a long history of foreign donor agencies and international NGOs working in the country, thus the international debate on good governance has most probably been followed by citizens who are interested in political and development matters. This argument is further supported by the high educational standards in Sri Lanka, where the majority of the local elites obtain a university degree and have thus had access to theoretical debates on political issues. But it can also be interpreted that this set of indicators, used in the international debate on good governance, represents somewhat universal standards for good governance. However, the content and importance of single indicators differs from context to context (and might need to be complemented by additional indicators) and thus have to be analysed in light of the respective socio-economic conditions and historical background.

The detailed set of good governance indicators drawn from the answers of local elites also shows that local elites have a clear vision that good governance indicators need to be met by those ruling the country to develop a political system which accommodates its citizens' wishes. Among the actors of the local governance system, local elites particularly mentioned the local government council (PS, UC), central government agents (e.g. MPs) and the local public administration as important for contributing to good governance. They assess these same actors as responsible for a decline in good governance in the country. But although these actors seem to be especially important for good governance, local elites have a multi-actor understanding of the governance system, meaning that they consider a variety of actors as important to reach good governance at the local level, mentioning particularly the people, NGOs, police, judiciary, trade unions etc.

For the framework of 'good governance'-indicators, I will use the indicators of local elites for 'good governance', but will include the two additional indicators 'trust in politics' and 'basic security' which were mentioned when asking about characteristics of 'bad governance'. As these additional indicators were mentioned by elites from all three regions, they seem to be of relevance to local elites and are characteristic for a country affected by a protracted conflict. Indicators which have some overlapping aspects are discussed in one category. The

context-specific good governance definition formulated out of the answers of local elites will therefore include the following set of indicators:

- Efficiency
- Responsiveness & Equality
- Professional Leadership
- Transparency & Accountability
- People's Participation
- Human rights protection & Rule of law
- Trust in politics & Basic security
- Conflict Transformation Capacities

In the following section, I want to specify the contents of each indicator according to the local elites' definitions and explanations, as one can stress different aspects by using the same indicator.

- **Efficiency:** the indicator *efficiency*, according to the local elites, points towards the planning, implementation and monitoring of development work and services. Efficiency according to this definition would mean that development work and services are planned on the basis of the actual needs of respective locations. Secondly, that there is a productive action and an output after the planning process, which also requires the availability of funds and other resources; thirdly, that institutions cooperate and perform well to implement the projects and finally, that there is financial control and supervision of the outputs of these actions to avoid favouritism and waste of funds. Financial management seems to be an important aspect of the efficiency indicator, pointing towards having an overview over available resources and revenues, on spending and allocation of funds per area.

If one wants to assess whether the local governance system is working efficiently, one can look into planning procedures, economic outputs, book and account keeping, cooperation mechanisms among local institutions, and monitoring procedures.

- **Responsiveness / Equality:** the indicators *responsiveness and equality* are discussed together, as there are some overlapping aspects. Responsiveness points towards citizens' expectations that the political system will create an environment suitable for the fulfilment of people's expectations with regard to basic needs provision. Responsiveness means that politicians listen to people's needs and

grievances and respond after elections through creating and safeguarding a good standard of living. This would also mean that different identity groups have equal opportunities to represent their grievances and needs through elected representatives or through other channels and pressure groups, such as unions, NGOs etc. Equality also calls for an equal treatment of all citizens and justice. All people are expected to be treated as one community without any kind of discrimination. The state and its representatives distribute the national resources equally, and create equal opportunities for all identity groups (ethnicity, race, caste, gender). Development activities are planned according to population, land and living standards of the people to achieve development without differences. Party-based favouritism and other forms of privileged access to positions or resources should not be common practice.

Assessing whether the local governance system is responsive and equal towards all identity groups, one can examine aspects of official representation of all identity groups within the political and administrative institutions (election results, quotas etc.), other forms of identity groups' representation, and allocations of official resources to different communities or places. One can also ask about people's satisfaction with the service provision and if minority groups feel adequately addressed, recognised and treated equally by the local service providers.

- **Professional Leadership:** the indicator *professional leadership* points towards the expectation of the citizens that the political and administrative leaders are educated, experienced, trained, knowledgeable, honest and dedicated to serve the people; furthermore, that they have a political vision and are able to build trust and faith among the people, to create a national feeling among all. The politicians and civil servants are expected to be able to carry out concepts building and implement projects suitable for all by using the available resources fully. Leaders are also expected to be aware and sensitive towards existing tensions and conflict lines and work towards their transformation.

Assessing whether the local governance system has professional leaders, one can look into the educational status of politicians and civil servants, examine the number of vacancies within local institutions, ask people's opinion of the political leaders, and look into the role that local leaders play in conflict management.

- **Transparency and Accountability:** this indicator combines the people's expectations that they are made aware of their rights, the activities of the government and the spending of public resources. It is expected that politicians practice what was promised and that there is no corruption and illegal handling of state resources. The

administration handles their activities in an open (transparent) manner, free from corruption and fraud and independent from interferences through political actors. Contractors for development or construction work are expected to be selected through open, publicly advertised bidding based on clear selection criteria.

Assessing the transparency and accountability of the local governance system, one can check whether there are minutes of council meetings, public announcements of resources and spending of the local government council, public relation work of government institutions and well maintained account books of the local councils. One can also ask about the knowledge of people about their political rights and people's perceptions about the impartiality of the public decision making, development planning and resource allocation.

- **People's Participation:** this indicator assesses the actual opportunities of citizens to influence the decision-making process of the political actors and/or to take active part in it. This calls for consultative systems, where politicians take people's opinions into account as well as for mechanisms like open forums where civil society (individuals or groups) can participate in concept development and decision-making. People's awareness on their political rights and what they can expect from the state is also linked to the degree of openness of the system. As Crook / Manor stress (1998:7), "participation is defined as citizens' active engagement with public institutions, an activity which falls into three well-defined modes: voting, election campaigning, and contacting or pressuring either individually or through group activity, including non-violent protests".

If one assesses whether the local governance system provides adequate opportunities for people's participation, one can look into the existence of mechanisms and procedures of people's participation, obtain figures on public participation in the last local government elections, examine the NGO and CBO-presence and activities in the region, look at whether people are aware of their rights, and whether they feel that they have an influence on local level decision making.

- **Human Rights Protection & Rule of Law:** this indicator combines the people's expectations that all citizens' human rights are safeguarded and that there is law and order guaranteeing that rights violations are prosecuted. The political environment is free from political intimidation, cultural and economic suppression, discrimination or genocide and the police operate within the legal frame. Furthermore, there are mechanisms that politicians and public servants who do not serve the people, but

misuse public funds for their private purposes or manage resources incorrectly, are sacked and prosecuted.

Assessing the status of human rights protection and rule of law of the local governance system one can look into documented cases of human rights violations, intimidation and corruption in the area, assess civil society reports on police and army behaviour, get figures on the number of pending cases at the civil court, and ask how people and civil society activists perceive the situation with regard to human rights protection and rule of law.

- **Trust in Politics & Basic Security:** this indicator stresses people's expectation that the political environment should create a feeling of mutual trust and security. Trust in politics points towards the relation between citizens and politicians as well as between different (ethnic) community groups. Trust is a very subtle and subjective indicator relating to the existence of suspicion among identity groups or between identity groups and the State. Closely linked to the protection of rule of law the question is whether the actors who represent and safeguard the power monopoly of the state have created an environment where people (particularly women, minority groups etc.) feel free to move around safely without fear of threat.

If one assesses the status of trust in politics and basic security of the local governance system, one can look into the degree of public protest, existence of a feeling of suspicion, and incidences of violence (genocide, harassment, rape, election violence etc.). Information can also be gained by talking to the police officers in charge of the area, regarding the problems and shortcomings of their own institution to safeguard security and rule of law.

- **Conflict Transformation Capacities¹⁰:** In a context of protracted ethno-political conflict, it is especially important to look into aspects of *conflict transformation capacities* of the democratic system. This indicator points towards the ability of the representatives of the political system as well as the society to handle conflicts in a non-violent manner. In this context, one can look into conflicts at the local government level as part of any social transformation process within societies and as challenges and potential for the consolidation of democratic decision-making and problem

¹⁰ Conflict transformation is understood as a process, focussing on outcome-, process- and structure-oriented long-term peacebuilding efforts, all aimed at truly overcoming revealed forms of direct, cultural and structural violence, transforming unjust social relationships and promoting conditions that can help to create cooperative relationships, see Reimann 2004 and Miall / Ramsbotham / Woodhouse 1999. Further discussions on conflict transformation theory and concepts are provided by Miall 2004, Francis 2004, Paffenholz 2004, Ropers 2004, Bigdon / Korf 2002, Lederach 1997, Zunzer 2004.

solving.¹¹ If one talks about conflicts at the local level, one can distinguish between resource conflicts, political conflicts and identity conflicts. As these conflicts are part of any heterogeneous society, they should be regarded as challenges that need to be addressed by setting up suitable institutions, structures and mechanisms for their non-violent resolution. Conflict transformation capacities require the ability to find appropriate solutions to the existing ethno-political conflicts as well as to other growing conflict-lines, e.g. between ethnic groups or among political party supporters through mediation committees or non-violent dispute resolution mechanisms. Democratic and administrative institutions at the local level would be expected to work towards social harmony and are expected to be sensitive and not to aggravate tensions between different communities and identity groups.

When assessing the capacities of the local governance system to contribute to conflict transformation, one can look into the existence of war or peace, public opinion about the use of violence (youth survey), existing conflict-prevention mechanisms, existence and experiences of mediation boards and speak with representatives of local institutions about their strategies to mitigate in local conflicts.¹²

In this section, a context-specific good governance model, consisting of a set of eight indicators has been developed on the basis of interviews with local elites as to what good governance should be. In the following section (4.3) I will examine the question of how local stakeholders and citizens assess the present state of local governance in the research locations Ambagamuwa PS, Moneragala PS, Kalivanchikudy PS & Kattankudy UC. The qualitative interviews with local representatives of institutions, civil society activists and the people regarding their experience with the local political system and its actors are evaluated through the lens of the good governance indicator set formulated out of the elite interviews outlined above. Most information gained in the qualitative interviews reflects people's perceptions of how the local governance system functions. Where access to additional data was given, such as statistics or account books, this 'fact-based' information was taken into consideration in the assessment.

¹¹ Often there are overlapping dimensions within the existing conflicts, e.g. disputes over land use rights have a resource dimension, as it is a struggle over claims to scarce resources (status, power), but it can also be interlinked with political dimensions within a partisan political system as well as including dimensions of identity conflicts if different identity groups (ethnic, caste, gender etc.) are involved.

¹² Our interest was in the question of how these kind of conflicts are addressed and managed at the local level. The problem for the research was that in a context of protracted civil war, one can not openly and freely talk about conflicts and their management. Therefore we addressed this issues more indirectly through talking about the "problems" in the region and the ways to address them.

4.3 Comparative study of local governance in three regions of Sri Lanka

The assessment of local governance functioning in the research locations Ambagamuwa PS, Moneragala PS, Kaluvanchikudiyiruppu PS and Kattankudy UC by local stakeholders and citizens is classified in eight sections, each representing one of the above selected good governance indicator categories. Under each section, the research locations are discussed separately, but the two local authority areas in the Batticaloa district are presented together. Each section concludes with a comparative summary of the most important parallels and differences of the findings from all research locations. At the end of this chapter the findings from the three case studies will be summarised in a table, valuating the level of good governance in the three regions.

4.3.1 Efficiency

4.3.1.1 Efficiency in Ambagamuwa

The interviews with key-informants from government institutions, NGOs, trade unions as well as respondents from civil society in Ambagamuwa show that the efficiency of the local governance system leaves much to be desired. The dissatisfaction with the effectiveness of these institutions can be traced back to the following reasons: lack of autonomy, lack of cooperation among local institutions, lack of funds, lack of planning capacity and lack of field structures, which is especially important in an huge area like Ambagamuwa, where the local government authority has to serve 188.147 people.

The **lack of autonomy** is experienced by the elected local government representatives in the fact that they have no control over basic services such as the provision of electricity or public transport, as central government departments or agencies have the authority over these services:

“We have large irrigation power houses in our area. I think we have about six or seven of these. But from our one hundred and eighty villages there are over seventy villages that do not have electricity. We have the resource but our people cannot access its benefits. Then take water itself. If you take every village into account there isn’t adequate water supply to these villages – water that is suitable for consumption. There are water ways but they are not accessible to the people in a manner that the people can use. The reason for that is that at a national level, whatever work programmes that were prepared have not been formulated in such a manner as to serve our people. Those work programmes are irregular or inefficient” (Elected Council Member Ginigathena PS).¹

¹ Interview No. 12, 13.08.02 PS-council Ginigathena, Ambagamuwa.

As Hettige summarises, the “local people readily recognise the dominant presence in the local arena of regional and national level political actors. The result is that local people do not recognise an autonomous, local political domain and do readily recognise the role of the MPs and central government Ministers in addressing local issues. This naturally persuades local inhabitants to expect national and regional leaders much more than their local representatives to solve their problems” (Hettige 2003: 32).

The marginalisation of the local government authority is determined by the dominance of central government actors and institutions in the local context. Members of Parliament, as well as various line Ministry officials operate relatively independently at the local level and many development and service provision activities are organized and carried out with almost no involvement of the PS and its members. “Outsiders” determine such projects and programme priorities in terms of content, location and beneficiaries with little or no consultation with local representatives. The result is that the PS continues to be resource deficient and has little organisational capacity and out reach (Hettige 2003: 43). The following statement of a council member demonstrates the interference of national politicians and the powerlessness of the local government authority:

“So the council has decided to improve the health services in the area. But what are the politicians saying? One of them will say that he wants to put up a hospital in Ginigaththena. Then there will be the other politician from the other party – he will say ‘No. No I am going to put up a hospital in Maskeliya. So then the battle begins between the two of them the end result is that nothing happens anywhere. It is that kind of situation that arises in the end” (Elected Council Member Ginigaththena PS).²

While the local government authority is often not at all involved in the activities and projects of national actors, it is the office of the Divisional Secretary (DS) that usually coordinates these activities. This strengthens the superior role of the DS and undermines a further integration of the local administration with the elected local body so that local level development and other activities could be better coordinated.

Regarding the **lack of cooperation** Hettige stresses, that “there are many institutions in the area, both governmental and non-governmental, which deal with subjects that are also relevant for the PS. These include the institutions and officials in the fields of health, education, law and order, transport, environment, housing, rural development, public utilities like water and electricity, roads, sanitation, social welfare, etc. The Relationship between the PS and many of these institutions today is tenuous at best. This is particularly so with the DS office which is

² Interview No. 12, 13.08.02 PS-Council Ginigaththena, Ambagamuwa.

playing a coordinating role bringing diverse public institutions at divisional level together. Many development and welfare projects of the central and provincial government are implemented through the DS office. Non-governmental organisations operating in the area are more closely linked to the DS office than to the PS. The absence of close cooperation between the PS and other institutions in the area tends to devalue the PS in the public eye. This is noteworthy in the light of the Pradeshiya Sabha Act, which has entrusted the PS with the responsibility of “facilitating effective participation of people in local government and development functions” (Hettige 2003: 44).

The following statement of an elected local council member described that development or repair work in the local government area is often done without proper pre-planning and by agencies which do not cooperate with the local government. The consequence of this is duplication of work and wastage of funds:

“All that is done without the permission of the local government! Because the Telecom company for instance will never go to the local government to obtain permission saying ‘we need to fix these posts’. ...the Electricity Board will never go to them to say we need to fix some posts for our wiring. Nobody goes through the administration channels of the local government” (Justice of the Peace, Ambagamuwa).³

Regarding the division of responsibilities and collaboration between the Divisional Secretariat and the local government authority, a Provincial Council member explained that the lack of cooperation was due to the lack of knowledge and understanding of the staff about the correct way to fulfil their mandate:

“The responsibilities of the DS and the local authority (L.A.) are clearly demarcated, but the people don’t see the difference, as both institutions are working at the local level. While the DS is an agent of the Central Government, the L.A. are expected to play another role, e.g. providing public utility services...In many areas the PS and the DS do not understand their role properly. They are doing the same things. For development activities the fund allocation is channelled through the DS. But the DS should not implement on its own, but cooperate with the L.A. Both institutions need to work together. They need to have a clear plan...but this is not taking place. There is the conflict!” (Provincial Council Local Government Commissioner, Ambagamuwa).⁴

The officers in the Divisional Secretariat perceive their institution as more neutral and not politicised like the elected local government council and therefore it is more suitable to serve all communities equally. Furthermore they perceive the PS as an institution which is under pressure from the voters and therefore can not implement unpopular measures such as the collection of

³ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa. Annex 6 describes the method and participants of the focus group discussion.

⁴ Interview No. 71, 16.08.02, Provincial Council Local Government Commissioners from Uva and Central Province.

taxes or fees for services. This feeling of superiority might be one reason why cooperation with the PS is often kept on a minimum level:

“The DS is so far a neutral, independent institution, which is not politicised. Therefore it does not exclude certain people. We are also working for the estate people, besides those responsibilities which are under the Estate Management. The DS is very close to the people. People can come to discuss matters with the DS every week at the “Public Day”. Many people come. Democracy in Sri Lanka is not on highest level, especially not on local level. There is misbehaviour of the political representatives... They fear to lose popularity if they have to collect these taxes or increase prices for services. They are scared from the pressure of the voters. The DS is not under pressure of the voters, he can more easily impose certain things” (Divisional Secretary Ginigaththena).⁵

While the DS describes the duties of local institutions as clearly demarcated, he also illustrates that political interferences from higher level has an impact on the role of and cooperation among local institutions:

“At local level there is the PS, the UC and the Divisional Secretariat. Before you start a job, you have to see who is responsible and look into the statutes. Sometimes not the institution who has the authority would implement but through political interference from above (MPs) other institutions take over. For example the MP might like that the DS implements a project as the DS is from the same party” (DS Ginigaththena, Ambagamuwa).⁶

Asking the local representatives of the PS about the major reasons for the inefficiency of the local government, the **lack of funds** is always mentioned as fundamental problem. The financial resources seem to be insufficient to do any kind of significant development activity:

“Yes this time our funds were down to three hundred thousand rupees. Can you tell us how we are expected to take this three hundred thousand rupees and do our work in such a vast area of 180 villages? Now in such a situation we really have no answers....” (PS Chairman, Ambagamuwa, Ginigaththena).⁷

The funds received by the national government are hardly enough to cover all administrative costs of the PS office:

“According to the situation that exists now, if the amount of money is being paid out is calculated and added together, if those expenses are added up, if the sum of money that is being spent on telephones is calculated, you will see... we are spending all the money on the administrative side, not on the services. The fund is just enough to maintain the institution” (Justice of Peace, Ginigaththena).⁸

In the discussions with local council representatives, one impression was that local resources, especially natural resources, are not yet used to improve the resource base of the local

⁵ Interview No. 25, 14.08.02, Divisional Secretary Ginigaththena, Ambagamuwa.

⁶ Interview No. 25, 14.08.02, Divisional Secretary Ginigaththena, Ambagamuwa.

⁷ Interview No. 12, 13.08.02, Elected PS-council members and chairman, Ginigaththena, Ambagamuwa.

⁸ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththena, Ambagamuwa.

government. The local representatives mentioned some ways and means to work without government funds, mainly through shramadanas (voluntary community work) or donor funds but the opinion remained that more resources should come from the central government:

“There are certain problems that can be solved without funds. Like a Shramadana type of work. We have been taking this sort of approach in our work. Still in this type of environment our challenge comes from a lack of funds” (PS Chairman, Ambagamuwa, Ginigaththena).⁹

In the focus group discussion with the local government representatives, ideas were discussed as to how one could better use the local resources, for example making money out of the fact that Ambagamuwa is a famous tourist and pilgrim site where money earned through charging the visitors certain fees (e.g. parking tickets) could be used to improve the basic infrastructure of the area, such as roads or sanitation facilities. However awareness of these opportunities seems to be relatively low among local political leaders and administrators, as one civil society representative stated:

„Ginigaththena can become a blessing to all those who pass through it. Then this influx of people brings along with it an opportunityWe can easily show others what Ginigaththena is all about. But no one of the local leaders has understood this situation.....” (Secretary Trader’s Association, Ambagamuwa).¹⁰

Regarding the scarcity of funds, another problem is the lack of proper revenue collection, either because people are not paying their taxes due to a lack of awareness or due to a lack of enforcement by the tax collecting officers. There are also cases where obviously more influential and rich people do not have to pay taxes, as they supported PS-members during the last election campaign:

“The tax collection is a problem as many people are not paying their taxes. When they don’t pay they have to pay a penalty, but this is only after a long time of not-paying. Social awareness training is needed among the population, that it is necessary to pay taxes, as otherwise the local authority can’t provide any services and development work. A good example was that the Ambagamuwa PS announced in the newspapers the outstanding amount of taxes, which had not been paid by the people. They tried to create awareness among the public to pay the taxes properly” (Deputy Director SLILG, Colombo).¹¹

Another important issue is the **lack of planning capacity** of the local institutions, which is criticized by active members of civil society groups:

⁹ Interview No. 12, 13.08.02, Elected PS-council members and chairman, Ginigaththena, Ambagamuwa.

¹⁰ Interview No. 15, 13.08.02, Focus Group Discussion, Ginigaththena, Ambagamuwa.

¹¹ Interview No. 71, 16.08.02, Provincial Council Local Government Commissioner at SLILG.

“There aren’t any type of plans. They don’t even know how to formulate a plan. So a factor that is greatly regretted is that there aren’t people who have made any proper plans for our area” (Secretary Trader’s Association, Ambagamuwa).¹²

A criticism is that the lack of planning capacity leads to a duplication of work and a wastage of resources. Furthermore the implementation of projects, once they are planned, is usually delayed for years and contracts are finally carried out by unqualified workers:

“The other thing is that there is absolutely no pre-planning. Now let’s say it’s this road – the road will be developed, then it will be dug up again for the telephone posts, then in order to widen the road in that same month the road widening posts will be implanted, then after all the telephone wire connections have been set up, they take them out all over again and fix it towards the new, wider marking! You just calculate the expense yourself and see how much we will spend for all this. I think that in the Ginigaththena town these telephone and electricity lines have been shifted around at least four or five times. How much of resources are wasted” (Justice of Peace, Ambagamuwa).¹³

Specific to Ambagamuwa is the fact that the local institutions have to operate in, an extremely large geographical area with a considerable population. The DS operates through a network of Grama Sevakas who are scattered throughout the division. Being salaried officers, GS’s are regular state functionaries available in rural areas. There are also other local level officers such as Samurdhi Niyamakass, Rural Development Officers, Social Service Officers, etc. who also work in close contact with the DS office. On the other hand, the PS, though it has to cover the same huge area and is elected by a large and diverse population, operates from a single office located in the largest town in the area and has no outreach centres. There are no regular, salaried officers functioning at community level. In other words, its presence is rarely felt in outlying areas (Hettige 2003: 34). The elected PS members are often living in their own villages and while they engage in their own professions, they also have to fulfil their duties as local government representatives. The elected local government representatives expressed their problems with the situation in a huge area like Ambagamuwa as follows:

“Being one of the largest local government areas, with four hundred and seventy square kilometres and a population of two hundred and seventy five thousand people, we still only receive the same meagre five hundred thousand rupees....this area needs to be divided at least into three or four sections. What I mean is in most places there are only eight local government members appointed. But we have twenty three members appointed over here. So it’s a huge place which you can’t control....” (Chairman, PS-Ginigaththena).¹⁴

¹² Interview No. 15, 13.08.02, Focus Group Discussion, Ginigaththena, Ambagamuwa.

¹³ Interview No. 15, 13.08.02, Focus Group Discussion, Ginigaththena, Ambagamuwa.

¹⁴ Interview No. 12, 13.08.02, PS-Council Ginigaththena, Ambagamuwa.

The vacancies of staff positions are related to the problems of service provision within a huge area. The vacancies are a problem for many regional and local institutions, especially for the Provincial Councils and the Pradeshiya Sabhas. To reduce the high number of government employees (civil servants), the government does often not allow positions to be refilled after employees leave or go on retirement. While the higher positions are usually filled, the lower and clerical positions are kept vacant. Local institutions argue that the service provision suffers, as they are lacking staff.¹⁵

4.3.1.2 Efficiency in Moneragala

In **Moneragala PS** area, our study revealed that there is a similar situation to that in Ambagamuwa with regard to the efficiency of the local governance system. Respondents of our study pointed to various critical issues and gave some explanations as to why the present system has serious problems preventing it from working efficiently. Lack of resources, lack of qualified secretarial staff, lack of autonomy, lack of planning capacities and lack of cooperation were mentioned as major reasons for the inefficiency of the local governance system.

In the vast area of responsibility of Moneragala PS, there are many roads which need to be maintained or others which still need to be constructed. Roads are seen as a crucial entry point for development in the area, as they are important for economic purposes, children's access to education, as well as for health reasons (access to hospitals). The PS representatives stress that they are lacking the resources to meet this important task, which is one of the main duties of the local government:

"These roads have not been developed. Though we have a lot of roads, during the rainy season they are inaccessible. We are unable to manage or maintain these roads with the resources of the Pradeshiya Sabha..." (Pradeshiya Sabha Chairman, Moneragala PS).¹⁶

The lack of efficiency of the PS is also caused by the fact that there is no qualified secretarial staff trained and experienced in financial management, especially accounts- and book-keeping. The office is poorly equipped with no computers or even proper type writers. The account books, which were not maintained under the last local government council, are still in a very poor state:

"Now there is a large amount of work that has been identified by our members. Then we have a sense of how we want to develop this city in the years ahead. So accordingly, after making our four-year plan, we hope to implement it year by year. But presently what we have been doing is paying back the past dues. We are still paying old debts. Today for instance our telephone lines have been cut. Why? Bills hadn't been paid for four months. Yesterday we finally managed to pay

¹⁵ Interview No. 71, 16.08.02; Interview with Provincial Council Local Government Commissioners at SLILG.

¹⁶ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

that sum. That is because funds had been spent without any management” (Pradeshiya Sabha Council Member, Moneragala PS).¹⁷

Overall respondents stressed the problem of financial shortages of the local government authority out of various reasons. One problem is that taxes are not properly collected or are not being paid by many citizens. Another reason is that funds coming from the Central Government for development purposes are often delayed:

“Development funds (criteria based grants) which come from the central government through the DS to the PS are often delayed. The financial year starts in March but until the funds arrive at the implementing agency it is October. Then the funds have to be spent before the end of the year, otherwise they have to be sent back. Often the funds come during the raining season, which delays any implementation further. These procedures and delays lead to unsatisfying implementation” (Research Coordinator IRDP, Moneragala).¹⁸

But there is also another side of the shortage of funds. Key informants mentioned the problem that the PS is also not willing to take over responsibility for funds from donor agencies or from state agencies such as the water board. There have been opportunities for the PS to take over certain tasks, such as the water scheme, which would give them the authority for the collection of water payments as well as for the maintenance. But the local authorities are often reluctant to take over more responsibility, maybe as they fear that they will not be capable of handling these tasks. This reluctance to take over responsibility for certain duties might also be a result of the long tradition of centralisation in Sri Lanka, where local bodies themselves have internalised that all responsibilities lie with the central government. However, there seems to lack motivation and incentives for local authorities to take over the initiative for local development:

“Once IRDP Moneragala gave a lot of money to the PS for development work, which was given back to the IRDP as the money was not spent. PS have no interest and no incentive in getting engaged in development work, but rather want to maintain the existing system of patronage, only providing support to their special clients. Not the lack of funds is the major problem, but rather the lack of motivation to get active through revenue collection or fund raising from NGOs/donors to implement projects” (Deputy Director IRDP, Moneragala).¹⁹

The PS representatives still perceive themselves as dependent from the central government and complain that they lack the autonomy to take certain decisions on their own:

“One of the things I observed is that the local government is a place that is governed by the Ministry of Local Government. We have to get approval for everything. We cannot take any matters in to our own hands. For everything we have to get permission form the Ministry of Local

¹⁷ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

¹⁸ Interview No. 38, 19.07.02, Key informant interview with Research Coordinator of Norwegian Institute of Urban & Regional Research affiliated to the IRDP project.

¹⁹ Interview No. 29, 31.05.02, Key informant interview Deputy Director IRDP, Moneragala.

Government and from the Local Government Commissioner” (Pradeshiya Sabha Council Chairman, Moneragala PS).²⁰

Problems are also reported with regard to the planning capacity of the local institutions. The planning capacities of the Divisional Secretariat and the PS are often rather weak and not orientated towards the future, leading to a waste of funds and resources:

“No proper planning procedures in PS and DS. They only plan on short-term base, on the basis of the available funds. They are not looking into the future.....” (Research Coordinator IRDP, Moneragala).²¹

“Now if you look at the Monaragala Pradeshiya Sabha, it is in front of our house, they spent a lot of money and built concrete posts and built a fence. I was watching. After about two years they broke it down and built a wall. These are unwanted expenses. Not even two years went by. Because they had the money they just used it. Pulled down the fence and built a wall” (Lawyer, Moneragala).²²

With regard to the lack of efficiency of the local governance system, the double structure of Divisional Secretariat and Pradeshiya Sabha was criticised, which led to a coordination problem and duplication of work. The coordination and cooperation among each other is more characterized by competition than by a will to achieve the common goal of local development. The PS-representatives in Moneragala expressed an interest in merging the PS and DS and see this step as a means of making local governance in Sri Lanka more efficient:

“See, there are two development plans from the Central Government and from the local government...then some work is carried out by the Divisional Secretariat. Even the local government work is divided with some of it going to the Divisional Secretariat and some of it remaining with the local government....We are suggesting that these funds be brought to one place and we work together as one unit – that’s our request. If we don’t do that this is very ineffective. The local government is the body that is closest to the people” (Pradeshiya Sabha Council Chairman, Moneragala PS).²³

The cooperation between the administrative institutions (District Planning Secretariat and Divisional Secretariat) and the local government council is maybe also disrupted by the fact that the District Planning Secretariat (DPS) organizes and evaluates the local government elections. Often PS candidates blame the DPS for wrongly counting votes, especially if their success in the elections was less than expected:

“The elections are organized and appointments of officials are done by the DPS. After this the PS’s are independent bodies with their own budget. There is often mistrust by the candidates

²⁰ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

²¹ Interview No. 38, 19.07.02, Key informant interview with Research Coordinator of Norwegian Institute of Urban & Regional Research affiliated to the IRDP project.

²² Interview No. 41, 19.07.02, Focus group discussion Moneragala.

²³ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

towards the Divisional Secretary (DS), as he organizes the elections. In cases candidates fail, they often blame the DS for cheating and go to court to protest, as they don't believe that they have not gained more votes. They also don't want to show their failure to their community" (Government Agent Moneragala).²⁴

Besides the above mentioned problems and weaknesses, there are also some positive developments, for example the initiative of the present local government council to improve the cooperation for development work among local institutions and capacity-building efforts of the rural development project IRDP for staff of local institutions.

The PS chairman has plans of how the efficiency can be improved through better cooperation among institutions working at Moneragala. As a first step, he has organized the formation of a committee for development in the GS divisions within the PS authority area. For each GS division, there will be one minister from the leading party and one minister from the opposition party responsible for the development work. Thus cooperation between the political parties will be encouraged:

"I have appointed someone from our side and another person from the opposition to form a committee. Now that too will be discussed today. Our hope is to have one of our people and an opposition party member in all the committees....We are all working hard presently – we don't have any partisan attitudes, all members are working together, in an attempt to become the best local government institution in Sri Lanka" (Pradeshiya Sabha Council Chairman, Moneragala PS).²⁵

4.3.1.3 Efficiency in Batticaloa

The various interviews with key-informants from government institutions as well as from civil society in the two research locations in **Batticaloa district** document that there is a high degree of dissatisfaction with the efficiency of the local democratic institutions to deliver services and to implement development projects. It is especially the local government authority, the Pradeshiya Sabha or Urban Council which is expected to take a leading role in the provision of basic-needs to the citizens. People also expect the local administration to play a considerable role in development and service provision. As the empirical data clearly shows, the dissatisfaction with the efficiency of these institutions can be traced back to the following reasons: lack of autonomy of the local government authority to take decisions and to implement projects; non-cooperation and destructive competition among local institutions often based on party politics; lack of funds /

²⁴ Interview No. 32, 01.06.02, Key informant interview with Government Agent, Moneragala.

²⁵ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

revenue and supervision and non-functioning due to the security situation. The latter will be discussed under trust in politics / security (4.3.7).

Regarding the **lack of autonomy of the local government**, respondents of our interviews in Batticaloa district particularly stressed the view that the local authority is a tool to extend the political base of the party in power **rather** than being considered as a means of effective local level development. As Thangarajah points out, the local authority “can be an effective link in furthering or retarding the power of the MP in whose area the PS is located. This means that whether the MP is a member of the ruling party or in the opposition largely determines the effectiveness of the PS. Local authorities continue to suffer from this dilemma. If the area is represented by the MP whose party is in power, and the PS is represented by the opposition, it becomes difficult for the elected members of the PS to carry out development activities, due to a lack of funds which otherwise could be covered by the Decentralized Budget and the allocation from the MPs” (Thangarajah 2003: 80/81).²⁶

Furthermore, the lack of autonomy of the local government authority is clearly laid down in the fact that all funds are channelled through the administrative apparatus, as the administrative and financial procedures require the approval from the Government Agent at every stage, from the beginning of calling for proposals to the final disbursement of funds for work completed. The GA is usually under obligation to represent the interest of the state and the party in power, through the DS. This system can undermine the autonomy of local authorities and their potential and development capabilities, as shown by the following extract from an interview with a former representative of the Pradeshiya Sabha:

“....Another problem is development. The government gives Rs.10 lakhs to each area. Out of that, Rs. 5 lakhs goes to the Pradeshiya Sabha and the other Rs.5 lakhs is for the DS office. At least that is what they told us. But what happened is the DS office took 7.5 lakhs and gave us only Rs. 2.5 lakhs. Even in that Rs. 2.5 lakhs, they have control. So what happens is that if the Thavisaalar` (President) is from the opposition, all the programmes will be delayed. The opposition, which is represented by the national party in power, will have its programmes implemented since they will liaise with the DS who has control over all finances. So what they do (DS) is they will consider their powers rather than that of the (local government) council” (Former Representative of PS).²⁷

At present, the situation in the North-East is that the local government councils are mostly not functioning as there have been no elections due to the security situation. This has led to the

²⁶ Thangarajah's assessment is partly based on the same empirical data used in this dissertation, which was gathered in the research project on 'Local Governance and Conflict Management'.

²⁷ Interview No. 60 23.08.02 Focus group discussion with former PS-council members and PS administrative staff, Kaluvanchikudiiruppu (Manmunai South East Eruvil Pattu, Kaluthavalai), Batticaloa.

position whereby the Divisional Secretary has to manage the administrative duties as well as the duties of the PS. In our interview with the Divisional Secretary of Kaluvanchikudiyiruppu, who is, as Special Commissioner in charge for the PS in Kaluvanchikudiyiruppu, he stressed the inefficiency of this 'emergency-system':

"The DS has very little time to concentrate on local government affairs. If the election system is improved, the system of elected council members is the better system, as it is more efficient" (Divisional Secretary Kaluvanchikudiyiruppu).²⁸

Another reason for the inefficiency of the local government authority is that decisions or services are often in the hands of the central government, such as the responsibility of electricity provision at the local level. As interviewed PS staff in Batticaloa, Kaluvanchikudiyiruppu stated, the disadvantage results in various problems of maintenance and control, the disempowerment of the elected representatives, who are unable to provide even the basic services, for example meeting a simple request such as putting up a street light or replacing of a burnt-out bulb (Thangarajah 2003: 80):

"We cannot tell the people that we have no power to replace a bulb or fix an additional street light. The people ask 'you said that if you are elected, you will solve problems in our area. But, you cannot even replace a bulb.' What can we say? We look like fools. The government must ensure there is adequate authority to undertake and effectively and speedily execute development work at the local level" (Former PS council member).²⁹

In our interview with the Local Government Commissioner of the area, based at the Provincial Council office in Trincomalee, he stressed that the local authorities have too little opportunities to use the natural resources in their area to create income. It is either the central government, big companies or hotel chains which make profits with the natural resources of the area.³⁰ It was stressed that the local authorities can only improve their capacities when they get the resources and the chance to take over the development work in their area:

"We need to give the local government authorities the opportunities and resources they need and they can develop their capacities. Foreign donors have often taken over the development work in the North-East through by-passing the local institutions. No capacities can be developed by this. The negative interference of higher political levels in the local government affairs need to be changed" (Secretary Governor North-Eastern Province).³¹

The statement of a former Urban Council member from Kattankudy expresses a similar position:

²⁸ Interview No. 56, 26.07.02, Divisional Secretary Kaluvanchikudiyiruppu PS, Batticaloa.

²⁹ Interview No. 55, 26.07.04, Former PS council member and administrative staff, Kaluvanchikudiyiruppu PS (Manmunai South East Eruvil Pattu, Kaluthavalai), Batticaloa.

³⁰ Interview No. 52 with Provincial Council Local Government Commissioner, Provincial Council Trincomalee.

³¹ Interview No. 53, Secretary Governor North-Eastern Province.

“The council has no freedom to function on its own. We (the councillors) are selected by the people to represent them so we can’t tell these things - that we have no authority- to the public. So rights have to be given to the councillors” (Former Urban Council member, Kattankudy).³²

The problem of **non-cooperation and destructive competition** among local institutions has similarly often to do with party political competition. Thangarajah also stresses that differences in party politics are seen as impeding development potential and co-operation between various institutions at the local level (Thangarajah 2003: 89). The following interview statements illustrate the problem of cooperation:

“Proper functioning of the PS depends on whether we can cooperate. Everyone must join hands for development work. But, that does not happen. Look at the national level. The President is from one party, and the Prime Minister is from another. When the President has a good plan, the Prime Minister does not agree; when the Prime Minister wants to do something, the President does not like it. It is the same here. When one party proposes a project, the opposition blocks it, or the DS will not allow it since it is from the opposition and the DS represents the Government (Former PS representative, Kaluvanchikudiyiruppu).³³

The structural alienation between the office of the DS and the PS also leads to the fact that many NGOs working on development at the local level would not cooperate with the local government authorities, but are rather working through the system of administrative machinery beginning from the GA, AGA, and DS. The overruling capacity of the DS and the GA means that the NGOs are reluctant of involvement with entities such as the PS which have very little power.

The PS representatives lack access to information and support and thus feel disempowered by the administrative system, which has more authority and a better network, reaching from the GS at the lowest level up to the Central Government. One example is that the PS representatives complained that the GS are under the direct control of the DS and therefore often do not cooperate well with the PS staff but rather delay the provision of information and statistical data necessary for PS projects at the local level:

“They (the GS) have all the details. They only stay and work in these villages. For example, each house they exactly know the details, like what is the distance between the well and the toilet. They don’t consider to cooperate well with us, so they are not giving the details necessary for our projects. They are having the confusion that they have the greater responsibilities so they are not giving the things to the PS” (Administrative staff, Kaluvanchikudiyiruppu PS).³⁴

³² Interview No. 61, 23.08.02, Former Urban Council member and administrative staff Urban Council Kattankudy, Batticaloa.

³³ No. 60, Focus Group Discussion, Former PS representative and administrative staff, Kaluvanchikudiyiruppu PS (Manmunai South East Eruvil Pattu, Kaluthavalai), Batticaloa.

³⁴ No. 60, 23.08.02, Focus Group Discussion with former PS representatives and administrative staff at PS office Kaluvanchikudiyiruppu (Manmunai South East Eruvil Pattu, Kaluthavalai), Batticaloa.

The lack of coordination and cooperation between the administrative system and the local government authority leads to a double structure, which is characterized by duplication of work and unclear responsibilities:

“Sometimes, when the PS wants to do some roadwork, the DS office will interfere and say it is their responsibility. The Rural Development Society will give the proposal both to the PS and the DS. They will always prefer the DS, because they know that he is more powerful. But the problem is that this creates duplication of work as DS and PS start working on the same proposal. So, that causes problems” (Former PS representative).³⁵

Regarding the **lack of funds**, it is informative to look into the expenses of the local government authorities. Among the expenses for development work the local government authorities have to cover are the operation of community centres, libraries, health clinics and road construction. The main share of expenses of the local government authority, according to records and through the interviews of employees, is construction and improvement of roads. This is also the case for the PS in Kaluvanchikudiyiruppu, which perceives the lack of funds and revenue as a hindrance to efficient functioning:

“It is difficult to plan the budget only from the income of the council. There is so much to do and only very little funds are available. Therefore it takes a long time to approve the budget since we have to negotiate for the most suitable project. Roads are the most difficult to agree upon. Our biggest problem is finance” (Interview with earlier PS representative).³⁶

In our focus group discussion with staff and former council members of the PS in Kaluvanchikudiyiruppu, the lack of funds as well as the lack of technical know-how was mentioned as reasons why projects can often not be implemented:

“It’s easy to identify the needs of the people from the PS level. But getting the funds and the technical advice is very difficult. We don’t have the guidance also” (Administrative Staff PS Kaluvanchikudiyiruppu)³⁷

Out of the estimated revenues of one locality, the councils often collect a maximum of 70%, which means that at least 30% of local taxes are not collected and therefore are missing in the budget of the councils. Furthermore, the Criteria Based Grants the councils can obtain from the Central Government just cover the maintenance costs and are not sufficient to start new development projects. Access to the Decentralized Budget is dependent on personal contact to

³⁵ No. 60, 23.08.02, Focus Group Discussion with former PS representatives and administrative staff at PS office Kaluvanchikudiyiruppu (Manmunai South East Eruvil Pattu, Kaluthavalai), Batticaloa.

³⁶ No. 61, 23.08.02, Focus Group Discussion with former PS representatives and administrative staff at Kattankudy Urban Council, Batticaloa.

