



PAFFREL

POLITICAL ANALYSIS FOR AUGUST 2023

Executive Summary

The economic hardships experienced by people were at the forefront of political debate in the period under review which was a continuation of a theme that has prevailed since the economic collapse that commenced last year. The hope of change for the better is not proving to be adequate to stem the flight abroad of the country's most capable and professional workers. The month of August also saw a concerted effort made by CSOs representing the interests of the Malaiyaha Tamil community to commemorate the 200th anniversary of their entry into Sri Lanka. The current economic crisis has most severely affected the people who continue to work on the plantations whose poverty level is in the region of 50 percent (double that of the national average). There were no major developments relating to elections, except for a statement by a government MP which was also carried on the presidential secretariat's webpage and in the national media that the government was contemplating a 25 percent youth quota for local government. There was considerable publicity also given to statements by the president regarding taking the reconciliation process forward but this was not reflected in any significant changes on the ground. However, the process of development of the devolution plan has not been open or transparent one. The president's proposal that the 13th Amendment can be implemented in full, but not the police powers, is not a position taken on by any political party or civil society organization. The president's proposals no longer promised immediate or short term achievements and instead had a focus on the medium to long term, such as through a substitute for a truth commission given the name of "National Unity and Reconciliation Commission". Reflecting the continuing deterioration in the country, a civil society collective under the banner of Stand for Democracy met in large numbers, exceeding 500, to warn

against the rapid shrinking of the democratic space within the country, with constitutionally guaranteed rights and freedoms, such as the freedom of expression, right to information, right to dissent, right to protest, freedom of association, and right to the franchise being some of the rights under threat.

Elections

Member of Parliament, Premnath C. Dolawatta, believed to be a confidante of the president, pledged to introduce a Bill to establish a mandatory 25% representation of youth within Local Government bodies. This significant proposal underscores the commitment to fostering generational inclusivity and engaging the perspectives of young citizens in governance processes. The youth quota was introduced in 1990 by an amendment to the Local Authorities Elections (Amendment) Act no. 25 of 1990, to provide 40 percent of youth candidates between 18 – 35 age, places in the nomination lists. The government decided to introduce a youth quota following a recommendation made by the 1990 Youth Commission which was set by late President Ranasinghe Premadasa. It was set up in the aftermath of the JVP insurrection to examine the underlying causes for the insurrection. The 40 percent quota was mandatory in 1991, 1997, 2002, 2006 and 2011. Act no. 22 of 2012 of the Local Government Act was then amended and reduced 40 percent to 25 percent. In June 2017, the draft of the act was presented to the parliament and it included 30 percent compulsory youth quota. But unfortunately, when the act was passed in Parliament on August 25, this section was removed. It was removed due to the negative ideas expressed by the members of the Parliament. They had pointed out that the nomination papers get rejected due to the compulsory quota. The introduction of women's quota of 25 percent, as stipulated by the relevant Local Government Act, in effect replaced the youth quota. MP Dolawatta's statement received wide publicity in the media and was carried by the President's Media Division, suggesting it has support at the highest political levels to reassure the people that the government is indeed committed to the democratic process and to elections even though it has postponed them at the present time.

Economy

A UN study released in August showed that the situation in the country, particularly with regard to the economy is stagnant. The standard of living of the vast majority of people continues to decline. According to a UNICEF study, 85 percent of grade 3 children in Sri Lanka are not achieving minimum proficiency in literacy and numeracy. UNICEF said also noting that the country ranks the lowest in South Asia in education spending at a mere 2 percent and well below the international benchmark of 4-6 percent of GDP.

The economic hardships experienced by people were at the forefront of political debate in the period under review which was a continuation of a theme that has prevailed since the economic collapse that commenced last year. The hope of change for the better is not proving to be adequate to stem the flight abroad of the country's most capable and professional workers. The loss of medical personnel, in particular specialist doctors, received much publicity in the media. Their depletion is making some medical services difficult for people to access. The loss of Information Technology (IT) specialists is restricting the expansion of this high income sector as companies cannot take on jobs that they obtain from the international market. Teachers of English, Mathematics, and Information Technology are among those who are migrating in large numbers with around 5,000 teachers leaving the country during the past nine months alone.

The flight abroad is not only in terms of individuals but also companies. Sri Lanka's apparel sector has now begun to lose its market share to competing nations with some key

companies relocating abroad. Apex industry body, Joint Apparel Association Forum (JAAF) said that the numbers show that the situation is not in favourable to the once highly resilient sector. For the January- July 2023 period, earnings from apparel exports totalled US\$ 2.68 billion, down 18.94 percent Year on Year.

The share of Sri Lanka's 100 trackable commitments in the International Monetary Fund (IMF) programme for which no data has been made available to assess progress increased from 9% in March to 15% in July. According to Verité Research the lack of information to make a reasonable assessment about these commitments, the think tank notes, highlights a growing lack of visibility on the government's progress on the IMF programme. Verité Research points out that the rise in the number of commitments, on which the achievement is "unknown", could mean one of two things. One, the government has failed to meet these commitments and is not making the information public to delay the recognition of failure. Two, the government does not see the public or parliament as important stakeholders in programme implementation – and is uninterested in providing them with critical information.