³⁷ No. 60, 23.08.02, Focus Group Discussion with former PS representatives and administrative staff at PS office Kaluvanchikudiyiruppu (Manmunai South East Eruvil Pattu, Kaluthavalai), Batticaloa.

politicians (MPs) and this contact is often lacking, as stated by PS staff from Kaluvanchikudiyiruppu.³⁸

Obviously, there is a problem of revenue collection of existing sources as well as the identification of new sources. For instance, a revision of the rates would be a potential area of increasing revenue, as rates for public property buildings have not been increased for decades. But the economic difficulties and the destruction to livelihood and property in the North-East makes any new burden to the pockets of the people difficult.³⁹ The weakness of revenue collection has also to do with Sri Lanka's long tradition of state subsidies for people's basic needs. People are obviously used to getting services for free and therefore lack understanding why they should pay taxes:

"One problem is that people obviously are not used to paying for basic services, but rather expect everything to be free and provided by the government" (Divisional Secretary Kaluvanchikudiyiruppu).⁴⁰

It is interesting that even among the administrators (public servants), there is obviously the expectation that the state should provide basic services such as water supply for free. Respondents of our study, especially higher administrative officers, always mentioned very proudly that some services, for example the supply of water, are provided free of charge.⁴¹

In other areas, people mentioned the problem that the local councils collect taxes from the people, but never provide any services and maintenance. This has led to a situation where people's motivation and willingness to pay taxes has decreased, as they feel that the local council doesn't do anything for them.⁴²

Regarding monitoring and supervision of the local government authorities through the Provincial Council, it was mentioned that the support is rather weak. Kattankudy urban council administrative staff explained that the PC staff would come once a month to discuss progress with the UC staff and to check the accounts. But very rarely do they monitor the implementation of projects in the field.⁴³

³⁸ No. 60, 23.08.02, Focus Group Discussion with former PS representatives and administrative staff at PS office Kaluvanchikudiyiruppu (Manmunai South East Eruvil Pattu, Kaluthavalai), Batticaloa.

³⁹ Thangarajah describes the example of Batticaloa Municipal area, where the rates have not been revised since the early 1960s as people can't afford any increase in their living expenditures (Thangarajah 2003: 89).

⁴⁰ Interview No. 56, 26.07.02, Divisional Secretary Kaluvanchikudiyiruppu, Batticaloa.

⁴¹ Interview No. 57, 26.07.02, Major and Special Commissioner Batticaloa Municipal Council.

⁴² Interview No. 54, 29.06.02, Ariawatti Gayapatti, UNP candidate for Trincomalee Municipal Council.

⁴³ Interview No. 58, 26.07.02 Urban Council administrative staff, Kattankudy, Batticaloa.

4.3.1.4 Comparative Summary

The findings with regard to the efficiency of the local governance system were very similar in all three research regions. Respondents mentioned a high degree of dissatisfaction with the efficiency of the local institutions, especially with the local government. The major reasons were: lack of autonomy of the local government authority to take decisions and to implement projects; non-cooperation and destructive competition among local institutions often based on party politics; lack of funds and supervision and lack of qualified staff leading to weak planning capacities. In Batticaloa, the security situation was furthermore mentioned as a hindrance to efficient local governance, which interestingly seems to be the only difference to the other two regions.

The lack of autonomy of the local government authority is determined by the dominance of central government actors and institutions at the local level. This means that agents, such as Members of Parliament, line ministry staff or staff from other organisations determine projects and programme priorities in terms of content, location and beneficiaries with little or no consultation with the elected local representatives. The result is that the PS is disempowered, resource deficient and has little organisational capacity and out-reach (Hettige 2003: 43). Furthermore the lack of autonomy of the local government authority is also seen in the dependency of the local government from the administrative apparatus: funds are channelled through the Divisional Secretariat and many administrative and financial procedures require approval from the Government Agent at every stage. Another aspect is that the local authorities are often reluctant to take over more responsibility, maybe as they fear not being capable of handling these tasks. This reluctance to take over responsibility for certain duties might also be a result of the long tradition of centralisation in Sri Lanka, where local bodies themselves did not have the chance to develop own capacities but have internalised the impression that all responsibilities lie with the central government.

The absence of close cooperation between the PS and other institutions at the local level leads to a duplication of work, a waste of funds and devalues the PS in the public eye. Two arguments were given as explanations for the difficult relationship between the bureaucracy and the elected local representatives. One reason is the expressed feeling of superiority of the bureaucrats, who perceive themselves as better qualified, more neutral and not politicised. They believe that they can better serve all communities in an equal manner. This feeling of superiority might be one reason why the cooperation with the PS is often kept to a minimum.

Regarding the lack of funds, a major issue is the difficulty of collecting a higher percentage of the estimated taxes and revenues in an area. People are obviously used to getting services for

free and therefore have a low awareness and willingness to pay their taxes. Sri Lanka's long tradition of state subsidies for basic goods and services has led to a situation where not only the citizens expect to get services and goods for free but even the administrators expect some services to be provided free of charge. There are also cases, where obviously more influential and rich people do not have to pay taxes, as they have supported PS-members during the last election campaign.

Another problem is that the funds received by the national government are hardly enough to cover all administrative costs of the local government office and funds coming from the Central Government for development purposes are often delayed. The supervision of the local government council by the Provincial Council (PC), which is also responsible for capacity building within local authorities, was described in all three research locations as weak, as the PC staff comes irregularly and applies a rather rigid, inflexible monitoring procedure which can neither prevent mismanagement nor is it adequate to support the local councils with difficult questions they may have.

With regard to a lack of qualified staff leading to weak planning capacities, one problem seems to be that vacancies are often not refilled. Respondents mentioned that the Government would follow the World Bank structural adjustment programme as a reason for this, trying to reduce the number of government employees in the country. Another problem of the research regions is finding qualified personnel who are willing to work in these marginalized rural areas.

The differences with regard to efficiency of the local governance system seem to be rather marginal in the three research regions. The major difference in Batticaloa compared to the other two regions is that due to the security situation, elections have not been held for the local government councils and thus the local councils have been taken over by the central state bureaucracy. This has led to a situation where the existence of the local government is hardly felt by citizens. Furthermore, the local institutions face a much higher burden of necessary infrastructure rehabilitation and maintenance due to the destruction caused by the war. The financial shortage of the local government can hardly be compensated through an increase of rates or taxes as people in the North-East anyway live on a minimum income level due to the political emergency situation.

A specific issue in Ambagamuwa and Moneragala was that the local government representatives complained about the difficulty of serving a huge area without having a proper field structure with field officers, such as the Divisional Secretariat. Although the PS has to cover the same large area as the Divisional Secretariat and is elected by a large and diverse

population, it operates from a single office located at the largest town in the area and has no outreach centres.

4.3.2 Responsiveness and Equality

4.3.2.1 Responsiveness and Equality in Ambagamuwa

Regarding the responsiveness of the local government system, the formal representation of all identity groups has been assessed which is, in Ambagamuwa PS area, according to the population size of different ethnic groups, but is not at all gender balanced. As Hettige summarizes, “as regards the representation of other groups, it appears that various ethnic groups are adequately represented, in proportion to their population size. The PS consists of 23 members of which seven are Sinhalese, the rest being the members of the Tamil community, which forms the majority population in the area. There are only two female members in the PS, and this conforms to the general pattern in the country where women are grossly underrepresented in elected bodies” (Hettige 2003: 42).

The respondents of the household survey have been asked whether they are satisfied with the performance of the PS. Only 28% said that they are satisfied, while 55% stated that they are not satisfied and 13% could not say. Asked why they are not satisfied, people said, for example, that no work has been done properly and problems are still existing (27%), expectations of people have not been fulfilled (7%), or they never give any facilities (5%).

Regarding the responsiveness of the governance system towards the needs of its citizens, the local government representatives express a rather pessimistic view, as they realise that they have neither the capacities nor the resources to fulfil the peoples expectations. The local representatives impression is partly that the people’s expectations are just too high, and partly their impression is that the central government is not providing them with adequate resources to meet the needs of the people:

“I have functioned as the deputy chairman of the local government for ten years. ...I am aware of what type of work can realistically be undertaken by the local government and Provincial Council. I knew clearly that we are unable to fulfil even thirty percent of the aspirations of the village level people with the funds made available to the local government” (Deputy Chairman PS, Ginigathhena).⁴⁴

⁴⁴ Interview No. 12, 13.08.02 PS-Council Ginigathhena, Ambagamuwa.

“So here what we have is a situation where the constituents who have voted for the Chairman think that the Chairman is a big man. They have the impression that the Chairman is someone who can accomplish miracles. They think that our local government member can get us the computers we need because we voted for him, but they have no realistic knowledge of what type of work the local government is able to actually accomplish. The Central Government has no clue as to what the people’s aspirations are. They have no idea of the type of support the local government needs in order to efficiently assist the people in resolving their problems” (PS Chairman Ginigaththena).⁴⁵

Our qualitative interviews revealed a **general feeling of lack of responsiveness** from the local institutions, especially the local government and the Divisional Secretariat. This feeling was expressed by representatives of people’s organisations, but was also an outcome of the interviews with citizens from the region. As reasons for the lack of responsiveness, respondents stated that officers and local council representatives would not attend to problems of the people and are often not trained and experienced enough to manage their affairs effectively. Furthermore, the DS office often tends to be guided by top-down pressure emanating from above rather than by bottom-up pressure coming from local communities (Hettige 2003: 33):

“I told the Chairman, ‘Sir, please come that way a bit and see for yourself what’s happening’. He told me he will come but he didn’t. So like that we have those who refuse to listen to public protests, those who have no clue about money management, and some others who dislike working within management structures...” (Secretary Trader’s Association, Ginigaththena).⁴⁶

Furthermore, there was a **general feeling of inequality** among the respondents of our study. There are two dimensions of inequality, the one is based on ethnicity and the other one on party membership:

“The PS is dominated by Tamils, therefore Sinhala villages are neglected. The Sinhala parties are divided” (Monk, Morayennagama)⁴⁷

“One PS-council member is from Upcot-Town. People would contact him to ask support but PS-members support only party followers” (Trade Union Officer, Upcot Town)⁴⁸

Even the elected local representatives are aware that the resource distribution to different locations has often not been equal in the past and they expressed a vision that this would be changed in the future:

“When we were not yet elected as representatives of the council, one of the things we observed was that the situation in the town and the village was the same. But due to various factors the resources allocated were not distributed evenly. But what I am saying is that we have to ensure

⁴⁵ Interview No. 12, 13.08.02, Elected PS-council members and chairman, Ginigaththena, Ambagamuwa.

⁴⁶ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

⁴⁷ Interview No. 3, 16.03.02, Village people Morayennagama, remote Sinhala village, Moneragala.

⁴⁸ Interview No. 7, 17.03.02, Trade Union Officers (Ceylon Workers Union) Upcot-Town, Ambagamuwa.

that each area is given the exact amount of support as the other. That is my vision” (Elected Council Member Ginigathhena PS).⁴⁹

A major issue in Ambagamuwa is the **situation of the Tamil estate workers**, which is described as completely bad and deprived of basic needs:

„The estate is like – what can I say..., I can’t say it because it’s not a good word in English. It’s like being slaves. Skilled people are being kept as slaves. We are slaves. Now all the politicians are there and all these things but nothing is happening. Then our people are living in eight feet by eight feet rooms - that even a dog can’t go and live in. Actually we have a pathetic situation” (Plantation Staff Congress Member, Ambagamuwa).⁵⁰

“Approximately 200.000 Tamil workers in the estates are still without citizenship. There is still a discrimination by calling the Tamil estate workers ‘Indian Tamils’. This should not be like this” (Trade Union Representative, Ambagamuwa).⁵¹

There is a general agreement that the situation in the estates has to be improved and that the responsibility should not be left to the estate management, which is at present the case, but be with the elected local government. The situation today seems to be that the local government is almost doing nothing in the estate areas, as they argue that this is the estate management’s responsibility, which has more funds than the local government anyway. The estate management, on the other hand, feels that they are already providing full services to their workers and that the local government could also undertake development activities to improve the situation of the workers further. As a PS-council member expressed, it is a question of who has the authority over the estate areas:

“People in the estates are fully dependent on the bad service conditions provided by the Estate Management. We need to bring the people from estates into the national mainstream. The same state institutions should be responsible for the Tamil workers like outside the estates. The estate workers should not be ruled by the estate management” (Trade Union Representative, Ambagamuwa).⁵²

“On the estates, the estate management is somewhat appointed as Divisional Secretariat for the workers. We are responsible for the issuing of birth-certificates. We are filling in the forms and send the documents to the registration Office in Colombo. Even the postal service is collected and delivered by the estate management. All is for free. The PS is not doing anything in our area. There are no legal restrictions....if the PS wants to do some social work they could do so - we won’t object. They give it as excuse that it’s not under their responsibility” (Superintendent Battelgala Estate, Ambagamuwa).⁵³

⁴⁹ Interview No. 12, 13.08.02, PS-council Ginigathhena, Ambagamuwa.

⁵⁰ Interview No. 15, 13.08.02, Focus Group Discussion Ginigathhena, Ambagamuwa.

⁵¹ Interview No. 11, 12.08.02, Group interview with Trade Union representatives, Ambagamuwa.

⁵² Interview No. 11, 12.08.02, Group interview with Trade Union representatives, Ambagamuwa.

⁵³ Interview No. 24, 14.08.02, Key informant interview with Superintendent Battelgala Estate, Ambagamuwa.

Although there is a general agreement that the situation in the estates is bad and that the Tamil estate workers live in a deprived situation of 'bounded labour', there is on the other hand the perception among poor Sinhalese that the situation of the rural Sinhala villages is similarly bad. There is even the argument that the estate youth at least have job opportunities as they can work in the estates, while the Sinhala youth are deprived of any opportunities for economic advancement. This shows that in an economically severe situation, members of different communities tend to compare their opportunities with those of the other ethnic group and often the perception is that the 'others' have better opportunities than their own group members:

"I meet people who come from the villages and I meet estate workers..., actually according to what I see, I must say that the situation of the Sinhala village people is not very different. ...Only because this group of people are Tamil speakers there is an additional burden they have to bear in places like the police station. That is very true. But apart from that if you compare living standards both groups fall into the same category" (Chairman Mediation Board, Ambagamuwa).⁵⁴

The Sinhalese villagers – who form the minority population in the area – especially those from remote villages – feel that they are deprived. Although they have elected representatives in the PS council they feel that they lack access to resources and services. One major reason mentioned was that the Chairman in Ambagamuwa, who has the real decision-making power, is a Tamil.

Not only the estate management, but also representatives of NGOs and Trade Unions, agree that the situation in the estates has been improved and that there are certain services which are provided to the Tamil workers. The problems of today are partly problems of attitude: on the one hand, the attitudes of the estate management towards the workers has not yet changed completely; on the other hand the mentality of the passive recipient among the Tamil workers is also very strong and keeps them dependent on the estate management:

"Services provided by the estate management to our workers have not been recognised. Still the perception is that we keep our workers like slaves. Estates are perceived as "kingdoms", which is an old story. Full welfare service is provided to our workers from birth to death. I even provide my personal jeep in the mid of the night to bring a worker to hospital if he is ill. Toilet-pits of the workers quarters are cleaned by a person paid by the Estate Management" (Superintendent Battelgala Estate, Ambagamuwa).⁵⁵

"Actually if I may say something else, we can't say that the people who live on estates have such a great lack of resources. There are those to sweep the place, there are people who have been appointed to cut their hair, if some one is expecting a baby, they get free travelling provided to any hospital, if there is a death then the coffin is bought, even if the person dies in Kandy the lorry will be provided to bring the body back to the estate. Like that a lot of services and amenities have been provided for them. But those facilities have been provided as a measure of control by which

⁵⁴ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

⁵⁵ Interview No. 24, 14.08.02, Key informant interview with Superintendent Battelgala Estate, Ambagamuwa.

they can wield power over the people they are managing. The way in which these people have been trained is to live under the governance of these masters so that they can be kept under their thumbs forever” (Plantation Staff Congress Member, Ambagamuwa).⁵⁶

An important reason for the lack of responsiveness and feeling of unequal treatment among the Tamil estate population is the **discrimination based on language**. Regarding the language policy within the Ambagamuwa PS-council, the findings were rather positive and progressive, as discussions are held in both languages with translation into the other language and the minutes are written in Tamil and Sinhala. The chairman and the vice-chairman are bilingual and therefore understand all council members without any problem. Although the Pradeshiya Sabha in Ambagamuwa somewhat represented both linguistic groups, representatives of the Tamil community still expressed that they face the problem that Sinhala is the dominant language of all other public institutions. Within some government institutions, such as the Divisional Secretary or the police station, or the post office, etc. Tamil people experience that they can not report in their own language, as the public servant or officer in charge does not understand their language. This fact leads to a feeling of deprivation, as a direct communication with many state institutions is not possible:

“The Tamil estate workers are facing many difficulties and are neglected from official institutions. For example at the police station there is no one to take down their cases in Tamil or the post-office will not accept a telegram in Tamil. Job-advertisements are only made in Sinhala and English, so no Tamil person can apply etc.” (Representative Christian Workers Fellowship, Ambagamuwa).⁵⁷

“Now if we go to the police station we are finding it absolutely difficult. This gentleman can’t understand me – I can’t understand him, he is noting down all the statements in Sinhala. Actually even in the police station we have a right to state our complaint in Tamil so that right should be given. But everything is written in Sinhala and then we are told to sign. And then we are told to get out. Then thereafter when we go to the courts we have no clue what had been written down and what we have signed” (Plantation Staff Congress, Ambagamuwa).⁵⁸

Regarding the language problem, the Divisional Secretary described that the situation within the DS has improved a lot due to language courses which are conducted for their administrative staff to reduce the communication problems with the Tamil population as well as due to new legislation:

“Now language courses are conducted for all DS staff, Tamil for the Sinhala staff and Sinhala for Tamil staff. Replies are always written in the language a letter is received. This is the law. Translators are paid to translate those letters. Sometimes there are difficulties to get funds for the translators. Out of 61 Gramasevakas in the Divisional Secretariat there are 21 Tamils. There is a

⁵⁶ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

⁵⁷ Interview No. 12.08.02, Group discussion with NGO-representatives, Ambagamuwa.

⁵⁸ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

new law proposal, saying that in ethnical mixed areas there should be a Tamil and a Sinhala registrar to register the birth of children” (Divisional Secretary Ginigaththena).⁵⁹

4.3.2.2 Responsiveness and Equality in Moneragala

Regarding the responsiveness of the local government system in **Moneragala**, the **formal representation** of all identity groups has been assessed. Within the local government council, all elected representatives were Sinhalese and there was no representation from other ethnic groups, nor was there any party which represented the interests of the small Tamil estate community. The problem in this rather homogenous Sinhalese settlement area is that parties like the Ceylon Worker Congress, which represent specific identity groups, such as Tamil estate workers, have almost no chance of winning a seat as their constituents in this area are too few in number. This is also the reason why these communal parties do not engage much in this area, as trade union representatives reported in our key informant interviews.⁶⁰ The representatives of the two main parties in the council, UNP and SLFP were all Sinhalese and few of them mentioned being able to understand Tamil to any extent.

In the household survey, citizens from four locations were asked in Moneragala whether they had contacted the PS in the last year to address their needs. 40% of the respondents answered that they had visited the PS office in 2001 to address some issues. Among those, 77% were Sinhalese and 23% were Tamils. The majority came from the Moneragala town area, but a similar number of approximately 20% of those who visited the PS office came from the rural locations. So again there was no proof that people from the remote places have less access to the local institutions than those who live in towns. The Tamil respondents mentioned, that the thalavair would sometimes go to the PS on their behalf for language reasons.

Asking about the satisfaction with the work of the PS, a majority (76%) answered that they are not satisfied with the performance of the council, while only 12% mentioned being satisfied. Others did not answer the question or indicated ‘can’t say’. More Sinhalese (86%) than Tamils (14%) were satisfied with the performance of the local government council. Reasons for the dissatisfaction were mainly that no or insufficient services had been provided by the PS.

In the qualitative interviews with key informants from civil society and local institutions, the general impression was that there is a high degree of dissatisfaction with the responsiveness of the local governance system with regard to people’s needs and there are also complaints that

⁵⁹ Interview No. 15, 14.08.02, Divisional Secretary Ginigaththena, Ambagamuwa.

⁶⁰ Interview No. 40, 19.07.02, Key informant interview with trade union representatives, Moneragala.

there is unequal access to the services and funds of the local political system. A general criticism is that representatives of local institutions do not care about the needs of the people. Only shortly before elections do the local politicians get a bit more active and show up in public:

The Grama Sevaka is from another place, he does not care about the problems of the villages. He spends only some days in the village. ...”(Farmer at Kahambana, Moneragala).⁶¹

Another issue was that the local government institutions do not consult people about their needs and therefore often plan and implement projects which are not useful. Another impression is that the projects are often tailored only towards the needs of the supporters of respective politicians:

“People are not consulted at any level by the local authorities, administration or line departments, not for planning, nor for implementation” (Farmer at Kahambana, Moneragala).⁶²

“Tank rehabilitation once started in the village by the Irrigation Department was not to the satisfaction of the people, due to various reasons: the selection of the tank was done by the department not by the people, only few people benefit from the tank...” (Farmer at Kahambana, Moneragala).⁶³

In remote places like Kahambana particularly, the people feel that they are neglected by government in terms of service provision. People say that the PS does not do anything for their village; the politicians only come to catch votes before the elections. As in all three research regions, many respondents criticise the proportional representation election system (PR), as unlike with the old ward system, the elected local representatives are not necessarily from the area, which would lead to a lack of a sense of responsibility for their electorate. As a consequence of the PR-system, it is also mentioned that partisan politics has increased, leading to the situation that nowadays only the areas of the majority party supporters benefit from the local government authority service provision:

“The earlier ward-system was better, as the representatives were responsible for their electorate. Today the problem is the proportional representative system (PR-System)” (Farmer at Kahambana, Moneragala).⁶⁴

In the town area of Moneragala, dissatisfied tax payers, mainly businessman and traders, who have rented public places and buildings, got together and formed a “Rate Payers Association”, as they feel that although they now have to pay an increasing amount in taxes, there are no services and facilities provided by the local government.

⁶¹ Interview No. 33, 01.06.02, Key informant interview at village visit in Kahambana (remote Sinhalese village), Moneragala.

⁶² Interview No. 33, 01.06.02, Key informant interview at village visit in Kahambana, Moneragala.

⁶³ Interview No. 33, 01.06.02, Key informant interview at village visit in Kahambana, Moneragala.

⁶⁴ Interview No. 33, 01.06.02, Key informant interview at village visit in Kahambana, Moneragala.

“There is nothing wrong with paying taxes, but we have not received any benefits. Yet we have to pay. Now that’s wrong. There are no facilities. No water, electricity, phone connections. Yet, we have to pay those taxes.” (Deputy Secretary Rate Payers Association, Moneragala).⁶⁵

Civil society representatives in Moneragala stressed that even if local leaders try to implement something for the people, there is **political interference** from central government politicians, who put pressure on them to serve mainly their own voter base. These interferences on party partisan lines undermine the ability of local government to be equally responsive to all its constituents.

However, the newly elected PS-council in Moneragala stated that partisan politics is not followed within their council’s area and that they have the intention of overcoming a partisan political culture and work together for all communities:

“Actually, the local government is not a place where one has to function with a partisan attitude, but we should rather be of the opinion that we are all equal and therefore we must all be represented. So we must not have members among us whom we categorize as government or opposition and since we co-exist in this manner I believe we can move forward with our proposed development plans” (Pradeshiya Sabha Council Member, Moneragala PS).⁶⁶

With regard to the good governance indicator **equality**, the situation of the small minority group of Tamil estate workers was described as more deprived and marginalized. An elected PS-council members stated that in this area there are no differences between people living in the estates and the village population, as there is a close connection between both areas:

“Now, we are a group of people who have lived with the estate people from the time we were born. Even me, my first job was in the estates. I have been born among the estates. So I have lived and grown up among the estates and I can say that there is no difference between the village and the estate. There is no conflict. To a great degree the two entities function together – so far we have not faced difficulty in this area” (Pradeshiya Sabha Council Member, Moneragala PS).⁶⁷

However, Tamil estate worker and trade union representatives did not agree with this statement and feel that there are specific problems that Tamil estate workers are confronted with. Tamil families of Kumarawatte Estate (Paravilla) expressed that they feel completely isolated:

“The PS would not do something for us, the PS does not accept any proposals given by us. As neglected group (tamil estate community) we have no voice. If at all, only the trade unions come to speak to us” (Female Shop Owner, Kumarawatte Estate, Moneragala).⁶⁸

⁶⁵ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

⁶⁶ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

⁶⁷ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

⁶⁸ Interview No. 27, 31.05.02, Key informant interview in Kumarawatte Estate, Paravilla division, Moneragala.

Even the Tamil politicians do not come and look into their problems. Estate people feel that there is no Tamil political representation. As mentioned earlier, the activities of the trade unions are also very limited in this area, as Moneragala is not an important vote base for the political parties affiliated to the trade unions.⁶⁹

Language was stressed as one of the important factors that contribute to the deprivation of the Tamil speaking community in Moneragala. There seem to be problems for Tamil people to find their way in public buildings such as the hospital in Moneragala town or to find a Tamil speaking doctor, police officers and even PS members who are able to understand and speak Tamil:

*In Moneragala town, we can't read anything, when we enter the hospital, as everything is written in Sinhala. Additionally there is no Tamil speaking doctor.... In the estate all higher officers are Sinhalese (Tamil Estate Women, Kumarawatte Estate, Moneragala).*⁷⁰

The representatives of the PS agreed that there is sometimes a problem of access related to language, as most of the elected council members do not speak Tamil and therefore have problems to talk to Tamil people to take up problems and complaints:

*"There is sometimes a language problem. We accept that. Now there are some people who, ...do not speak even one word of Sinhalese. Even I meet such people. Now I myself, I can speak just a few words of Tamil. So I manage to just speak of what is important and ease off the situation. There are times when someone comes to me in a hurry to get a Birth Certificate attended to and at that point I have to engage the help of someone else to translate so I can understand what is being said, ...there is a language problem" (Pradeshiya Sabha Council Member, Moneragala PS).*⁷¹

But the awareness that this might be a problem that triggers inter-ethnic tensions is often not given among representatives of state institutions, as evident by the statement of some police officers in charge for the area:

*"There haven't been any problems like that, most of the time the Tamils and Muslims know Sinhala. If that fails they bring someone who can. They have gotten used to doing this. They bring someone who speaks in Sinhala and that person speaks to us. Otherwise they can write their complaint. Then our police officials can get it translated" (Police officer, Moneragala).*⁷²

Another major issue of deprivation seems to be that many Tamil estate workers do not have an identity card, mainly because they also have no birth certificate, which is the necessary document to obtain other documents. Although there is a procedure for the procurement of a birth-certificate, it is very often the case that this procedure is not followed, either due to a lack of

⁶⁹ Interview No 27-28, 31.05.02, Key informant interviews in Kumarawatte Estate, Paravilla division, Moneragala.

⁷⁰ Interview No. 27, 31.05.02, Key informant interview at village visit in Kumarawatte Estate, Paravilla division, Female shop owner plus 4 women.

⁷¹ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

⁷² Interview No. 41, 19.07.02, Focus group discussion Moneragala.

awareness on the part of the parents or due to lack of support from the responsible officers. Some of the rules and procedures are also simply too strict and not sufficiently flexible to meet the specific needs of the Tamil estate community:

“Or the public health officer...Now he must go from house to house and see there might be a new-born and he must make a report of it. They have been told this. They have to know about who will be having a baby in that area. Then that problem of birth-certificates would be reduced if they do their work properly. Now another officer, the Gramasevaka has to get involved most of the time to find one’s identity. The identity card, the birth certificate. ...When that person is about sixteen years of age, the fact that he has to get an identity card must be also emphasised by the Gramasevaka. The Gramasevaka must go and see to it. But now this does not happen” (Justice of Peace, Moneragala).⁷³

4.3.2.3 Responsiveness and Equality in Batticaloa

The situation in the North-East is characterised by a lack of democratic representation, as local government elections have not been held since 1994. The councils which were elected in 1994 functioned for four years plus one year extension and were then dissolved. Today, those councils are managed by the remaining administrative staff under the authority of a Special Commissioner, which is the Divisional Secretary. But as our interview with a former UNP candidate of the Trincomalee Urban Council showed, some councils did not even meet once after the 1994 elections as there were threats from the militants and the elected council members did therefore not take their oath. Today people in Batticaloa district have no elected representatives at the local level who would come forward to engage with their needs and interests. The only elected representatives are those in the national parliament in Colombo. While the Muslim community seems to have good representation and support at Colombo through Muslim MPs who originally come from this district, many Tamils mentioned a lack of representation and support from MPs in Colombo. Asked whether they would like the local government elections to be held in September 2002, a surprising high number of 91% (55) of the household survey respondents said ‘yes’, while only two people stated ‘no’ and three felt it would make no difference. This clearly shows that people in the two research regions in Batticaloa are unhappy with the lack of local democracy and elected representation.

Due to the lack of elected representatives, the people at the local level in Batticaloa district have to deal mainly with public administrators to get their needs and grievances resolved. The Divisional Secretary plays a bigger role in preparing development plans and the budget at the local level, as in his function as Special Commissioner, he is in charge of the Pradeshiya Sabha.

⁷³ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

The needs of the people are addressed during public days, where people can come to the DS office to report problems and bring forward proposals, as well as through community based organisations (CBOs), like the Rural Development Society (RDS) or the Farmers Association (FA). However, the Local Government Commissioner Trincomalee pointed out that the DS have not enough time to work for the communities as they have too many duties, combining the duties of the DS with those of the local government councils.

Regarding the satisfaction with the services of the PS/UC, only 10% of the respondents stated that they are satisfied (out of this two Tamils and four Muslims), 58% stated that they are not satisfied (out of this 18 Tamils and 17 Muslims) and 31% cannot say. The majority mentioned that there are not enough services provided, as the PS/UC is not functioning well. Many people referred to the special condition in the North-East and the lack of Central Government support for the local authorities in the North-East. People blamed the Central Government for the non-functioning of the local authorities.

Regarding the responsiveness of institutions towards the basic needs of people and problems in the area, the Grama Niladari (administrative village headman) of Kaluthavalai described that he is supposed to inform the DS about peoples needs and problems but that there is usually no follow-up, leading to frustration among the people:

“The DS would anyway do nothing. I would even go to higher authorities, but they don’t do anything, so why to go there?...People are frustrated that nothing is done that’s why they contact the LTTE for problem-solving” (Grama Niladari Kaluthavalai – Monmunai East).⁷⁴

Regarding the fund allocation to the local government areas, the household survey and some of the interviews with key informants revealed that the people often contact Members of Parliament directly to get issues resolved rather than approaching the local institutions. The Members of Parliament usually have more powers and finances to support groups or projects at the local level. This means that identity groups that have a Member of Parliament in the area where they live have easier access to resources and decision-making power than groups that are not represented by a Member of Parliament. In Batticaloa District, the Tamil perception is that the Muslim community has better access to resources than they do as the Muslims have stronger representation through Members of Parliament in the ruling government. However it has to be carefully examined whether these perceptions reflect the actual situation. The Statistical Handbook of Batticaloa 2000, for example, does not reveal any advantage of the Muslim areas

⁷⁴ Interview No. 59, 26.07.02, Grama Niladari Interview Kaluvanchikudiyiruppu (Kaluthavalai – Monmunai East); Batticaloa.

through a higher allocation of decentralised budget. However, perceptions count and reflect the feelings of people regarding the functioning of the local governance system:

“Kattankudy UC is getting more funds through the decentralised budget than us, as they have an MP contact in the central government” (Divisional Secretary Kaluvanchikudiyiruppu).⁷⁵

In Batticaloa District, the two ethnic communities (Tamils and Muslims) have separate local government councils. This is why the feeling of being left out by the council due to ethnic discrimination is not the same as in other multi-ethnic regions in the North-East. As almost all public servants are Tamil speaking, both Tamils and Muslims have no problem of access based on language discrimination at the local level. Only in Batticaloa Town does the Municipal Council have to serve an ethnically heterogeneous population. In our interview, the Major and Special Commissioner responsible for the Batticaloa Municipal Council stated that the council would serve all ethnic groups equally. However, he also stated that it is *“human to serve mainly the own community”*⁷⁶, which shows that those ethnic groups represented by the political leaders might have an advantage in resource allocation.

4.3.2.4 Comparative Summary

With regard to responsiveness and equality of the local governance systems, the issue of formal representation of identity groups was considered, which, due to the PR-election system in Ambagamuwa and Moneragala, almost reflects the size of each population. In Ambagamuwa, all three ethnic groups are represented in the PS-council, but in Moneragala where the Tamil minority is very small in number, communal parties have no chance of getting enough votes to represent their constituency in the council. Therefore there are only Sinhalese representatives in the council and only a few are able to understand Tamil. The consequence of this is that the Tamil population feels inadequately represented by the local government council, especially as they face a language problem in addressing their issues to council representatives. In Batticaloa, the formal representation at the local level is not given, as the local government elections have not been held. Here people feel that they have only access to resources and services if they have a Minister in the National Parliament who comes from their region. People dislike the lack of local democracy, as a surprisingly high majority of 91% want the local government elections to be held as soon as possible.

⁷⁵ Interview No. 56, 26.07.02, DS-Kaluvanchikudiyiruppu, Batticaloa.

⁷⁶ Interview No. 57, 26.07.02, Major and administrative officers Batticaloa Municipal Council.

A general finding is that the ethnic minorities usually have a perception of being under-represented in the local government council and having less access to power and resources than the majority group. In Ambagamuwa, Sinhalese are in a minority and although they have elected representatives in the council, they feel that they are deprived and neglected. An important argument is that only the chairman in the council has real decision-making power and therefore it matters whether the chairman is from the own ethnic group. Furthermore, the majority of Tamil Estate workers, even though they form the population majority in the area, do not feel represented by the Pradeshiya Sabha. Although they are voting for the councils, the Pradeshiya Sabha does not feel responsible for the estate areas after the election, stating that the estate management is responsible for caring for the estate population. Although there are no legal obligations for the PS to provide services to the estate area, it seems that the lack of funds leads to a situation whereby the Pradeshiya Sabha council feels that the estate management has enough funds to provide services and assistance to the Tamil workers. The reality is that the estate workers feel deprived by the local government authority, whose representatives they have elected.

In Moneragala, the Tamils form a minority and feel neglected, as there are no Tamil representatives in the council, leading to a communication problem if people want to address their issues to the council. In Batticaloa, the situation is slightly different, as here the two ethnic communities (Tamils and Muslims) have separate local government councils. But as mentioned earlier, the problem is rather that the local government elections have not been held and at present there are no elected representatives at all. So here it matters which group has better access to National Government politicians, who would support development projects in the East. Another general finding was that the representation of women in the local councils is very weak. In Ambagamuwa the council of 23 members has two female candidates, while Moneragala has only male council members. In the key informant interviews at citizen level, people stressed that it is very difficult for women to get elected, and if they have managed to get enough votes there is a high danger of being replaced by male candidates from their own party when the council is formed.

In all three research regions there was a general feeling of dissatisfaction with regard to the responsiveness and service provision of the local government council. The majority mentioned that there are not enough services provided, as the PS/UC is not functioning well. A general criticism in all three regions is that representatives of local institutions do not care about the needs of the people but only shortly before elections do local politicians get a bit more active and show up in public. Another issue is that the local government institutions do not consult

people about their needs but rather tend to be guided by top-down pressures emanating from above and therefore often plan and implement projects which are not useful. This finding was more or less the same in all three regions.

In all three research regions, many respondents criticize the PR-election system, as unlike with the old ward system, the elected local representatives are not necessarily from the area, leading to the lack of a sense of responsibility for their electorate. In Batticaloa, people regard the security situation and the lack of Central Government support as major reason for the non-functioning of the local institutions.

Furthermore, there was a general feeling of inequality among the respondents of our study. There are two dimensions of inequality; the one is based on ethnicity and the other one on party membership. The resource distribution to different locations has often not been equal in the past and one reason for unequal treatment of specific groups is the interference by national politicians who support those areas where their voter base is located. An important reason for the lack of responsiveness and feeling of unequal treatment among the Tamil estate population in Ambagamuwa and Moneragala is the discrimination based on the language. This fact that Tamil is often not understood within government institutions leads to a feeling of deprivation among the Tamil community, as a direct communication with many state institution is not possible.

However, as stressed by Hettige, some of the leaders tend to emphasize the problems of the community they represent, at times with little appreciation of the problems and difficulties of the other communities. This became clearly evident when focus group discussions were conducted with community leaders representing different communities. On the other hand, the inability of public institutions to respond to requests coming from local communities due to resource and other constraints may reinforce the sense of deprivation felt by such communities.

4.3.3 Professional Leadership

4.3.3.1 Leadership in Ambagamuwa

With regard to professional leadership, the respondents of our study in Ambagamuwa pointed to the lack of educated and qualified political leaders, the need to set higher standards to select candidates for local government positions, as well as the need to provide more training for local government representatives.

The lack of educated and qualified local political leaders and administrative staff was expressed by respondents of our study with the following remarks:

“The Vice Chairman of the PS council is from our village. But he is uneducated and therefore rather ineffective. He is missing the capacity to distinguish between different important problems and has no strategy, no clear idea how to tackle the most telling issues....The education problem is often most severe as most council members lack managerial skills and understanding for problem-solving” (Monk, Morayenagama, Ambagamuwa).⁷⁷

“There are not many intellectuals active in politics. Parties are not looking for intellectuals but rather for populists. There are even criminal elements among the politicians” (Trade Union Representative Ambagamuwa).⁷⁸

There were examples of the level of lack of education among local government personnel, given by one NGO representative. After people had built a road in a voluntary work camp (‘Shramadana’), someone had blocked the road with a fence. The activities undertaken by the local council reflect a lack of education and qualification:

„Yes because of the stone fence the entire road is blocked. We did not receive any assistance to even remove this unlawful construction. After that the Local Government had prepared a letter which said “If this stone fence is unlawful then please remove it”. It was asking for the fence to be removed if it was unlawful! So I went over to the local government and said, ‘this letter is wrong’. We are not all that highly educated. We have average knowledge. But I still understood that this letter was worded wrong” (Secretary Trader’s Association, Ambagamuwa, Ginigaththena).⁷⁹

Another issue that people complained about related to the attitudes of local leaders. They perceive them as selfish and arrogant, as they care only about their own status symbols and do not see themselves as service providers for the people:

“People don’t like to go to the PS as they dislike the habit of the council members who often do not treat them with respect but with arrogance. As candidates have to contest elections on their own expenses only comparatively rich people can afford to contest” (Justice of Peace, Ginigaththena).⁸⁰

“The chairman of the local government wanted a chair – not any chair but a revolving chair. He wanted a fan. The telephone he wanted was a cellular phone. Then a vehicle. But who bears the brunt of that cost – the general public. That is the issue. So you know in a situation like that there is no objective to serve the people” (Secretary Trader’s Association Ginigaththena).⁸¹

On the other hand, the respondents from government institutions, like the PS themselves expressed their problems with the lack of power they have to implement and change anything. The reasons they gave included political interferences from higher levels, a severe lack of funds of the local government as well as a lack of knowledge of their own duties and functions as elected local council representatives:

⁷⁷ Interview No. 3, 16.03.02, Morayennagama, remote Sinhala village, Ambagamuwa.

⁷⁸ Interview No. 11, 12.08.02, Trade Union Representative Ambagamuwa.

⁷⁹ Interview No. 15, 13.08.02 Focus Group Discussion, Ginigaththena, Ambagamuwa.

⁸⁰ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththena, Ambagamuwa.

⁸¹ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththena, Ambagamuwa.

"I know that the people which I represent have placed a lot of faith in me. They have a lot of hopes. They often ask me: 'Mr. Member what is your situation now? How are you resolving our issues? But I have no answer to give them. The reason is that I myself have no clear understanding of what exactly falls within the purview of my work'" (Elected Council Member Ginigathhena PS (UNP)).⁸²

"The other thing is, what is my sphere of influence? What powers do I have? Now though I go and ask that a road be made on our behalf or a toilet be built for us, am I able to really get it done? Can I give people my word that I can have it done? ...Do I really have this kind of power? These are some of the inner questions that plague us. ...We cannot go straight forward and try to resolve any issue. There is the problem of a lack of funds. Or even perhaps the problems that arise from political issues. So things like that harass us" (Elected Council Member Ginigathhena PS).⁸³

As one major reason for the lack of qualification among local leaders, respondents mentioned a lack of training. Training to newly elected local government representatives is provided by the Management Development Training Units at Provincial level and the Colombo-based Sri Lankan Institute of Local Governance (SLILG) on legal matters, governance issues, functions and duties, management aspects and human resources using participatory training methodology. There is considerable interest in this training and the attendance is usually very high.⁸⁴ Still, key informants of our study perceive the training for local leaders as insufficient:

"I am telling you this sir, our chairman, secretaries, officers etc, it is very important to offer these people a proper training. Where does such a thing ever take place? Why are we not training these people for these particular jobs?" (Secretary Trader's Association Ginigathhena).⁸⁵

"It is important to train the chairman and deputy chairman of the PS on how to write a proposal for development projects, which could be submitted to donor agencies. Some NGOs are very qualified on writing proposals. There could be more partnerships between these NGOs and the Local Authorities" (Provincial Council Local Government Commissioner).⁸⁶

Another background for the lack of educated and qualified local leaders is the brain drain of intellectuals and better educated young people to Colombo or abroad. As Hettige notes, about 80% of the Sri Lankan population resides in the rural areas, while 60% of the professionals such as doctors or engineers live in Colombo.⁸⁷

Our respondents expressed the importance of selecting qualified and suitable leaders, which would require the setting of higher standards that applicants for local leader positions would have to meet:

⁸² Interview No. 12, 13.08.02 PS-council Ginigathhena, Ambagamuwa.

⁸³ Interview No. 12, 13.08.02, PS-council Ginigathhena, Ambagamuwa.

⁸⁴ Interview No. 71, 16.08.02, Provincial Council Local Government Commissioners from Uva and Central Province.

⁸⁵ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigathhena, Ambagamuwa.

⁸⁶ Interview No. 71, 16.08.02, Provincial Council Local Government Commissioners from Uva and Central Province.

⁸⁷ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigathhena, Ambagamuwa.

"The majority of the local government council members have no background on civil service and no education on duties of the local government. They study the duties just through reading the constitution and amendments. ...Often the council is a one-man show, as the chairman proposes the issues and his party fellows support him. So decisions are not taken in the council but beforehand...There should be higher qualifications asked to allow people to contest for local government elections" (Postal officer & Former Urban council member).⁸⁸

4.3.3.2 Leadership in Moneragala

As in the other two regions, Moneragala respondents of our study criticised the general lack of qualified and educated leaders in the area. The PS representatives in particular lack education and certain qualifications needed to fulfil their duties more successfully. The brain drain of the more educated people from the region to Colombo was mentioned as one reason for the lack of qualified local leaders. Another criticism was that it is not the most qualified people who are selected as political candidates, but those who have money and the right contacts:

"Low qualified people are selected as PS-members and local politicians. They can't bring progress for the region" (Administrative Officer, District Planning Secretariat).⁸⁹

"Now there are less people here with an education or higher education. Now even if there were people who had these abilities they do not stay here. They don't stay here but they go out of here in search for better conditions for their children. If this facilities could be given here in Moneragala these people would not leave. If there were schools, if there were hospitals; ... Because they do not get these facilities here, those who want to go ahead in life, go to live in other areas" (Secretary Rate Payers Association).⁹⁰

Civil society representatives further complained that responsible people, either politicians, civil servants or even some NGO-representatives, are not dedicated to their work, but rather lethargic and thus inefficient. As a reason for the lack of dedication the respondents pointed out that many officers are from outside leaving Moneragala every week-end. The living conditions in Moneragala are poor and inconvenient, which is why most educated people prefer to live in the more urban areas or even in Colombo and commute to Moneragala only for work:

"This type of situation lies within the work place. The work places are very inefficient and lethargic; it's the people of our country that are doing this" (Secretary Rate Payers Association).⁹¹

"We feel that there is a lack of dedication. One of the reasons for this is that the officers working in Moneragala are outsiders. They go home during the weekends..." (Deputy Secretary Rate Payers Association).⁹²

⁸⁸ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththana, Ambagamuwa.

⁸⁹ Interview No. 31, 01.06.02, Key informant interview with Administrative Officer, District Planning Secretariat, Moneragala.

⁹⁰ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

⁹¹ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

⁹² Interview No. 41, 19.07.02, Focus group discussion Moneragala.

Another reason given by local public servants for the lack of motivation among local leaders and administrative staff, was the lack of an incentive system, which would encourage officers to work in a more dedicated manner. The impression of local public servants in Moneragala is that while they have to work under hard conditions in the rural areas without any compensation, their colleagues in Colombo get a variety of benefits including training and trips to abroad:

“The field officers, who work under the hard conditions in the rural areas get not sufficient funds, support and incentives like trainings abroad to do their work more successfully. But the officers working in Colombo get all kind of personal benefits” (Administrative Officer, District Planning Secretariat).⁹³

As in the other research regions, the administrators criticised the local political leaders quite heavily, mentioning that they are not aware of the right procedures or are not following them and that corruption and bribery has increased with the introduction of the local government system. Cases of bribery have been described by higher administrative officers:

“The people are not satisfied with services provided by the PS and I personally have made many negative experiences with the service delivery of the PS. As an officer of the DS I know how procedures should go, but the PS often does not follow the right procedures and it is taking very long time until something happens” (Administrative Officer, District Planning Secretariat).⁹⁴

“For example, a building permit which needs approval by a PS-officer is often not approved, unless “extra-money” is paid.... The only possibility for people to change a corrupted local council is to vote for the other party in the next elections, but ...everyone who works at the PS gets corrupted after some time. Even a priest will get corrupted when working in the PS” (Administrative Officer, District Planning Secretariat).⁹⁵

4.3.3.3 Leadership in Batticaloa

The lack of professional leadership was an issue in most of the conducted interviews with key-informants from local institutions and citizens in the two research locations in Batticaloa. Respondents referred to local leaders, meaning either politicians or public servants. The shortcomings in respect of a professional leadership varied from “lack of education and training”, “lack of motivation” and “lack of vision” to “lack of honourable behaviour”.

⁹³ Interview No. 31, 01.06.02, Key informant interview with Administrative Officer, District Planning Secretariat, Moneragala.

⁹⁴ Interview No. 31, 01.06.02, Key informant interview with Administrative Officer, District Planning Secretariat, Moneragala.

⁹⁵ Interview No. 31, 01.06.02, Key informant interview with Administrative Officer, District Planning Secretariat, Moneragala.

It seems that there is a lack of trained staff in the North-East in general. Most of the offices are staffed with clerk level employees only and have plenty vacancies that cannot be filled by qualified staff.⁹⁶ As the Secretary Governor North-Eastern Province commented:

"In other countries, there are also more officers with higher degrees, like PhD-holders. In Sri Lanka, the education level in the government services is rather low. Furthermore, a lot of retired staff is used to fill vacancies. They have no motivation and bring in no innovative elements..." (Secretary Governor North-Eastern Province).⁹⁷

The Administrative Service System of Sri Lanka was criticised with regard to its inability to implement a proper promotion and incentive system. This impacts negatively on the motivation of public servants:

"The government services are inflated with rotten capacities. No capacities to develop sound project plans, give presentations, calculating budgets etc. There is also no career development system established in the administration. Good people get stuck and have to do what their superiors tell them to do. There is no promotion on the basis of qualification. This is not supporting innovation and progress, but rather spoils the motivation of good staff" (Secretary Governor North-Eastern Province).⁹⁸

Besides the structural problems of the system, the war-experience has furthermore negatively impacted on the motivation of local representatives and public servants, as the experience was that the central government is keeping a low profile in the region due to the volatile situation:

"There is a lack of motivation under the officers and local representatives due to a lack of incentives and due to hesitations to take over responsibilities which might create more work and maybe problems in the process. Even in the higher level, it is difficult to maintain a motivation.... One reason for this lack of motivation might also be the in-built pessimism of many officers and local leaders as result of the 20-year experiences of civil war that everything is bad, nothing is functioning, government is not doing anything for us etc." (Secretary Governor North-Eastern Province).⁹⁹

The consequence of the lack of trained and motivated staff is that the local institutions can often not fulfil their mandate, as the staff is not familiar with the correct procedures or not able to implement certain provisions. One example was that the statutes allow the PS to pass by-laws, but often the PS has no capacities to act on this. A common opinion among administrative staff who have passed the Sri Lanka Administrative Service System is that the public administrators are at least better educated and trained than the elected PS-representatives and some of the secretarial staff of the PS-office. As Thangarajah points out, the public servants identify the lack

⁹⁶ Interview No. 52, 28.06.02, Provincial Council Local Government Commissioner, Provincial Council Trincomalee.

⁹⁷ Interview No. 53, 28.06.02, Secretary Governor North-Eastern Province, Trincomalee.

⁹⁸ Interview No. 53, 28.06.02, Secretary Governor North-Eastern Province, Trincomalee.

⁹⁹ Interview No. 53, 28.06.02, Mr. Rangarajah, Secretary Governor North-Eastern Province, Trincomalee.

of knowledge of the administrative rules and regulations among PS-staff as a major drawback, leading to bad decision-making by elected members and even institutionalization of wrong procedures (Thangarajah 2003: 89). The following statement of a public servant illustrates the opinion about PS-staff and their capacities:

“Even elected representatives were in the past often not aware on the correct procedures. Since the Special Commissioners are in charge for the PS, at least the procedures are followed, as the DS are better trained and have been introduced. The PS’s have more options but they make no use of the opportunities as they are not aware of the correct procedures and how to issue gazettes or bye-laws” (Divisional Secretary Kaluvanchikudiyiruppu).¹⁰⁰

Even the PS-secretarial staff themselves stated in our interviews that they lack certain capacities and therefore would urgently require training and support:

“Development work can only start from the PS level, because that is the closest to the people. ...The PS also lacks the technical capability. We need technical support” (PS official, Kattankudy).¹⁰¹

The lack of knowledge about and capacities to follow the correct procedures often leads to confusion and chaos, as illustrated by the following statement:

“When I tried to get the permit for a wall construction, I went to the PS office, but there I got different answers and was sent to different officers for follow-up. It was very confusing and no clear procedure” (Grama Niladari Kaluthavalai – Monmunai East).¹⁰²

Another issue was the behaviour of local leaders, especially party candidates, who come at times to mobilize the people but do not permanently live in the area due to the security situation. This lack of courage and engagement to work and serve the people living in the conflict-affected areas was highly criticized.¹⁰³

4.3.3.4 Comparative Summary

With regard to leadership, the comparison from all three research regions reveals that there is a general criticism that there is a lack of educated and qualified local leaders, meaning politicians and administrative staff. The explanations for this situation differ only slightly. In Batticaloa, the security situation was seen as one major variable. The problem is to fill vacancies, as there are not many educated people who are willing to work in the volatile security situation of this district. Those who are willing to work in the conflict affected areas try to keep a low profile and avoid

¹⁰⁰ Interview No. 56, 26.07.02, Divisional Secretary Kaluvanchikudiyiruppu, Batticaloa.

¹⁰¹ Interview No. 60, 23.08.02, Former council members and administrative staff, Kattankudy Urban Council, Batticaloa.

¹⁰² Interview No. 59, 26.07.02, Grama Niladari Kaluvanchikudiyiruppu (Kaluthavalai – Monmunai East), Batticaloa.

¹⁰³ Interview No. 54, 29.06.02, UNP-Candidate, Local Government Elections 2002, Trincomalee Urban Council.

becoming a target for militant actors in the region. Moneragala key informants stressed that the poor living conditions do not encourage more educated people to stay in the area.

Furthermore, in all three regions, respondents talked about a lack of motivation, vision and innovative thinking among local leaders. Again, Batticaloa respondents explained this with the security situation and long war experience of the people, while in Moneragala, again the poor rural living conditions were seen as an important variable. Many officers would commute to Moneragala only for work and leave the area for the weekend. In Ambagamuwa, under lack of professional leadership, key informants more generally criticised the arrogance and selfishness of elected representatives. After the elections, the main motivation of these local leaders would be to get their election campaign expenses back, then to serve the public, which is leading to the non-transparent handling of public resources and weak service provision.

In all three regions, key informants mentioned the lack of training as one major reason for the insufficient qualification of local leaders. Among public servants, the lack of motivation was explained by the inadequate promotion and incentive system. Administrators who are motivated and innovative are not encouraged, but are hampered by superiors and the hierarchical structures within the government departments. In-service training and exposure visits abroad are not provided to those who are motivated and conduct their work successfully, but to those who have the right contacts in Colombo.

As a consequence of this lack of professional leadership, key informants in all three regions mentioned that the correct procedures are not followed, leading to inefficiency and in the worst case, chaos. In Moneragala, key informants even mentioned cases of corruption and bribery. Missing account books of the previous local government council is one obvious sign indicating the illegal use and management of public funds.

4.3.4 Transparency and Accountability

4.3.4.1 Transparency and Accountability in Ambagamuwa

Regarding the demand that the local democratic system should be transparent and accountable in its functions and activities, the empirical data from Ambagamuwa revealed that people and representatives of local institutions point to various short-comings in transparency. People particularly mentioned a lack of transparency with regard to the financial management of the local government authority and other institutions; staff recruitment and candidates' election

campaigns. Respondents of the study also criticized that the coalition bargaining after elections lacks transparency and the distribution of positions does not always reflect the people's votes.

Regarding the financial management of local government authorities and other government institutions like the Provincial Councils, respondents criticized a lack of professionalism as well as the lack of transparency in revenue collection and expenditure:

"Especially the accounting. That is not at all satisfactory..... You know if you go and ask (local government and administrative staff) what is the cost of your vehicle, they will not even know the expenditure. They don't know what the income of the council for a month is. And there are no balance sheets or anything. Nothing – nothing. Zero. So for example you just go to the private sector and see, you point your finger at something and they will immediately give you those records. Here there is nothing. The staff is so lethargic. They can't do anything" (Justice of Peace).¹⁰⁴

"The Local Government Act does not state that a chairman can take the official vehicle home with him – he has no right to do that. If he wants to use the vehicle to go home, then he needs to fill in his vouchers and then go home. But what really happens is that of the local government money, so much is spent for people to travel daily to and from their homes! Lots of things like that happen" (Justice of Peace).¹⁰⁵

People named the lack of proper supervision and monitoring by the Provincial Council as one reason for the lack of transparent financial management. As the supervision is only based on certain criteria, many irregularities and short-comings are not discovered:

"The Provincial Council is responsible for the supervision of the local government authorities with regard to their revenue collection. The PC is monitoring the account books on the basis of certain criteria. Revenue-collecting officers are trained and go to the local governments to check the account-books. These officers follow a certain rigid format when they investigate the L.A., but they often oversee the real short-comings, which might be covered up. There are for example cases where the tender-advertisements are in the newspapers after the dateline has already expired and the contract is then given to people known by the PS-chairman. Investigation officers would usually not recognise problems like this" (Provincial Council Local Government Commissioner)¹⁰⁶

Regarding the in-transparency of staff recruitment for local government institutions, people complained that recruitment is based on personal or political favouritism instead of clear selection criteria. This system of favouritism or patronage allows for the fact that people who are known for their criminal activities and contacts are able to enter honourable positions within or outside government institutions:

"In the local government, people who have been hired as temporary workersdo not have permanent employment. If a circular comes by to make people permanent after six months, what

¹⁰⁴ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

¹⁰⁵ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

¹⁰⁶ Interview No. 71, 16.08.02, Provincial Council Local Commissioners at SLILG.

do all the chairmen and the secretaries do? They make permanent those whom they personally favour, so they fill in only those particular names and send. Anyone whom the 'recruiters' wish will be given permanent jobs, anyone whom they dislike they will kick out..." (Member Mediation Board).¹⁰⁷

"So when we sat down to form a list of all the Justices of the Peace in Sri Lanka, we discovered that this is what has happened. For instance, Sothi Upali (a well known, now deceased, gangster) was someone who had received a position of a Justice of Peace!!! Like that every institution has it's own mistakes" (Justice of Peace).¹⁰⁸

Political patronage also seems to be a common feature when it comes to the resource allocation of local government funds to communities. Respondents of this study pointed towards the matter of a lack of transparent resource allocation, based on political patronage instead of need-orientated criteria. Especially during election time, local and national politicians channel their funds only to areas where they know that their voter base is located. Other people and communities are neglected and cut off from government funds.¹⁰⁹

The same is true for the bargaining position of local government institutions for additional resources. They have a better access to government funds, especially the decentralized budget, if they have access to national politicians from their party who come from their area. This means that there is an informal, well accepted rule that access to political patronage is equal to power and funds. While this fact is often criticized by people and political leaders at the local level, it is also deeply rooted in the minds of local politicians and consequently not at all easy to change. Some local government representatives proudly mentioned in our interviews that they have good access to political patronage from Colombo, even using the expression "political patronage" with a positive connotation.

Furthermore, respondents of this study disliked the lack of transparency during election times. Candidates who campaign for positions within the local government council have to provide the bulk of election campaigning costs from their own pocket, which means that only better-off people and those have a strong support network are able to contest elections. How supporters of these candidates are compensated for their efforts, for example through jobs, salaries or contracts, is not transparent for the people:

„There should be a rule to say this is how much you are to spend on your election campaign. The reason is that a wealthy man will be able to spend about one or two hundred thousand rupees on

¹⁰⁷ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

¹⁰⁸ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

¹⁰⁹ Interview No. 12, 13.08.02 Group interview PS-Council members Ginigaththena, Ambagamuwa.

their campaigns. But what about those who can't afford it? Now this becomes a problem. Isn't it?"
(Attorney at Law, Ginigaththena)¹¹⁰

Respondents of the study generally criticized non-transparent procedures and cheating during elections. One major issue seems to be the incorrect dissemination of voter cards and the attempt to minimize the numbers of voters of specific communities. Another issue is that the coalition-bargaining after elections is often perceived as non-transparent and the distribution of positions does not always reflect the people's votes:

"The Gramasevakas are often instrumental in minimizing the number of Tamils in the area. The Divisional Secretariat has wrong numbers on the Tamil population living in the area. Obviously there are orders from national politicians to delete numbers of Tamil workers and thereby reducing Tamil voters in the region. It also seems that fake voting cards are issued which people can get to have more votes" (Trade Union Representative).¹¹¹

"There are interferences of the central government in the local government affairs during election times. Not the people's votes count but the central governments desire! An example for this is that in Ambagamuwa, the UNP candidate got the majority of votes in the last local government elections. The CWC got just half of the votes of the UNP. But at national level, UNP needed a coalition with the CWC. Therefore the deal was to give the position of the PS chairman in Ambagamuwa to the CWC. The national CWC leader Tondaman is very strong and gets accommodated through these kind of arrangements, which contradicts the desires of the people" (Trade Union Representative).¹¹²

4.3.4.2 Transparency and Accountability in Moneragala

Regarding the transparency and accountability of the local democratic system, our study in Moneragala revealed that people have various examples of favouritism, patronage and corruption when it comes to the distribution of scarce local government resources. The lack of proper supervision of the local government authority is criticised, leading to a situation where taxes are not properly collected or are misused by local leaders. Another strong criticism is that there is no transparency at local level development planning, as there is always political interference from higher levels, which often undermines already agreed projects.

Regarding the first issue, favouritism, patronage and corruption, a general criticism is that there is no equal distribution of services and funds to all the areas under the PS-authority, but that those areas that form the voter base of the leading party within the local council are favoured:

¹¹⁰ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

¹¹¹ Interview No. 11, 13.08.02, Trade Union Representatives, Ambagamuwa.

¹¹² Interview No. 11, 13.08.02, Trade Union Representatives, Ambagamuwa.

"The National Government has advised to distribute the resources and funds equally in all areas of the PS, but this is often not followed. Nobody seems to control this" (Government Agent).¹¹³

One background of this system of favouritism is that during the election periods the political candidates spend a lot of money and get support from their friends and family. After the election, they try to get their election campaign expenses back and they have to compensate the support of their friends through providing them with positions, contracts or services for the areas where they live. This system also exists within national political programmes such as Samurdhi Welfare. Instead of providing Samurdhi only for the poorest sections of society, many politicians use this welfare money to compensate their supporters:

"The candidates of the election know beforehand how many votes they need to win and they will try to get all their relatives and friends active to support and advertise for them. After the candidate has won the election he tries to get his expenses back and has to satisfy his supporters" (Government Agent).¹¹⁴

"Another system of patronage is Samurdhi. The Samurdhi officers are now facing a lot of problems as the government has reduced the budget and the officers will now have to reduce the number of beneficiaries, which were often their relatives and friends. This will affect the system of patronage and the protest will be high" (Government Agent).¹¹⁵

"My family is not entitled for Samurdhi welfare, as we are perceived as too rich. But this is not fair, as even richer people get Samurdhi. The Government should make sure that the right people are getting Samurdhi welfare, then it could help to alleviate poverty" (Young mother, Oilpalm).¹¹⁶

Regarding cases of corruption, key informants told various stories of PS-representatives collecting revenues into their own pockets and local leaders and administrators sometimes having arrangements with contractors with whom they share misused funds. The last local government council in Moneragala, for example, did not maintain any accounts for their four years of office, meaning that one can not say what they have used the collected revenues for, nor has the new council any idea about income and expenditures within their area:

"From 1998 up to this year, for four years we have no bank statements, nor any record of accounts... without records we are unable to say what the income or expenditure was so we have no way of finding out how much of a deficit exists or how that money can be collected" (Pradeshiya Sabha Council Member).¹¹⁷

"Tank rehabilitation once started in the village by the Irrigation department. It was not to the satisfaction of the people, due to various reason: ...it seems that the technical officer of the Irrigation Department who came to evaluate the implementation of the tank had some arrangements with the contractor. He did not even get out of the car to inspect the tank, but just

¹¹³ Interview No. 32, 01.06.02, Key informant interview with Government Agent Moneragala.

¹¹⁴ Interview No. 32, 01.06.02, Key informant interview with Government Agent Moneragala.

¹¹⁵ Interview No. 32, 01.06.02, Key informant interview with Government Agent Moneragala.

¹¹⁶ Interview No. 26, 31.05.02, Key informant interview at village visit in Oil Palm, close to Moneragala Town.

¹¹⁷ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

*signed the evaluation sheet. People think that contractor and Technical Officer have taken some share of the funds for their own benefit. They feel cheated” (Farmer at Kahambana).*¹¹⁸

An estimate by an expert from the Sri Lanka Institute of Local Governance is that often only 10% of possible revenue is collected by the local government council. The rest is lost through corruption. Tax collecting officers have their private deals with people so that they do not have to pay tax. The Chairman of the PS often does not want to interfere in these established systems, as he fears losing votes and the support of the PS-staff.¹¹⁹ The PC-commissioner has to control the administrative staff at the PS office. He is responsible for looking into matters of bribery or corruption and can replace officers, if necessary. But it seems that this present supervisory function is not efficient enough to prevent misuse of funds:

*“For everything we have to get permission form the Ministry of Local Government and from the Local Government Commissioner. The Local Government minister is the chief minister, then there is the Local Government Commissioner, then there is an investigating officer who has been appointed especially for us, once a month we have to give a report to this investigating officer, so even with all that in place the possibility to let things slip to this degree was possible, you can see that can’t you?The shameful thing is, with all that in place today we are being questioned about the missing accounts and reports for the four years beginning from 1998” (Pradeshiya Sabha Council Chairman).*¹²⁰

Finally, respondents of the study in Moneragala reported political patronage, partisanship and interference in local level decision-making by national politicians. Key informants particularly mentioned cases where national politicians tried to re-channel funds which were already allocated for certain projects to their own projects in other areas or reported of the common procedure of national MPs using the decentralised budget for useless projects which only suit their own publicity purposes:

*“There could be easy access to Moneragala by constructing a new road and bridge through the fields. After the elections, a proposal on this matter was taken up by the District Coordinating Committee (DCC) meeting. The estimate was prepared. Before the project could finally be approved, a Provincial Council Member intervened and tried to get the fund for this project for his own area – for a bridge construction there. Finally both projects did not work out and the money was send back to Colombo” (Farmer at Kahambana).*¹²¹

“The Member of Parliament Mrs. S.J. got mainly elected after her husband expired, as he was well known. She got into the National Government for the PA but soon got corrupted by people around her. Some of her interferences had very negative effects on people in this region. That’s why in

¹¹⁸ Interview No. 33, 01.06.02, Key informant interview at village visit in Kahambana (remote Sinhalese village), Moneragala.

¹¹⁹ Discussion with Deputy Director Sri Lanka Institute of Local Governance 18.07.02.

¹²⁰ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

¹²¹ Interview No. 33, 01.06.02, Key informant interview at village visit in Kahambana (remote Sinhalese village), Moneragala.

the last Local Government Elections people in this region chased out the PA-candidates by voting for the UNP” (Farmer at Kahambana).¹²²

4.3.4.3 Transparency and Accountability in Batticaloa

Regarding the transparency and accountability of the governance system, one issue mentioned by the respondents of this study was the election campaign system, which supports patronage structures. Our interview with an UNP candidate in Trincomalee town revealed that candidates have to spend a huge amount of money for the campaign and it is not taken for granted that these expenses will later be refunded by the party. Therefore the candidates rely on the assistance of their party-supporters, who help to mobilise people, to place the posters or even to print hand-outs in their copy-shops. These supporters do not get a salary but expect other rewards from the candidate after the elections, such as jobs, recommendation letters etc.:

“This year the election was said to be held in March. I have already campaigned and spent at least 100.000 Rs for the campaign. Party supporters are there to assist me. They do not get a salary, but rather expect to get other benefits and rewards after the elections. We spend money on papers, notices about me, a lot of expenses” (UNP-candidate, Trincomalee Urban Council).¹²³

As an island-wide Youth Survey has shown, this system of political clientelism is criticized by many Sri Lankans, who feel that it does not matter whether someone is educated and suitable for respective jobs, but whether one has contact with politicians:¹²⁴

“Here only those who work for politicians find employment. Otherwise, even with education they have to just wait. ...That system is not good. Riots take place since suitable people are not given the position they require” (Welligama youth, National Youth Survey 2000, Mayer 2002: 153).

In the two research regions of Batticaloa, the difference is that at present there are no elected local government representatives, as elections have not been held since 1994. The issue of patronage between local politicians and their supporters was therefore only mentioned with regard to central government politicians. The research team of this study investigated whether the respondents of our study are aware of who is in charge for the local government councils in Batticaloa district, as we felt that the knowledge of the people about the functions, duties and activities of the local government authority and other local level institutions also reveals how

¹²² Interview No. 33, 01.06.02, Key informant interview at village visit in Kahambana (remote Sinhalese village), Moneragala.

¹²³ Interview No. 54, 29.06.02, UNP-Candidate, Local Government Elections 2002, Trincomalee Urban Council.

¹²⁴ The island-wide National Youth Survey was conducted in 1999/2000, covering nearly 3000 households, including the North and East of the country. It was conducted by the Centre for Anthropological and Sociological Studies, University of Colombo, in collaboration with the South Asia Institute, University of Heidelberg. The survey was funded by UNDP, Friedrich-Ebert-Foundation, Goethe Institute / Inter Nationes and the Jaffna Rehabilitation Project of the GTZ. A summary of the survey is provided by Hettige / Mayer 2002.

transparent the democratic system is for its citizens. The household interview revealed, that the majority of respondents was not aware of the activities of the Pradeshiya Sabha or Urban Council and 35% did not know that the Divisional Secretary in his function as Special Commissioner is in charge for the local government as long as elections are not held. This documents that the local government council is at present playing almost no role in the local democratic system in Batticaloa district, which will only change once local government elections are held (Ferdinands et al 2004).

4.3.4.4 Comparative Summary

The study in the three research regions revealed that people criticise the same issues with regard to **transparency and accountability** of local government institutions. In Ambagamuwa and Moneragala, key informants of the study pointed towards the same short-comings, especially the lack in transparency of financial management of the local councils, a system of patronage established around local politicians, as well as political interferences in local level planning by national level politicians favouring their own clientele.

As background for the non-transparent financial planning, key informants criticised the lack of proper supervision of the local government authority, which leads to a situation where taxes are not properly collected or are misused by local leaders. Respondents named the lack of proper supervision and monitoring by the Provincial Council, whose supervision is based on rigid criteria, leaving many irregularities and short-comings undiscovered.

Other critical issues only mentioned in Ambagamuwa were the non-transparent distribution of voting cards, attempts to minimize the number of voters of specific communities as well as coalition bargaining after elections leading to a distribution of positions within the council which do not reflect the people's votes.

The patronage system leads to a situation where it is predominantly those who have access to positions and funds who have good contact to politicians. The system of patronage and clientelism, for which people had various examples, is obviously strengthened through the situation that party candidates finance their own election campaign and thus have to remunerate their supporters after the election. The same examples of patronage were reported from key informants coming from districts in the North-East, where elections have been held during the last years. But in the research locations in Batticaloa District, people mentioned fewer examples

of patronage and favouritism, maybe due to the fact that the democratic political process is not functioning, as local government elections have not been held since almost a decade.

In Batticaloa, the District Secretary is the Commissioner in charge of the local government office. It could be interpreted that patronage and corruption is less if the administrators are in charge for the local government council. But the other side is that the local government council is obviously less functional under the present system in Batticaloa, as most people did not at all know about any activities of the local government council. Many respondents were not even aware that the Divisional Secretariat is at present in charge for the PS. The majority of the respondents in the household survey from Batticaloa also wanted to have local government elections held as soon as possible.

4.3.5 People's Participation

4.3.5.1 People's Participation in Ambagamuwa

In Ambagamuwa PS area, citizens have been asked in the household survey about their participation in the last local government elections. 88% of the respondents stated that they did vote at the last local government elections (1998), while only 12% said they had not participated in the election. This relatively high participation in elections reflects the national average of participation in elections, which was around 80% in the 1998 Local Government Elections. Yet, as Hettige comments, "apart from voting at periodic local government elections, local people have almost no opportunity to participate in the management of local affairs. The Pradeshiya Sabhas were established for the explicit purpose of facilitating effective people's participation in local governance and local development."¹²⁵ Though the Act empowers the PS to enlist local inhabitants to serve on one or more advisory committees dealing with various subject areas, no attempt has been made to make use of this provision. There are no formal or informal links between local, people's organisations on the one hand and the PS on the other in order to give local inhabitants the opportunity to express their views or make representations to the PS" (Hettige 2003: 42).

In the household survey, citizens have been asked whether they had any opportunity over the past year to express their views on any issue at a local public forum. 68% of the people said 'no', while only 32% answered 'yes'. Under those who stated that they had a chance to

¹²⁵ see Pradeshiya Sabha Act of 1987.

participate in a public forum, 42% were Sinhalese and 57% Tamils. Tamils seem to have a little bit more opportunity to join public meetings. Those who had participated in a public forum were asked to give examples what kind of forum it was. Election meetings, NGO-organized meetings, Samurdhi meetings, Estate Management organized meetings and most of all religious meetings were mentioned. Only one respondent mentioned a PS-organised meeting, when the Chairman of the local council came to visit Upcot town. Women have usually fewer opportunities to participate in public forums or to contest for any public positions than men:

“Women have no opportunity to participate in public. They always delegate responsibility to men. There are no public positions for women e.g. within Trade Unions or within the PS. Female PS candidates have little chances to get elected into the PS. The Women’s Freedom and Knowledge Association is trying to create awareness among women to take over responsibility” (Representative of the Women’s Freedom and Knowledge Association).¹²⁶

Our assumption that the people who live in more remote places are more excluded and have fewer opportunities to participate in public forums was not proven by the data. The numbers of people who stated that they had an opportunity to join a public forum is similar in all four places. Surprisingly, the smallest number is stated from Ginigathhena, which is the most urban place of all four locations and the PS-office is located there.

In the qualitative interviews, it was investigated why the participation of people in the PS affairs and council meetings is so low. The habit of politicians and public officers who feel superior to the people and therefore do not ask about people’s opinions and interests was mentioned as one important reason:

“Officers and elected representatives often feel superior and therefore don’t talk too much to people. Sometimes it is also a language barrier. So both attitudes and language problems undermine that there is people’s participation in the affairs of the local government” (Provincial Council Local Government Commissioner).¹²⁷

The research team of this study also investigated for civil society engagement and advocacy work of local CBOs or NGOs and found some encouraging examples, such as the Traders Association in Ginigathhena, the Human Rights Watch Institute, Christian Workers Association etc. These organisations organize people for certain tasks, like voluntary community construction work, demonstrations and advocacy work. The leaders and some members of these organisations are well known to local politicians and administrators as they do not hesitate

¹²⁶ Interview No. 10, 12.08.02, Group discussion with NGO-representatives, Ambagamuwa.

¹²⁷ Interview No. 71, 16.08.02, Provincial Council Local Government Commissioners from Uva and Central Province.

to contact local leaders to address people's problems, pending issues of local development work or a lack of efficiency on the part of the responsible institutions:

"Yes but by trying to discuss this matter we have upset a few people. But we cannot be without talking about it. Because this is a waste of the local government money, isn't it?" (Secretary Traders Association Ginigaththena).¹²⁸

"We made that road through a Sharamadana or a labour donation campaign. With great difficulty people gathered themselves together to build this road.... We have never received even a bit of help to maintain that road. We did the most difficult part. But we are not even being assisted to do the easier part of maintaining the road" (Secretary Traders Association, Ginigaththena).¹²⁹

These organisations and local civil society activists are contacted by the people in certain situations. For example the Human Rights Watch members are contacted by estate people if they face certain problems with their estate managers. There are also encouraging examples for civil society activists who organize cultural events to reconcile Tamils and Sinhalese in times of inter-ethnic tensions. But it is also a common feature that civil society activists are facing threats and intimidation by local political leaders who consider it as interference in their affairs when civil society activists mobilize people:

"The other thing is that if we organize ourselves and gather for some purpose, the politicians get nervous. Then in the night we will get a telephone call asking us "What are you fellows up to? Are you planning a revolt? Are you going to do this? Are you going to do that?". They try to intimidate us. Then they try to threaten saying, "Please mind your own business". There is a perception like that among the politicians" (Member Mediation Board).¹³⁰

When citizens from the area have been asked in the household survey about people's power to influence the decision-making process at the local level, the result was quite positive. 63% of the people of the sample think that they have an influence on the decision-making process at the local level, while only 38% think that people have no influence. It is interesting that more Tamil respondents (76%) think that people have an influence on the decision-making process at the local level than Sinhalese (50%). More males think that people have an influence (68%) than females (56%). These figures reflect that those who participate more also have the feeling that they are more powerful in local decision-making.

Our assumption that people from remote areas would feel more powerless than people from the town area close to the PS can not be proved with the data. Only 5% of the people from Ginigaththena (the place where the PS-office is located) have stated that people have decision-making power, while 26% from Upcot (very remote town), 34% from Morahenagama and even

¹²⁸ Interview No. 15, 13.08.02, Focus Group Discussion at Ginigaththena, Ambagamuwa.

¹²⁹ Interview No. 15, 13.08.02, Focus Group Discussion at Ginigaththena, Ambagamuwa.

¹³⁰ Interview No. 15, 13.08.02, Focus Group Discussion at Ginigaththena, Ambagamuwa.

34% from Sooriyakanda (remote Estate) feel people have decision-making power at the local level.

Those who felt that people have no influence on local decision-making were asked why. Some interesting answers were: due to trade union influence, due to poverty, due to a lack of opportunities to present our views, due to marginalisation of Sinhalese in the area, due to a lack of active societies in the area. Among those respondents who were more sceptical about the influence of civil society in local decision-making, a strong argument was that politicians would not listen to complaints and arguments from the public:

„I used to go to various institutions and strongly raise this matter. But now I have changed my approach and I speak to them as if I am stroking them because it isn't wise to provoke some of these institutions. So we do have a situation here which ensures that how ever much we speak, they will not listen” (Secretary Trader's Association, Ginigaththena).¹³¹

However, there are some positive examples of civil society groups that have established a good rapport and cooperation with official institutions like the PS or the Divisional Secretariat and thus have access and a certain power to influence policy decisions:

“Earlier NGOs did not work with the PS, but nowadays they work a little more with them. For example PREDO is engaged in awareness raising in the Estates, supporting Tamil estate workers with registration or birth-certificate problems and schooling programs. Regarding the registration problems we cooperate with the PS” (Representative of Plantation Rural Education Development Organisation).¹³²

4.3.5.2 People's Participation in Moneragala

In Moneragala, citizens have been asked in the household survey whether they feel that they have an influence on the decision-making process at the local level, 59% answered 'yes', while 34% were rather sceptical. It is interesting that more Sinhalese respondents (86%) think that people have influence at the local level, than Tamil respondents (14%), which reflects the deprived situation of the very small Tamil community in Moneragala district. The qualitative interviews with key informants revealed that there is a lack of organisations which lobby for the needs of the Tamil estate population. Furthermore, the access of Tamils to state institutions is perceived as rather difficult due to a language barrier. Among the group which felt that they have no influence, people first of all complained that PS representatives would rather listen to higher politicians than to the ordinary people (see Fernando 2003: 57). In the qualitative interviews, key informants pointed out that people would often not contact the institution responsible to solve a particular issue, but would address an official they personally knew:

¹³¹ Interview No. 15, 13.08.02, Focus Group Discussion at Ginigaththena, Ambagamuwa.

¹³² Interview No. 12.08.02, Group discussion with NGO-representatives, Ambagamuwa.

"We do raise awareness among the voters. For instance, if someone comes to us with a request for an electricity connection, we direct them towards the Minister of Parliament and we re-direct the person. The thing is that people will always go to the person they know best – to the person with whom they have some relationship" (Pradeshiya Sabha Council Chairman).¹³³

The general impression from the qualitative study was, that the civil society in Moneragala is rather passive and weak. Fernando points out that, *"the whole of Moneragala is symptomatic of an extremely weak civil society. At the centre of this weakness is the lack of understanding among the ordinary citizens about their rights and duties"* (Fernando 2003: 59).

The impression of civil society activists is that most people are only participating in the elections, but besides this democratic act they expect everything to be done by the government. People in general, and especially workers in the estates, seem to wait until someone comes to them for problem-solving, for example trade union or NGO representatives. They are hardly getting active on their own initiative:

"People know that when they vote these people come in to power. After that they wait, thinking that these people will do the needful.... That they will be filling the blanks as to say" (Justice of the Peace).¹³⁴

But some people, especially those who are more educated and have positions like the Justice of Peace, are keeping themselves informed about what is discussed at the PS-meetings and are trying to raise awareness among the general public:

"No, I haven't had the free time to go for the PS-meetings, but I am aware of the activity that takes place there. To educate the general public about it" (Justice of Peace).¹³⁵

Some activists from civil society organisations report that many people at local level have a strong recipient mentality. They would not value the mobilization work of an NGOs but only appreciate any support if the respective organisation provides them services or goods:

"There are a lot of programmes done by these non-governmental organisations. But most of the time the people do not participate in them. If they are given to eat or drink, then they'll come. If they say there are giving some parcels or say they are giving some presents the people would come. Other than that many do not participate" (Deputy Chairman Mediation Board, Moneragala).¹³⁶

It has also been investigated whether the PS is open to the public and provides opportunities for people to meet the representatives to discuss problems and issues. Discussing this aspect with

¹³³ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

¹³⁴ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

¹³⁵ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

¹³⁶ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

the PS-council the representatives stress that people can easily contact them and that they appreciate direct contact with the people, as this encourages them to work hard to improve the situation. There is also a post box fixed at the PS-office where people can put in written complaints. Clearly, this picture drawn by the elected representatives themselves might not reflect reality, but at least the high number of people who have pointed out in the household survey that they have contacted the PS in the past is one indicator that people make use of the option to speak to elected representatives:

“No...no they can easily come in and meet us. We have made available the space and opportunity for that to be done. Our Local Government Office is open to all – anyone can come. So if there is anyone who has a particular need they come in then or if it is some issue that had been raised by a letter they make an appointment and come in to discuss the matter. In our first session we made ourselves available for over one thousand people. We appreciate it very much if people come to meet us to bring forward their constraints. In fact it is my belief that it encourages us and inspires us to work harder” (Pradeshiya Council Chairman).¹³⁷

Our study also revealed that the PS council has already started to form the four committees outlined in the statutes, with subject matter officers and civil society representatives to advise the council on specific issues:

“Yes, now we have formed our committees about a month ago. We have four committees. Like this, let’s say it’s a committee like housing & development, now there we will, co-opt the district housing development officer and technical officer, or get people like that in. Like that each committee will be made up of people who function in those particular fields” (Pradeshiya Council Chairman).¹³⁸

Furthermore, the PS members mentioned that there are committees at the village level organized by political parties where people can bring forward their needs and complaints:

“Now it’s the UNP in power. And in every village there is a UNP branch society. These groups get together and hold meetings every month or once in two months, in addition there is the Rural Development Society” (Pradeshiya Sabha Council Member).¹³⁹

Although the general remarks about the civil society in Moneragala were that it is passive and weak, there are quite a number of registered NGOs working in the area. The majority of these organisations can be categorized as “charity groups” and there is a common criticism, that these NGOs often do not see their role as advocates and lobby-groups for the people, but often just do

¹³⁷ Interview No. 36, 18.07.02, Group interview with PS council chairman and representatives, Moneragala.

¹³⁸ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

¹³⁹ Interview No. 36, 18.07.02, Group interview with PS council chairman & representatives, Moneragala.

their charity work. These NGOs mainly have their own interests in mind, are often lacking professional capacities and hardly collaborate with other state-institutions, such as the PS.¹⁴⁰

However, there are some organisations which are actively involved in advocacy and lobby work for specific groups, like the Women's Empowerment Union, the Human Rights Association or the Rates Payers Association:

"It is sometimes a big struggle for Tamil estate worker to get the birth certificate. So now we, from the Human Rights Association have intervened and set up a programme to help them" (Member Mediation Board & Human Rights Organisation).¹⁴¹

"The women's NGOs have a network of 600 women in the area. They tried to lobby for certain women's issues, which were discussed at the World Conference for Women in Beijing, but the Women Minister was unable to do anything to approve their proposals. They also tried to meet the President personally, but were not allowed to meet her (NGO Representative; Vahilihini Development Centre - Empower Women Union).¹⁴²

The 'Rate Payers Association' is putting pressure on the Pradishiya Sabha to reduce the rate of tax, which was considerably increased recently. Their argument is that unless the PS provides better services, rate payers will not be willing to pay such an immense amount. When necessary, the Rate Payers Association writes public letters in the newspaper with their complaints:

"This organisation came into being because of the problems relating to the payments of rates. The rates were 5% but they suddenly went up to 15%. But there has been no development within this area. They have not cleared the roads and there are no facilities. So that is why we established this organisation. There was a group of those who could not pay their taxes. They had nowhere to go. They were the ones who got together and formed this organisation" (Rate Payers Association).¹⁴³

4.3.5.3 People's Participation in Batticaloa

Regarding people's participation in the official democratic electoral process at the local level, the last opportunity in the East was in 1994. Under these circumstances, it is rather surprising that a high number of 73% (44) of the respondents of our household survey in Batticaloa think that people have influence over the decision-making process at the local level and 15% (9) to at least some extent. More Muslims 59% (26) than Tamils 40% (18) and more males (26) than females (18) think that people have decision-making powers. Those who feel that they don't have any influence blame the politicians - who don't care - and the village elite for this. According to the

¹⁴⁰ Interview No. 39, 19.07.02, Key informant interview with NGO representatives (NGO-Forum 1, Vahilihini Development Centre, Empower Women Union), Moneragala.

¹⁴¹ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

¹⁴² Interview No. 39, 19.07.02, Key informant interview with NGO representatives (NGO-Forum 1, Vahilihini Development Centre, Empower Women Union), Moneragala.

¹⁴³ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

respondents, people have influence over decision-making through *shramadanas* (voluntary community-work meetings), or through discussions on common needs at religious meetings (Thangarajah 2003: 82).

Asking people about their opportunities to participate and express their views in a public forum during the last year, 50% of the respondents felt they mainly had an opportunity at a Samurdhi meeting, mosque meeting or another meeting organized by a community-based organisation. More Tamils (18) than Muslims (12), and more males (19) than females (11) stated that they had an opportunity to join a public forum. Interestingly, the lowest number of respondents who had an opportunity to join a public forum came from Kattankudy, which is an Urban Council area, where one would expect that more meetings take place. But obviously, according to the survey, people's participation is rather higher in rural areas.

Surprisingly, a high number (78%) of the people are optimistic that one can draw the attention of the PS/ Special Commissioner to the problems of the people, either through direct contact, indirectly through politicians/MPs, through people's committees or through letters. The majority of the respondents try to address issues through community-based organisations (e.g. School Development Society, Rural Development Society etc), the GS or through higher officials or leaders (e.g. religious leaders). Again a quite optimistic view was expressed by 66% who think that one could change the situation if the Pradeshiya Sabha fails to provide good services, mainly through informing higher political levels and through proper supervision by the government (PC).