Justice

The month of August also saw a concerted effort made by CSOs representing the interests of the Malaiyaha Tamil community to commemorate the 200th anniversary of their entry into Sri Lanka. The current economic crisis has most severely affected the people who continue to work on the plantations. Their struggle for a paltry wage of Rs 1000 per day commenced in 2015 well before the Covid pandemic weakened the national economy. Today, the Rs 1000 wage is clearly impossible to live on regardless of the number from a family who work on the plantations. This is borne out by World Bank surveys that show the plantation sector to be the most badly affected one in the country with a poverty level reaching 50 percent of the population. In this desperate situation it is not surprising that few of them could take a leave of absence from their work to join the march and forego the Rs 1000 per day that requires working a minimum number of days. Many of those who symbolically represented the plantation community on the two weeks long trek came from national civil society organisations. The National Christian Council together with several civil society organisations supported the initiative which went under the name of Collective for Maanbumigu Malaiyaha Makkal.

The statement issued by the collective had this to say. "The current status of the Malaiyaha Tamil community, including over 500,000 living in plantations as residents, has been a result of a history of involuntary expatriation, imposed statelessness, uncertainty around citizenship and a lack of franchise. This has impacted on the community's socio-economic well being.

The most affected segment has been those living and working in the plantation estates. They have become the most marginalized group in the country, registering lower measures on almost all human development indices, compared to every other community in the country. This has seriously impaired their transition from workers tied to, and dependent on their plantation employers to full fledged citizens of Sri Lanka, with equal rights as others."

Devolution of power

In the month of August, the government gave considerable attention to the devolution of power and issues arising from it. President Ranil Wickremesinghe gave leadership to this area of governance by leading the discussion surrounding this process which was dormant for the past five years or more. The political reform process at the present time is a narrower process led by the president with less consultation with other political and civil society actors. This is especially with regard to the issue that has got most prominence in recent times—the 13th Amendment and devolution of powers. Shortly after he was elected president, the president gave indications that he would prioritise national reconciliation. The manner in which the president made promises regarding his prioritizing of reconciliation gives rise to the surmise that he was being politically strategic in the context he was in.

However, the process of development of the devolution plan has not been open or transparent one. The notion that the 13th Amendment can be implemented in full, but not the police powers, is not a position taken on by any political party or civil society organization. It seems to be the president's own thinking and that of his team members who remain in the background. Similarly, the truth seeking mechanism with its unique structure of an interim secretariat, is also not an outcome of inclusive or transparent discussions with other stakeholders, be they the political parties, victims' groups or human rights watchdog organisations. In these circumstances, the proposals put forward by the government will need to be considered as proposals only, and not as final agreements to be enacted into law. They will need to be discussed, negotiated and amended.

National Reconciliation

The president's latest proposals with regard to the reconciliation process are no longer promising immediate or short term achievements. Instead they explicitly focus on the medium to long term. This will give rise to the hope that the president will make good his plans after the next election. The detailed and comprehensive position paper on the 13th Amendment he read out in parliament recently went into the small print of the law. If those complexities are to be taken into account it would take at least a year or more to unravel them and to achieve an agreement with the Tamil parties.

This same reasoning is applicable to the proposed truth and reconciliation mechanism that the government has put forward in response to the pressures it is being subjected to by the international community and human rights organisations. The detailed legislation that the government has drafted on the National Unity and Reconciliation Commission (NURC) will be of little value if it is seen as legislation that is passed by the government acting unilaterally. The legislation to set up the NURC will be of value if it is legislation that is passed by the majority in parliament with the concurrence of the minority parties. The NURC will require the consent of the Tamil and Muslim parties that have the acceptance of their communities. At present there is no indication that the Tamil and Muslim parties have given their consent to either the draft legislation to set up the truth commission or to the interim secretariat that is expected to spend about a year before setting up the permanent mechanism.

Civil Society

The Civil Society Collective for Democracy/Stand for Democracy coalition mobilized over 500 activists and called on the political leadership to halt State repression and to safeguard the democratic rights of the people in order to ensure actual and equitable economic recovery. They discussed the deteriorating conditions in the country in which hardships of the people continue to grow along with governmental suppression of dissent. The statement that was issued highlighted the key concerns of CSOs at the present time. It noted that “The recent attempts to introduce extremely oppressive versions of laws such as the Anti-Terrorism Act, Broadcasting Commission Act and the NGO Act are examples of the Government’s attempt to threaten and control democratic space.”

The Collective also called upon the political establishment to take immediate steps to uphold and defend the foundational principles of democracy by:

- Ensuring that free and fair elections essential for inclusion are held on time, starting immediately with the Local Government and Provincial Council Elections.
- Uphold the fundamental rights of citizens, including freedom of expression and association and right to information.
- Protect civic space and create an enabling environment for civil society activism.
- Ensure citizen consultation and participation in steering economic recovery.
- Govern with transparency and accountability, ensuring full public scrutiny.
- Empower the independent commissions to fulfill their roles effectively.
- Take a genuine effort to implement essential anti-corruption reforms.
- Take action to prosecute past and present acts of corruption to end the climate of impunity.

The Collective also expressed concern over the rapid shrinking of the democratic space within the country, with constitutionally guaranteed rights and freedoms, such as the freedom of expression, right to information, right to dissent, right to protest, freedom of association, and right to the franchise being snatched away, often leaving citizens powerless. “This surge in silencing voices and the targeting and harassment of those who question the authorities, have created a chilling effect, leading to self-censorship. The rulers have been abusing the International Covenant on Civil and Political Rights Act and the contentious Prevention of Terrorism (Temporary Provisions) Act to target political opponents, civil society activists, and journalists, contrary to international commitments, including those made at the United Nations Human Rights Council. The recent attempts to introduce extremely oppressive versions of laws such as the Anti-Terrorism Act, the Broadcasting Commission Act, and the Non-Governmental Organisation Act are examples of the Government’s attempt to threaten and control the democratic space. Recent statements from the President, the Speaker of the Parliament, and even a few Parliamentarians attempt to undermine judicial independence.



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