This rather optimistic impression provided by the respondents of our household survey does not really tally with the impressions of local experts and key informants from institutions and organisations working in the area. Thangarajah comments that the local government authorities in the North-East have only marginally developed as a platform for public participation, since they have become an arena in which the state and the LTTE battle to assert their respective claims. While in the Muslim areas the local government councils offer limited opportunities for popular participation, in the Tamil areas, they became a highly political event. "Even small development issues were hampered by the lack of funds and the popular trust in these institutions is nowadays badly eroded. This vacuum is to some extent filled by the NGOs in the rural areas where they are active through the methods of participatory assessment and development approaches. But, in the peripheral areas where there is no reasonably educated and vocal population, the options for popular participation are limited" (Thangarajah 2003: 88).

The general impression is that the decades of war experiences have deteriorated the once more active civil society in the North-East of the country.

„The existing war-trauma keeps the people passive. They don't come forward to get political active or to contest. There is a problem like this here, why people are not organized, still there is a fear of war here. If we talk about these things, again if fights start what will happen...this kind of feeling is among people. Political conflicts affect people too. Although the UNP is coming forward to do work, LTTE is keeping their power to destroy it. That is something I experienced.” (UNP candidate, Trincomalee Urban Council)¹⁴⁴

However, one can not just say that the civil society is passive and un-organised in the North-East, but it is important to consider that the situation differs from one location to the other. In some areas, the civil society organisations are better organized as in others. There are also special conditions in the so-called 'uncleared areas' or in the border areas.¹⁴⁵ It might also be necessary to examine the informal channels which people use to address their needs and interests. It seems that informal channels play a big role in transferring information or proposals to higher authorities, as even the GS mentioned that he knows some of the PS staff personally and would go to their homes in the evenings or talk to them on the street about problems and proposals. He would very seldom go to the PS office to report these things.¹⁴⁶ The importance of informal channels and procedures of people's participation might have become even more prominent in a situation of protracted conflict, where it was dangerous to be seen to enter the local government building. However, this study has not investigated further data that would allow for further elaboration on this topic.

More general questions about people's opportunities for participation in decision-making processes, for example through public forums, have been asked in the study. Generally, the PS statutes encourage the establishment of four subject-matter committees to advise the council. These should incorporate people's representatives, such as CBO-leaders, into their regular meetings.¹⁴⁷ As the local government authorities in the North-East function only to a very limited extent, under the Special Commissioners authority, it is not surprising that these committees have never been established. However, it was stated that the PS and UC contact the RDS, community centres or Samurdhi animators to get an insight into the needs of the people. They also get letters from people or requests from community based organisations. There is also the Divisional Development Committee, chaired by the DS, where proposals from CBOs come through. These are, in practice, the official opportunities for people to address their needs:¹⁴⁸

¹⁴⁴ Interview No. 54, 29.06.02, UNP-Candidate, Local Government Elections 2002, Trincomalee Urban Council.

¹⁴⁵ Interview No. 52 with Local Government Commissioner Trincomalee.

¹⁴⁶ Interview No. 59, 26.07.02, Grama Niladari Kaluvanchikudiyiruppu (Kaluthavalai – Monmunai East), Batticaloa.

¹⁴⁷ The committees are a) finance and policy making, b) housing and community development, c) technical services and d) environment and amenities (Pradeshiya Sabha Act of 1987).

¹⁴⁸ Interview No. 60, 23.08.02, Former Council members and administrative staff at PS Kaluvanchikudiyiruppu (Manmunai South East Eruvil Pattu, Kaluthavalai), Batticaloa.

“People can participate through the RDS meetings and share their problems. Me, as the GS, I am also discussing problems or proposals with the people. Furthermore the Kovil committee (temple committee) is very influential in deciding on local matters” (Grama Niladari Kaluvanchikudiyiruppu, Kaluthavalai – Monmunai East).¹⁴⁹

One additional opportunity for people to participate in local politics in the area of our research project was the development forum organized by the LTTE. This platform, which exists in other LTTE influenced areas as well, addresses mainly the Tamil population.

“After the ceasefire agreement the LTTE opened a public development forum, which should meet twice a month. In other areas this forum works since long-time” (Grama Niladari Kaluvanchikudiyiruppu, Kaluthavalai – Monmunai East).¹⁵⁰

Having the rather positive answers of the respondents of our household survey in mind, one gets the impression that people in our two research regions in the North-East have sufficient opportunities to participate in the decision-making process. However, the findings from the qualitative interviews show that the long experience of protracted conflict has created careful citizens, who do not want to become too “visible” or active in order to avoid confrontations with the militant groups and forces in the area. Therefore, the fact that people in the household survey did not complain about a lack of people’s participation could also be interpreted that people under the current poor security situation do not want to participate more in local politics and decision-making processes.

4.3.5.4 Comparative Summary

With regard to **people’s participation**, one interesting common finding in all three research regions is that people estimated their influence on the decision-making process quite highly, meaning that people feel that they have influence over local decision-making processes through contacting politicians, writing complain letters or participating in meetings organized by civil society or religious groups. This positive judgement, which is even felt in Batticaloa, reflects a subjective feeling that one knows whom to contact to address complaints and grievances. However, it does not automatically reflect the existence of a pluralistic system with an active and opinion-forming civil society. The qualitative interviews revealed the opposite with regard to the question about an active civil society.

In all three regions, key informants spoke rather of a passive, weak civil society. Especially in the East, the explanation was the long experience of protracted conflict, which has created careful

¹⁴⁹ Interview No. 59, 26.07.02, Grama Niladari Kaluvanchikudiyiruppu, Kaluthavalai – Monmunai East, Batticaloa.

¹⁵⁰ Interview No. 59, 26.07.02, Grama Niladari Kaluvanchikudiyiruppu, Kaluthavalai – Monmunai East, Batticaloa.

citizens who do not want to become too active and exposed in order to avoid conflicts with the militant groups.

However, one can not just say that the civil society is passive and un-organised but there are also examples for some very active NGOs and there might as well be informal ways of lobbying, which are well established at the local level but difficult to observe. Particularly in Ambagamuwa, there were encouraging examples of civil society activists who organize cultural events to reconcile Tamils and Sinhalese in times of inter-ethnic tensions. But it is also a common feature that civil society activists face threats and intimidation by local political leaders, who consider it an interference in their affairs when civil society activists mobilize people.

Among the occasions for people's participation at the local level, key informants mentioned in all three regions *shramadanas* (voluntary community-work meetings), election meetings, NGO-organized meetings, Samurdhi meetings, Estate Management organized meetings and most of all discussions on common needs at religious meetings. Another common finding in all three regions is that women have fewer opportunities for participation in public meetings. Our assumption that the people who live in more remote places are more excluded and have less opportunities to participate in public forums could not be proven by the data. It seems that even people from remote areas make an effort to contact the local institutions, like the PS and DS, if they have any matters to be resolved. It might also be the case that people contact the local government council member from their area, or the Grama Niladari of their village, to address certain issues for them at their next meeting with their superiors.

Another finding was that the formal links between local, people's organisations on the one hand and the PS on the other hand are not yet established. Only in Moneragala has the PS-council decided to establish public committees where civil society representatives and administrative officers advise the council on specific subject matters. However, up to now, these committees are not yet functioning. Key informants mentioned that politicians and public officers feel superior to the people and therefore do not ask about people's opinions, which is one reason for the lack of people's participation in local level decision-making.

4.3.6 Rule of Law and Human Rights Protection

4.3.6.1 Rule of Law and Human Rights Protection in Ambagamuwa

Regarding the good governance indicator *rule of law and human rights protection*, respondents from Ambagamuwa PS area indicated their dissatisfaction with regard to the status of rule of

law. A common opinion is that the law enforcement is insufficient and too slow, especially in the estate sector. There is a lack of trust in the law system which is based on perceived injustices and the impression that honest people who work against criminals and corruption are not protected but rather have to face intimidation and threat from criminal elements, politicians or sometimes even from the police.

People feel that the estates are not covered properly by the law system. The estate managers behave as if the rule of law is in their hands. In certain cases they use the law to their advantage:

“Just like that if you take the estate people. All the managers of the estates seem to be under the misguided conclusion that they are above the law. They seem to think that they are a breed apart who have different powers. They think that they are a special lot of people. Even if you send a letter to them from the mediation board they will never come in and participate.... So in that management culture they have developed a peculiar type of attitude. We are a cut above the rest, we are above the law” (Chairman Mediation Board).¹⁵¹

The Tamil estate workers furthermore face the problem that law enforcement institutions like the police offices often have no Tamil speaking officers. As Hettige points out, “when Tamil community members visit the police station in the area to report an incident or make a complaint, the inability of the police officer on duty to take down the complaint in the language that the complainant is capable of making it, leads to a serious situation. If the police officer does not even understand what the complainant is saying, he cannot even take it down in his own language. Such official encounters can not only lead to denial of justice to certain persons, but also contribute to inter-community misunderstanding and tension” (Hettige 2003: 40).

Furthermore, respondents expressed that there are experiences where the police does not always act as an impartial agent of law enforcement, but is partial towards more powerful local leaders and groups. This leads to a situation where honest citizens are reluctant to report any observed illegal activities to the police, as they fear intimidation and threat in case the accused party is powerful and has influence over the police. The impression is that the police officers themselves fear pressure from their superiors if they act against certain influential groups or individuals:

“The other thing of course is that to some people such illegal affairs is an income generating activity! Therefore they use their powers to put down pressure to the police not to interfere.... If nothing else the police officers are afraid that the very next day they will receive a transfer to

¹⁵¹ Interview No. 15, 13.08.02, Focus Groups Discussion at Ginigaththena, Ambagamuwa.

Vavuniya or Killinochchi or some other such place, if they would get active in prosecuting these issues” (Justice of Peace).¹⁵²

An issue mentioned, reading between the lines, is that people have the impression that the political system and the judiciary does not follow the rule of law, but rather treat different people differently, which can be named as favouritism. The following statement of one respondent in the focus group discussion, who commented on the good old times in Sri Lankan history where the rule of law was followed and where everybody was treated equally, indicates the perceived weaknesses of the present political system:

“...long time ago in Sri Lanka there lived a king called Elaara. Now I don’t know if this is a true story or a fable. Anyway this king Elaara was a strong and just king. One day his son was riding a chariot and the chariot ran over a cow. So though it was the chariot that was being ridden by his own son, Elaara punished the young prince. That was the law and the king honoured it” (Secretary Trader’s Association Ginigaththena).¹⁵³

As pointed out by Hettige and confirmed by our respondents from governmental organisations, serious resource constraints can also prevent public institutions from responding to community needs. “When there is a serious breach of peace or acts of violence being committed in a community, local people naturally expect a swift response from law enforcement agencies. But the ability of the latter depends not only on their readiness and keenness but also on whether the agency concerned has the necessary resources such as adequate personnel, vehicles, and fuel. The first-hand information collected from the field pointed to the fact that the law enforcement authorities in the area had to function under severe resource constraints. Given the difficult terrain in the area, even if all the resources are there, getting to a remote community may not be very swift. As mentioned earlier, access roads in many areas are in a very poor state. Yet, when the law enforcement officers do not reach the trouble spot on time, the outcome can be rather grim, making the members of the community, in particular the adversely affected parties, bitter and frustrated, at times compelling them to take the law into their own hands” (Hettige 2003: 40). The lack of resources, especially vehicles, was stressed by civil society activists as well as the police officers themselves:

“The other thing is that according to the population, the area that falls under police purview is far too large. It is unmanageable. Now if someone from a particular estate approaches a police station and says there is an altercation going on in such and such an estate, please come and stop the violence, the police will respond saying, bring a vehicle and come, then we will come and investigate. We don’t have jeeps, we don’t have transportation facilities, we don’t have diesel, or petrol, and you know – they have fallen in to that sort of state. So accordingly the government

¹⁵² Interview No. 15, 13.08.02, Focus Groups Discussion at Ginigaththena, Ambagamuwa.

¹⁵³ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

needs to take into account the population and create manageable areas for the police to govern. Or they need to provide the needed resources and staff” (Justice of Peace).¹⁵⁴

“We have only one vehicle and that has been sent off with our officers to apprehend some suspects engaged in the brewing of illegal liquor. Then we have to answer the person who made either the complaint or the call and tell them ‘if you send us a vehicle or take us there we can come to help otherwise you have to wait till our vehicle comes’. You must understand that these are not areas that you can go somewhere and return in a matter of a few minutes. It takes us a long, long time sometimes to simply go to a distance of ten or twelve kilometres” (Police Officer).¹⁵⁵

Another problem in safeguarding the rule of law is the insufficient capacity of the local police officers. A local police officer commented on the problem of a lack of training and new technologies among the police cadre to prevent and prosecute disputes and crime:

“The face of crime today has completely changed. We in the Police, on the other hand are still dependent on a form of technology that we received a hundred odd years ago. We work with our own resourcefulness, our intelligence, the training we receive from the Police Department, and whatever experience we gain on the job. When criminals utilize technology to aid their crimes, we have no capacity to utilize technology to abate those offences. We are unable to use technology to apprehend criminals” (Police Officer).¹⁵⁶

“For any subject, one needs to have trained personnel who will handle different areas. For instance, if the officer handling a particular area of work gets transferred today, the person taking up his work will be unable to access any information on the previous officers work because all that will be in the mind of the officer who has just been transferred. The new man has to start from scratch. And then there isn’t anyone to handle the crimes that take place during that period of time. So what I am talking about is a system where data can be gathered and stored. If we have a way of storing our data in a clear and concise form, we will be able to better control crime in the Ambagamuwa area” (Police Officer).¹⁵⁷

Critical evidence for the state of the rule of law is the fact that the courts are overburdened with pending cases, leading to a situation where people are sometimes waiting for a decade for their cases to be prosecuted.¹⁵⁸ As the mediation board chairman commented, people put a lot of hope into the new district judge that cases might be concluded more speedily in future:

“Recently there is a renewed interest in court cases in the minds of the people because there is an expectation that court cases might finish quickly. It is a big relief to people to have a hope that their legal matters will be concluded speedily (...). But actually the new District Judge stands out in that he approaches the people directly and he takes great pains to try to resolve the issue by

¹⁵⁴ Interview No. 15, 13.08.02, Focus Groups Discussion at Ginigaththena, Ambagamuwa.

¹⁵⁵ Interview No. 15, 13.08.02, Focus Groups Discussion at Ginigaththena, Ambagamuwa

¹⁵⁶ Interview No. 15, 13.08.02, Focus Groups Discussion at Ginigaththena, Ambagamuwa.

¹⁵⁷ Interview No. 15, 13.08.02, Focus Groups Discussion at Ginigaththena, Ambagamuwa.

¹⁵⁸ Fernando summarizes in his paper, that it can well take 4 years before a case reaches the final appeal stage at court and that there are a large number of cases which are older than 10 years from the date of offence still pending before the High Court (Fernando 2004: 2).

mediation. Through that we have been able to see some measure of speedy conclusions” (Chairman Mediation Board).¹⁵⁹

As a consequence of the unmanageable work load of the courts, more and more serious cases are getting transferred to the mediation boards. As noted by the mediation board chairman, the mediation board has had to deal with cases for which mediators are not trained and which should be resolved by the civil courts. However, for the people it is still better that their case is discussed at the mediation board than be pending for years.

Regarding the protection of human rights, the main issue in Ambagamuwa was the right of Tamil estate workers, especially their right to obtain birth-certificates and citizenship. Respondents stressed as a primary issue the insufficient provision of citizenship rights to the estate workers. Secondly, the living conditions of the estate workers are in general described as un-human and against any human rights. The members of the local Human Rights Watch Organisation are contacted by estate people if they face problems with their estate managers to obtain the necessary documents:

“Now yesterday I received a complaint from workers of an estate. One manager from that particular estate has refused to register the birth of a child. The reason that was given was that the parents of the child weren’t workers of that particular estate. But the child was born on that estate (...). Because I am from the Human Rights Watch I received that complaint” (Mediation Board Chairman).¹⁶⁰

Among other human rights, respondents in the area particularly mentioned the lack of adequate health facilities, the insufficient implementation of the official language policy (bilingualism) and problems with regard to women’s rights.

4.3.6.2 Rule of Law and Human Rights Protection in Moneragala

With regard to the good governance indicators *rule of law* and *human rights protection*, the interviews with citizens and key informants in Moneragala revealed that there are three major issues that respondents find critical: a rather weak prosecution of crimes, lack of independence on the part of the police and finally politicians relying on their influence over the police to prevent the prosecution of crimes.

¹⁵⁹ Interview No. 15, 13.08.02, Focus Group Discussion at Ginigaththana, Ambagamuwa.

¹⁶⁰ Interview No. 15, 13.08.02, Focus Group Discussion at Ginigaththana, Ambagamuwa.

With regard to the rather weak prosecution of crimes and a high number of pending cases, respondents of the study indicated the problem of the police department lacking vehicles and therefore in cases of crime being unable to act fast and effectively:

“When it comes to vehicles there are difficulties. Recently this problem was brought forward in the parliament. Vehicle facilities within the police force are quite low. Most of the times these facilities are even lesser than they were before. It is very hard to go along with our work at times...” (Police Officer).¹⁶¹

The mediation board is established in Moneragala and is playing a considerable role in conflict mediation and law enforcement. Usually, cases of up to 100,000 Rs compensation are mediated by the board, while cases which go beyond this go to the courts. But there is a tendency that more and more serious cases, even cases where serious violence is involved, go to the mediation board instead of the civil court.¹⁶² Two reasons were mentioned why these serious cases are ending up at the mediation board. One reason is that often the victims want their case to go to the mediation board, as there they are able to get a compensation, while at the civil court no compensation is paid to the victims. The second reason is that often the perpetrator themselves want their case to go to the mediation board as the penalty is usually less. If the perpetrator has good political connections, he might succeed in transferring the case to the mediation board.¹⁶³ Although there is a certain danger that the mediation boards are 'misused' for cases which should be dealt with by the state, as a law enforcement agent one has to recognise the potential of the mediation board as it allows more cases to be heard. In a context where a high number of pending cases is a serious problem, the mediation boards are an important instrument to improve the law enforcement practice and thereby guarantee a certain degree of rule of law.

The second issued discussed by civil society representatives in Moneragala was that the police are not independent and there is political pressure on and political appointments of police officers. This criticism has also been discussed at the national parliament level and the seventeenth Amendment to the constitution introduced the independent National Police

¹⁶¹ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

¹⁶² During a mediation board meeting we observed a case where an army officer and a police officer together had beaten up a group of drunken young men who had been making a lot of noise in front of the police officer's house. During the fight, one of the officers attacked one young man with a knife. This serious case of the violence of law enforcement officers while not on duty was brought to the mediation board, although it should have been a case for the civil court. The mediator mentioned that most probably the police delegated this case to the mediation board, to save the perpetrators from disciplinary action. If the civil court had taken the case, both of the officers who carried out the attack would have lost their jobs.

¹⁶³ Interview No. 42, 20.07.02, Observation meeting of public hearing of the mediation board in Moneragala

Commission in 2003, which is seen as an important step for the transition of Sri Lanka towards a modern state:¹⁶⁴

“There is a need for an independent police commission...at the moment all the choosing of positions are done according to political needs. It’s the same all over Sri Lanka. ...If there is a police commission, each official will be chosen according to their importance and things like that. Then that person can go along in his work without any fear or doubt that his position might be changed. He then works with dedication. What has happened today is that the politicians are the ones who have become part and parcel of the police. That is why the police seem to be under the rule of politics. The Officer in Charge (OIC) can always be changed by the political stronghold. Now that’s where we need the commission” (Lawyer).¹⁶⁵

The corruption of politicians and their involvement in crime and violence was discussed by key informants of this study. Representatives of the Sri Lankan Administrative Service System strongly criticised the breakdown of law and order at the local level due to misuse of power by the politicians:

“The administrative officers follow rules and regulations while the politicians disregard the rules. The system collapses due to the influence by politicians. This system has slowly developed and has led to breakdown of law and order” (Government Agent).¹⁶⁶

For civil servants like the Government Agent, the administration has integrity and is not corrupt. Administrative officers follow the law, are accountable to the people and are educated and well-versed in the rules of the political system. On the other hand, civil servants perceive the local politicians as the ones who have ruined the rule of law through a lack of education, self-interest and corruption:

“The elected representatives of the PS don’t feel obliged to follow the rules, maybe due to a lack of education and training. Many regulations do not count for elected representatives. They have more privileges. The MPs support this corrupt system as PS-members are their election organizers and supporters for the National Election” (Government Agent).¹⁶⁷

“Often the PS is not following the acts, laws and rules in cases of trouble. The DS will demand to follow the rules, but the PS will then contact higher authorities (MPs). There is often a fight between DS-Officers and MPs as MPs are angry that the administration does not support their PS-candidates” (Officer District Planning Secretariat).¹⁶⁸

¹⁶⁴ Asian Human Rights Commission statement: SRI LANKA: Minister’s attack on Sri Lankan National Police Commission speaks to its progress, 17 September 2003, <http://www.ahrchk.net/statements/mainfile.php/2003statement/118/>.

¹⁶⁵ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

¹⁶⁶ Interview No. 32, 01.06.02, Key informant interview with Government Agent Moneragala.

¹⁶⁷ Interview No. 32, 01.06.02, Key informant interview with Government Agent Moneragala.

¹⁶⁸ Interview No. 31, 01.06.02, Key informant interview with Administrative Officer, District Planning Secretariat Moneragala.

Civil society representatives experienced interferences of politicians in crimes and their misuse of power to prevent investigations also lessens the watchdog role of civil society. Honest people hesitate to report incidences to the police, as they fear being threatened by influential groups. Civil society activists tell of underworld groups murdering people who have informed the police of illegal activities:

“Now recently in the Thanamalvilla area, there have been killings done by some underworld groups. Because some people informed the authorities and these plantations are raided by the police. Therefore influential people have formed organized groups to murder such informers” (Chairman Mediation Board, Moneragala).¹⁶⁹

Besides the independent police commission, respondents see the media as a potential agent to act against this deterioration of the rule of law, but also reflect critically that the media does often not fulfil their role properly:

“The media is the only way to increase the pressure on the corrupt politicians. The media should be more critical observer. Sometimes the media behaves not responsible, but rather try to create stories for their own publicity, which are not true and which do not reflect the real picture. This might create tensions” (Government Agent).¹⁷⁰

Regarding the protection of human rights, our qualitative data did not reveal much direct information. The Human Rights Organisation in Moneragala mentioned that it is sometimes called in to help in cases of caste discrimination or in cases of problems with birth certificates for Tamil estate workers. Among other human rights, respondents in the area particularly mentioned the lack of adequate health facilities, lack of worker's rights in the estate sector, the inadequate implementation of the official language policy (bi-lingualism) and problems with regard to women's and children's rights.

4.3.6.3 Rule of Law and Human Rights Protection in Batticaloa

As people were not directly asked about the existence and adherence of rule of law, the data from our interviews give only few indications which illustrate that the situation is not perceived as satisfactory. On the one hand it was stressed that the local institutions, especially the local government authority does not follow the rules regarding the collection of revenues and taxes. On the other hand, there is mistrust among the people with regard to lawyers as well as the police, which both somehow represent the law enforcement system. Some key informants

¹⁶⁹ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

¹⁷⁰ Interview No. 32, 01.06.02, Key informant interview with Government Agent Moneragala.

stressed that people would rather contact the LTTE for problem-solving or to address cases of conflict:

“People would not go to the police or lawyers as they are cheating us! They are taking our money! People would rather come together to solve the problems on their own or they would go to the LTTE. Especially at the moment people go more to the LTTE” (Grama Niladari Kaluthavalai – Monmunai East).¹⁷¹

Regarding human rights protection in the areas of our research, the most obvious violation is that people have been deprived of their political right to elect their representatives at the local level since 1994. Other human right violations were not mentioned by the respondents of our interviews, but it is clear that human right violations is not a topic one would openly talk about in a context of protracted conflict. Although the ceasefire agreement has led to an improvement in the situation, there are still plenty reports from human right organisations and journalists of cases of abduction in the East by the militants or the Sri Lankan Army. Among the most severe violations is the intimidation or even assassination of political opponents as well as forced child recruitment.¹⁷² Amnesty reports that the human rights situation in the North-East deteriorated following a violent split within the LTTE in April 2004.¹⁷³ Throughout 2004, the East remained volatile with continuing skirmishes between the LTTE and the remaining ‘Karuna’-supporters. Amnesty reports a dramatic increase in politically motivated killings and widespread child recruitment (Amnesty 2004: 1). The continued killings, which also happened in public places like the Eastern University, has created an atmosphere of fear among the civilian population, as well as putting the ceasefire under strain (Amnesty 2004: 2).¹⁷⁴

4.3.6.4 Comparative Summary

Regarding the status of **rule of law**, the study revealed that in all three regions key-informants mentioned a high degree of dissatisfaction with the law enforcement system. While in Batticaloa people mentioned a general mistrust of the actors who represent the law enforcement system of the state and have sympathies towards the LTTE as problem-solving institution, Moneragala and Ambagamuwa respondents stressed that the law enforcement is insufficient and too slow. The lack of independence on the part of the police and negative interference by politicians in legal

¹⁷¹ Interview No. 59, 26.07.02, Grama Niladari Kaluvanchikudiyiruppu (Kaluthavalai – Monmunai East), Batticaloa.

¹⁷² see National Peace Council, Media Release, “Downward Spiral Towards Violence must Be Halted”, 08.07.04, www.peace-srilanka.org.

¹⁷³ The former eastern commander Colonel Karuna split from the LTTE, taking with him a large number of cadres. In April 2004 thousands of LTTE troops moved into the East to fight Colonel Karuna and his supporters, resulting in substantial casualties. After four days of fighting, Colonel Karuna's troops were crushed and he had to go into hiding (Amnesty 2004).

¹⁷⁴ Various TamilNet articles report on the ongoing battles against Karuna supporters and ongoing agitation at the Eastern University (TamilNet 07.03.04, TamilNet 13.07.04, TamilNet 09.07.04).

matters makes the law system even less transparent and unequal for citizens. Thus there is a lack of trust in the law system, based on perceived injustices and the impression that honest people who work against criminals and corruption are not protected but in fact face intimidation and threat from criminal elements, politicians and sometimes even from the police.

The reasons mentioned for these short-comings were the same in Ambagamuwa and Moneragala, namely the lack of training, capacities, and resources of the police, as well as the lack of independence of police from political influence. The Batticaloa respondents did not give many detailed explanations, but the general dislike and mistrust of the law enforcement system documented the deterioration of the democratic state in the war-torn North-East in general.

Regarding **human rights protection**, key informants in Ambagamuwa and Moneragala particularly mentioned the lack of adequate health facilities, the insufficient implementation of the official language policy (bilingualism) and problems with regard to women's and children's rights. The human rights situation of Tamil estate workers was described as seriously deprived. In Batticaloa, the most obvious human rights violation is that people have been deprived of their political right to elect their representatives at the local level since 1994. Other information about the human right situation could not be obtained through the interviews, but have to be taken from other sources, such as documents from human right organisations that report on abductions, assassination of political opponents as well as forced child recruitment in the East by the militants or the Sri Lankan Army.

4.3.7 Trust in Politics and Basic Security

4.3.7.1 Trust in Politics and Basic Security in Ambagamuwa

In Ambagamuwa, our interviews revealed that there is not only a certain amount of dissatisfaction and lack of trust in politics among the people, but also among the local government representatives themselves. As the following statement shows, there are people who have been active and tried to engage in local development activities. They have experienced the inefficiency and sometimes corruption of the political system at the local level. Their negative experiences have discouraged them to take further initiatives to contribute to development in their area:

„Somewhere in Palliyawatte the people had got themselves organized to build a small waterway. The people had formulated a plan, got the money passed and they were expecting the work to begin on the twenty sixth of this month. ... They had waited and waited and when nothing was happening they had gone to the local government to check on the project. Of course by this time money had been spent by them to make the plans, and get them approved. But what they

discovered was that due to the political intervention of some politically powerful individual the funds that had been passed for this particular project had been diverted towards something else! So what do you think the state of mind was of the people who enthusiastically got themselves involved in building this small waterway? ...So if politicians can interfere in such small things and discourage the people with their injustice then what can we do? What do you say to soothe the broken spirits of the people?" (Police Officer).¹⁷⁵

"What I mean by that is, when we are putting in a lot of effort to do something right, and we do put in a lot of effort, we do it once, twice three times, even four times. But now when we take our political structure as a focal point what we have is discouragement – it is a spirit of discouragement" (Member Trader's Association Ginigaththena).¹⁷⁶

Furthermore, people have observed or experienced that politicians do not act like public servants, but rather in a manner which will increase their own personal benefit due to their position within the local councils. These experiences have led to a general feeling of mistrust of politicians in Sri Lanka, reflected in the following statement:

"The other thing is that people believe that politicians are appointed for the people. On one hand they say that and on the other that thought is rejected because the reality is far from that, but, if you take the concept of politics today then the truth is that it has become the quickest and the shortest way for someone to become a rich man. That is the level to which politics have fallen.... if we are hoping that some individual, who comes after the local government chairman, will be someone who will genuinely be committed to serving the people, then I feel that our hope and our faith in that person is misplaced" (Attorney at Law, Ginigaththena).¹⁷⁷

Even among the elected local government representatives, there is a general feeling of mistrust in the political system, as they have all too often experienced their powerlessness due to a lack of autonomy or lack of support from the Central Government. The feeling that they can not fulfil the expectation of the people to a minimum degree leads to a personal struggle and frustration with their role within this political system.

Others have experienced the lack of democracy within the local government institutions and the authoritarian behaviour of superiors who act against the initiatives of others. In the case of the local government, the dominance of the chairman / major leaves not much decision-making power with the other elected representatives:

"At that point, the reason for me to represent myself from a local government position was that I believed that from this appointment of being a local government member I would better be able to implement that earlier mentioned village level economic development plans using the local government structure as a foundation. I came to this position with that intention. But after I took up responsibilities in this capacity, I realized that I could have accomplished far more in order to serve the villages had I not taken up the appointment as a local government minister.... The

¹⁷⁵ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththena, Ambagamuwa.

¹⁷⁶ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththena, Ambagamuwa.

¹⁷⁷ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththena, Ambagamuwa.

reason is that the local government structure is developed by the person who is occupying that position. It is in the hands of the Chairman. He is the one who has the powers. It is he who will make decisions, act on them. Our roles are based on approving what the chairman plans by raising our hands in agreement” (Elected Council Member Ginigaththena PS).¹⁷⁸

“Now let’s say that from a particular town a particular person began to do something. Let’s say that person is you. The thing though is that someone who is above you will interrupt your work by under-cutting you. That is something that happens in Sri Lanka” (Justice of Peace, Ginigaththena)¹⁷⁹

4.3.7.2 Trust in Politics and Basic Security in Moneragala

In Moneragala, respondents of our study stressed that people do not have any trust in the politicians, regardless of which party they belong to. The reason is that politicians have never delivered on what they promised before the elections and there are various examples of corruption and self-interested behaviour of local political leaders:

“Some people in the villages are disgusted with politics. It’s always the same outcome. No matter what side they support it’s the same results. By the time they realize and understand this, another election is upon them. So as the elections draw near the politicians offer food and alcohol so that the people forget the past and so that they can go forward” (Justice of Peace).¹⁸⁰

It was mentioned that the civil servants and administrators had a good reputation in earlier times and thus were the institution which was trustworthy for citizens. In particular, the administrators from the District and Divisional Secretariat feel that they are the local institution that maintains a good code of conduct, but that they have been disempowered by the politicians and thus can no longer safeguard the functioning of local governance. On asking the Government Agent of Moneragala which institution would have the trust of the people, the answer was:

“Whom would people trust? Earlier the administrative officers were trusted and had power. Today politicians are in charge and the people know this. Administrative officers can’t do much for the people, as they have no more power. The people have to go to the politicians. And people know, that the politicians are corrupted.....they often do not follow the rules but work for their own benefit” (Government Agent).¹⁸¹

Other respondents from the trade unions expressed a similarly negative view of politicians and see them as the ones who have introduced corruption to the political system as common practice encouraging other organisations to follow this path:

¹⁷⁸ Interview No. 12, 13.08.02, PS-Council members Ginigaththena, Ambagamuwa.

¹⁷⁹ Interview No. 15, 13.08.02, Focus Group Discussion Ginigaththena, Ambagamuwa.

¹⁸⁰ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

¹⁸¹ Interview No. 32, 01.06.02, Key informant interview with Government Agent Moneragala.

“No wonder that some NGOs are misusing donor funds, taking it into their own pockets, if politicians are also taking public funds. Even collections for the South against water scarcity were taken in own pockets by some politicians” (Trade union representative).¹⁸²

The poor reputation enjoyed by politicians is also common among local NGOs who avoid close cooperation with the local government authority or other political institutions. Asking NGO-representatives whether they should not have closer links to PS-representatives to address and lobby for people’s needs, an NGO representative answered that the political system is not favourable and they don’t want to have close contact with politicians.¹⁸³ It seems that there is a fear among NGO-representatives that they face threat and intimidation by politicians and their support groups if they openly criticise any weakness or violation of good governance:

“Generally there is a fear to involve politicians in community problems. When I published an article on human rights and service provision, the police came to question me. There is no point in involving politicians. They take it as a threat....” (NGO-representative).¹⁸⁴

With regard to the good governance indicator ‘security’, respondents mentioned the problem of gang violence and organized crime through groups of army deserters active in the area. These groups engender a general feeling of insecurity, especially as the police is often helpless in prosecuting these crimes.

4.3.7.3 Trust in Politics and Basic Security in Batticaloa

The experience of people in **Batticaloa** district after almost two decades of violent civil war has destroyed the people’s trust in politics, the central government in particular, but also in those institutions which represent the state at the local level. In our interviews, the experience of threat and destruction of life and property was a recurring issue. However, sometimes it was not mentioned directly but emerged when reading between the lines. It seems that many people are not yet ready to talk about their experiences of violence, probably because the situation in the North-East is still not free from threat and intimidation.

The following story is characteristic of the experiences of many people, during the worst stages of the civil war. Political leaders, such as the UNP-candidate of the local government council mentioned below, were especially in danger of being threatened by the opposing militant parties. However, ordinary citizens experienced this kind of violence as well:

¹⁸² Interview. No. 40, 19.07.02, Key informant interview with trade union representatives, Moneragala.

¹⁸³ Interview No. 39, 19.07.02, Key informant interview with NGO representatives (NGO-Forum 1, Vahilini Development Centre, Empower Women Union), Moneragala.

¹⁸⁴ Interview No. 39, 19.07.02, Key informant interview with NGO representatives (NGO-Forum 1, Vahilini Development Centre, Empower Women Union), Moneragala.

"I am the only woman who was elected. It was in 1987 or around '86..... During that time there were fights, small riots and problems. A situation was created that made it impossible for me to even come to the Municipal Council to take my oaths. Because Sinhalese are not needed, it was an unsuitable atmosphere. The Prime Minister at that time was Mr. R Premadasa. He had sent a message to the Police here saying not to take me to the council to take oath; if I am taken there that there is a possibility of these people shooting me" (UNP candidate, Trincomalee Municipal Council).¹⁸⁵

"My whole house was destroyed. Now only sand is left. It was a big house with 5 rooms. Because people knew that I have membership in the municipal council" (UNP candidate, Trincomalee Municipal Council).¹⁸⁶

The security situation undermines the functioning of local institutions. The interviewed key informants explained that due to the volatile security situation and associated risks especially in the Tamil areas in the North-East, elected representatives as well as the local administration have not been able to undertake any serious development projects. For instance, the Batticaloa Municipal Council complex was taken over by the army and it functions within the premises of the DS office. The PS staff and former elected PS council members mentioned in the focus group discussion that other officers from the Divisional Secretariat or community leaders, like RDS president did often not come to coordination meetings organised by the PS, as they feared becoming associated with local politicians and consequently getting into trouble with the militant groups (like e.g. LTTE) which boycotted the democratic elections and threatened candidates who got elected. Thangarajah explained that at the time when local government elections were still being held, representatives from militant parties such as EPDP and TELO were elected without contest since no other parties such as the TULF dared be in the race (Thangarajah 2003: 87/88). Under these circumstances, there was widespread anxiety among the administrative staff of the PS that any attempt to assist elected members of the PS council from such parties would be viewed with hostility by the militants. These threatening situations ensured that the local councils were already almost non-functioning at the time when they were still being elected:

"The countries situation is one reason why other officers won't cooperate with us. Because we are selected from the elections. So we faced some threats. We can't have any meetings. So because of that also they did not join with us because they might think they will be shot. And also they might think if we go for these meetings then we will be also identified and we also have to face problems" (Former PS-council member).¹⁸⁷

¹⁸⁵ Interview No. 54, 29.06.02, UNP candidate for Trincomalee Municipal Council 2002.

¹⁸⁶ Interview No. 54, 29.06.02, UNP candidate for Trincomalee Municipal Council 2002.

¹⁸⁷ Interview No. 60, 23.08.02, Focus Group Discussion with administrative staff at Kaluvanchikudiyiruppu PS (Manmunai South East Eruvil. Pattu, Kaluthavalai), former PS council member.

The local government councils in the North-East are at present under the authority of the Divisional Secretary, run by its administrative staff and providing only limited services. Citizen's trust in the local government institutions and the political system in general has weakened due to the disempowerment of the local councils, the experience of insecurity and the experience of political patronage and lack of democratic culture among the political establishment.

Although the security and situation in Batticaloa has clearly improved since the conflict parties signed the ceasefire agreement, the situation remains far from being safe. Bauer et al report that the situation in Batticaloa District is still tense and unlike in other areas, Internally Displaced People (IDP) are reluctant to return to their places of origin, especially when they are in LTTE controlled areas. 'The main fears are forced recruitment, extortion, intimidation, hostage taking, and forced return of IDPs' (Bauer et al 2003: 10). The continued harassment of Muslims particularly with the imposition of illegal taxes, extortion, abductions, assassinations and ransom serve only to reconfirm these fears' (Bauer et al 2003: 10). There is still a large army presence, activities of militant groups continue and a considerable increase in politically motivated killings. The democratic election process has not yet been re-started (Goodhand / Klem forth-coming). However, it is interesting that 90% of the household survey respondents from this region stated that they want the local government elections to be held as soon as possible, which demonstrates that the people hope for a continuation of the peace process and a revitalization of the democratic process.

4.3.7.4 Comparative Summary

The findings with regard to trust in politics are similar for all three research regions. Respondents of the study have experienced the inefficiency, patronage and sometimes corruption of the political system at the local level. Others have experienced the lack of democracy within the local government institutions and the authoritarian behaviour of superiors who contradict initiatives of others. These negative experiences have discouraged them to take further initiatives to contribute to the development in their area and have resulted in a lack of trust in politics in general.

In Ambagamuwa and Moneragala, key informants stressed in particular the lack of trust in politicians, regardless of which party they came from, as they have experienced their selfish efforts to benefit personally through their position and due to various cases of patronage and corruption. In Batticaloa, the trust in politics has weakened due to the experience of insecurity

and threat during the decades of the civil war. The lack of trust in politics is more channelled towards the central government, but there is also a negative feeling with regard to local level institutions. In our interviews, the experience of threat and destruction of life and property was a recurring issue, and has discouraged people from becoming active in the political process.

Another recurrent issue was that civil servants and administrators had enjoyed a good reputation in earlier times and thus the administrative institutions were trusted by citizens, before they were disempowered by the local government system. This explains the competitive relationship between the divisional secretariat and the local government at the local level.

In Ambagamuwa, an interesting finding was that even local politicians expressed a general feeling of mistrust in the political system, as they have too often experienced their powerlessness due to a lack of autonomy or lack of support from the Central Government.

Although not especially commented on by the respondent of the two local authority areas in the East, security is a critical issue in Batticaloa District, where people's life and property have been threatened for decades and where the situation is still characterized by politically motivated violence and intimidation by various militant actors. In Moneragala, key informants talked about the threat to people's security through groups of organized crime, while in Ambagamuwa security was not an issue for the respondents of our study.

4.3.8 Conflict Transformation Capacities

4.3.8.1 Conflict Transformation Capacities in Ambagamuwa

Key informants from various organisations and civil society in Ambagamuwa were asked about conflicts in the area and ways and means to resolve these conflicts. The aim was to investigate the conflict transformation capacities of the local democratic system and its actors. Through the interviews and focus groups discussions with key informants, information were gained about the types of conflict which exist in the area, about connecting and dividing factors for social harmony and some information on important institutions which have institutionalised forms of non-violent conflict management and mediation in the area.

As mentioned earlier, types of conflict which are prevailing in the area are land disputes, family disputes often caused by the men's alcohol consumption, politically motivated incidences between supporters of opposing political parties or trade unions and, to a very limited extent, tensions between ethnic communities. The police officer stressed the role of the illicit alcohol industry, which increases the conflicts within and among families, as well as the problem of land

disputes, which are not easily resolved and often lead to physical violence, at times leading to murder (Hettige 2003: 38).

Politically motivated violence takes place between supporters of opposing political parties or trade unions and sometimes results in assaults and damage or loss of property.¹⁸⁸ As most respondents reported, conflicts or tensions along ethnic lines seem to be rare in the area. It was stressed that the ethnic communities, especially Tamils, Sinhalese and Muslims live peacefully together and are used to living and working closely with members of the other ethnic communities. There are many inter-ethnic marriages and contacts and people invite families of the other ethnic groups to their family celebrations:

“That is a common practice with a long tradition. And that is not just for celebrations. Now let’s say a Tamil person is in hospital. You will assuredly find Sinhala colleagues and his neighbours who are Sinhala there to see to his well being. If it is a Muslim brother in the hospital he too will have the comfort of his racially different neighbours. So what is present at a time like that is not a communal or racial feeling. What overtakes everyone at a time like that is a feeling of our uniting humanness” (Chairman Mediation Board).¹⁸⁹

The chairman of the mediation board of Ambagamuwa commented that during his time of office, which is about 10 years, there were no incidences of ethnically or racially motivated violence reported to the mediation board. The chairman believes that not only were no cases reported but also that no such cases took place. However, there was an incident reported, where mobs from different ethnic communities vandalized the streets, burning down shops of the other ethnic community, which obviously was a reaction to the Bindunuwewa massacre¹⁹⁰. Still, the awareness of the majority of the people in the area for ethnic harmony is very high and radical nationalist organisations which address only one ethnic community and divide the society along ethnic lines had so far not many opportunities in Ambagamuwa, as the following example shows:

“There is a branch of that organisation here. But the Sinhala Veera Vidhanaya organisation told everybody early about their type of programme, ... it was the Sinhala people themselves who informed them that they cannot permit such a thing to take place here. They said we are also Sinhala people. But in the same manner that we have lived with all these people in the past we have to continue to live like that with everybody.... There has been no divisiveness stemming from our Sinhala or Tamil ethnicity. So we immediately picked up that this organisation might lead us in to a situation where we would have destroyed this relationship. So that Sinhala Veera Vidhanaya

¹⁸⁸ see Interview No. 9, 12.08.02, Chairman Mediation Board, Ambagamuwa.

¹⁸⁹ No. 9, 12.08.02, Chairman Mediation Board, Ambagamuwa.

¹⁹⁰ The violent incident in the Bindunuwewa Rehabilitation Centre in Bandarawela took place in 2000. A mob of Sinhalese attacked and killed Tamil detainees of the rehabilitation camp, without being stopped by the police. The incident is critically assessed by human rights groups, see State of Human Rights 2004 Report. http://massacre.ahrchk.net/bindunuwewa/main_file.php/Official+Report/137.

*organisation's values and goals weren't allowed to spread in our area" (Chairman Mediation Board).*¹⁹¹

Among the factors which play a role in dividing or connecting the people, especially the ethnic communities in Ambagamuwa, respondents mentioned the language and the media. The language proficiency of many inhabitants of the region, who are able to speak and understand both Sinhala and Tamil was mentioned as an important factor for the ethnic harmony in the area. Similarly, it was stated that it is especially important that office bearers, like a local government chairman should be able to speak both languages. Language, which is understood as an important connecting factor between the communities can become a dividing factor if one group is not able to use their language when speaking to government officials. As example for this problematic situation, respondents mentioned that the language proficiency in Tamil at the police office and other institutions, like the post office, is often inadequate. Language also becomes a dividing factor when the media uses only one language and reports only the point of view of that particular ethnic community, leading to a lack of understanding for the perspective of the other ethnic group. In this regard, the media is unfortunately playing a dividing, rather than a connecting, role:

*"Now if you take the newspapers; the Sinhala newspaper will only support the Sinhala point of view. The Tamil newspaper will only support the Tamil point of view. They will support only the LTTE. So what will the man who only reads the Tamil newspapers think? He will think that this is the correct perspective. Similarly the man who is reading the Sinhala newspaper will think that only that particular perspective is accurate. In Sri Lanka that is the manner in which the media operates" (Member Mediation Board).*¹⁹²

The role of politicians was criticised heavily by the respondents of this study. They see the politicians as dividers of inter-ethnic harmony, as they are not willing to compromise with members of opposing parties and use ethnical identities to maximize their professional benefits:

*"In this area people are culturally very close to each other. On community level people are getting along very well. There are many inter-ethnic marriages. The politicians are only creating the trouble. Politicians have no long term vision, no long-term perspective. They spoil the communal friendships" (Trade Union Representative).*¹⁹³

The role of the police with regard to ethnic harmony was discussed as ambivalent. On the one hand, people mentioned that the police have mediated after ethnic riots in the past and have been a catalyst in mobilizing the local communities, especially local elites of all three communities to work for inter-ethnic peace. The peace committee, which is further described in

¹⁹¹ Interview No. 15, 13.08.02, Focus Group Discussion at Ginigaththena, Ambagamuwa.

¹⁹² Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththena, Ambagamuwa.

¹⁹³ Interview No. 11, 12.08.02 Trade Union Representatives Ambagamuwa.

the following, was an initiative of the police. The chairman of the mediation board reported an incident during the 1983 riots in Kothmale, where Sinhala and Tamil houses got burned. The police mobilized the people to help to reconstruct the houses:

“After everything had calmed down, it was the Sinhala people who re-built the Tamil homes and the Tamil people who re-built the Sinhala homes. The two sides got together and went in a joint procession and handed over the keys to the occupants of the now re-built houses. I myself have participated in such an activity of joining a procession in Kothmale” (Chairman Mediation Board).¹⁹⁴

On the other hand, respondents described the police as also playing a dividing role, when they are not able to communicate with Tamil people who come to the police office to report an incident. The lack of responsiveness towards the complaints of Tamil citizens by the institution which has the monopoly of power in the state is perceived as one reason for the aggravation of feelings of discrimination and exclusion:¹⁹⁵

“There are some institutions in this area who are aggravating tensions and conflicts,...for example the language problem of institutions like the police, where no-one is there who can understand Tamil discriminates against this group” (Representative of Plantation Rural Education Development Forum).¹⁹⁶

The respondents of this study mentioned that there are other institutions which occasionally play a role in local conflict resolution, such as the Grama Sevaka, *Thalavaars* at the estates, NGOs like Sarvodaya, trade unions or religious leaders. It seems that for an organisation to get involved, it is important that both conflict parties are members of this same organisation or religion. The situation is more difficult if the conflict parties belong to different CBOs, trade unions or religious communities. Often in these cases the conflicts escalate and have to be resolved by the court:

“Things like that do happen on occasion. Now sometimes, I remember an issue that came up between two village people. Now in that instance both parties belonged to the Sarvodaya organisation in that small village. So, at a point like that, the relevant office bearers have had a chance to settle the dispute and bring about peace. The reason is that it's easy to appeal to the fact that the parties in conflict belong to the same village and are a part of the same Sarvodaya village organisation etc.” (Chairman Mediation Board).¹⁹⁷

Our respondents from the police stressed the importance of civil society engagement for the promotion of social harmony in the area. There are some well-known individuals who are

¹⁹⁴ Interview No. 9, 12.08.02, Chairman Mediation Board, Ambagamuwa.

¹⁹⁵ As reported in other areas of this region, the police have also played a negative role in the Bindunuwewa case, where police officers were reported to have not undertaken anything to stop the mob from killing Tamil prisoners at the camp.

¹⁹⁶ Interview No. 10, 12.08.02 Group discussion with NGO-representatives, Ambagamuwa.

¹⁹⁷ Interview No. 9, 12.08.02 Chairman Mediation Board, Ambagamuwa

members of the Trader's Association, who would always raise their voice for the common good of all groups. But it was also expressed that to be successful in promoting social peace and development, civil society needs powerful leaders to set up a work programme:

"Now I know this clearly as someone who has good knowledge of Ginigaththena - these two people (points towards two Members of the Trader's Association) have an amazing commitment to ensure that in the Ginigaththena town there is no communal or political bias against people. Whatever they do - they do it for the common good of all people, to raise their voices on behalf of all groups of people – but you yourselves know - what happens to them because they try to raise this cry on behalf of everybody. They lose their customers and they incur the wrath of state officials. That's all that happens (...)" (Police Officer).¹⁹⁸

In the estates, the Thalavaars play an important but somehow ambivalent conflict mediating role in cases of conflict between worker families, individuals, or workers and the estate management. It is perceived as the duty of the Thalavaar to look after the needs and interests of the workers and to mediate in cases of conflict. Some Thalavaars seem to make profit out of this duty through taking some kind of remuneration for their services. In cases where the Thalavaars are not able to resolve the matter on their own, they often accompany the conflict parties to the mediation board. As a negative factor, our respondent from the mediation board mentioned that some Thalavaars try to persuade the one or other conflict party to agree to a solution, which is influenced by their political interest or dislike of respective parties.

Generally, the role of the trade unions in the estates was also described as ambivalent. On the one hand, trade unions act as mediators between conflicting parties. On the other hand they also follow their own political interests and their leaders are often in conflict with other trade union leaders. Therefore they are also an institution which is aggravating tensions between groups in the estate sector:

"Trade unions mobilize people for wage bargaining. They are also active in conflict resolution when problems occur. They mediate between people" (Superintendent Battelgala Estate).¹⁹⁹

"There are some institutions in the estates who are aggravating tensions and conflicts, like e.g. trade unions are often creating trouble with members of other trade unions ..." (Representative of Plantation Rural Education Development Forum).²⁰⁰

Besides the above mentioned institutions and actors who are partly engaging in conflict-mediation when families or groups are in conflict with each other, there are two more institutionalised and successful mechanisms for conflict mediation established in the

¹⁹⁸ Interview No. 15, 13.08.02 Focus Groups Discussion Ginigaththena, Ambagamuwa.

¹⁹⁹ Interview No. 24, 14.08.02, Key informant interview Superintendent Battelgala Estate, Ambagamuwa.

²⁰⁰ Interview No. 10, 12.08.02 Group discussion with NGO-representatives, Ambagamuwa.

Ambagamuwa region. These are the mediation board and the peace committee also called '*Cultural Development Foundation*'.

The **mediation board** which has existed in Ambagamuwa for more than a decade is an institutionalised mechanism of conflict mediation. The members of the mediation board are people who are politically neutral, meaning not a member of any political party. The selection procedure of the members of the mediation board is based on the recommendations of various local governmental and non-governmental organisations. The selection of suitable candidates is finally taken by the Judiciary Service Commission in Colombo.

The issues which are mediated by the board are, in the village areas, predominantly land disputes or disputes which have arisen due to the sharing of resources. In the estate areas, there are predominantly conflicts between political parties which have led to assaults or violence among the supporters or family disputes often based on violence after alcohol consumption. About 5-10% are family or domestic conflicts.²⁰¹ The cases mediated by the boards are either cases sent directly by the police station or cases which are transferred by the courts to the mediation board. If the cases are transferred by the courts, the conflicting parties are legally bound to turn up at the mediation board meeting.²⁰² Both conflict parties can choose a mediator from the board to defend their case, while a third chief mediator is nominated by the chairman of the mediation board. The mediation board is a faster and cheaper way for people to get their conflicts resolved compared to the courts:

"So we will tell them now you have come here because you have both quarrelled with each other. It is a good thing that today is a holiday. But the courts will not convene on a holiday. So you will have to go to the courts on a working day after taking leave from your work in the estate. Then at the courts you will not get a chance to present your case you will have to get a hold of a lawyer. Then you will most certainly have to pay the lawyer at least five hundred rupees. So then we ask them, where are you going to get that money from ? Like that when these people understand the facts that we have laid before them, they will say 'sir we like to get this matter resolved here'"
(Chairman Mediation Board Ambagamuwa).²⁰³

A problem of the mediation board in Ambagamuwa is its ethnic composition. The absolute majority of board members are Sinhalese, while only a small number of the members are Tamils. Although some of the Sinhalese board members do understand and speak Tamil, this ethnic composition does not at all reflect the ethnic composition of the population in Ambagamuwa.²⁰⁴ Furthermore, the boards lack a gender balance. They are usually male

²⁰¹ Interview No. 9, 12.08.04, Chairman Mediation Board Ambagamuwa.

²⁰² Interview No. 9, 12.08.2002 Chairman Mediation Board, Ambagamuwa.

²⁰³ Interview No. 15, 13.08.02, Focus Group Discussion at Ginigaththena, Ambagamuwa.

²⁰⁴ see Interview No. 9, 12.08.2002, Interview with Chairman Mediation Board, Ambagamuwa.

dominated and have at most 1-2 female members, which might not accommodate the demand for a female mediator of female conflict parties.

The second important institution, which mediates especially in inter-ethnic conflicts and works for social harmony is the Peace Committee. Initiated by the police and some representatives of all three ethnic communities, like the Kovil leader, Buddhist priest etc. the Peace Committee was set-up after the 1983 riots and has functioned uninterrupted ever since.²⁰⁵ The committee was set-up as the opinion of the police and local elites was that it should not only be the police who intervene in cases of inter-ethnic conflict. Known as the *Peace Committee*, its official name is *Cultural Development Foundation*, as this name is more neutral in peaceful times and the committee also organizes cultural events where all ethnic groups join together:

"When incidents concerning racial conflicts take place, the term Peace Committee seemed to be appropriate. But when there is an absence of racial conflict that term is not appropriate" (Chairman Mediation Board).²⁰⁶

The Peace Committee was mentioned to attribute to the peaceful co-existence of all ethnic communities in the area and was characterized as a successful mechanism of non-violent conflict prevention and management. As an example of the activities of the peace committee and how the committee was brought in to resolve a conflict situation in the recent past, one incident was described:

"There had been some looting and burning in the heart of the town.... Well, the committee meets together. Then they discuss and they intervene, like you have the Tamil members, the Muslim members and the Sinhala members. Like you know the Tamil members will prevail upon the Tamil looters and so on, and the Muslims will do that for the Muslims. I think that since all three communities are represented, you know in this kind of committee, they prevail upon each other. Because they can go and talk to the community and so on. They raise awareness among each other about the facts of the matter at hand and deal with it at that level" (Chairman Mediation Board Ambagamuwa).²⁰⁷

In times of no conflict, the Cultural Development Foundation is engaged in the organisation of processions and religious festivals for all three communities. The positive reputation of the Cultural Development Foundation was reconfirmed by other key informants from the area, especially from Hatton town, where most conflicts in the past had started.²⁰⁸

²⁰⁵ The peace committee is an entire body of ninety people. Among them there are about twenty five chief officers.

²⁰⁶ Interview No. 9, 12.08.2002, Chairman Mediation Board, Ambagamuwa.

²⁰⁷ Interview No. 9, 12.08.2002, Chairman Mediation Board, Ambagamuwa.

²⁰⁸ Interview No. 1, 15.03.2002, Former Hatton Urban Council member.

4.3.8.2 Conflict Transformation Capacities in Moneragala

In Moneragala, active civil society representatives reported that there is a high level of violent incidences in the district, mainly within families or caused by organised gang activities. One major reason mentioned for this high level of violence in the area was that poverty leads to frustration and a high level of illicit alcohol consumption, ending in household quarrels. Women and children are often the victims of these household quarrels. As a consequence of the high number of reported incidences against women within the household, the police set up a Women Department with female police officers, where the victims can report the incidences without feeling embarrassed in front of male police officers:

“Before, there was no women’s department. There was no one that they could come and talk to about their problems. They couldn’t talk or even speak the truth to male officers. They were too embarrassed to do so. Because of this they were at a disadvantage when it came to court cases...The head of the women’s department in the police, she was the one who thought about this and saw to it that there were women’s departments in every sector and chose women officers. They are able to tell about the abuses that women and children face. Women can come and talk to her, they have no need to be embarrassed about it” (Police Officer).²⁰⁹

Violent incidences are also reported in the estates, and as at household level, people see poverty and alcohol consumption as the primary reason for it. The poor living conditions in the line rooms, which force families to stay very close next to each other, aggravates tensions.

“In the plantation areas, the houses are built very close to each other. And also you find a lot of illegal alcohol being taken within these houses. (...) Because their houses are built so close to one another they are prone to violence. We get reports concerning stabbing and killings. What we feel is that poverty is the prime reason for all these violence within the plantation economy” (Police Officer).²¹⁰

Regarding the inter-ethnic relation in the area, there was an overwhelming reluctance to speak out about any ethnic discord in the area. People answered in the negative when they were asked whether there are ethnic tensions in the area. Fernando (2003: 48) comments that “it is true that the Moneragala district in general or even the Moneragala PS area is relatively free from major ethnic frictions, although there are around 5,000 Tamil workers mainly working in the rubber estates. However, to deny any ethnic friction or grievances is a complete distortion”. In the in-depth interviews, people reported that during the period between 1983 and 1992 there were over ten frequent communal attacks on the estate workers by the surrounding villagers ransacking their dwelling and looting whatever they had as property. These attacks occurred apparently in retaliation to major incidents in the war front or atrocities committed by the LTTE

²⁰⁹ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

²¹⁰ Interview No. 41, 19.07.02, Focus group discussion Moneragala.

against the Sinhalese. There is a strong belief among the estate workers that the communal attacks were completely stopped following the construction of a Mari Amma Kovil in the vicinity of Kumarawatta near their dwelling somewhere in 1992. This Kovil is now patronized both by the Tamil Hindu estate workers and the Sinhala Buddhist villagers. The Kovil Committee is also composed of both of these groups. They believe that the spirit of the goddess Mari Amma intervened to bring some sort of social harmony to the area. As Fernando (2003: 63) stresses, "this belief, whether rational or not, shows perhaps the possibility of religion playing a major role in social harmony in the context of many shared religious practices in Hinduism and Buddhism. What people perceive or believe is important in any endeavour towards conflict management and governance".

As divisive influences, key informants pointed towards corrupt politicians and the interference of national politicians in local level development planning and resource allocation. This fuels tensions along party political lines.

As mentioned above, the mediation board is in place in Moneragala and it plays a considerable role in conflict mediation and law enforcement in the area. Cases can be referred to the mediation board if the conflict parties wish them to be, as it is the cheapest way to have issues resolved. The board mainly has to deal with family matters, disputes between neighbours and money issues. As a mediator from the board reported, from time to time there are party-conflicts mediated by the mediation board. A case is never decided in one session, but a minimum of two sessions are needed. This is to make people aware that it is an effort to settle disputes and that one needs to give enough time to all parties to think the case over and to come to a real settlement.

The chairman of the mediation board speaks Tamil, and he takes up the Tamil cases discussed at the mediation board. So far it is not obligatory that there be female mediators, but there is an opinion that there should be more women in the board. At the Moneragala mediation board there are at present no female mediators appointed. Although the mediation board could still improve its gender balance and bilingualism it can already be seen as an important platform for conflict mediation in Moneragala. Respondents of this study stressed that the media could support the work of the mediation board by making it more public, as many people don't know how it works and therefore underestimate its potential as platform for conflict mediation.²¹¹

²¹¹ Interview No. 42, 20.07.02, Observation meeting at the public hearing of the mediation board, Moneragala.

4.3.8.3 Conflict Transformation Capacities in Batticaloa

The research team who conducted this empirical study experienced violent riots between Tamils and Muslims in Ottamavady, which forced a postponement of the field-research at the Batticaloa district.²¹² These incidences of inter-ethnic conflict and violence, for example between Muslims and Tamils illustrate that violence is still used as means for dispute management. Certainly there are political leaders who have an interest that certain situations escalate into violence. But clearly other forms of non-violent dispute management have not been systematically institutionalised. This does not mean that there are no positive examples of non-violent conflict management of civil society groups, political leaders or individuals, but the institutionalisation of these mechanisms is still ongoing.

One example of institutionalisation of non-violent means for conflict-management is the system of the 'Justice of Peace' and the mediation boards which are established in most districts in Sri Lanka. The 'Justices of the Peace' (JP) – a voluntary position - are honourable civilians, often local elites, appointed and trained by the Ministry of Justice. Besides community services like the verification of certificates or writing character letters for peoples in their area, the JPs also work for peace in the community through mediating conflicts. As the JPs are closer to the people they are more accessible than lawyers or other government officials. Usually a mediation board, meeting twice a month, is established at local schools, to mediate conflicts which are not prosecuted by the courts. This mediation system has not yet been established in most of the areas in the North-East due to the political situation there.

As long as the political system has not yet institutionalised a democratic culture and mechanisms of non-violent conflict management, there is a tendency for the political actors and institutions to increase social tension and conflicts. As Thangarajah commented, one of the major issues is the use of the local government authority as a source of consolidation of the national political base at the local level by the parties in power. This excessive polarization of society can be seen as a major source of tension by injecting divisive party politics at the grassroots level:

“This political imperative has undermined the very purpose of the local authorities to give greater power to the people at the local level to resolve basic development oriented issues which are often the foundations of larger social tensions” (Thangarajah 2003: 88).

²¹² See Info Lanka Forum on 28.06.2002 on “Muslim launch another hartal against LTTE harassment”, <http://www.infolanka.com/ubb/Forum1/HTML/008199.html>.

People have become used to violence as for decades they have experienced the violent confrontation between the Sri Lankan Armed Forces, the LTTE and other militant groups operating in the area. This experience of war has supported the tendency towards a culture of violence established by political actors, instead of a culture of democracy and of non-violent dispute management through discussion.

Conflict over resources by the state and local authorities seems to be another reason for the local government's authority to be undermined and for the creation of tension. As our respondents stressed, the fact that the local authority is expected to maintain the infrastructure while the central government is able to skim-off all the potential revenue, creates a source of tension between the two segments, in addition to generating anger among the population on the local government due to its inability of addressing the core issue (Thangarajah 2003: 88).

One of our respondents, a senior administrative officer, stated that, "we must not treat local government as breeding grounds of political crisis". This phenomenon is kept alive at every point of development intervention where the ability of the ruling party is retarded by bureaucratic and other forms of interference based on politically motivated interventions. However, one also has to see the other side, that in many cases of inter-ethnic tensions, the role played by the local level officials is enormous. For the very reason that such conflicts are locally focused is their resolution also localized. As Thangarajah points out, "Many leaders from the PS level are excellent conduits for resolving local community tensions particularly at the level of ethnicity. Many, in the past, were elected due to the respect they command for their role in times of ethnic tension. Encouraging such processes and making local government authorities as loci of resolving conflict offers great potential" (Thangarajah 2003: 88).

There are furthermore some encouraging examples of civil society engagement in establishing mechanisms and platforms for non-violent dispute management in the North-East, for example the NGO-forums, which organize meetings with army personnel to present cases of disappearances of people and human right violations, or organize women-for-peace demonstrations etc. There are also examples of the personal engagement of some local leaders in organizing cultural events as inter-ethnic meeting-points. There are also rumours that the LTTE is playing a considerable role in conflict mediation and cases of grassroots level conflicts. However this could not be verified in our interviews, maybe as people are reluctant to speak openly about the role of the LTTE in the area. In an environment of post-war experiences and ongoing threat, the civil society engagement in peace building and conflict management is rather

cautious and cannot replace more institutionalised forms of non-violent conflict management in the area. The problem is that at present the state institutions lack the trust of the people to fulfil this role in the near future.

4.3.8.4 Comparative Summary

With regard to **conflict transformation capacities** in the area, the findings were ambivalent and quite different in all three regions. Among the connecting and dividing forces at the local level, the role of the politicians was characterized as rather negative in all three regions, stressing that the politicians are divisive in terms of inter-ethnic harmony, as they are not willing to compromise with members of opposing parties and are prepared to use ethnical identities to maximize their professional benefits. Excessive politicisation and polarization of society can be seen as a major source of tension at the grassroots level. But one should not ignore that there are also examples and cases where local leaders and politicians have played a considerable role in mediating inter-ethnic tensions, and thus the potential of the local government as institutionalized platform for non-violent dispute resolution should not be underestimated.

In Ambagamuwa, people especially mentioned language as important connector. The language proficiency of many inhabitants of the region who are able to speak and understand both Sinhala and Tamil was mentioned to be an important factor for ethnic harmony. Therefore it was stated that it is especially important that office bearer, such as a local government chairman, should be able to speak both languages, as otherwise language can become a dividing factor. In Moneragala, poverty was seen as a major contributor to violence in the area. Poor living conditions combined with illicit alcohol consumption often aggravate tensions, ending in violent household quarrels.

The role of the police with regard to conflict mediation was seen ambivalently in Ambagamuwa and Moneragala. On the one hand, people mentioned that the police has been an effective mediator following ethnic riots in the past and has been a catalyst in mobilizing the local communities. On the other hand, respondents described that the police also play a divisive role when they are not able to communicate with Tamil people, who come to the police office to report an incident. In Batticaloa, respondents did not talk about the role of the police, maybe because the security situation still requires that people are careful what they say. In an environment where the state authority is challenged and where the army carries out most security functions, attitudes towards the police are certainly ambivalent, and they are at risk to become dividers rather than connectors.

Among actors who play a role in conflict management at the local level, general findings were that there are various institutions and actors who occasionally play a role in local conflict resolution, for example the Grama Sevaka, the *Thalavaars* in the estates, NGOs, trade unions or religious leaders. It seems that for an organisation to get involved it is important that both conflict parties are member of the same organisation or religion. Generally the role of the trade unions in the estates was also described as ambivalent. On the one hand, trade unions act as mediators between conflicting parties. On the other hand, they also follow their own political interests and their leaders are often in conflict with other trade union leaders. In Batticaloa, the people were very cautious and did not provide any information about which actors play a role in conflict management. The role of the LTTE is unclear, as no concrete information could be gathered. It was stressed that a culture of violence rather than a culture of non-violent dispute management through discussion has been established in the North-East and local government and other political institutions have become breeding grounds of political crisis. As in the other two regions, there are also some encouraging examples of civil society engagement establishing mechanisms and platforms for non-violent dispute management, but more institutionalised forms of non-violent conflict management in the area are still lacking.

In Ambagamuwa and Moneragala, the mediation board can be seen as an important platform for the institutionalization of non-violent conflict management. Compared to the courts, the mediation board is a faster and cheaper way for people to get their conflicts resolved, which is why many local citizen prefer this platform for conflict management. With regard to gender balance and bilingualism in the staff composition, there is still space for improvement of the work of the mediation board. Respondents of this study stressed that the media could do more to support the work of the mediation board, by making it more publicly known, as many people don't know how it works and therefore don't see it as potential conflict mediation platform.

In Ambagamuwa, furthermore, the Peace Committee was mentioned as a reason for the peaceful co-existence of all ethnic communities in the area and was characterized as a successful mechanism of non-violent conflict prevention and management. In times of no conflicts, the Peace Committee, officially known as the Cultural Development Foundation is engaged in organizing processions and religious festivals for all three communities. The committee has gained a very good reputation in the area.

In Moneragala, the joint religious worship site 'Mari Amma Kovil', where Tamils and Sinhalese go to pray, is perceived to have reduced inter-ethnic tensions. Thus, joint cultural platforms and

shared religious or cultural practises are seen as a potential for conflict prevention and mediation at the local level.

4.3.9 Level of good governance in the three research regions – summary of findings

This chapter has attempted to provide a detailed overview of the functioning of local governance in three different regions of Sri Lanka. Based on the definition given by local elites of what good governance should be, the findings of the assessment of local governance functioning were categorised under the indicators *efficiency, responsiveness & equality, professional leadership, transparency & accountability, people's participation, rule of law & human rights protection, trust in politics & security* and *conflict transformation capacities*. The descriptions of local governance functioning in the three regions are based on the subjective perceptions of local stakeholders from state institutions and civil society. However, the findings often show that there is a consensus on certain issues shared by multiple local stakeholders and interest groups. In this sense the empirical analysis allows an insight into the reality of local governance, taking the regional differences into account.

The following table aims to summarise the findings from the three regions, by defining the level of governance in each region. Under the eight good governance indicators, the findings from the qualitative research are summarised for each research region in brief statements and finally valuated, using the categories low, medium or high level of governance, with an additional differentiation of low (-), low (+), medium (-), medium (+) etc. Finally, the level of good governance for each region is taken by summing up the single valuations for each local governance indicator. Reducing the complexity of the detailed descriptions of local governance functioning by highlighting the most important findings from each region, the table allows a concluding comparison of the level of good governance. This valuation of the level of governance also accentuates the regional differences and peculiarities:

Table 9: Level of good governance in the three research regions – summary of findings

Case studies:	Level of good governance:	1: efficiency	2: responsiveness & equality	3: professional leadership	4: transparency & accountability
Ambaga-muwa	Medium (-)	Low: - lack of autonomy of local councils /interference from MPs - lack of cooperation among local institutions (double structures) - lack of funds, qualified personnel & planning capacities	Low (+): - formal representation according to population size but not gender balanced - general feeling of lack of responsiveness of local institutions towards people's needs - low degree of satisfaction with service provision (28%) - general feeling of inequality based on ethnicity, language and party membership - specific deprivation of estate population	Low (+): - lack of educated and qualified local leaders - selfish and arrogant attitudes of leaders - lack of implementing power of PS-council members	Low (+): - non-transparent handling of revenue collection, financial management and staff recruitment within local councils - non-transparent coalition-bargaining - non-transparency in election campaign funding - resource allocations based on political patronage
Monera-gala	Low (+)	Low: - lack of autonomy of local councils /interference from MPs - lack of cooperation among local institutions (double structures) - lack of funds, qualified personnel & planning capacities	Low: - lack of formal representation of small Tamil minority - lack of female representation - general feeling of lack of responsiveness of local institutions towards peoples needs - very low degree of satisfaction with service provision (12%) - general feeling of inequality due to partisan politics - specific deprivation of estate population	Low: - lack of educated and qualified local leaders - dishonest and corrupted local leaders (politicians) - uncommitted, lethargic attitudes of local leaders	Low: - missing account books of previous local council - resource allocations characterised by political patronage and corruption - lack of transparency in election campaign funding - non-transparent handling of revenue collection and financial management of local councils
Batticaloa	Low (-)	Low (-): - lack of autonomy of local councils /interference from MPs and militants - Efficiency further weakened due to DS co-ordination of PS/UC and security situation - lack of cooperation among local institutions - lack of funds & qualified personnel	Low (-): - general lack of democratic representation at local level - very low degree of satisfaction with service provision (10%) - general feeling of unequal access to resources, depending on MP contacts in Colombo - ethnically separated local councils	Low (-): - lack of educated & qualified local leaders - lack of honourable behaviour of local leaders - lack of motivation and vision among local leaders, high vacancies due to security situation	Low: - lack of transparency in national election campaign funding - lack of public knowledge of the local government emergency system - seems less political patronage as local council functions only under the administration, but also less visible

Chapter 4: Empirical Findings from Case Studies

Case studies:	Level of good governance:	5: people's participation	6: rule of law & human rights protection	7: trust in politics&basic security	8: conflict transformation capacities
Ambaga-muwa		Medium: <ul style="list-style-type: none"> - high participation in local government elections (88%) - majority thinks that people have influence in decision-making at local level (63%) - advisory committees (people's committee) for PS not yet in place - certain degree of civil society engagement in advocacy work - general feeling that politicians do not listen to what people say 	Low (+): <ul style="list-style-type: none"> -slow law enforcement -perceived injustices & - favouritism -discrimination based on language - lack of independence of police / partly corrupt - inhuman living conditions for Tamil estate workers - mediation board in place to support law enforcement 	Medium (-): <ul style="list-style-type: none"> - experiences of disappointment in politics leading to lack of trust in the political system - lack of trust in politicians - lack of democracy within institutions - basic security seems okay, is not an issue 	Medium (+): <ul style="list-style-type: none"> - bilingualism of many people is a connector, but still lack of bilingualism within some state institutions - engagement of civil society organisations in conflict mediation -successful institutionalised mechanisms for conflict mediation / prevention: mediation board & peace committee
Monera gala		Medium (-): <ul style="list-style-type: none"> - small majority thinks that people have influence in decision-making at local level (59%) - small Tamil community feels unrepresented - general feeling that politicians do not listen to what people say - PS has just established the advisory committees - some degree of civil society engagement in advocacy work 	Low (+): <ul style="list-style-type: none"> -weak prosecution of crimes - lack of independence of police - corrupt police and politicians - inhuman living conditions for Tamil estate workers - discrimination based on language - mediation board in place to support law enforcement 	Low (+): <ul style="list-style-type: none"> - lack of trust in politicians due to experiences of corruption - general deterioration of trust in political system - some security problems due to gang violence 	Medium (-): <ul style="list-style-type: none"> - lack of bilingualism is divider of ethnic harmony - successful institutionalised mechanisms for conflict mediation / ethnic harmony: mediation board & Mari Amma Kovil Committee - unsettled gang violence / crimes
Batticaloa		Low (-): <ul style="list-style-type: none"> - lack of local elections since 1994, absolute majority wants elections as soon as possible - surprisingly, majority still thinks that people have influence in decision-making at local level (73%) - less active civil society, as majority prefers not to become too visible due to security situation 	Low (-): <ul style="list-style-type: none"> - general mistrust with regard to state institutions, law enforcement system and police - serious human rights violations by conflict parties 	Low (-): <ul style="list-style-type: none"> - security situation undermines normal functioning of state institutions - general deterioration of trust in politics and politicians - experiences of threat, violence and destruction of property keeps civil society passive 	Low (-): <ul style="list-style-type: none"> - culture of violence / presence of militant groups - ongoing inter-ethnic violence / high potential of escalation of conflicts - lack of institutionalisation of suitable mechanisms for conflict-mediation

Point rating system: low (-)=0, low=1, low (+)=2, medium (-)=3, medium=4, medium(+)=5, high (-)=6, high=7

As a result the level of good governance for Ambagamuwa was valued as medium (-), compared to Moneragala, which has gained an overall valuation of low (+), followed by Batticaloa, with an overall valuation of low (-). For Ambagamuwa the relatively better assessment of the state of people's participation in local governance, the fact that basic security seems to be guaranteed, as it has not been mentioned as a problematic issue, and the successful institutionalisation of mechanisms for conflict transformation contributed positively to the overall valuation of a medium (-) level of good governance. For Moneragala it contributed negatively that account books from earlier years were completely missing at the PS office and that corruption was mentioned as a continuous problem. On the other hand, the assessment of people's participation, especially the fact that the PS has just set up the advisory committees to allow more people's participation and the positive examples for the institutionalisation of conflict transformation capacities contributed to the low (+). For Batticaloa, the general lack of democratic representation at the local level, the ongoing inter-ethnic violence and high potential for the escalation of tensions, serious human right violations and the fact that the security situation undermines the normal functioning of local state institutions can be seen as major factors contributing to the low (-) level of good governance.

Having provided a detailed insight into the state of local governance in selected regions of Sri Lanka with a comparative assessment of the level of good governance, in the following chapter I will make an attempt to generalise the findings with regard to the key actors and key issues of local governance in Sri Lanka.

Chapter 5: Key Issues, Challenges and Reforms of Local Governance

Chapter 4 has provided a detailed insight into the functioning of local governance in Sri Lanka, looking especially into the specific situation in the three selected research regions Ambagamuwa, Moneragala and Batticaloa. Having defined the level of good governance in the three research regions, by looking especially into the regional peculiarities, chapter 5 will now focus on the connecting issues in an attempt to provide a comprehensive summary on the key actors and issues of local governance functioning in Sri Lanka (5.1). Thereby this chapters aims to provide a broader picture beyond the three case studies, which is the basis for the formulation of overall policy recommendations on local governance reforms, presented in 5.2.

5.1 Key actors and key issues of local governance in Sri Lanka

The hypothesis for the second part of the empirical study is that a context-specific good governance definition is a suitable framework for the analysis of local governance functioning within a specific context and can be used to identify the key actors, issues and challenges of governance in a country, thus stimulating a discussion on strength, failures and necessary reforms. As will be shown in this chapter, this hypothesis could be verified by the empirical research. As outlined in chapter 4, the qualitative interviews with local stakeholders from state institutions and civil society, revealed a multitude of actors which are playing a role for local governance and which will be summarised in the following (5.1.1). Furthermore, the similarities of the stakeholder statements from the three research regions allow a generalization of key issues of local governance, which seem to be of relevance all over the country (5.1.2).

5.1.1 Status quo of good governance at local level – the key actors

With regard to the **key actors**, the findings revealed that the **local government council** (PS, UC), **central government agents** (e.g. MPs) and the **local public administration** are the most important actors for local governance in the eyes of citizens and key stakeholders. Local elites also assessed these same actors as being responsible for a decline of good governance in the country. However, although these actors seem to be particularly important for good governance, local elites and citizens have a multi-actor understanding of the governance system, in that they consider a variety of actors as important to reach good governance at the local level. Among these are: the people, NGOs, police, judiciary, trade

unions etc. However, there is a clear bias towards the political and administrative institutions: the local political leaders, higher public servants as well as national politicians, like cabinet ministers and members of parliament, are considered the most important actors for ensuring good governance at the local level. According to the household survey, it became clear that people see **the local authorities** as important actors, as the PS's (and UC) are democratically elected bodies and the elected representatives are close to the people. In Batticaloa, where elections have not been held since 1994, the majority of the people stated that they would like to have elections as soon as possible and people preferred the councils to be under the authority of elected representatives instead of the Special Commissioners, as is the case at present.

The influence of **central government politicians** at the local level decision-making process is considered high in all three regions. The access that different identity groups have to a national MP plays an important role with regard to resource allocation and approvals and implementation of development projects in each area. In Batticaloa particularly, access to members of parliament is related to the crucial issue of perceived discrimination between the Tamil and Muslim community, as the Muslim community seem to have strong parliamentary representation through their Muslim members of parliament, while the Tamil community lack equivalent MP support.

Regarding the two major **local level institutions** engaged in service provision and development work, the **local government council** and the **Divisional Secretariat**, the common finding was that people regard both institutions as equally important and would contact both for problem-solving. Although there is a formal division of responsibilities between these two institutions, the actual practice of competition has created a double structure with overlapping responsibilities. This might contribute to the reality that people tend to contact both institutions for the same issues. The decision as to which institution one should contact seems to be taken on the basis of personal relations as well as party affiliations. People either contact the institutions where they know someone personally or where the representative is from the same party as them.

The **Divisional Secretariat (DS)**, being the administrative office that coordinates the activities of various state and other agencies at local level, has the advantage of having a field structure, with various field officers who have a close links to local communities. The local politicians feel disempowered by the administrative system, as the local government council office lacks this type of field structure and extension officers. It has become obvious that within the present political system, the local government authorities are sidelined and

disempowered. They cannot therefore play a major role in facilitating good governance at the local level and hardly contribute to strengthen local democracy.

Although local elites in all three regions consider **civil society** as important for good governance at the local level, the information gained on the influence and the role of civil society organisations and public were ambivalent. On the one hand, there are hundreds of registered **non-governmental organisations (NGOs)** and **community based organisations (CBOs)** working in all three research regions at the local level on diverse programs ranging from pure charity work and relief to social mobilization through income generation projects, human rights work, environmental programmes and so on. Among the CBOs at the village level are funeral assistance societies (“death donation societies”), youth and sports clubs, rural development societies, farmer’s societies and religious societies. As Orjuela points out, “the leadership is normally traditional, typically male, relatively well off, over 45 years of age and posts are often held for long periods” (Orjuela 2004: 124).

Notwithstanding the huge number of registered organisations, in our interviews people hardly mentioned positive impacts of NGO work in the area. The impact of CBO-organized work seems to be especially marginal. Fernando (2003: 48) argues that, “these categories of organisations are common to many districts and are largely formed at the instigation or under the patronage of various government institutions for the purposes of a range of administrative tasks at the local level. In many instances, the Grama Niladari or the Village Officer is the main initiator of these community-based organisations in rural districts like Moneragala. Many of the organisations, on the other hand, are only on paper rather than being functioning entities. They are registered at the Divisional Secretariats for official purposes and to receive certain benefits. These organisations, therefore, are linked more to the state than to the civil society without much independence”.

In Batticaloa, key informants stressed that the civil war has further weakened civil society engagement in the North-East, as the power politics of the LTTE and the army in the region have led to a situation where people avoid becoming ‘visible’ through public engagement. The NGOs capacity to have a wider impact in supporting peace building is therefore estimated as rather limited and there are not many NGOs that perceive their role as political activists in the two research regions in the North-East.¹ But key informants mentioned the importance of certain **religious leaders**, especially the Muslim religious leaders (Ulamas), who use the powerful body of the ‘Ulamas Council’ to intervene in political matters.

¹ Most NGOs that are politically active are based in Colombo and work in the North-East through their field offices or cooperation networks.

In Ambagamuwa, there are also positive examples of civil society groups, activists and even committees who see themselves as pressure groups and advocates for the interests of specific identity groups or the general public. The 'Peace Committee', which provides a platform for non-violent conflict resolution at the local level, is a positive example for the importance of civil society engagement in ensuring good governance. Generally, it is difficult to estimate the role and importance of civil society groups in influencing local decision-making and politics, or in contributing to good governance and conflict transformation, as the study revealed little information on informal channels between NGOs staff and politicians or administrators or ways and means for NGOs to influence local governance. Further in-depth studies on informal channels and NGOs' links to policy-making processes would be necessary to avoid underestimating the role of these civil organisations in local governance.² However, it became clear that, unlike in other countries in the region, for example India, Sri Lanka does not have a tradition of social movements. The NGO-scene is Colombo-dominated and lacks a broad scale political impact outside the capital. With a few exceptions, civil society organisations at the local level rarely have a political motive for their formation and hardly contribute to strengthen local democracy within the society.

The lack of a vibrant civil society gives even more weight to the role of local government in Sri Lanka. Local government has to play a major role in integrating people into the political decision-making process at the local level. So far, local government councils have not been active in introducing village councils or peoples development committees which would allow citizens to articulate their needs and participate in the local level development plans (Mitra 1992: 119).

Trade unions, of which there is reported to be over one thousand (Forut 2000), play a particularly important role in representing the interests of the estate workers. It is hard to completely comprehend the role of the trade unions in ensuring good governance. The influence of trade unions is obviously greater in areas where the number of estate workers is big enough to make the area an important voter base for political parties affiliated to the unions. In these cases, trade unions have more influence over politicians and thus also more potential to achieve something for their members.

Among the other institutions that were mentioned by the local elites and respondents of the household survey as important actors are the **police** and the **mediation boards**. Both are important for ensuring the rule of law through the prosecution of crime and mediation

² A detailed in-depth study on the role of civil society in civil war in Sri Lanka is provided by Orjuela 2004. Analyzing selected peace movements and NGOs which operate in Colombo as well as in rural areas in the North and South, Orjuela provides a good assessment on the impact of civil peace movements on peace-building. She assesses the local level impact of these civil society organizations and movements as rather sporadic and small-scale and many awareness raising programmes were only of short-term impact. To have a large-scale impact

between conflict parties. But to play this role successfully, the police require more resources and better qualified personnel. The Tamil estate workers in particular complained that the police offices in Ambagamuwa and Moneragala lack Tamil speaking officers.

In Batticaloa, people did not provide any information on the role of the police and the mediation board has never been established, due to the security situation. People were also reluctant to talk about the role of the **LTTE**, other **militant groups** or the **Sri Lankan Armed Forces**, but there are enough NGO reports and reports from eye witnesses stating that the 'hidden hand' of the LTTE has a major impact on individual and organisational behaviour in the region. (Goodhand / Lever 1998: 19). Similarly, there are multiple sources reporting the immense influence of other militant groups and the army on the security situation and local governance in the area, especially as the latter has complete control over the administrative structure in the districts of the North-East.

It is rather surprising that there was almost no information on the role of the **business community** on local governance. Based on the findings from our qualitative interviews, Fernando (2003: 47) points out that, "governance is mainly a matter for the public sector institutions and civil society, as the private sector is very weak". However, people mentioned in the household survey that traders seem to be the most influential group at the local level, due to their organisational strength as well as personal connection based on various financial relationships. The qualitative interviews revealed that traders often support and contribute to the electoral campaigns of local politicians, thus gaining influence over the local political decision-makers (Fernando 2003: 66). Furthermore, there are many traders among the elected local representatives. From this it can be seen that it is not the private sector or corporations in general that are important for decision-making in local governance, but rather individuals from the private sector who contest elections or support particular candidates.

It is also an interesting finding that the **media** was hardly mentioned in the statements of citizens and local stakeholders, although local elites mentioned the media as an important governance actor. Only one respondent criticised the lack of an independent and critical Sinhala or Tamil media at the local level, while none of the other respondents mentioned the media at all.

To summarise, although a variety of semi-state and non-state actors were mentioned as playing a role in local governance, it is especially the political and administrative institutions at the local level as well as the central government that are considered the key actors to

this work would need to spread. (Orjuela 2004: 259 ff). The role of NGOs for peace building in complex political emergencies is also discussed by Goodhand / Lever 1999, 1999b.

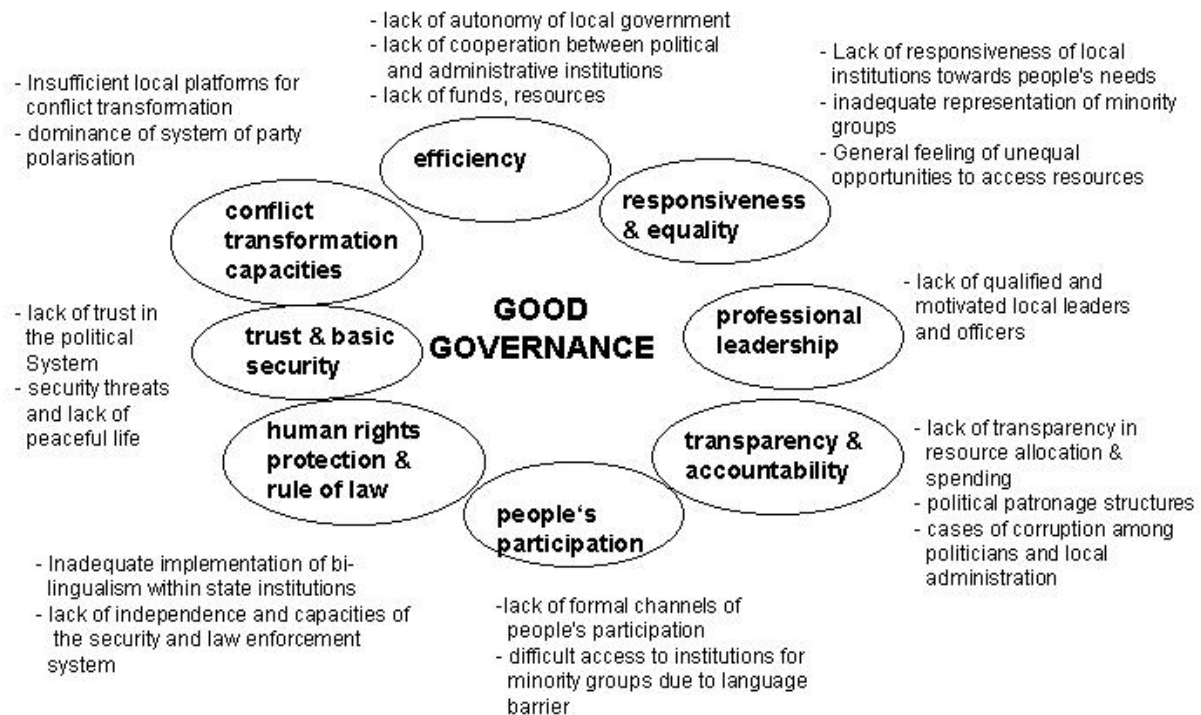
establish and guarantee good governance at the local level. The lack of co-operative interaction among these three actors (PS, DS and central MPs) seems to be the key to most problematic issues identified at the local governance level.

5.1.2 Status quo of good governance at local level – the key issues and challenges

Looking into the **key findings** of the extensive empirical data of citizens' and local stakeholders' perceptions of the status of good governance at the local level, it is interesting firstly to compare the information gained for the eight good governance indicators. Obviously the indicator *efficiency* holds great importance for the respondents of our study, closely followed by *responsiveness and equality*, as the majority of statements and assessments of the people referred to these indicators. It seems that these three indicators touch the most critical issues that citizens and stakeholders experience daily as problematic or unsatisfactory. The least information was provided for the indicator *trust in politics and security* and there is also very little information for the two Batticaloa research regions on the status of *rule of law and human rights protection* or *transparency and accountability*. It would be incorrect to assume that these good governance indicators are not important to the people. But it is clear that these indicators touch the more sensitive political issues, which people are reluctant to talk about, especially in those areas affected by a violent conflict that challenges the hegemony of the national government. People perhaps first speak of the more obvious and less delicate issues when analysing the state of good governance at the local level.

Generally, the findings with regard to the status of the eight good governance indicators were critical, in that none of the indicators were perceived as being implemented to the satisfaction of the people. Even the representatives of local government councils and administration were critical in their assessment of local governance functioning, although they themselves represent the key institutions of local governance. Respondents pointed to various shortcomings and maladies of the existing local institutions and their procedures resulting in a situation which is far from good governance. In the following figure, the major critical issues categorised under the eight good governance indicators are summarised:

Figure 5: Critical Issues of Local Governance in Sri Lanka



Although the three research regions in Nuwaraeliya, Moneragala and Batticaloa district reveal a different ecological resource base, different conflict settings, and different population compositions, a common finding was that the state of local governance in Sri Lanka is not satisfactory either in the eyes of local citizens or critical representatives of state and non-state institutions. There are many similarities within the three regions with respect to the question of how the institutions at the local level function and where the system creates hindrances or disputes. The most important similarities are:

- The local government authority seems on the one hand to be the most important democratic institution at the local level, being close to the people. On the other hand, they are completely side-lined, due to a lack of autonomy from the central government and the administrative system. The lack of resources, effective planning capacities and transparency in resource distribution of the state services and projects often leads to a negative feeling among certain citizens groups in each area, who feel left out, which aggravates existing tensions. As people feel that the local authorities are not responsive and effective in meeting their priority needs, they have little trust in the local authorities

and the political system in general. This means that the local government authorities have little impact in strengthening a democratic culture at the local level.

- In all three regions, there is obvious competition between the administrative system and the elected local government authorities, often leading to the duplication of work or further marginalization of the elected local authorities. In Batticaloa, where the local councils are not elected and function only under the authority of the Divisional Secretary, one expects the competition between the DS and PS (UC) to be less, but there was still evidence that the staff of the local authorities felt sidelined by the administrative system. People and local authority staff clearly stated that they would prefer the local government elections to be held as soon as possible. The functioning of the local authority has been hampered by the non-existence of elected representatives.
- Political interference by national political parties or MPs in the local government affairs helps to bring in funds to some local authorities areas (decentralized budget), but at the same time creates many disputes between the elected council members of the ruling party and the opposition, as well as among different local institutions. Another negative impact is that certain areas are neglected due to lack of political representation or 'patronage'. This fuels tensions among different groups.
- With regard to people's participation, one interesting common finding in all three research regions is that people estimated their influence over the decision-making process as quite high, meaning people feel that they have influence over the local decision-making process through contacting politicians, through writing complaint letters or through participating in meetings organized by civil society or religious groups. This positive judgement, which is even seen in Batticaloa, reflects a subjective feeling that individuals know whom to contact to make complaints and grievances. However, it does not automatically reflect the existence of a pluralistic system with an active and opinion forming civil society. The qualitative interviews revealed the opposite with regard to the question about an active civil society. People have little or no opportunity to participate in local planning and decision-making process. Although there are some active civil society organisations, such as NGOs, tax payers associations, trade unions etc, there is a lack of formal links between the local government and these civil society actors, through which citizens interests could be better taken into account. The process of setting up public forums within the local councils is only about to start. Thus, in all three regions, key informants spoke of a rather passive, weak civil society. In the East in particular, the explanation was the long experience of protracted conflict, which has created cautious

citizens who do not want to become too active and exposed and who wish to avoid conflict with the militant groups.

- There are examples of inadequate representation and recognition of minority groups in all three research regions, leading to a general feeling of unequal opportunities for different identity groups to access resources and services. There are different reasons for this problem. On the one hand, parties which represent small minority groups have the problem of achieving the cut-off point of five percent when their voter numbers are too few in number. On the other hand, the two leading parties UNP and SLFI often lack Tamil speaking candidates in areas where the majority population are Sinhalese. Another problem is insufficient implementation of bilingualism within the local authority area, which by and large excludes the Tamil speaking population from public institutions, such as the local council, Divisional Secretariat or police station etc. The Tamil estate workers are in a specific situation in not feeling recognised, as the local government council does not take responsibility for the development of the estate area.

Compared to the other two regions, the situation in Batticaloa was different, as the two main ethnic groups have separate local councils. Here negative feelings of being left out were not raised against the local government but rather against the central government, which people blame for disempowering the elected local government authorities, for unequal resource-distribution and for discriminating against the North-East in general.

- There is a lack of gender balance in the access to political positions and decision-making powers. The representation of women in the elected local government councils was minimal and where women managed to win a seat in a council, they were often in danger of being replaced by a male party candidate after the elections.³ Similarly, the percentage of female administrative staff within the Divisional Secretariat was usually low. Women also participate less in civil society organisations and have fewer contacts to political institutions than men, leading to the situation that women have almost no channels to present their needs thus having little influence on the political decision-making process at the local level.
- The lack of qualified and motivated local political leaders and administrators became obvious in all three regions. Furthermore, the local governance system needs to build up more platforms for local conflict transformation. Encouraging practices such as mediation

³ On the challenges women's participation in local government and the role of women in politics in Sri Lanka see Kiribamune 1999. Examples on the Indian experiences to empower women as political representatives are provided by Hust 2002.

boards and peace committees need to be further developed as successful mechanisms of mediation platforms.

- There is a lack of independence and capacity of the security and law enforcement system. The police department lacks the necessary vehicles, computer facilities and well-trained staff to be more effective in crime and violence prosecution. Another issue is the need for an ethnically mixed cadre, to guarantee the availability of Tamil speaking officers.

To address these issues, a comprehensive reform agenda is necessary and discussed in the following section.

5.2 Reform agenda to strengthen local governance in Sri Lanka

To achieve good governance at the local level in Sri Lanka, the challenge is to address the above mentioned critical key issues and challenges through an adequate reform agenda. Although it might not be possible to resolve all critical issues at once, a reform agenda would provide a starting point to improve the status of good governance at the local level. In his latest publication, Wanasinghe from the Institute of Policy Studies - a Sri Lankan policy advisory body – stresses the need for a future administrative support system that is suitable to support the changing role of governance in Sri Lanka (see Wanasinghe 1999, Wanasinghe / Gunaratna 1996).⁴ He also notes that the state needs to move towards a minimalist role that would comprise a guiding role (public policy management), a facilitating role (encouraging optimal participation of economic and social sector stakeholders) and a regulatory role (protection of consumer interests, human rights etc.). The role of the state would be based on the principle of 'subsidiary' with the direct and continuous involvement of citizens in public management at the local level. The changing social environment in Sri Lanka, according to Wanasinghe, is characterized by an increasingly assertive citizenry that expects the State to guarantee non-discrimination amongst citizens on grounds of caste, ethnicity, religion, gender and social or economic status. Furthermore, people expect the State to guarantee equity of access to goods and services such as health and education as well as minimizing of disparities in regard to economic opportunities, the quality of life and the exercise of political rights as amongst different spatial areas of the country (Wanasinghe 2001:15). This argument is also promoted by the findings of this study, which show that local

⁴ Other authors have also elaborated on reform agendas for strengthening local governance in Sri Lanka, see for example Leitan / Selvakkumaran 1998, 1999; Karunanayake 2002, .de Silva 1993, Gunawardena 2003, Dainis 2003.

elites, stakeholders and citizens have quite a demanding understanding of what good governance should be.

To meet the challenges of the new changing social environment and to address the critical issues and malfunctions of the local political system and its institutions, several reform steps can be identified which then need further elaboration. These reform steps could only be formulated on the basis of the detailed assessment of local governance functioning in the selected research regions, focussing especially on the similarities of governance challenges. The reform steps comprise:

- Extension of devolution of power to local level
- Improvement of financial management system
- Improvement of human resource management, capacity building, and promotion system
- Increase of people's participation in local planning
- Develop measures to support ethnic harmony and conflict transformation mechanisms
- Revision of the local election system or implementation of creation of alternative forms of power-sharing
- Strengthening the law enforcement and security system

The problem is that the analysis of the status of good governance at the local level in Sri Lanka points to existing weaknesses and malpractices, but the findings only allow a limited insight into the underlying causes of certain short-comings. For example, there are no clear explanations why Tamil is not introduced sufficiently as a language of administration within local institutions. It might partly be due to a lack of available personnel, partly a lack of resources and a lack of will among responsible heads of these institutions.⁵ Thus, the following identified reform steps are not yet concrete enough to have the capacity to resolve all short-comings but they indicate important areas and possible strategies to address the critical issues. They could be a starting point for further in-depth studies, which would be necessary to elaborate concrete reform concepts to address the most pressing problems of local governance.

⁵ Rajan looks into the implementation of the Sixteenth Amendment to the constitution, which declared Tamil as one of the official languages and became operative in December 1988. Rajan's assessment clearly shows that in 1995, the introduction of Tamil as the official language of administration had hardly been introduced in any government institution. He points to the problems of availability of Tamil speaking officers, the lack of political will amongst higher officers to implement the policy, as well as clear signs of discrimination which undermine the implementation of the policy (Rajan 1998: 82-92). It seems that many of the short-comings in the implementation still exist today.

To shed some light on the potential of and obstacles to this reform agenda, it is necessary to further elaborate on the above mentioned seven reform steps. As the institutional setting in the war-affected areas in the North-East is different from that of the other regions, the challenges for local governance reforms in the North-East are outlined separately (5.2.8).

5.2.1 Extension of devolution of power to the local level

Wanasinghe describes the process of increasing centralisation of decision-making in Sri Lanka over the last fifty years. Since Independence, successive governments have used their political cadres as instruments for the accumulation of personal power and for the furtherance of ideological agendas. One central element of the reform agenda proposed by Wanasinghe is to resurrect the devolution process that was never fully implemented. He points out that, when it became apparent that the limited exercise in devolution did not bring about an immediate resolution to the ethnic issue, the process of undermining the devolutionary structures and processes became the norm. This has led to a chaotic situation in the political and administrative scene with redundant political and bureaucratic structures and high costs to maintain the various institutions on different levels (Wanasinghe, 2001: 5).

The main entry point for making the local political system more efficient, responsive and development-orientated would be to bring the local government authorities back to the fore, so that they can play their role within the democratic system. The local government could encourage other local governance actors to join in, through the out-sourcing of certain tasks and responsibilities and through more cooperation with civil society and the private sector. The most important step would be to continue the devolution process by granting more autonomy to local authorities, bringing the elected local authorities to centre stage in the local political system, thus reducing the interferences from central government actors at the local level.⁶ This would require granting more financial authority to the local councils. The decentralised budget and other funds should be channelled directly through the local authority, thus allowing the local government to be the agency making decisions on resource allocation at the local level. This increased financial authority of the local government would make it the true lead agency at the local level, thus encouraging other agencies operating at the local level to collaborate or at least inform the local authorities about their activities. Another requirement is a clearer task distribution between the democratic institutions and the administration (Divisional Secretariat), for example through the removal of the existing double structure. Making the Divisional Secretariat the administrative support unit for the

⁶ For example, the still strong influence of the central government in local government affairs is documented in the fact that the central Minister is authorized to curtail or extend the term of office of the members of these local

local government would be one solution to the problem, but there is at present a strong opposition to this idea from the side of the powerful Administrative Service Department. The provincial council would need to be strengthened to play a more constructive role as supervisors and capacity building service unit for the local authorities. As the local government is the democratically elected body closest to the local people it has the potential to become the most effective and relevant institution for development planning and implementation in the local context. Although the Pradeshiya Sabha Act allows the PS to engage in development activities and community development projects (Art. 19 xxii), the observed functions of the local authority focus primarily on social services and environmental management (Dainis 2003: 3). Thus the development role of the local government needs to be strengthened so that the development plans for the area are developed by the local government authority in a participatory and inclusive manner. This could then lead to a local area development plan, for which the decentralised budget is used. The local councils should take a lead role in the coordination of all development work in the area. Therefore development funds, whether from donor agencies or from the central government, should be channelled through the local authorities. A positive side effect would be that if foreign donors channel their funds for development projects through the local authorities, they will invariably be contributing to the capacity building of these democratically elected institutions, especially if they combine their financial support with training/guidance in participatory planning, management, documentation and monitoring/evaluation skills. At present, donor agencies are often reluctant to provide funds to local authorities, arguing that they lack the necessary capacity to implement. To address this dilemma, the Sri Lanka Institute of Local Governance (SLILG) has been set up to support the capacity building of local authorities and to link them to donor agencies for co-funding. However, the institute would need greater political support and funding to be able to fulfil its mandate. Regarding the estate sector, the local government would need to take over full responsibility for the development of these areas, if necessary with the support of the estate management.

5.2.2 Improvement of financial management systems

The financial management of the local institutions, especially of the local government, would need to be more professional, transparent and accountable to the public. Regarding the insufficient financial resource base of the local government, an extension could be envisaged through three channels: a) more direct funds from the central government for the local government authorities, especially for the resource poor areas, b) better use of their own resources through more efficient resource collection as well as utilization of natural resources

authorities by one year. As Dainis points out, this authority has been exercised by the Minister of Local Government on several occasions in the past and his authority has not been challenged so far. (Dainis 2003: 9).

in the region and c) application for donor funds through project proposals. Granting more autonomy and powers to the local government also requires that the local councils are better equipped with financial resources by the central government. Generally there should be a re-distribution mechanism by the central government to assist the resource poor areas with additional funds, while the richer areas can manage on their own. Making better use of their own resources means that the resource base needs to be extended through more effective revenue and tax collection. The local authorities would need support to improve their existing revenue collection system and to find new avenues for revenue collection, using the natural and social resource base of their region. This requires the training of appropriate officers and a consultant who could advise the local authority on options for improvements. The third option, applying for donor funds, requires that local government staff is able to write project proposals and meet international requirements for applications. This calls for training of the relevant officers and local politicians. Generally, regular supervision of financial management by the provincial council is required. To increase the transparency and accountability of this financial management, a combined action is required, including participatory planning, resource allocation based on transparent needs-oriented criteria and making spending transparent to the public through budget publication in the newspapers.

5.2.3 Improvement of human resource management, capacity building, and promotion system

An important aspect in the whole reform process would be the human resources factor. At present, the large number of government officers at all levels and the centralized recruitment procedures produce high costs and a low output (Dainis 2003: 8). When the provincial council system was introduced, the opportunity to introduce a simple and minimal structure to discharge the functions that are really essential at this level has been missed, as the outdated political and administrative structures from the centre were simply replicated. Recruitment of personnel for administrative support and service delivery institutions at the community level need to be more job-specific and not based on the general centralized cadre recruitment procedure (Wanasinghe 2001: 46).

To reduce the number of permanent cadre and to introduce a more flexible and progressive system, more work could be out-sourced. The provision of technical support to the local government institutions to facilitate the efficient delivery of goods, services and infrastructure could be organized through contractual arrangements – either with the private sector or NGOs, under cost reimbursement (Wanasinghe 2001:31). A new capacity and promotion system would need to address first of all awareness raising issues, such as the creation of an understanding of decentralisation processes and the changing role of central and local institutions, secondly technical issues, such as financial management, accounting etc, and

thirdly methodological issues, such as participatory planning as well as motivation to encourage innovative thinking, replacing patronage with a partnership-orientated attitude among local leaders and administrators. A revised incentive system, offering training abroad or exposure visits in the regions, could stimulate greater motivation among officers working under hard rural conditions. Generally, the responsiveness, effectiveness and transparency of the local government system needs to be strengthened through training and supervision. The introduction of participatory planning methods for needs-assessment would be a starting point to improve responsiveness. At present, there is training provided by different agencies, such as the Sri Lanka Institute of Local Governance, the Sri Lankan Institute of Development Administration (SLIDA) and the Local Government Management Development Training Units at the Provincial Councils, but the impact on the capacity of the local officers and politicians is still insufficient. International donor agencies or NGOs could be encouraged to provide more training to local authorities in participatory planning methods. With regard to capacity building and training it would be useful to bring the elected representatives and the administrative staff together in the training sessions. At present, the elected representatives are mainly trained by the Provincial Council training units in collaboration with the Sri Lanka Institute of Local Governance, while the administrative staff is trained through the Sri Lanka Institute for Development Administration. Training could be used to bring the elected representatives and public servants together to create awareness of each other's role. This could provide entry points for better cooperation and mutual understanding. The training institutions could also organize collaborative seminars in the local government areas, bringing together elected representatives, administrative staff, private sector and civil society members to discuss spaces for cooperation and improvements of local governance. It is also possible that the universities in Sri Lanka could play a role in providing training and guidance to local authorities and in facilitating workshops to bring different stakeholders and institutions of the local governance system together.

5.2.4 Increase of people's participation in local planning

A danger of decentralisation processes is that corruption and patronage increase at the local level. Thus peoples participation and civil society engagement is especially important to reduce the risk of corruption and to extend the pressure on local institutions to act transparently and accountably. But it is important that all identity groups (ethnic groups, gender groups) are equally considered (BMZ 2002: 10). With regard to Sri Lanka, Dainis points out that, "although there is provision in the local authority laws to appoint committees and facilitate people's participation, this provision has not been used meaningfully in the past (...) it is sometimes disheartening to note that popular participation ends after elections" (Dainis 2003: 10). An important challenge is the opening up of the elected councils to the

wider public, allowing more people's participation. According to Wanasinghe, the local councils should adopt the practice of holding regular public hearings at which all major decisions are openly discussed and citizens are provided with an opportunity to seek accountability from the Council and its Chief Executive (Wanasinghe 2001: 24). There are various examples from European and American countries showing how the links between formal decision-making authority and public involvement in policy-making can be strengthened through forms of citizen's forums, public hearings, citizens budgeting or interactive policy-making processes etc. (Akkerman 2003, Dukes 1996, Holtkamp 2000, Blanco / Rebollo 2003).⁷ The potential of these forms of people's participation is the improvement in legitimacy of local government through more inclusive decision-making, the efficiency of resource spending through more people's centred planning, the increase of social capital of citizens through more cooperative networks as well as the extension of potentials for public conflict resolution through facilitation of dialogues processes between various interest groups.

The Kerala example of bringing people into the planning processes of regional development through neighbourhood committees can be cited as one famous example from the Asian region for the strengthening of people's participation, which might be considered as a model for Sri Lanka's local government system (see Isaac / Franke 2000). Decisions on resource distribution and development project implementation are more likely to be accepted, making the local government more legitimate, when people have a say in the planning process. Another positive side effect is the capacity building of people through the involvement in local level projects. The local authorities in Sri Lanka have already got the legal provisions in place to open up to the public. The Pradeshiya Sabha Act recommends the establishment of public committees for issues such as environmental planning, financial management etc. to advise the council. These committees could integrate representatives of all different identity groups to take their interests and needs into account.

On the other hand, new forms of organized people's forums, such as ward committees or neighbourhood committees could be established.⁸ As there are no outreach centres of the Pradeshiya Sabhas and the areas are sometimes quite extensive, ward committees can also help to bring the local authorities closer to the people. It is furthermore important that the local authorities engage more in public awareness raising, informing citizens of the functioning of the local councils and the rights of citizens, for example through organizing open days at the local government council. To create more transparency, the council

⁷ Clearly, different forms of people's participation offer a different degree of influence to the citizens, ranging from empty rituals, to purely consultative roles up to real influence on the decision-making process (see Dukes 1996: 65).

⁸ Realizing this lack of civil society groups' engagement in the local political decision-making process, Hettige recommended the formation of neighborhood committees, which send their representatives to the public committees to increase the participation of people in the decision-making process (Hettige 2001: 31).

meetings could also be advertised in the newspapers or on public notice boards. In the East, people's participation in the decision-making and development process is especially weak as the local government elections have not been held since 1994. Here it is particularly important to bring people back into the political and development process. This could be done through handing over more responsibilities to the CBOs for the implementation of rehabilitation schemes or development projects at the local level in close cooperation with local councils.

5.2.5 Develop measures to support ethnic harmony and conflict transformation mechanisms

The improvement of the local governance system is critical for the development of good governance and conflict transformation in the country as a whole. It is at the local level that the people's representatives learn the rules of the game and expose themselves to complex and sensitive situations. Ambagamuwa, being one of the largest PS territories with a large and ethno-linguistically heterogeneous population, provides a challenging opportunity to explore the possibilities of revamping local governance in order to address local development issues as well as problems of conflict transformation. Lessons and good practices learnt from ethnically mixed regions could be transferred to other local authority areas. The realization of such possibilities would depend very much on the readiness of relevant institutions and actors to take local governance seriously, recognizing the relevance and potential of local government institutions for local development and conflict transformation. The local government system needs to represent all identity groups living in the area, as it could otherwise contribute to the escalation of tension between different groups at the local level. An important starting point for an agenda to support ethnic harmony and non-violent conflict resolution at the local level is to improve the language policy, making both Tamil and Sinhala truly languages of local administration. The discussions within the council should guarantee that all representatives can participate and understand the proceedings. This calls for interpretation facilities and bilingual minutes. Other starting points would be to establish ethnically mixed ward committees, where people can participate and advise the elected local government representatives on important development issues, establishing 'peace committees' within all local government authority areas, where all identity groups are represented in equal number, and institutionalising mediation boards consisting of mediators from all identity groups.

It is important that the elected representatives are sensitised about conflict management techniques. Furthermore, the wider public needs to be educated in their political rights and their participation needs to be encouraged. If the local government authority encourages more civic engagement within their work and decision-making processes, the local

government can become a learning ground for democratic non-violent discussion culture and problem-solving. Through this, the local governance system could contribute to the conflict management capacities within the Sri Lankan society.

5.2.6 Revision of the local election system or creation of alternative form of power-sharing

The local government election system has been an issue of public criticism calling for reform for a long time. The 1978 constitution transformed the nature of the electoral process by introducing proportional representation (PR) in multi-member constituencies in place of the previous first-pass-the-post system (Wagner 2001: 699). Under the old electoral system, the unit of elections was the ward, consisting of just a few settlements, and the elected candidates represented each one ward. The advantage was that the local representatives were close to the people, as they came from the ward area. They represented the interests of the people of their ward within the local council. Within the new electoral system, the electors can give their preference vote to a political party or independent group and the winning parties select the candidates from their lists as representatives of the council. Unlike the earlier ward-based electoral system, the elected council members have often no allegiance to specific areas, which permits members / councillors to pay attention to the local authority as a whole rather than to a ward (Dainis 2003: 4). An argument for the proportional representation system is that overall it represents the minority groups in the country better. On the other hand, the PR-system carries the risk that certain areas are left underrepresented, as no councillor pays any attention to it. Experience shows that it is mostly minority populations inhabiting those areas which are left out, as demonstrated in the Moneragala case study, where Tamil estate workers felt completely neglected by the local government council. As the candidates have to campaign not only in a small ward area, but in the entire electorate, an extensive amount of money is needed to contest in elections. This supports clientele networks and forms of bribery, as the candidates often seek outside financial support from contractors, real estate dealers or others with similar business interests. As stated in the Commissions Report of Local Government Reforms (1999: 314), “when elected through such methods, members and heads of local authorities are often compelled to ignore acts of corruption by such sponsors”. The general impression is that the PR-system has led to an estrangement of elected candidates from the people and has increased the patronage networks, leading to the call to re-introduce the earlier ward-based electoral system.⁹ The Regaining Sri Lanka report (GOSL 2002: 89) of the Sri Lankan

⁹ At the national level, the negative impact of the PR-system is that it has created a period of coalition governments, as no party has been able to win a massive majority. While the greater potential of representation of minority groups and the brake on legislative power through a check against unbridled legislature is perceived as a positive development of the PR-system, the negative consequence is that important constitutional

Government stresses the will to re-introduce the ward system combined with proportional representation.

The challenge of a new local election system reform would be a) to bring local council members closer to the people, as in the earlier wards and b) to guarantee minority groups and poverty stricken areas a better representation of their needs within the local government council. This calls for a mixed, segmented or parallel system, where 50% of the seats are selected on the basis of proportional representation and 50% via first-past-the-post (Wagner 2004).¹⁰ The element of first-past-the-post would mean re-strengthening the relationship between the candidate and his constituency and at the same time reduce the costs for the election campaign. However, the details of local government election system reforms would need further study, as there are controversial discussions on the advantages and disadvantages of different election systems to promote cooperation among competing groups in divided societies.¹¹

Although the introduction of quotas for minority groups have always been rejected within Sri Lanka's debate on the resolution of the ethno-political conflict, the question of how small minority groups could be better recognised to avoid the creation of inter-ethnic tensions remains. Although the three research regions were very different in their ethnic composition, the findings revealed that there is a countrywide problem of minority representation at the local level in Sri Lanka. It is rather astonishing that Sri Lanka, a country shaken by the impact of ethno-political conflict, has introduced a reservation of seats for youth, but has so far not seriously considered a representation of seats for minority groups (neither has it introduced a reservation of seats for women). The findings of this study show that the actual situation is far from being satisfactory. It would be worth-while studying again the advantages and disadvantages of introducing quotas for local government councils for respective ethnic minority groups.¹² This would also require that parties nominate candidates of different ethnicity who can take over seats reserved for minority groups.

To increase the representation of all identity groups within the decision-making process of the local councils and to strengthen the link between citizens and their elected representatives, other forms of people's representation and participation, such as through

innovations can not be passed, due to a lack of a two-third majority of the ruling government coalitions. This also undermines various attempts to introduce power-sharing arrangements with minorities (Coomaraswamy 2003: 151).

¹⁰ There is an interest in the German electoral system among Sri Lankan experts, arguing that the mixed election system comprises elements of first-past-the-post and proportional representation. But the very particular German system with complicated elements like the 'Überhangmandat' ('excess mandate') does not seem to be suitable to achieve greater legitimacy in the eyes of Sri Lankan citizen (see Wagner 2004).

¹¹ Reilly compares in his paper the potentials of different voting systems to encourage inter-ethnic cooperation within divided societies, concluding that preferential electoral systems ('single transferable vote' or 'alternative vote') can, under certain circumstances, promote cooperation among competing groups in divided societies (Reilly 2002: 166). Different election systems and their potentials and risks are also discussed by Kasapovic / Nohlen 1996.

¹² Examples and pros and cons for power-sharing arrangements within ethnically heterogeneous societies are for example discussed by Kymlicka 1995, Parekh 2000, Eide 2001, Schmid 2002, Devaraj 2004, Lijphart 1995.

ombudsmen, ward committees or other people's committees could be considered. Although the Pradeshiya Sabha law encourages the setting up of issue-related committees, in which civil society representatives assist the elected council members on specific matters, many Pradeshiya Sabhas have so far not started to set up these committees (Dainis 2003: 5). The introduction of quotas within these committees for specific groups, such as ethnic, occupation, gender and age groups could be one suitable instrument to recognise the needs of specific identity groups and to provide them a platform to participate in policy-making processes.

A general criticism of another reform of the local election system is that it carries the danger of confusing citizens, who have already experienced too many reforms and counter-reforms. The results of the elections since 1989 show an increasing number of invalid votes, which is usually an indicator that the election system is not understood by some of the citizens. The many constitutional and electoral system reforms since independence might have contributed to the fact that many citizens do not any more understand the present system. Wagner (2004) points to these negative developments, asking whether the reform of the electoral system is the clue to the present crisis, or whether the problem is not rather the lack of compromise among the leading political parties. However, in opting for a reform of the electoral system, an important consideration should be that the result is understandable for the public and that the election system can regain legitimacy in the eyes of the citizens.

5.2.7 Strengthening the law enforcement and security system

One important finding of the study is that the police are considered as important actors in local governance, especially to guarantee law enforcement and security. The findings of the study clearly show that there is a need to strengthen the police department, so that the police can better fulfil their mandate. The shortage of vehicles, which undermine rapid response by police officers in cases of crime or violence, would need to be addressed through better resource provision to the local police station. This is not only true for vehicles, but also for technical equipment, like computers etc. Other forms of strengthening the security system, for example through models of 'community policing' could be explored. The police officers should also be more ethnically mixed, so that there are enough Tamil speaking officers to serve for the Tamil speaking communities, thus guaranteeing an ethnically balanced service. As mentioned above, a common feature of Sri Lanka's recent history has been the many politicians engaging in violence against opponents and thereafter relying on their influence over the police to prevent any investigations. As stated by the Asian Human Rights Commission, "violence in the electorate has been very much a result of this politician-

criminal-police nexus” (Asian Human Rights Commission 2003).¹³ With the introduction of the 17th Amendment in 2003, the idea of an independent police commission as a remedy to this situation has been taken up and implemented by the national parliament. Although many people expressed doubts about the capacity of the newly established National Police Commission to deal with this frightful nexus, the first reactions from politicians, who fear investigations against themselves by the NPC, indicate that the independent police commission has already made a considerable impact within a short time. The Human Rights Commission states: “The transition to a modern state requires intelligent policing that is helpful to the people. (...) By changing the structure of backward policing to a more progressive one, and by enforcing the controls required by the Seventeenth Amendment to the Constitution, a path can also be made via which the backward politicians can make their exit. Sri Lanka needs both a modernized police force and competent politicians. The NPC is an instrument that can make a great contribution to achieving both of these objectives” (Asian Human Rights Commission 2003).

Another short-coming of the law-enforcement system is that the civil courts are overburdened with pending cases, which means that there are long waiting periods until a case can be heard. The work-load of the civil courts could be reduced by introducing the mediation boards in all districts of the country as alternative platform for conflict mediation. The fact that more and more severe cases are delegated to the mediation boards in those regions where they are established already demonstrates the relevance and potential of this alternative platform for conflict resolution. Again, it is important that the composition of mediators is ethnically as well as gender balanced, to guarantee that all identity groups can access this institution without language or socio-cultural problems.¹⁴

Although the above mentioned reform issues are also relevant to the Batticaloa research regions, there are specific challenges facing the North-East, due to the political post-conflict situation. Therefore in the following section, I will consider the challenges specific to local governance reform in the North-East.

5.2.8 Challenges for local governance reforms in the North-East

As the overall socio-political conditions in the North-East are due to the decade-long war and current ceasefire agreement, they are completely different from those in the other two research regions. The challenges for a reform of the local governance system are also partly different and need to be looked into separately. Important progress was made in the peace

¹³ See statement by the Asian Human Rights Commission on the National Police Commission in Sri Lanka, 17. September 2003, <http://www.ahrchk.net/statements/mainfile.php/2003statement/>.

¹⁴ Further information on potentials entry-points for the strengthening of human rights in Sri Lanka is provided by Fernando 2002.

process when the first negotiations rounds started on 16 – 18 September 2002 in Thailand, where LTTE Advisor Anton Balasingham declared that the Tigers were willing to settle for a political solution within a unified Sri Lanka, with substantial autonomy to the Tamil regions (The Refugee Council 2003: 6). After this encouraging opening, there were five more peace talks held between September 2002 and March 2003, with various issues being discussed, such as the establishment of sub-committees for humanitarian, political and security issues, discussions on a power-sharing solution, human rights and rehabilitation issues (Uyangoda / Perera 2003). After the enthusiasm which accompanied the first rounds of peace-talks, the peace process came to an almost stand-still in April 2003 for various political reasons. However, the first series of negotiations between the Sri Lankan Government and the LTTE from September 2002 to March 2003 has clearly demonstrated that “new consensual power-sharing arrangements are needed in the North-East, to transform the dual regimes of the LTTE and the Sri Lankan Government from hostile to peaceful coexistence and towards an effective and democratic regional administration” (Ferdinands et al 2004: 4). In the long run, this calls for a fundamental re-structuring of the political system towards a genuine federal or confederal Sri Lankan state. But in the interim phase of negotiation and implementation of the peace process, there is a need for interim arrangements, which allow all conflict parties to participate in the decision-making process of local rehabilitation and development planning. The establishment of an Interim Administration accepted by all conflict parties is currently the most contentious issue in the peace process (Ropers 2003: 12). While the Sri Lankan government has proposed a discussion on a 'Provisional Administrative Council for the Northern and Eastern Provinces for an interim Administration' in July 2003, the LTTE presented their counter-proposal of an 'Interim Self-Governing Authority (ISGA) for the North-East' in November 2003. The Muslim community also responded with statements on their role in the interim authority.¹⁵ These proposals form the basis for negotiations and a mutual agreeable framework for interim power-sharing (Ferdinands et al 2004: 25). Once accepted, these interim arrangements would also build the framework of the local governance system in the North-East.

¹⁵ The proposal of the UNP Government calls for the setting up of a regional council, composed of representatives from all conflict parties. All powers, including rehabilitation, reconstruction and resettlement would be with the council, except authority over police, security land and revenue (Chandrasekharan 2003). The LTTE proposal, however, seeks a power-sharing model with maximum powers for the north-eastern unit under the nomenclature of an interim administration set up (Jeyaraj 2003). The LTTE particularly wants the powers over land alienation, finance (loans, grants, donor funds etc.) as well as over provincial policing to be vested with the new body. Although the gap between the UNP and LTTE proposal with respect to the interim administration is large, the differences are not unbridgeable and thus the proposals, along with the Muslim proposal, provide the basis for further negotiations (Nesiah 2004: 23).

An important pre-condition for the legitimacy for any conflict resolution is that not only the two main conflict parties – the Sri Lankan Government and the LTTE – are at the negotiation table, but other minorities as well, like the Muslim community or the up-country Tamils, who “need to be brought into the strategic framework to become co-owners of the peace process as well as of the interim power-sharing agreements” (Ferdinands et al 2004: 4). Especially for our research region in Batticaloa, it seems particularly important that the peace negotiations, through integrating Tamils and Muslims into the process, provide a platform where the conflicting issues and fears among Tamils and Muslim can be addressed. The newly established North-East Muslim Peace Assembly (NEMPA), consisting of members of the Muslim civil-society and mosque federations, can be seen as one such attempt to solve problems at the local level with the LTTE (Ferdinands et al 2004: 4). The first agreements reached between the LTTE and the NEMPA in Ampara and Batticaloa district, achieved in frequent meetings to resolve issues at the village level, have already created an encouraging atmosphere of mutual understanding. These different interim institutions and platforms for dialogue are an important step to build up platforms of reconciliation and trust. Any local government reform can only be successful when these interim arrangements manage to find mutual acceptance by all conflict parties and build up a common ground for reform of the state towards strong power-sharing arrangements for the North-East.

Concrete challenges for the local governance system in the North-East are:

- **Reviving the local democratic process through local government elections:** People as well as staff of the local authorities clearly stated that they would prefer the local government elections to be held as soon as possible. The functioning of the local authority is at present hampered by the non-existence of elected representatives. Local government elections in the North-East would require that the LTTE is transformed into a political party that can contest elections. It seems that if the peace negotiations are not revived, the LTTE will not be prepared to accept local government elections in the North-East.
- **Establishing joint regional councils for inter-ethnic cooperation:** In many areas in the North-East, the ethnic communities have separate local government councils, leading to a lack of a joint platform for cooperation and regional development planning. It would be important to revive joint platforms, for example through regional councils, where elected representatives of the local government councils can meet to discuss regional issues.
- **Special arrangements to protect human rights.** The nearly two decades of war have generated a situation of multiple human rights violations in the North-East, in which all conflicts parties blame the others for the worst atrocities. As Ferdinands et al (2004: 4)

point out, the human rights violations have furthermore continued throughout the ceasefire period and threaten to erode public support and legitimacy for the peace process. This makes it particularly crucial that better arrangements are established which improve the human rights record and support a quick prosecution of violations.

- **Conflict-sensitive, inclusive rehabilitation work and capacity-building through donor agencies:** International donor organisations which engage in rehabilitation and development work in the North-East are important actors for local governance. To support the peace process, these organisations need to be inclusive and transparent in their activities. Ideally they should facilitate the establishment of a “new mechanism for the delivery and implementation of short-term reconstruction and development aid to the North-East and encourage inclusive dialogues on medium- and long-term priorities for institutional and structural reform of the state” (Ferdinands et al 2004: 8). Donor agencies could also contribute to the capacity building of interim administration officers, politicians or civil society representatives for example on participatory planning methods, transparent financial management, anti-corruption mechanism, or conflict-mediation capacities.

With regard to the other good governance indicators, the challenges in the North-East are similar to those in the other research areas and thus the above mentioned reform proposals can also be considered for the North-East, but the envisaged reforms would need to be accepted by all conflict parties.

Aiming at a generalisation of the findings on local governance functioning in Sri Lanka and the formulation of policy recommendations for reforms, beyond the three selected case studies, this chapter has provided a summary of the key actors and key issues of local governance, based on the similarities of local governance challenges in the research regions. The summary of key actors allows to clearly prioritise which actors should be addressed and integrated into a reform agenda. The generalisation of key issues and challenges of local governance, beyond the contextual background of specific regions, allowed to formulate a comprehensive set of policy recommendations which need to be part of a reform agenda on local governance strengthening in Sri Lanka thus contributing to sustainable development and peaceful co-existence.

In the final chapter, the added-value of the context-specific good governance model elaborated in this thesis will be critically reflected looking into the usefulness of the methodological approach, the quality of the findings and the lessons learnt for the local and national reform process.

Chapter 6: Redefining good governance in Sri Lanka - visionary thinking and lessons learnt

In the final chapter, the experimental approach of this thesis to develop a context-specific good governance model will be critically examined by first considering the value-added of the methodological approach and the empirical results for the context of Sri Lanka and secondly by reviewing the lessons learnt for the national process of local governance reforms.

As outlined in chapter two, a new consensus has emerged that deepening democracy through strengthening democratic state institutions and the democratisation of power relations and political processes form the necessary foundation for achieving sustainable development and stability (Klemp /Poeschke 2005: 18). It is recognised that the poor performance of many developing democracies cannot only be traced back to a lack of resources, but often has other roots, such as political patronage and clientelism, which undermine the efficiency, effectiveness and equal responsiveness of service delivery of state institutions. Therefore, "good governance, meaning the strengthening of public and private institutions and the quality of the steering processes, has gained increased recognition in the context of sustainable peace and development" (Woodward 2002: 3). This new understanding has triggered the formulation of various indicators or benchmarks for good governance. Furthermore the determination of developing countries to work towards good governance has become a pre-condition for eligibility for accessing international development aid. In the last couple of years, there has been a trend among international research and development organisations to develop complex good governance measurement approaches for the systematic analysis of *governance* in different countries, aiming at comparing different contexts and identifying contextual particularities and best practices. Good governance is thus used as a concept for looking into what is desirable as well as into what is actually happening (Kooiman 1993, Merrien 1998: 65). It is both a normative set of indicators or benchmarks, which describe how the political system should work to be able to respond to development and conflict transformation challenges of modern societies, as well as a set of indicators to be used to analyse the status quo of governance-functioning within a particular context.

Although a variety of instruments to assess governance have emerged, measuring governance remains a challenge, due to its multi-dimensional character. Furthermore, there is a recognition that there is no blue print for what state-, institution-building and good governance is, as the

peculiarities and processes are context-specific and dependent on the specific socio-political and historical background (Klemp / Poeschke 2005: 21). However, there is still a lack of empirical research to provide more systematic and rigorous information on *governance* in different countries and most available data sources use fact-based data only, without any consideration of perception-based data of local citizens and stakeholders.

Consequently, the research objective of this thesis has been to contribute to the development of suitable indicators for good governance, by elaborating a context-specific good governance model for Sri Lanka, based on the prescriptive definition of what good governance should be by local elites and the assessment of what local governance actually is by local stakeholders and citizens. Using a socio-political perspective on governance, considering particularly the aspects of interactive governance (Kooiman 2003b: 248), the key actors and key issues of local governance have been identified on the basis of empirical case studies in three regions of Sri Lanka. The case-study approach has allowed a detailed insight into the interactions in complex processes and structures within a given region and a comparison of the three cases has generated policy recommendations based on the similarities, which can support the national reform process.

This study has shown that a context-specific good governance approach is suitable to substantiate the good governance discussion further and is a suitable framework for the analysis of local governance. It can be used to identify the key actors, issues and challenges of governance in a country, and thus foster a discussion on strength and failures and necessary reforms in a given context. In the following sections the value-added of this context-specific good governance model is discussed, looking into the methodological approach, the research findings for the Sri Lankan context and the lessons learnt for the national governance reform process.

6.1 Value-added of the methodological approach for good governance concepts

The experimental approach used in this thesis to develop a context-specific good governance model for Sri Lanka, has comprised three research steps 1) the elaboration of a prescriptive (normative) social definition for good governance through elite interviews; 2) an assessment of local governance functioning through interviews with local stakeholders and citizens and 3) an interpretation and verification of findings through focus group discussions with local stakeholders. The methodological approach stands out from other good governance assessment approaches, as the results are based on the perceptions of local stakeholders and citizens,

predominantly gained from qualitative interviews, consider a multi-stakeholder-view, and were conducted by an interdisciplinary team from local and foreign researchers. Elite's, stakeholder's and people's perception were taken as sources to define and to assess good governance at the local level, as their realities matter (Chambers 1995). Through using perception surveys, the study has brought local people into the centre of defining and assessing governance and good governance. This contributes to an increased legitimacy of the good governance concept in general, beyond the specific context of the political system of Sri Lanka.

Unlike other good governance assessment approaches (e.g. World Bank), this study did not use pre-defined indicators for good governance, but elaborated the set of good governance indicators used for the analysis of local governance on the basis of interviews with local elites. Verifying the first hypothesis that a context-specific good governance model is more substantial than the international accepted good governance indicators, the applied research approach revealed a set of 8 good governance indicators, differentiating the usually used good governance indicators further.

As with most international good governance conceptions, the Sri Lankan local elite's definition of good governance contained the indicators *efficiency, responsiveness, equality, transparency & accountability, human rights protection, people's participation* and *rule of law*. Additionally local elites mentioned *professional leadership, conflict transformation capacities* of the political system, *basic security* as well as *trust in politics* as important factors of good local governance. Although often subsumed under *efficiency*, the indicator *professional leadership* should rather be regarded as an indicator in its own right. In the Sri Lankan context local elites from the three research regions have mentioned this indicator among the three most important indicators for good governance. This indicator broadens the view towards the issue of political patronage, which is a long established characteristic of the Sri Lankan political system, and the critical role local elites play in aggravating existing tensions and social conflicts (Mayer 2002: 304). The three other additional indicators *conflict transformation capacities, basic security* and *trust in politics* have to be viewed in the context of a country affected by a protracted ethno-political conflict. Although the ethnic composition and conflict setting has been different within the three research regions, the findings revealed that these additional indicators have been mentioned by local elites from all three regions. The indicator *conflict transformation capacities* has been especially mentioned in the context of ethnic conflict and party conflict, which divide society, and the indicator *basic security* has been used in the context of life security problems of ethnic minorities, gang violence as well as safety for women. *Trust in politics* has been used as an indicator that describes the generally negative feeling when talking about politics, citizens'

suspicion in political actors, the lack of trust among ethnic communities as well as the growth of public protest. Citizens' trust in (local) politics, which in the international discourse is usually not part of the good governance definitions, but only part of an overall concept of the legitimacy of the state, is an important factor of governance to Sri Lankan elites.

These context-specific additional indicators substantiate the commonly used set of good governance indicators and point to critical issues and challenges of governance in Sri Lanka, corroborated by the analysis of the functioning of local governance in three regions of the country. With only one or two exceptions, all indicators have been mentioned in all three research regions. The detailed set of good governance indicators developed from an analysis of the answers of local elites show that local elites link good governance with a clear vision for political practice. These good governance indicators should be met by those ruling the country and used to develop a political system which accommodates its citizens' expectations.

6.2 Value-added of the empirical findings for good governance in Sri Lanka

The research context 'Sri Lanka' was chosen as the country is characterized by a paradoxical situation: on the one hand it has the institutional framework of a pluralistic democracy, has experienced 12 parliament elections with nine turn over of the government between 1947 and 2001 and provides social security and free education to its citizens to a level which lies far beyond the international standards of developing countries – all of which speaks for a functioning democratic system. On the other hand the country shows a high level of existing and potential social conflicts, which have resulted in two decades of civil war, violent insurrections in the South and clashes among different identity groups all over the country. Thus, the research question how governance and especially local governance functions in Sri Lanka and in how far it responds to various development and conflict transformation challenges can be seen as a central question with regard to explaining and supporting the legitimacy and stability of the Sri Lankan democracy. While the focus of research on governance in Sri Lanka is often reduced to the national level and the conflict affected areas in the North-East, this study has broadened the picture through a comparison of three different regions. The empirical, case study based research on the functioning of local governance in Sri Lanka revealed the following findings, which add new insights to questions on governance functions and governance actors in Sri Lanka:

- **Lessons learnt and best-practises from the local context:** This work aimed to make better use of the potential of learning from the experiences at the local level, by focussing the empirical research on local governance. Not only in the context of post-conflict transition societies have local communities and local level governance gained increasing attention, as it is at the local level where people and representatives of state and non-state institutions can experience the functioning of democracy in their day-to-day work. Yet there is still a lack of empirical research (Woodward 2002: 29). Good local governance needs to build up suitable structures for the effective participation of minorities in public life and needs to establish arrangements that allow the recognition and accommodation of culture, religion and language of national minorities. Good local governance could thus contribute to the prevention of a further radicalisation of tensions between ethnic identity groups and to the deepening of a democratic political culture. Lessons learnt and good practices at the local level can stimulate the reform process at the national level. The focus on local governance in three regions of Sri Lanka, which are characterised by different conflict contexts, has allowed for the development of a more complex picture on the key issues of local governance reforms and the potential of good governance for development and conflict transformation. To give a few examples, in Ambagamuwa PS, which represents a multi-ethnic setting with a Tamil majority, the local government council has gained some important experiences with the implementation of bi-lingualism, and there are successful examples how conflict transformation mechanism can be institutionalised. Conversely, the specific situation of the estate population requires special arrangements to re-integrate this community into the local political system. Moneragala, which represents an ethnically more homogenous setting with a history of youth rebellion against deprivation, clearly demonstrates the difficulties of integrating a small minority community, such as the Tamils into the political process and also shows the persistence of the difficulties of making the local council more transparent and accountable. Batticaloa, representing a multi-ethnic setting seriously affected by the ethno-political conflict in the North-East of the country, gives an example of specific arrangements of separating the ethnic communities through forming ethnically homogenous local government authority areas, leading to further alienation of other ethnic communities. Furthermore, the security situation has led to a deterioration of the local political institutions and civil society engagement. Similarly, each case study provides further lessons learnt or good practices, which can be of relevance for other settings as well and which allow to the development of suitable policy recommendations grounded in the actual problems and experiences at the local level.

- **Critical key issues and challenges are similar in all three regions:** Another interesting finding is that the results with regard to the status of local governance functioning in the three different research regions show a lot of similarities. There was a repetition of issues mentioned by citizens and local stakeholders, pointing to common grievances and problems with the local political system. This is first of all surprising, as the three regions have a different composition of the population and are challenged by different conflict settings. Batticaloa was even structurally exceptional, as the local government authorities had not been democratically elected, but functioned as pure administrative units under the control of the Divisional Secretariat. Still, the system-inherent problems, such as lack of autonomy from the centre, lack of qualified staff, lack of active civil society participation in local decision-making processes, patronage structures and corruption were similar in all three regions. However, the explanations for the short-comings are different. While the respondents from Batticaloa felt that the central government generally neglects the problems and needs of the district due to the conflict situation, the Moneragala respondents perceived their region as poor and thus unattractive for qualified civil servants and experts. But the overall perceptions were the same: respondents from all three regions expressed that they felt deprived and neglected by central government. This reflects the general conflict between the rich urban and the poor rural areas. Mayer's research (2002: 302) has shown the strongly developed feeling of subordination coupled with jealousy and a feeling of deprivation that rural youth have with regard to young urban elites from Colombo. This feeling of deprivation is even stronger in the predominantly Tamil settlement area of Batticaloa, where rural deprivation is coupled with a feeling of ethnic discrimination.
- **'Governance means government':** Although a variety of semi-state and non-state actors were mentioned as playing a role in local governance in Sri Lanka, it is particularly the political and administrative institutions at the local level as well as the Central Government which are considered as the key actors for the establishment and guarantee of good governance at the local level. The lack of co-operative interaction among these three actors (Pradeshiya Sabha, Divisional Secretariat and central Members of Parliament) is a key to most problematic issues identified at the local governance level. Having the governance discourse in mind, with its focus on the facilitating role of the state within an interdependent network of other private and non-state actors (cf. Rhodes 1996, Cattancin 1993, Ambrose 1994), the question is whether this picture already fits the reality of local governance in Sri Lanka. The findings of this study clearly show that the governance system in Sri Lanka is still one in which the state is playing the major role in service provision and development

planning, going far beyond a facilitating role. As stressed by the *Regaining Sri Lanka Report* (GOSL 2002) the “Sri Lankan Government is gradually changing its role from being a leading provider of goods and services to being a facilitator of private sector economic activity. This is a difficult transition, vastly complicated by an overhang of institutions resistant to change”. Regardless of the already established decentralised structures, there is still a common demand for a strong state, which is obviously influenced by the long tradition of centralisation and Buddhist welfare policy. This argument is supported by the finding that national politicians are playing an important role at the local level, especially as “MP’s of the ruling party officially have control of the development budget of the District Development Council, which is thus used to sustain political machines whilst the work of locally elected councils is relegated to insignificance” (see Crook / Manor 1998: 297). The common mode of interaction of local governance actors in Sri Lanka seems to be the *hierarchical mode* of governance, where the state institutions dominate the decision-making process and give orders for implementation. Generally, many authors stress that traditional forms of hierarchical governance are not losing importance, but are rather complemented through additional cooperative forms of governance (Simons 2003: 190, Kilper 1999, Le Galès 2000). These additional forms of co-governance are not yet sufficiently developed at the local level in Sri Lanka. To improve local governance, there is a need to further extend the interaction of multiple state, non-state and private actors at the local level towards a mode of co-governance, as this form of ‘horizontal’ governing according to Kooiman (2003b: 237) would be better equipped to respond to diverse, dynamic and complex situations and thus would improve the capacities of the governance system with regard to service provision and development works.

The context-specific good governance model has been useful in analysing the functioning of local governance in Sri Lanka. Lessons learnt, examples of good practices and the comparison of similarities of the three regions allowed the formulation of general policy recommendations for the local and national governance reform process. The following section will review the lessons learnt for governance reforms.

6.3 Lessons learnt for local and national governance reforms

The empirical part of this dissertation clearly revealed why it is important to re-define good governance and to elaborate context-specific good governance indicators for each individual country. If one reduces the good governance model to a set of indicators internationally

accepted without recognition of the specific peculiarities of a particular socio-cultural context, the identified key issues and reform processes of the political system will be in-sufficient. The context-specific good governance model for Sri Lanka shows how important local elites and citizens deem the indicators *trust in politics*, *professional leadership*, *basic security* and *conflict transformation capacities*. These indicators point especially to issues which are important within a country affected by various socio-political conflicts. In the context of Sri Lanka, good governance would always need to include indicators which demonstrate the challenge of social integration of different identity groups (ethnicity, gender, youth) and towards constructive conflict transformation. Given the global security situation and the recognition of conflict dimensions in sustainable development, a model of good governance can not neglect issues and indicators which support peaceful coexistence and trust-building among citizens at the local level. Applying a good governance approach for the analysis of the local political system in Sri Lanka has allowed for the identification of the most important political issues. Although the topic 'conflict' has not been the focus of attention, the additional good governance indicators formulated by local elites point towards the importance of conflict resolution and its challenges for local governance. For example, the additional indicator 'professional leadership' clearly indicates the problematic role local leaders are playing in aggravating tensions between different identity groups, especially through their policy of political patronage, thus spoiling the trust of the citizens in the political institutions and the democratic system.

Regarding the ongoing discourse on governance reform in Sri Lanka, the findings of this study suggest two important conclusions:

- 1) Good governance is an entry point for social integration and conflict transformation:** the study revealed that many shortcomings of the local governance system are contributing to an aggravation of social conflicts. Inefficiency, in-transparent resource distribution, political patronage, corruption, lack of responsiveness and recognition for the needs of identity and minority groups contribute to an aggravation of existing political conflicts, resource conflicts as well as ethno-political conflicts. The strengthening of local governance can be regarded as important entry point to improve the social integration of different identity groups, like ethnic groups, youth, caste groups and thereby contributes to conflict transformation. As stated in the *Regaining Sri Lanka* report (GOSL 2002:86), there are already several elements of good governance in place, like a clear regulatory framework and a relatively low level of corruption. Other governance deficiencies are still severe, but certainly not unique to Sri Lanka. This

provides a good starting point to see the strengthening of good governance as an entry point to address problems of development and social integration. The lessons learnt and good practices from specific local authority areas, for example with the implementation of bi-lingualism, can also be transferred to other regions and to the national level. A consolidation of good governance at the local level would strengthen the stability and legitimacy of the political system, which would form a solid foundation for the ongoing peace process at the national level.

- 2) Governance reforms must focus on the entire country not only the North-East:** so far the discussion on governance and devolution of power has often been reduced to the peace process and the necessary reforms in the war-affected North-East. But the similarities in the critical findings with regard to the functioning of local institutions and governance in the three research regions demonstrate that reforms to strengthen local governance, for example through extending devolution of power to the local level, are not only needed in the North-East, but also in the South and the Central Districts.

To achieve good governance at the local level in Sri Lanka, the challenge is to address the critical issues through an adequate reform agenda, outlined in chapter five, which would comprise the following elements: the extension of devolution of power to the local level to strengthen local councils, an improvement of financial management system within local councils, an improvement to human resource management, capacity building and promotion systems, an increase in people's participation in local planning, the development of measures to support ethnic harmony and conflict transformation mechanisms, a revision of the local election system or creation of alternative form of power-sharing as well as the strengthening of the law enforcement and security system.

Although it might not be possible to resolve all of the above mentioned challenges, this reform agenda could provide a starting point to improve the quality of good governance indicators at the local level. The central starting point within the reform agenda is the extension of devolution of power to strengthen the autonomy and powers of the local government authority. Although many authors stress that decentralisation processes also bear various risks, like the increase of inefficiency through lack of capacity at the level of the local institution, an increase in corruption among politicians, administrators and elites, and an increase in disparities between regions and identity groups (Remy 1995, Rajasingham-Senanayake 1999b, Altmann 2000), the opportunities of devolution of power seem to outweigh the risks.

In Sri Lanka, the dominance of the centre in local-level planning and decision-making is further increased by the fact that there are almost no mechanisms and structures for local citizens to participate in the decision-making process. Furthermore, the influence of the centre in resource allocations through the decentralised budget and the lack of autonomy of the local government authorities to independently plan their projects further weakens their capacities and motivation to plan and implement their own development initiatives. Therefore, the challenge is to build up suitable structures which allow local institutions authority over a budget beyond the control of the central government and which encourage local citizens' and stakeholders' participation in local level development planning (Mayer 2003: 305). This can, furthermore, contribute to a reduction in the deprivation felt by local communities and help to reduce the dependency syndrome on central government.

A strong argument for further devolution of power is thus the promotion of democracy through the enhancement of citizens' rights and participation by the individual (Andrew / Goldsmith 1998: 109). The deepening of democracy through more people's participation (Heller 2000: 6) would also mean building up suitable formal and informal structures for the representation and recognition of the needs of ethnic minority groups as well as the needs of women at local level. This would also contribute to a considerable extent to conflict prevention and support the development of conflict transformation capacities. An extension of spaces for people's participation in local level decision-making processes can also be regarded as an entry point to weaken the system of political patronage, as strong civil society engagement combined with a critical independent media - which also still needs to be developed at the local level - is able to demand transparent and accountable political structures. Heller sees the effects of the deepening of democracy as major opportunities for decentralisation processes, which allow the expansion of the scope and depth of citizens' participation in public decision-making:

"Expanding the depth means incorporating subordinate groups into public politics. Expanding the scope means bringing a wider range of social and economic issues into the authoritative domain of politics. (...) Decentralisation means a shift in power between state and society, as well as a shift in power between entrenched power networks and groupings (defined by their privileged access to the state) and newly empowered subordinate constituencies" (Heller 2000:6).

While devolution of power can be understood as an opportunity for the capacity building of local institutions and leaders through providing more spaces for autonomous actions and learning by doing, it is clear that a more coherent strategy for capacity building is necessary and needs to be supported by the central government. The capacity building effect of local institutions is especially stressed in the debate on 'institution building' within the development oriented

discourse, which is seen as the major challenge of 'fragile' or 'failing' democratic states to develop capacities to resolve social problems and conflict peacefully (Klemp / Poeschke 2005: 24).¹ The central government needs to build up support-mechanisms for the capacity-building of local leaders and administrators, for example through strengthening the capacities of national training institutes like the 'Sri Lanka Institute of Local Governance' (SLILG) or the 'Sri Lanka Institute of Development Administration' (SLIDA) whose mandate is to provide training to local politicians and administrators. These efforts could be supported by international donor agencies engaged in governance strengthening.

Successful devolution of power also requires that the centre organises the re-distribution of resources to poorer areas and undertakes marketing to build up awareness for the positive effects of decentralisation. It is necessary, furthermore, to establish effective mechanisms for accountability of local institutions to prevent corruption among local politicians and elites (Hellmann, Jones et al 2000). Ranugge stresses also the need to de-politicise the state bureaucracy to guarantee the independence of the administration from political interferences (Ranugge 2000). Thus, as stressed by Harris, the ironic paradox of decentralisation is that good local governance actually "involves more complex interactions across the levels of central and local government, (...) because strengthening the capacity of local government may actually mean that the government at the centre has to play a stronger role in certain critical respects" (Harris 2000:2).

In the present peace process the topic of further devolution of power is again high on the agenda of the leading political parties, but is still a contested issue. The essence of the conflict resolution challenges of the present ceasefire agreement and the peace process for the North-East calls for a fundamental re-structuring of the political system of Sri Lanka towards a genuine federal Sri Lankan state (Ferdinands et al. 2004: 4). The analysis of the functioning of the local governance system in Sri Lanka points in the same direction, as the insufficient devolution of power from the centre to the local level and the lack of autonomy of the local government authority have contributed considerably to the ineffectiveness of governance at the local level. The specific conditions in the North-East and the peace process require additional reforms, like the revival of the local democratic process, the establishment of joint regional councils for inter-ethnic cooperation, special arrangements to protect human rights as well as more conflict-sensitive and inclusive rehabilitation work of international donor agencies. However, the findings of this study make it clear that reforms on governance should always focus on the entire country and not only

¹ The debate on fragile states, which has evolved over the last couple of years is further elaborated and discussed by Schneckener 2004, Debiel / Klingebiel et al 2005, DFID 2005 and Debiel 2005.

on the conflict affected North-East. The legitimacy of the peace process is very much dependent on whether 'trust in politics' can be re-established among local stakeholders, elites and citizens. Re-building trust in politics calls for an comprehensive agenda for local governance reform, which creates more space for power-sharing and people's participation, improves the cooperation between local actors and contributes to capacity building of local institutions.

As Mayer (2002: 305) stresses, devolution of power does not require extensive constitutional amendments, but rather calls for immediate first steps of delegating more decision-making power over the national budget to the democratically elected institution at the local level. Good governance at the local level can only be realised, if local institutions, stakeholders and citizens supported by the central government are seriously taking over responsibility for development and conflict transformation processes and are developing their capacities through training and through learning by doing. It is clear that there is no blueprint for a successful reform process, and that state building and institution building has to be seen as a work in progress. However, making best use of the potentials of local governance reform will contribute significantly to social integration and conflict transformation in Sri Lanka.

Annex 1: Interview Partner

List of conducted interviews and focus group discussions:

No.	Region:	Date:	Type of interview:	Functions:
No. 1	Amb	15.03.02	Pilot visit key informant interview	<ul style="list-style-type: none"> - Post Master & Hatton Urban Council Member - Principal of Highlands College, Hatton
No. 2	Amb	16.03.02	Pilot visit group discussion with chairman, secretary and some PS-council members	<ul style="list-style-type: none"> - Chairman PS (Tamil business man) - Secretary PS
No. 3	Amb	16.03.02	Key informant interview at village visit in Morayennagama, (remote Sinhalese village)	<ul style="list-style-type: none"> - Village Monk
No. 4	Amb	16.03.02	Key informant interview at village visit in Morayennagama, (remote Sinhalese village)	<ul style="list-style-type: none"> - Vice Chairman of PS, who lives in this village
No. 5	Amb	16.03.02	Key informant interview at village visit in Morayennagama, (remote Sinhalese village)	<ul style="list-style-type: none"> - Two village youth (5 females, 2 males)
No. 6	Amb	16.03.02	Key informant interview at village visit in Morayennagama, (remote Sinhalese village)	<ul style="list-style-type: none"> - Two village man
No. 7	Amb	17.03.02	Key informant interview at village visit in Upcot Town, remote small estate town	<ul style="list-style-type: none"> - 5 town man and trade union members at trade union office (CWU - Ceylon Workers Union)
No. 8	Amb	17.03.02	Key informant interview at village visit in Suriakanda Estate	<ul style="list-style-type: none"> - 5 estate worker in front of their houses (line rooms)
No. 9	Amb	12.08.02	Interview with chairman mediation board Ambagamuwa	<ul style="list-style-type: none"> - Chairman Mediation Board
No. 10	Amb	12.08.02	Group interview with NGO-representatives from the region	<ul style="list-style-type: none"> - Member Christian Workers Fellowship - 2 Members Plantation Rural Education Development Organisation - Member Nawayugam Social Development Forum - 2 Members Women's Freedom and Knowledge Association
No. 11	Amb	12.08.02	Group interview with trade union representatives from the region	<ul style="list-style-type: none"> - Pradeshiya Sabha Member - Ceylon Workers Congress - Member of Central Provincial Council - General Secretary of Upcountry People's Front - District Representative National Workers' Congress
No. 12	Amb	13.08.02	Group interview with newly elected PS-council, Ambagamuwa PS.	<ul style="list-style-type: none"> - PS Chairman - Vice Chairman - 7 elected PS-members

Annex 1: Interview Partner

No.	Region:	Date:	Type of interview:	Functions:
			Ginigathhena and filling of information sheets on background of PS-council members	
No. 13	Amb	13.08.02	Interview with PS secretary and filling of information sheet on PS office details	- Secretary Ambagamuwa Pradeshiya Sabha, Ginigathhena)
No. 14	Amb	13.08.02	Observation of a monthly PS-council meeting in Ambagamuwa PS, Ginigathhena	
No. 15	Amb	13.08.02	Focus Group discussion at Ginigathhena	<ul style="list-style-type: none"> - Police Officer in Charge Crime Section Maskeliya - Police Officer in Charge Crime Section, Ginigathhena - Police Officer in Charge Crime Section, Hatton - Police Officer in Charge Women's Desk, Hatton - Justice of Peace, Chairman Mediation Board - Justice of Peace, Member Mediation Board - Attorney at Law - President Trader's Association, Ginigathhena - Secretary Traders' Association, Ginigathhena - Justice of Peace, Plantation Staff Congress
No. 16	Amb	14.08.02	Elite interview on definition of good governance	- Trade Union Activist
No. 17	Amb	14.08.02	Elite interview on definition of good governance	- Police Officer
No. 18	Amb	14.08.02	Elite interview on definition of good governance	- Social Worker
No. 19	Amb	14.08.02	Elite interviews on definition of good governance	- Co-ordinating Officer, NGO
No. 20	Amb	14.08.02	Elite interview on definition of good governance	- Trader
No. 21	Amb	14.08.02	Elite interview on definition of good governance	- Justice of Peace
No. 22	Amb	14.08.02	Elite interview on definition of good governance	- Member Traders' Association
No.22b	Amb	14.08.02	Elite interview on definition of good governance	- Lawyer
No. 23	Amb	14.08.02	Elite interview on definition of good governance	- Pensioner, Justice of Peace
No.23b	Amb	14.08.02	Elite interview on definition of good governance	- Social Worker
No. 24	Amb	14.08.02	Key informant interview with Superintendent Battelqala	- Superintendent Battelqala Estate

Annex 1: Interview Partner

No.	Region:	Date:	Type of interview:	Functions:
			Estate	
No. 25	Amb	14.08.02	Key informant interview with Divisional Secretary of Ginigathhena	- Divisional Secretary, Ginigathhena
No. 26	Mon	31.05.02	Key informant interview at village visit in Oil Palm, close to Moneragala Town	- Young Mother
No. 27	Mon	31.05.02	Key informant interview at village visit in Kumarawatte Estate, Paravilla division	- Female shop owner plus 4 women
No. 28	Mon	31.05.02	Key informant interview at village visit in Kumarawatte Estate, Paravilla division	- Young Muslim women, married to a Sinhalese Army Officer
No. 29	Mon	31.05.02	Key informant interview with Deputy Director of the IRDP Moneragala	- Deputy Director IRDP Moneragala
No. 30	Mon	31.05.02	Key informant interview with District Land Use Planning Officer	- District Land Use Officer, District Land Use Department Moneragala
No. 31	Mon	01.06.02	Key informant interview with Administrative Officer, District Planning Secretariat	- Administrative Officer, District Planning Secretariat Moneragala
No. 32	Mon	01.06.02	Key informant interview with Government Agent	- Government Agent Moneragala
No. 33	Mon	01.06.02	Key informant interview at village visit in Kahambana (remote Sinhalese village)	- Old poor farmer
No. 34	Mon	01.06.02	Key informant interview at village visit in Kahambana (remote Sinhalese village)	- Old farmer widow
No. 35	Mon	01.06.02	Key informant interview at village visit in Kahambana (remote Sinhalese village)	- President Farmer Organisation
No. 36	Mon	18.07.02	Group interview with PS council chairman and council members	- PS Chairman - 7 elected PS-members
No. 37	Mon	18.07.02	Key informant interview with Secretary PS	- Secretary, PS Moneragala
No. 38	Mon	19.07.02	Key informant interview with Research Coordinator of Norwegian Institute of Urban & Regional Research affiliated to MODEP & IRDP	- Research Coordinator IRDP Moneragala
No. 39	Mon	19.07.02	Key informant interview with NGO representatives (NGO-Forum 1)	- Chairperson Vahilihini Development Centre - Member Empower Women Union
No. 40	Mon	19.07.02	Key informant interview with trade union leaders	- Trade Union Leader of the Kumarawatte Rubber Estate - Trade Union Leader of the Pallewatte Sugar Co-operation - Trade Union Leader of National Estate

Annex 1: Interview Partner

No.	Region:	Date:	Type of interview:	Functions:
				Workers Union
No. 41	Mon	19.07.02	Focus group discussion at Moneragala Town	<ul style="list-style-type: none"> - Chairman, Mediation Board - Deputy Chairman Mediation Board - Police Officer in Charge of Crime - Police Officer in Charge of Women's Desk - Member Mediation Board, Justice of Peace - Secretary Rate Payers Association - Deputy Secretary Rate Payers Association - Lawyer
No. 42	Mon	20.07.02	Observing meeting of public hearing of the Mediation Board at the local school	
No. 43	Mon	20.07.02	Elite interview on definition of good governance	- Social Worker
No. 44	Mon	20.07.02	Elite interview on definition of good governance	- Lawyer
No. 45	Mon	20.07.02	Elite interview on definition of good governance	- School Principal
No. 46	Mon	20.07.02	Elite interview on definition of good governance	- Manager
No. 47	Mon	20.07.02	Elite interview on definition of good governance	- NGO-activist
No. 48	Mon	20.07.02	Elite interview on definition of good governance	- Police Inspector
No. 49	Mon	20.07.02	Elite interview on definition of good governance	- School Principal, Monaragala Royal College
No. 50	Mon	20.07.02	Elite interview on definition of good governance	- Retired Planning Officer
No. 51	Mon	20.07.02	Elite interview on definition of good governance	- Pensioner
No.51b	Mon	20.07.02	Elite interview on definition of good governance	- Teacher (TrainingCollege Vidya Peeta)
No. 52	Bat	28.06.02	Group interview with Provincial Council Local Government Commissioner and other officers, Provincial Council Trincomalee	<ul style="list-style-type: none"> - Provincial Council Local Government Commissioner - Earlier Provincial Council Local Government Commissioner - Administrative Officer - Director Industries Department
No. 53	Bat	28.06.02	Key informant interview with Secretary Governor North-Eastern Province	- Secretary Governor North-Eastern Province
No. 54	Bat	29.06.	Key informant interviews with UNP-candidate for Local Government elections in Trinco Urban Council	- UNP candidate, Local Government, Trinco Urban Council
No. 55	Bat	26.07.02	Groups interview with PS administrative staff,	- Administrative Officer, Local Government Assistant / Development

Annex 1: Interview Partner

No.	Region:	Date:	Type of interview:	Functions:
			Kaluthavalai PS – Kaluvanchikudiyruppu Division	Assistant, Clerical Staff Members, Secretary of the PS, Technical Officer
No. 56	Bat	26.07.02	Key informant interview with the Divisional Secretary Kaluvanchikudiyruppu	- DS Kalivanchikudy, Special Commissioner PS Kaluthavalai
No. 57	Bat	26.07.02	Group interview with Major / Special Commissioner plus two administrative officers, Municipal Council Batticaloa	- Major and Special Commissioner, Mr. Muthulingam (Administrative Officer) and one other higher administrative officer
No. 58	Bat	26.07.02	Group discussion with Urban Council administrative staff Kattankudy Urban Council	- Secretary UC - Administrative officer - Development Assistant - Clerical staff members - Technical Officer
No. 59	Bat	26.07.02	Key informant interview with Grama Niladari, Kaluthavalai, Monmunai East	- Grama Niladari, Kaluthavalai
No. 60	Bat	23.08.02	Focus Group Discussion 1 – at PS Kaluthavalai	- Head Clerk, Manmunai South East Eruvil Pattu, Kaluthavalai - Other PS-administrative staff members
No. 61	Bat	23.08.02	Focus Group Discussion 2 - Kattankudy Urban Council	- Head Clerk, Administration Kattankudy Urban Council - Former elected council members - Other administrative staff
No. 62	Bat	23.08.02	Elite interview on definition of good governance	- DS/ Special Commissioner
No. 63	Bat	23.08.02	Elite interview on definition of good governance	- Nurse
No. 64	Bat	23.08.02	Elite interview on definition of good governance	- Retired Principal
No. 65	Bat	23.08.02	Elite interview on definition of good governance	- Lecturer
No. 66	Bat	23.08.02	Elite interview on definition of good governance	- Former Chairman of Kattankudy P.S.
No. 67	Bat	23.08.02	Elite interview on definition of good governance	- Local Government Assistant
No. 68	Bat	23.08.02	Elite interview on definition of good governance	- Social Worker
No. 69	Bat	23.08.02	Elite interview on definition of good governance	- Retired Teacher
No. 70	Bat	23.08.02	Elite interview on definition of good governance	- Clerk
No. 71	Bat	24.08.02	Group interview with NGO-representatives	- Member Eastern Self Alliance Community Organization ESCO
No. 72	Colombo	16.08.02	Interview with Provincial Council Local Government Commissioners at SLILG (Monthly Progress Meeting)	- Provincial Council Local Government Commissioners from Uva and Central Province - Other regions
No. 73	Colombo	5.12.02	Interview with Secretary to the	- Secretary to the Minister Local

Annex 1: Interview Partner

No.	Region:	Date:	Type of interview:	Functions:
			Minister and Senior Assistant Secretary Ministry of Home Affairs, Provincial Council and Local Government	Government - Senior Assistant Secretary (L.G.)

Elite Interviews on good governance indicators:

Background Information on Interviews:

- Where conducted/ No. of conducted interviews: 29 interviews with selected local elites were conducted all together; 10 in Ambagamuwa, 10 in Moneragala and 9 in the two research locations in Batticaloa (Kattankudy UC, Kaluvanchikudiyiruppu PS)
- When: 14.08.02 in Ambagamuwa PS area, 20.07.02 in Moneragala PS area, 23.08.02 in the two research locations in Batticaloa (Kattankudy UC, Kaluvanchikudiyiruppu PS)
- Ethnicity of respondents: Ambagamuwa: 6 Tamils, 4 Sinhalese; Moneragala: 1 Tamil, 9 Sinhalese; Batticaloa: 8 tamils / 1 Muslim)
- Gender: Ambagamuwa: 2 Females, 8 Males; Moneragala: 3 Females, 7 Males, Batticaloa: 2 Females, 6 Males
- Findings: sees Annex 10-19

Location:

Date:

Name of interviewer:

Respondents Background:

Age:

Education:

Ethnicity:

Gender:

Profession:

We would like to talk to you some more about the issues and problems the country is facing, particularly with regard to governance at local level.

1. We hear a lot of talk about governance these days. Some people say, that there is bad governance. Different people mean different things by it. What comes to your mind when you think about a state of bad governance? In your eyes, what are characteristics for bad governance?

2. And what comes to your mind, when you think of good governance? What are characteristics for good governance?

3. How do you characterize the last local government regime with regard to governance?

- a) good governance
- b) bad governance
- c) moderate

why?.....

4. In your eyes, who is responsible for a decline of good governance?

5. We would now like to talk about the agencies that should contribute to good governance. For each of the following institutions, can you please tell me how important they are in your opinion for ensuring good governance on local level in Sri Lanka?

	Agencies	Extremely important	Very important	Somewhat important	Marginally important	Not at all important
5.1	Central government					
5.2	Provincial Council					
5.3	Local Government					
5.4	Bureaucracy/ Administration					
5.5	Judiciary					
5.6	Police					
5.7	Army					
5.8	Media					
5.9	Parliament and assemblies					
5.10	Political Parties					
5.12	NGOs&CBOs					
5.13	Trade Unions					
5.14	People					



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Local Governance and Conflict Management Research Project

Household Survey Interview Guideline/ Monaragala

Background Information on Interviews:

- *No. of conducted interviews:* 59 interviews with selected households
- *Where:* In Moneragala PS area, the household survey was conducted in four different locations, Moneragala town, Kumarawaththa (Paravilla estate), Kahambana, and Oil Palm (see Annex 9).
- *Criteria of selection:* In each of the four locations 15 interviews were conducted in two different clusters of the location following using a random sample.
- *Gender:* 53% Males, 48% Females
- *Ethnicity:* 73% Singhalese, 25% Tamils, 2% Moors / Muslims
- *When:* The household survey was conducted on 30th of May to 3rd of June 2002
- *Interviewer:* Mr. D.M.D. Dissanayake, Mr. M. Thirunavukarasu, Ms. D.J.D. Shiromi Abeyratne, Mr. W.K.T.N. Walpola, Mr. Sureshkumar and Mr. Meharaj under the supervision of Prof. Laksiri Fernando, Ms. Nandani Gunasekera, Ms. Ayoma Abeysuriya Sanderatne, and Christine Bigdon.
- *Findings:* sees chapter 4

The information provided by the respondents will be considered strictly confidential.

To be filled by the interviewer. Please tick the appropriate boxes and provide answers clearly on the space given.

1. General:

- 1.1. Local authority area:.....
- 1.2. Name of village:.....
- 1.3. Name of respondent:.....
- 1.4. Age:.....
- 1.5. Sex: I.5.1.Male I.5.2.Female
- 1.6. Occupation:.....
- 1.7. Education level attained

	Education Level	Tick
1	Year 1-6	
2	Year 7-11	
3	Year 12-13	
4	O/L passed	
5	A/L passed	
6	Degree of higher	
7	No schooling	

- 1.8. Ethnicity:.....

2. Problem Analysis:

2.1. What do you see as the 3 most important problems in your area, which need to be addressed?

1).....

2).....

3).....

2.2. Which social groups are mainly affected by these problems?

1).....

2).....

3).....

2.3. Consider the problem 1, problem 2, problem 3 you mentioned. Which institutions are responsible for solving these problems according to your opinion? Which officials should be responsible for solving these problems according to your opinion? To which person will you or people go to firstly in order to solve these problems?

Problem:	Institutions/ responsible for solving the problem:	Officials responsible for solving the problem?	Person you or people would first go to for solving the problem
1).....			
2).....			
3).....			

3. Governance System/Actors Analysis:

Please describe for what kind of needs / problems you contact the following institutions/officials?

Local Governance Actors:	Yes	No	If yes: Needs / problems:	If no: Why?
<u>a) Political actors</u> a.1) Pradeshiya Sabha member a.2) Provincial Council member a.3) MPs a.4) Party organisers a.5) Others (specify)			a.1) a.2) a.3) a.4) a.5)	a.1) a.2) a.3) a.4) a.5)
<u>b) Administrative officers</u> b.1) Grama Seveka b.2) Divisional Secretary b.3) Others (Specify)			b.1) b.2) b.3)	b.1) b.2) b.3)
<u>c) Local Elite</u> c.1) Clergy c.2) School principal c.3) Elite c.4) Others (Specify)			c.1) c.2) c.3) c.4)	c.1) c.2) c.3) c.4)
<u>d) Formally organised NGOs/Community Based Organisations</u> d.1) NGOs d.2) Death Donation Society d.3) SANASA d.4) SARVODAYA d.5) Rural Development Society d.6) Farmers Association d.7) Others (Specify)			d.1) d.2) d.3) d.4) d.5) d.6) d.7)	d.1) d.2) d.3) d.4) d.5) d.6) d.7)
<u>e) Trade Unions</u>			e.)	e.)
<u>f) Social networks</u> f.1) Kinship relations f.2) Friends/ acquaintances			f.1) f.2)	f.1) f.2)
<u>g) Law enforcement</u> g.1) Police g.2) Mediation Boards g.3) Courts			g.1) g.2) g.3)	g.1) g.2) g.3)

4. People's Participation:

4.1. Do you think that people have any influence on the decision-making process at local level?

4.1.1. Yes 4.1.2. No 4.1.3. To some extent

4.1.4. If not, why?

4.1.5. If yes, what are they?

.....

4.2 Are there social/ethnic groups in your area who are neglected?

4.2.1. Yes 4.2.2. No

4.2.3. If yes, who are they?

.....

4.3 Are there groups, who have more influence on the decision-making process at local level?

4.3.1. Yes 4.3.2. No 4.3.3. To some extent

4.3.4. If yes or to some extent, give examples.

.....

4.4. Do you think that the following groups have influence over the affairs of the Local Government Authority?

No	Group	1 Influential	2 Not influential	3 Moderately influential
1	Women			
2	Youth			
3	Plantation worker			
4	Trader			
5	Others (Specify)			

4.5. Have you had any opportunity over the last 1 year or so to express your views on any issue at a local public forum?

4.5.1. Yes

4.5.2. No

4.5.3. To some extent

4.5.4. If yes or to some extent, what was the forum?

.....
.....

4.6. Is there any way that you could draw the attention of the Pradeshiya Sabha to your problems?

4.6.1. Yes

4.6.2. No

4.6.3. To some extent

4.6.4. If yes or to some extent what are they?

.....
.....

4.7. If you are not satisfied with the services provided by your Pradeshiya Sabha, do you think there is any way to change the situation?

4.7.1. Yes

4.7.2. No

4.7.3. To some extent

4.7.4. If yes or to some extent, what?

.....
.....

5. Experiences with the Local Government:

5.1. Have you ever visited the Pradeshiya Sabha offices?

5.1.1. Yes

5.1.2. No

5.1.3. If yes, when?.....(year)

5.1.4. What for?.....

5.1.5. If no,

why?.....

5.2. Has the Pradeshiya Sabha undertaken any development activities or services in your locality in the last four years?

5.2.1. Yes

5.2.2. No

5.2.3. Do not know

5.2.4. If yes, what?

.....
.....
5.3. Do you know the Pradeshiya Sabha members in your area?

5.3.1. Yes 5.3.2. No

5.3.4. If yes, has he/she drawn the attention of the Pradeshiya Sabha to the problems/
issues in your area?

5.3.5. Yes 5.3.6. No 5.3.7. Do not know

5.3.8 If yes, what are the problems that he/she has drawn attention to?

.....
.....

5.4. Has he/she been able to solve any of these problems satisfactorily?

5.4.1. Yes 5.4.2. No 5.4.3. To some extent

5.4.4. If yes or to some extent, what problems?

.....

5.5. Did you vote at the Local Government elections?

5.5.1. Yes 5.5.2. No 5.5.3. No vote

5.5.4. If no, why?

.....
.....

6. Institutional Performance:

6.1. Are you satisfied with the performance of your Pradeshiya Sabha?

6.1.1. Yes 6.1.2. No 6.1.3. Can not say

6.1.4. If not, why?

.....

6.2. Are there institutions/organisations/influential individuals in the area, contributing to the
aggravation of problems, rather than resolving them?

6.2.1. Yes 6.2.2. No

6.2.3. If Yes, give examples.

.....
.....
.....

7. Interviewer's remarks and observations:

.....



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The Role of Pradeshiya Sabha

INTERVIEW WITH ELECTED P.S.-MEMBERS

Background Information on Interviews:

- *Where conducted/ No. of conducted interviews:* 6 interviews with selected PS council members from Moneragala PS area; 9 interviews with selected PS council members from Ambagamuwa PS council
- *Criteria of selection:* council members present at the respective meeting
- *When:* 18.07.02 at Moneragala PS council, 13.08.02 at Ambagamuwa PS council
- *Ethnicity of respondents:* Moneragala: 6 Sinhalese; Ambagamuwa: 6 Tamils / 3 Sinhalese
- *Gender: Moneragala:* 6 Males; Ambagamuwa: 3 Females, 6 Males
- *Findings:* see Chapter 4

1. The name of the Pradeshiya

Sabha:.....

2. Name and Address of the member:.....

2.1 Age:.....

2.2 Ethnicity:.....

2.3 Gender: Male:

Female:

2.4 Education Level:.....

2.5 Language/Communication skills of interviewer:

Tamil:

Sinhala:

English:

3. The Position in the P.S. (Including membership in the committees)

Responsibilities:

1.....

2.....

- 3.....
4. The number of years of service as a member:.....
5. Party:..... From:.....
6. Previous Party:.....
7. The name of the electorate (division) you represent:.....
8. Do you live in the same division?.....
9. How much money did you spend for propaganda during the last election?.....
10. a)How did you earn that money you spend?
.....
..
- b) Did your party refund you some of your expenses? If yes how much?
Yes: No: How much:.....
11. For what did you spend the money during the campaign? Please specify.
.....
.....
12. a) What is your recent occupation?
.....
- b) If recently no occupation, what was your previous occupation?.....
13. a) Do you have an office for you in your division?
- Yes No
- b) Is it in your own house?
- Yes No
14. How many individuals came to meet you within one week?
15. Who are the people that come to meet you?
- a) Party People b) Ordinary People

c) Opposition party people

16. Please give three important reasons for which people come to meet you:

1.
2.
3.

17. What is the allowance you receive for a month as a P.S.-member:

Amount:

18. Are you receiving an additional allowance, please specify what kind of allowance:

Amount:

19. a) Please name three conflict issues which exist in your area:

1.
2.
3.

b) Did you intervene to resolve them?

Yes:

No:

To some extent:

c) Please briefly explain how you intervened to resolve those conflict issues?

.....
.....

20. a) Please briefly explain your political life history by giving four important events?

1.
2.
3.
4.

b) Are there any of your relatives who are Provincial Council or Parliament Members or Local Authority

Provincial Council: Relationship:.....

Parliament: Relationship:.....

Local Authority: Relationship:.....
(.....)

21. What is the mode of transport you use generally to conduct your work?

- a) Private Vehicle:
- b) Public Bus Transport:
- c) Hired Van:
- d) Hired Three-Wheeler
- e) Motor bicycle
- f) Bicycle

22. How many Pradeshiya Sabha meetings have you attended out of the total P.S.-meetings in 2001:

Total:..... The number of attended:.....

23. Please name three of your objectives as a member of P.S.:

- 1.....
- 2.....
- 3.....

24. Please name three services performed by the P.S.:

- 1.....
- 2.....
- 3.....

25. Please name three principles that you value as a person or individual:

- 1.....
- 2.....

3.

26. Are you satisfied with the powers and responsibilities that are vested upon the P.S.:

Yes

No

27. a) Do you agree with the proportional representative election system for electing P.S.- members:

Yes

No

b) If not, would you prefer the earlier electoral - system?

Yes

No

28. Please name three proposals how to reform the P.S.:

1.

2.

3.

29. According to your opinion does the Provincial Council assist the P.S.?

Yes

No

To some extent:

30. According to your opinion, in what regard could the support of the P.C. to the P.S. be extended to strengthen the P.S.:

31. According to your opinion does the Divisional Secretary's Office assist the P.S. in their activities?

Yes:

No:

To some extent:

32. According to your opinion, how could the cooperation between the P.S. and D.S. be improved?

33. Is there a Member of Parliament in Your P.S. area?

Yes

No

If yes, is there a positive or rather negative impact for the P.S. if there is a MP in the area?

Positive:

Negative:

If positive impact, give examples:.....

If negative impacts, give examples:

34. Are there undue influences by the members of Parliament or members of P.C. with regard to activities of the P.S.? If yes, give examples:

Information of the Interviewer

1. Name of the interviewer:.....

2. Date on which data was collected:.....

3. Time spent:.....

(If there are any additional information or observations please add them to the questionnaires next to the question!)

Guideline for Interviews with NGOs-representatives

Background Information on Interviews:

- *Where conducted/ No. of conducted interviews:* 6 NGO-representatives from Ambagamuwa, 2 NGO-representatives from Moneragala, 2 NGO-representatives from Batticaloa
- *When:* 12.08.02 at Hatton, Ambagamuwa PS; 19.07.02 at Moneragala, 24.08.02 at Batticaloa
- *Criteria of selection:* reputational method for selection, invitation of recommended NGOs-representatives to a meeting
- *Findings:* see Chapter 4

1. What would you see as the most telling socio-political or economic problems of this area?
2. What are important institutions to address these problems?
3. What do you think about the co-operation among these important local institutions? Can you describe strength and / or weaknesses of this cooperation?
4. What is the focus of the work and services your organizations are providing to the people?
5. In how far are you cooperating with the P.S.? In how far are you cooperating with the divisional Secretaries?
6. What kind of disputes or conflicts are you coming across in your daily work?
7. What are typical conflict cases of this area?
8. If one distinguishes between resource conflicts, interest conflicts (political conflicts) and (identity) ethnic conflicts, with what type of conflict you have to deal most often?
9. Can you give examples for ethnic conflicts occurring in this area?
10. Can you give examples of political conflicts occurring in this area?
11. Can you give examples for resource conflicts occurring in this area?
12. Can you describe the procedure, how you or other institutions are getting to know about the prevailing problems or disputes/conflict in this area?
13. Can you describe the procedure, how you or other institutions are trying to address or resolve these problems and disputes?
14. What happens in cases, where no resolution of the dispute can be achieved?
15. According to your opinion, what institutions, groups or individuals are playing an important role to resolve problems and disputes on local level?
16. According to your opinion, are there institutions which are rather aggravating existing tensions than resolving them?
17. How do you see the role of the P.S. in addressing local level problems and disputes? What are the capacities of the P.S. and what are the weaknesses?
18. How do you see the role NGOs in addressing problems and disputes on local level? What are their capacities, what are their weaknesses?
19. Do you think that there are groups which face more problems than others and which are neglected from political decision-making power?
20. What are typical problems women are facing in this area? Which institutions are addressing these problems?
21. What are typical problems youth are facing in this area? Which institution are addressing these problems?
22. What are typical problems Tamil estate workers are facing in this area? Which institutions are addressing these problems? (Language problem, birth-certificate problem etc.)
23. Are women represented equally in the local level institutions?
24. What influence do institutions, organizations or organized groups have on the political decision-making? E.g. NGOs – how are you lobbying for your interests or the interests of your target groups?

25. What problems do you face in implementing your programmes, project or in any attempt to resolve local problems and conflict?
26. What procedures are in place for the cooperation between NGOs and the governmental official and local authorities?
27. According to your knowledge, are there any informal groups formed by the villagers themselves to address problems/problems? If yes, what are they?
28. Do you organize any people forum or group discussions? If yes, how often?

Questions for Focus Group Discussions

Background Information on focus group discussion:

- *Where / when conducted:* 13.08.02 at Ambagamuwa, 19.07.02 at Moneragala, 23.08.02 at Kattankudy UC and Kaluthavalai-Kaluvanchikudiyiruppu PS
- *No. of participants:* 10 at Ambagamuwa, 8 at Moneragala, 7 at Kattankudy, 6 at Kaluthavalai-Kaluvanchikudiyiruppu
- *Profile of participants:* see Annex 1
- *Criteria of selection:* reputational method for selection, invitation of recommended stakeholders / civil society representatives for the meeting
- *Findings:* see Chapter 4

1. What would you see as the most telling socio-political or economic problems of this area?
2. What are important institutions to address these problems?
3. What kind of disputes or conflicts are you coming across in your daily work?
4. What are typical conflict cases of this area?
5. If one distinguishes between resource conflicts, interest conflicts (political conflicts) and (identity) ethnic conflicts, with what type of conflict you have to deal most often?
6. Can you give examples for ethnic conflicts occurring in this area?
7. Can you give examples of political conflicts occurring in this area?
8. Can you give examples for resource conflicts occurring in this area?
9. Can you describe the procedure, how you or other institutions are trying to resolve the disputes?
10. What happens in cases, where no resolution of the dispute can be achieved?
11. According to your opinion, what institutions, groups or individuals are playing an important role to resolve disputes on local level?
12. According to your opinion, are there institutions which are rather aggravating existing tensions than resolving them?
13. How do you see the role of the P.S. in addressing local level problems and disputes? What are the capacities of the P.S. and what are the weaknesses?
14. How do you see the role NGOs in addressing problems and disputes on local level? What are their capacities, what are their weaknesses?
15. Do you think that there are groups which face more problems than others and which are neglected from political decision-making power?
16. What are typical problems women are facing in this area? Which institutions are addressing these problems?
17. What are typical problems youth are facing in this area? Which institution are addressing these problems?
18. What are typical problems Tamil estate workers are facing in this area? Which institutions are addressing these problems?
19. Are women represented equally in the local level institutions?
20. What influence do institutions have on the political decision-making? E.g. Rent payers association – how are you lobbying for your interests?
21. What are the duties of an Justice of Peace? In how far are you mediating in local level disputes and how are you trying to resolve them?
22. Are there any factors which are disturbing the work of institutions in trying to resolve problems and disputes on local level?
23. Are there any procedures, mechanisms in place that different institution are cooperating in local level problem and conflict solving?

**Question for the Interview with the Ministry of Provincial Council
and Local Government**

Background Information on interview:

- *Where / when conducted: 5.12.2002 at Ministry of Home Affairs, Provincial Council and Local Government*
- *No. and profile of interviewees: 2 (Secretary to the Minister of Local Government, Senior Assistant Secretary)*
- *Findings: see chapter 5*

1. We heard that a Cabinet Sub-Committee was established to study and submit recommendations on Policy Reforms appearing in the report of the Commission of Inquiry on local Government Reforms – 1999.

1.1 Can you summarise the recommendations for reforms formulated by this Sub-Committee

1.2 What are the recent activities with regard to implement some of the recommendations?

2. We heard that it was recommended to establish a separate unit in the Ministry of Provincial Council and Local Government for implementation, monitoring and to take up action of local government reform

2.1 Has this unit be established?

2.2 What are the major activities at the moment?

3.a) What is the vision of the Ministry with regard to the following key issues:

3.1 Local Government election system

3.2 Greater autonomy to the local government authorities

3.3 People's participation in local government affairs

3.4 Development role of the local government authorities

3.5 Human resources management of the local authorities

3.b. What are the activities you undertake to reach this vision?

4. What is your opinion with regard to the establishment of a quota system (reservation of seats) for the representation of specific ethnic minority groups (maybe as well as cast or gender)?

4.1 Do you think a quota system would be suitable to guarantee that all identity groups feel recognised?

5. How do you see the supervisory role of the Provincial Councils with regard to the Local government authorities? What aspects could be improved?

6. According to your opinion, is the interference of MPs in the affairs of local government positive or rather negative? Give reasons?

7. How could the financial resource base of the local authorities be improved?

8. How do you see the role of local government authorities with regard to conflict management on local level?

8.1 How can the L.A. contribute to is?

8.2 What are they actually already doing?

8.3 Where might L.A. contribute to aggravate tensions?

8.4 What could be improved?

9. How do you see the situation in the North-East? What are pre-conditions that the local government election can be held in the N.E.?

9.1 Would an interims administration in the N.E. contradict elections of the local government authorities?

10. How do you see the supervisory role of the Provincial Councils with regard to the local government authorities? What aspects could be improved?

Research Locations in Ambagamuwa PS area

Ginigathena Town: *Ginigathena is the town where the Pradeshiya Sabha office is situated. There are 1800 people living here. The majority are Sinhalese (81%), Tamils constitute 17% and Muslims 0,7% of the towns population. In Ginigathena most of people are businessmen / traders or work in the government sector. People of this town mentioned lack of drinking water, lack of streetlights and health services as most severe problems.*

Morahenagama Village *is 20 km away from the Ambagamuwa Pradeshiya Sabha. There are 1314 people living in this village - all are Sinhalese. The majority of the villagers are Government servants and farmers. People from this village mentioned lack of water facility and poor condition of roads as most severe problems. Furthermore the villages is quite remote and due to the bad road conditions difficult to access from Ginigathenna. The present Vice-Chairman of the Pradeshiya Sabha lives in this village. The people stated that he has done some work for this area and they hope he will win the next elections as well. Generally people complained about the election system, which makes it impossible that they get more Sinhalese representatives in the PS council. As Sinhalese are in a minority in Ambagamuwa, the villagers feel that they are neglected, marginalized and have less access to the government services.*

Upcot Town *earlier was an estate and has developed as a small town, where all the marketing and trade from the surrounding estates is taking place. About 85% of the people are Tamils and the rest are Sinhalese. Most of the people are doing business / trade, others work in the government sector or are farmers. Upcot is 48 km away from Ginigathena and the PS office. It is a very remote area, where the bus operates only twice a day to Hatton, which is the next bigger town. Regarding health services, there is only a small dispensary and the doctor comes twice a week to the town. The main problems are lack of drinking water, transport, and health services. Furthermore unemployment was mentioned as a big problem. There is one PS member living in the town, but people are not satisfied with his activities for this place. He started a water pipe project but stopped half of the work due to lack of fund.*

Upcot Estate – Sooriyakanda *is a very remote estate 50 km away from Ginigathena and the PS office. All residents are Tamil estate workers. Nearly 300-350 families are living in this estate. The most critical issue of this area is the missing infrastructure, such as electricity, water, roads health services and proper housing facilities. The housing facilities (line rooms) of the estate workers in this village are basic and extremely small like in most of the estates. The people are depending on the “thalaivar” the officer in charge for the workers, who is the direct link person to the estate management. The people of this estate have not much knowledge about the PS system and the activities and services which the PS should provide. But the trade unions have a strong presence in this estate and most of the workers are members in a union. Furthermore most people think that first of all the estate management should attend to their problems and needs.*

Research Locations in Moneragala PS area

Moneragala Town: This town is the main city of Moneragala district as well as main administrative, social and economical center. The administrative offices, PS office, main police station of the district, district court, main bus stand, schools and many NGO offices are located in Moneragala town. The absolute majority of the population are Singhalese; while the percentage of the other ethnic groups is similar to the districts quota: approx. 13% Tamils and 0,7% Muslims. As the Kumarawatte rubber estate is close to Moneragala town, there are settlements of estate line rooms within the towns boundaries. Most people in town are government employees, traders and workers. The majority of citizens live in small houses on a narrow strip of own land, with water and electricity. The poorest residential area in town is Pansal Watta, where laborers live in very poor conditioned cottages without water and electricity.

Kumarawatte Estate (Paravilla Division): This is a rubber estate situated in Moneragala PS division. Kumarawatte estate is divided in 9 divisions, the one selected by us is Paravilla. This location is 9 km away from Moneragala town closed to the Colombo–Moneragala main road. There are 113 families living in Paravilla. While the absolute majority are Tamil families (98%), there is one Muslim and one Sinhalese family and some few families, which are inter-ethnic mixed, such as Tamil-Sinhala and Sinhala-Muslim. Most of the people living in Paravilla are employed in the rubber estate as workers¹ and only some youngsters work in Moneragala town. The habitations of the worker families were built in the early 1900s, thus are in a very poor condition. Only some few separate houses, which have been built by the IRDP project are in a better condition.² If we talk about the problems of this location, lack of drinking water, poor condition of roads, poor conditions of houses and lack of drainage problems have been mentioned. A critical problem is drinking water, as the people of this estate are drinking the river water which is polluted by diesel due to sand digging. Another problem is that many children have no birth certificates. As a consequence some youths are not in a position to get their National Identity Card and other benefits like employment, education etc. It was difficult to analyze why there is a high number of children which is not registered after birth. As reasons people mentioned, that the registration officers is not speaking Tamil, that the estate management is not feeling responsible, but it is also obvious that people have not much awareness and knowledge of the necessary bureaucratic procedures and steps to be taken. Obviously the bureaucracy and estate management does not help enough to resolve this situation.³

An important feature is, that the Tamil population of this particular estate has been attacked ten times by Sinhalese mob between 1983-1992, which was the hot times of the ethno-political conflict in the North-East. In these attacks Tamils got killed. The attacks were always a response to attacks by the LTTE against Sinhalese army personnel or even against civilians in the Moneragala district, like e.g. the LTTE attack in Kahambana, one of our research locations. Those day the villagers seek protection by the local police office, but the police could not do much and there was no prosecution of the murders.

Kahambana: Kahambana village is an old settlement, which is 16 km away from the Moneragala Pradeshiya Sabha. As the road conditions are very poor this place is perceived as

¹ The estate workers are paid only Rupees 98 per work day. If they are given more than twenty days work per month they are paid Rupees 115 per day. But as the production of rubber has been reduced, there are hardly more than twenty working days per month.

² The poor housing conditions of the worker is a topic on the agenda of the people and the estate management. The latter has promised to support the building of new habitations by allocating 5 perch of land as well as a loan to each resident of the division, that worker families can build their own houses. There was already a set date where the land is going to be surveyed.

³ Interview No. 27, Kumarawatte, Female shop owner plus 4 women (31.05.02)

very remote and rather isolated in terms of services from and political access to Moneragala town. There are almost 200 families living in this village all of which are Sinhalese. This village has a long history, as villagers came and settled here in 1848 after the “uva wellassa” rebel, which was initiated by Sinhalese against the British Rulers. Most of the villagers are farmers and only few are government servants and small traders. The people are living in poor conditions, there is a lack of access to drinking and cultivation water, health facilities, as well as problems related to marketing of the agricultural products. The inner roads and main road is in a very poor condition, which affects the transportation of cultivation goods to the market in Moneragala. Earlier one villager has been members of the PS-council, but today there is no direct representative of the village in the PS. Kahambana has experienced one LTTE attack earlier in 1990. Because of this incident a police post was put up in the village.

Oil Palm: Oil palm is located at the Buththala Monaragala road, 3 km away from Monaragala town. This area is a new settlement which has been colonized after 1990. As people who settled here came from different areas of the country, there are less kinship relations. The village is 99% inhabited by Sinhalese families. Most of the people are working as daily labourers and live in poor up to relatively modest condition.⁴ A few persons are government servants or are working in the private sector. The people mentioned various problems like small income, lack of drinking water and water for cultivation during the dry season, lack of available land for home cultivation of vegetables, poor conditions of roads, Floods during raining season, unemployment and semi-employment, and sanitary problems, as most houses have no toilet facilities. Villagers in Oil Palm told us that there are some conflicts related to land boundaries.

⁴ The household survey was conducted in two clusters of this village. While the people of cluster A were very poor, cluster B was to some extent better off.

Research Locations in Batticaloa District

Kaluthavalai is an old settlement village, which is 27 km south from Batticaloa town. The total population of the place is 2691 people. All residents are Tamils Hindus. Particularly in this area there are cast based discriminations, like for example against the Parayars, which is the most neglected group. The LTTE, which was always fighting against cast discriminations has some influence in this respect and after their involvement, the cast problems seem to have been reduced. People in this village are mostly farmers, few people are doing fishing and some few are working in the government sector. The main problems of these villagers are lack of market facilities and poor conditions of inner roads. For marketing the farmers have to take their products to Kalmunai Public Market, where the prices for the products are fixed by the big sellers, leaving minimum profit with the poor farmers. Regarding the poor roads, which are sandy and not repaired, the problem is, that heavy vehicles cannot pass these roads. Thus the farmers have difficulties to purchase fertilizer for their cultivation and to market their products due to lack of transport facilities.

Mankadu, approx. 25 km in the south of Batticaloa, is an old settlement and almost homogenously populated by Tamils. Only two Singhalese families live in this village. The total population is 1926 persons and 485 families. Similarly to Kaluthavalai, people in this village are mostly farmers, few people are doing fishing and some are working in the government sector and the main problems mentioned are the lack of market facilities and poor conditions of inner roads. Again there is some discrimination based on cast, like the people who are doing Toddy Tapping. There are no employment opportunities for educated youth and there are huge land areas, which are not utilized.

The research area **Kattankudy – Division 5** is approx. 8 Km south of Batticaloa town. It is coming under the Kattankudy local authority, which was just recently promoted from a Pradeshiya Sabha to an Urban Council due to its high population density.⁵ This location is homogenous populated by Muslims, the total number of the population of this location is 3225. Due to the high population density one major problem is space. The streets are narrow and the houses close to each other, which creates many problems among residents, especially environmental problems. Other important problems are lack of drinking water, no proper drainage system and a huge amount of garbage. Another impact of the high population density are resource conflicts among the residents. Kattankudy is a typical Muslim town, where the occupation is business and trade almost exclusively done by the men while most of the married women are housewife. The women are more segregated in the house and thus were rather reluctant to participate in the interviews. The social network among the families seems to be very well established and family bounds are strong. The “Ulamas” – the Muslim religious leaders play an important role within the community, not only for social matters, like marriages, or other family ceremonies but also for family quarrel and political issues. It was stressed by the interviewees that the army and the LTTE have not much influence in this area.

Fareed Nagar is situated in the vicinity of Kattankudy town and it is coming under the Kattankudy Urban Council. It is a hundred percent Muslims populated area and the density of the population is also high. The total population of this village is 4096 persons. The main problems are local roads, which are sandy and gravelled, lack of streetlights, lack of drainage facilities and polluted drinking water. During the time of flood all roads are covered by water, which makes any transportation of goods difficult. Some of the poorest people in this area don't have proper housing facilities and live in temporary sheds.

⁵ According to the 2001 population data of the Kattankudy Urban Council secretariat there live a total number of 38368 persons within the councils boundaries.

Elite interviews – Good Governance Indicators (all regions combined)

Indicators for good governance by local elites in Sri Lanka (all three regions combined):

- **Efficiency:** planning development work that is suitable for relevant locations / economic and social development of the country / planning & monitoring & finance control / planned strategy to address problems / efficient administration / efficient management of service provision / all institutions should perform well / productive actions / supervision and monitoring / proper planning / better coordination among individuals free from party differences (13)
- **Responsiveness:** focus on development of poor rural areas / basic need provision to people / attention should be paid to the grievances of the people / politician should listen to people's needs and respond to it after they get elected / capability to maintain good life / development orientation of local institutions / build an environment that is suitable to fulfil people's expectations / good standard of living / fundamental needs of the people should be addressed / elected politicians should identify the correct needs of the people (12)
- **Professional Leadership:** state leaders, who are able to do concept building and implementation which is suitable for all / proper leadership / attractive leadership / trained administrative officers / capacity to utilise the resources fully / people living together with a national feeling / experienced and knowledgeable PS members / leadership who serves the people (public servants) / politicians should have a political vision / building trust and faith among people (11)
- **Equality:** treating all equal / impartiality / all people to be treated as one community without any kind of discrimination / all national resources should be distributed equal / equal opportunity for all ethnic groups (employments, land rights etc.) / regional development activities should plan according to population, land and life standards of the people to achieve development without differences / equal treatment to all citizens / equal treatment of all ethnic groups in Sri Lanka, justice (11)
- **Transparency and Accountability:** what is being said should be practised or implemented / administration free from corruption / no corruption / people should be aware of their rights / correctness in planning / correct management of resources / transparency / if politicians do not serve the people there should be ways to sack them / the elected representative should rule the government, first people should be made aware of a new law or proposal, before fining people who don't know about it / limit of spending for election campaign and propaganda (10)
- **Human rights protection:** Protection of human rights / leave room for the free thoughts of the people / a higher level of human rights protection / protection of everyone's human rights / situation should be free from political intimidation (7)
- **People's participation:** participation / good participation of NGOs and CBOs / openness / consultative system (5)
- **Rule of law:** ability to work independently within the legal frame / legality / law and order is to be kept in a order / all citizens should enjoy their rights (4)
- **Conflict transformation capacities:** state without ethnic conflict and party conflicts / peaceful life (3)

Elite Interviews – Good Governance Indicators – Regional Differences

Ambagamuwa PS area:

- **Professionalism / Leadership:** state leaders, who are able to do concept building and implementation which is suitable for all / proper leadership / attractive leadership / trained administrative officers, Capacity to utilise the resources fully, people living together with a national feeling (6)
- **Equality:** treating all equal, impartiality, all people to be treated as one community without any kind of discrimination, all national resources should be distributed equal / All resources to be distributed equally (5)
- **Efficiency:** Planning development work that is suitable for relevant locations, economic and social development of the country, Government should take over responsibility to change the situation, Planning & Monitoring, Finance control (4)
- **Rule of law:** Ability to work independently within the legal frame, legality, law and order is to be kept in a order (3)
- **Transparency and Accountability:** first people should be made aware of a new law or proposal, before fining people who don't know about it, limit of spending for election campaign and propaganda, what is being said should be practised or implemented (3)
- **Responsiveness:** Focus on development of poor rural areas, Basic need provision to people (2)
- **Human rights protection:** Protection of human rights, Leave room for the free thoughts of the people (2)
- **Conflict transformation capacities:** State without ethnic conflict and party conflicts (2)

Moneragala PS area:

- **Efficiency:** *Planned strategy to address problems, efficient administration, efficient management of service provision*, All institutions should perform well, productive actions, Supervision and monitoring, a good plan (7)
- **Responsiveness:** Attention should be paid to the grievances of the people, politician should listen to people's needs and respond to it after they get elected, capability to maintain good life, development orientation of local institutions, build an environment that is suitable to fulfil people's expectations, corrective management of public needs (6)

- **Professional leadership:** Leadership to serve people, experienced and knowledgeable PS members, leadership who serves the people (public servants), politicians should have a political vision, Building trust and faith among people (5)
- **Transparency:** administration free from corruption, no corruption, people should be aware of their rights, correctness in planning, correct management of resources (4)
- **Human rights protection:** A higher level of human rights protection, protection of everyone's human rights, situation should be free from political intimidation (3)
- **People's participation:** people's participation, Good participation of NGOs and CBOs (2)
- **Equality:** equal opportunity for all ethnic groups (employments, land rights etc.)
- **Rule of law:** Justice
- **Conflict transformation capacities:** better coordination among individuals free from party differences

Kaluvanchikkudy 6 Kattankudy local authority areas (Batticaloa):

- **Responsiveness:** good standard of living, fundamental needs of the people should be addressed, people's needs should be addressed, elected politicians should identify the correct needs of the people (4)
- **Equality:** regional development activities should plan according to population, land and life standards of the people to achieve development without differences, equal treatment to all citizens, equal treatment of all ethnic groups in Sri Lanka (4)
- **Participation:** openness, participation, consultative system (3)
- **Transparency and Accountability:** transparency, If politicians do not serve the people there should be ways to sack them, the elected representative should rule the government (3)
- **Conflict transformation capacities:** peaceful life
- **Rule of law:** all citizens should enjoy their rights
- **Human Rights protection:** no political intimidation to people, right of the people should be protected (2)
- **Efficiency:** Proper planning

Elite Interviews – “Bad Governance” Indicators (all regions)

Indicators for 'bad governance' by local elites in Sri Lanka (all three regions combined):

- **Inequality:** minorities, which are not treated equally, gross national product is to a considerable amount earned by Tamils but their grievances are not taken serious, no equality among ethnic groups – favouritism, in-balanced economic activities, in-equality among people, still Indian Tamils are not treated as Sri Lankan people, unequal opportunities (example: employment, promotions etc.), party discrimination (bias), no fair treatment from the authorities, injustice to people/public, discrimination in resource distribution (finance allocation), party based activities (bias), minority peoples opinion not considered for development & employment, unequal government, imbalanced economy distribution, favouritism to Sinhalese, affiliation to party supporters, competitive exams are a farce, administration is not multi-ethnic, Pradeshiya Sabha's authority not extended to work in the plantation area – blunder of democracy (21)
- **Bad / unprofessional leadership:** Elected politicians who are not suitable to rule the country, uneducated politicians, weakness of administrators, politicians don't think about the people of the country but only about their own needs and privileges, unqualified and poor knowledge people, inability to receive services of qualified officers, self-serving or selfish character of leaders, improper (bad) administration, council members engage in private activities and interests after elections, opportunistic behaviour of those who govern the country, politicians lack a vision, politicians only fight for their position – if they got the position, they forget the people, inability to solve core problems of the people (13)
- **Lack of responsiveness:** no authority to serve the need of the people, basic needs are not met (especially for Tamils), people's expectations are not fulfilled by the rulers; no proper wages for labourers, people are unsatisfied with the activities of the PS officials, political representatives are not appointed to specific voter's area, which is an obstacle to fulfil people's expectations, services that should be rendered by the PS are not delivered, politicians are detached from people after elections, lack of basic needs (e.g. teachers and health facilities) (9)
- **Inefficiency:** when something is agreed it is not implemented, if we can't change the social problem (poverty situation) we can't hope for good governance, no planning & financial control & weak administration & favouritism, no implementation of programmes, inefficiency, PS is a waste of funds (vehicles, salaries etc.), inefficiency of politics, Bad economy, centralization (9)
- **Human rights violations:** Neglecting of human rights of minorities, cultural and economical suppression of Tamils, no freedom to use our mother tongue (Tamil), people's rights are denied, people are being harassed, genocide, planned settlements against Tamils (8)
- **Lack of transparency & accountability:** politicians think politics is easiest way to earn money, wealth rather used for election purposes than for development (individual interests), corruption can be observed, Illegal activities, political actors are influencing the administrative framework, too much dependence of administration / involvement in party politics (7)
- **Lack of people's participation:** government taking decisions without knowledge of peoples opinion, lack of people's participation, Absence of thoughts of citizens, absence of awareness of people in politics or the state and absence of knowledge of what they can receive by the state (4)
- **Lack of trust:** No good feeling if we talk about politics, growth of public protest, closeness gives room for suspicion, inability to build trust among the three major ethnic communities in Sri Lanka (4)
- **Rule of law undermined:** Disturbances to the law (judiciary); police to operate within the legal frame, in-efficiency of law and order (2)
- **Lack of conflict transformation capacities:** Not finding appropriate solutions to the conflicts, which are specific to different ethnic groups in the country, growth of conflicts (2)
- **Lack of basic security:** Insecurity for women, life security problem (3)

Elite interviews – 'Bad Governance' Indicators - Regional Differences

Ambagamuwa PS area:

- ***Inequality:*** minorities, which are not treated equally, Gross national product is to a considerable amount earned by Tamils but their grievances are not taken serious, no equality among ethnic groups – favouritism, in-balanced economic activities, in-equality among people, still Indian Tamils are not treated as Sri Lankan people, Administrative system is not multi-ethnic, Pradeshiya Sabha's authority not extended to work in the plantation area – blunder of democracy (8)
- ***Bad / unprofessional leadership:*** Elected politicians who are not suitable to rule the country, uneducated politicians, weakness of administrators, politicians don't think about the people of the country but only about their own needs and privileges, unqualified and poor knowledge people (5)
- ***Inefficiency:*** when something is agreed it is not implemented, if we can't change the social problem (poverty situation) we can't hope for good governance, no planning & financial control & weak administration & favouritism, no implementation of programmes (4)
- ***Lack of responsiveness:*** no authority to serve the need of the people, basic needs are not met (especially for Tamils), people's expectations are not fulfilled by the rulers; No proper wages for labourers (4)
- ***Human rights violations:*** Neglecting of human rights of minorities, cultural and economical suppression of Tamils, no freedom to use our mother tongue (Tamil), people's rights are denied (4)
- ***Rule of law undermined:*** Disturbances to the law (judiciary); police to operate within the legal frame, in-efficiency of law and order (2)
- ***Lack of accountability:*** politicians think politics is easiest way to earn money, wealth rather used for election purposes than for development (individual interests) (2)
- ***Lack of people's participation:*** government taking decisions without knowledge of peoples opinion, lack of people's participation (2)
- ***Lack of conflict transformation capacities:*** Not finding appropriate solutions to the conflicts, which are specific to different ethnic groups in the country
- ***Clientelism:*** Political actors are influencing the administrative framework
- ***Lack of trust:*** No good feeling if we talk about politics
- ***Lack of basic security:*** Insecurity for women

Moneragala PS area:

- ***Bad / unprofessional leadership:*** Inability to receive services of qualified officers, Self-serving or selfish character of leaders, improper (bad) administration, council members engage in private activities and interests after elections, opportunistic behaviour of those who govern the country, politicians lack a vision (6)
- ***Inequality:*** unequal opportunities (example: employment, promotions etc.), Party discrimination (bias), no fair treatment from the authorities, injustice to people/public, (5)
- ***Lack of responsiveness:*** people are unsatisfied with the activities of the PS officials, political representatives are not appointed to specific voter's area, which is an obstacle to fulfil people's expectations, services that should be rendered by the PS are not delivered, politicians are detached from people after elections, lack of basic needs (e.g. teachers and health facilities) (5)
- ***Inefficiency:*** inefficiency, PS is a waste of funds (vehicles, salaries etc.), inefficiency of politics (3)

- **Lack of people's participation:** Absence of thoughts of citizens, absence of awareness of people in politics or the state and absence of knowledge of what they can receive by the state (2)
- **Lack of transparency & accountability:** corruption can be observed, Illegal activities (3)
- **Clientelism:** Too much dependence of administration / involvement in party politics
- **Lack of conflict transformation capacities:** growth of conflicts
- **Lack of basic security:** Life security problem
- **Lack of trust:** Growth of public protest
- **Human rights violations:** people are being harassed

Kaluvanchikkudy & Kattankudy local authority area, Batticaloa District:

- **Inequality:** discrimination in resource distribution (finance allocation), party based activities (bias), minority peoples opinion not considered for development & employment, unequal government / no equality, imbalanced economy distribution, favouritism to Sinhalese, affiliation to party supporters, competitive exams are a farce (8)
- **Human rights violations:** genocide, planned settlements against Tamils (3)
- **Bad / unprofessional leadership:** politicians only fight for their position – if they got the position, they forget the people, in-ability to solve core problems of the people (2)
- **Lack of trust:** closeness gives room for suspicion, inability to build trust among the three major ethnic communities in Sri Lanka (2)
- **Inefficiency:** Bad economy, centralised administrative units for development activities (2)
- **Clientelism:** Party favoured politics, party influence
- **Lack of basic security:** life security problem

Assessment of the last local government regime by local elites

Kaluvanchikkudy & Kattankudy local elites (Batticaloa District):

How do you characterise the last local government regime?	No. of Respondents:	Reasons:
Good governance	0	
Bad governance	4	<ul style="list-style-type: none"> - Violence by armed gangs: extortion on administrative accountants for re-allocation of funds by armed gangs - No proper elections, if elections are held they are full of corruptions (2) - Peoples needs are never addressed properly - We are not sure when and if next elections are held - Political victimization is there - Self-interest of politicians
Moderate governance	4	<ul style="list-style-type: none"> - Decentralized services are not brought up to the region - The elected representatives have no skills and knowledge to give leadership and to provide services
No comments	1	

Moneragala elites:

How do you characterise the last local government regime?	No. of Respondents:	Reasons:
Good governance	0	
Bad governance	7	<ul style="list-style-type: none"> - No relations with PS - PS members work according to higher politicians - Inefficiency, lack of awareness - Representatives don't know about representation - Instability of the candidates who came forward for elections - The use of thuggery, intimidation etc to achieve their objectives - Last PS-president was open for corruption - PS members did not pay attention to problems of the people - It is a problem of the political culture, not a personal problem - Intense political party competition - Preferential voting system – conflicts are associated with it - Corruptions of contractors - No effective involvement of people - Weakness of representatives - Lack of awareness of people on PS activities - There is no any development in the people's life standard - There is no any change in economic situation

Annex 15: Assessment of last local government regime by local elites (different regions)

		<ul style="list-style-type: none"> - Party conflict among PA and UNP and the bias were there - No proper plans and if there are plans they are never implemented in a proper manner - Arbitrary decisions were taken by the individuals - They never considered the people's point of view - Inefficiency, corrupted, fraudulent institutions
Moderate governance	3	<ul style="list-style-type: none"> - Politicians / Officials have no determination to do something beneficial for the people - Lack of attention towards the needs of people - Infrastructure development, electricity supply, road building have been done to a certain extent. Water supply scheme is only initiated, but not being supplied yet. Nothing significant took place - On the basis of the low income it was not possible to serve the people satisfactorily.
No comments	0	

Ambagamuwa elites:

How do you characterise the last local government regime?	No. of Respondents:	Reasons:
Good governance	1	<ul style="list-style-type: none"> - there was a better coordination between the people and the administration - the authorities were not corrupted
Bad governance	5	<ul style="list-style-type: none"> - No close relationship with people - Like the old Gramsabha system – there are no services provided to the Estate Workers - Vast area - MPs without good feeling on people - There was no proper management - Political influence of the majority parties - Lack of funds - Lack of funds and administration - Finance management was weak - Weak planning - Not recognising conflicts while planning - Not evaluating projects that have been implemented with PS funds - Nothing done (no working)

Annex 15: Assessment of last local government regime by local elites (different regions)

Moderate governance	4	<ul style="list-style-type: none">- party based political influence- Something was done but without a proper plan,- PS has build some houses and shops- What they are able to do they did, they have done something- The chairman was educated and trilingual. 25% was implemented of what was promised. PS was efficient. They did not have ethnic disparities in what they did or in their work
No comments	0	

Assessment of who is responsible for a decline of governance - local elite answers from all three regions?

Elites from the three regions ⁶ :	who is responsible for the decline of governance?	
Government (institutions & representatives)	<ul style="list-style-type: none"> the leaders (politicians and other higher officers, politicians who are influencing local institutions, Ministers (MPs) of the area) (22) unsuitable leaders (which lack a good education) (2) public officers, Government Agent (GA), Divisional Secretary and other officers, civil administration (6) central government, Prime Minister, The President, government institutions at the highest rank, government and legislation (6) local institutions and their leaders, Representatives of PS, elected bodies at PS level, the leader of the PS (6) all political parties (2) every institution with political bias Provincial Council 	46
Civil society (people & peoples organisations/representatives)	<ul style="list-style-type: none"> the people (apathy of people, lack of interest, people, who elect such leaders) (11) civil society, civil society leaders, civil society organizations (4) intellectuals (as they do not contribute to the development of their country) (2) leaders of religions the traders, who are funding the politicians for their personal benefits 	19
Others	<ul style="list-style-type: none"> the police the weak economy local and foreign forces who are to take advantage of the weaknesses in the country 	3
TOTAL:		68

⁶ The elites gave multiple answers, why the total number of votes (68) exceeds the number of interviewed elites (29).

**Assessment of who is responsible for a decline of governance - local elite answers
divided by region?**

Ambagamuwa elites:	who is responsible for the decline of governance?	
Government	<ul style="list-style-type: none"> - politicians - civil administration - government and legislation - the leaders (politicians and other higher officers) (10) - government institutions at the highest rank 	14 53%
Civil society	<ul style="list-style-type: none"> - civil society organizations - the people (who elect such leaders) (5) - Civil society - Intellectuals (as they do not contribute to the development of their country) (2) - Leaders of religions 	10 38%
Others	<ul style="list-style-type: none"> - the weak economy - local and foreign forces who are to take advantage of the weaknesses in the country 	2 7%
TOTAL:	-	26 100%

Batticaloa elites:	who is responsible for the decline of governance?	
Government	<ul style="list-style-type: none"> - Politicians and administrative executives (6) - Uneducated political leaders 	7 77%
Civil society	<ul style="list-style-type: none"> - Peoples representatives - The people (public) 	2 22%
TOTAL:	-	9 100%

Moneragala elites:	who is responsible for the decline of governance?	
Government	<ul style="list-style-type: none"> - all political parties (2) - every institution with political bias - politicians (of the area, politicians who are influencing local institutions, Ministers (MPs) of the area) (5) - Public officers, Government Agent (GA), Divisional Secretary and other officers (inefficiency) (5) - Central government, Prime Minister, The President (4) - Provincial council - Local institutions and their leaders (3) 	25 75%

Annex 17: Assessment of who is responsible for a decline of governance (different regions)

	<ul style="list-style-type: none"> - Representatives of PS, Elected bodies at PS level, the leader of the PS (3) - Unsuitable leaders (which lack a good education) 	
Civil society	<ul style="list-style-type: none"> - people (5) (apathy of people, lack of interest) - civil society leaders - the traders, who are funding the politicians for their personal benefits 	7 21%
Others	<ul style="list-style-type: none"> - police 	1 3%
TOTAL:	-	33

Agencies important for good governance at the local level - regional differences

Ambagamuwa:

Agencies:	Important	Somewhat important	Not important
Central government	10	1	
Parliament	9	1	
Provincial council	5	2	3
Local government	9	1	
Bureaucracy / Administration	9		
Judiciary	10		
Police	9	1	
Army	3	2	5
Media	9	1	
Political parties	9	1	
NGOs & CBOs	6	4	
Trade unions	6	3	1
People	10		
Others	0	0	0

Moneragala:

Agencies:	Important	Somewhat important	Not important
Central government	8	1	1
Parliament	9	0	1
Provincial council	8	1	1
Local government	10	0	0
Bureaucracy / Administration	10	0	0
Judiciary	8	2	0
Police	8	2	0
Army	1	1	8
Media	8	1	0
Political parties	6	1	3
NGOs & CBOs	7	3	0
Trade unions	4	4	2
People	10	0	0
Others	0	0	0

Batticaloa:

Agencies:	Important	Somewhat important	Not important
Central government	6	2	1
Parliament	4	4	1
Provincial council	6	1	2
Local government	6	2	1
Bureaucracy / Administration	4	2	3
Judiciary	6	3	0
Police	6	2	1
Army	3	0	6
Media	6	2	0
Political parties	4	5	0
NGOs & CBOs	4	4	1
Trade unions	5	1	3
People	9	0	0
Others	0	0	0

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