

## Governance in Northern Province of Sri Lanka: Stresses and Strains

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CV Wigneswaran, Chief Minister of Northern Province of Sri Lanka has lamented in a recent public speech on January 10, organized by a Colombo-based think tank that Colombo is not appreciative of the essence of issues of governance in his province. The Chief Minister has opined that Sri Lanka Army (SLA) is hindering governance in the northern province and that post-war context demands a different approach to governance.<sup>1</sup> Wigneswaran has further highlighted that militarization is affecting resettlement of the internally displaced Tamils, the SLA has taken over private land and even agricultural activities and as a result ``locals have to purchase produce from their own land cultivated by Army``.<sup>2</sup> The Chief Minister has also spoken on his recurring difference with the provincial Governor, Maj Gen (retd) G.A.Chandrasiri inter-alia alleging inadequate administrative structure and staff with the province as well as his administrative staff being ``used to the Governor`s ways``<sup>3</sup> are posing hurdles. Wigneswaran has, however, admitted that there has been some progress in these matters after his recent interactions with President Rajapakse.

The essence of the problem which the Chief Minister has highlighted is that there is dualism in administration in the province and that the officials of the provincial administration are often facing contradictory or overlapping instructions from the provincial government and the Governor. Some may view this as an outcome of a structural problem of the 13th Amendment. This aspect seems to have got accentuated in the Northern province as against other provinces in Sri Lanka, because of the fundamental differences between the

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<sup>1</sup> The Hindu: New Delhi: January 12, 2014.

<sup>2</sup> Ibid

<sup>3</sup> Ibid

Rajapakse regime and the Tamil National Alliance (TNA) on the issue of devolution and rights of Tamils on the one hand and the Army and the TNA on the other, rendering the functioning of the northern provincial government difficult. This, according to the Chief Minister, is affecting the implementation of the policies. There are, however, reports that the present governor is not unpopular with the provincial bureaucracy including Mrs. R. Wijiyaludchumi, the chief secretary. On the contrary, there are media reports that the chief secretary has been receiving threats for not being cooperative with the TNA executive.

Wigneswaran has been having a political tussle with governor Chandrasiri even before September last year when elections brought the TNA to power and has frequently expressed his uneasiness towards the governor. The stand of Wigneswaran does not seem to arise on matters of principle because during the last presidential elections in Sri Lanka he had supported Sarath Fonseka, a retired general, against Rajapakse.<sup>4</sup> Despite the hangover of the past, the Chief Minister and his ruling political alliance seems basically intended to ensure a more effective control of the political executive over the provincial bureaucracy. The problems are systemic because of the very limited political and administrative devolution affected to the northern province by the Rajapakse government.

It is, therefore, essential to codify the executive instructions for administering the northern province under some statutory rules issued at the provincial level with concurrence of the central government. The proposed executive instructions may apply to all the provinces. Such a measure may even be supported by the UNP and some of the other non-Tamil political parties. This may seem an apparent anomaly with statutory rules to be operative in the province suggested to be issued with central government concurrence (which should be exercised through the governor). However, there may not exist any alternative because of some grey areas in the devolution process and the de-facto overlapping jurisdiction being exercised by the northern province's chief minister and the governor, as cited above. The statutory rules should not leave any scope for cognizance of directives or advice from the provincial governor to the provincial officials. Article 154 of Sri Lanka's Constitution read with the 13th Amendment does not seem to pose any impediment in this regard. The only point of interface should be at the provincial apex level, i.e., between the chief minister

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<sup>4</sup> [www.dgsjeyaraj.com](http://www.dgsjeyaraj.com): December 18, 2013.

and the governor. Unresolved or contentious issues thereafter may only be mediated at the level of the central government under a consensus. Without such an institutional arrangement, a virtual subversion of the limited devolution to the northern province would actually be taking place.

The issues at stake are significant from the standpoint of economic empowerment of the agrarian Tamil people, ensuring sustainable means of livelihood for them and overall development of their violence ravaged province, and most importantly the unity of the country. Not only the Tamil parties of Sri Lanka but some of the mainstream political parties of that country including the progressive elements like Sri Lanka Sama Samaja and Nava Sama Samaja Party have an important role to play towards ensuring that the limited devolution process in Sri Lanka.

A mature handling on the part of Wigneswaran will be necessary so that the constitutional structure is not eroded and a constant dialogue ensues between the provincial political executive and the Rajapakse administration. Attempts by the Wigneswaran government to pressurise the centre by invoking Article 154B to withdraw the governor is unlikely to yield desirable outcomes. In fact the focus should be on effective governance in the existing limited functional areas devolved.<sup>5</sup>

*Views expressed are of the author and do not necessarily reflect the views of the IDSA or of the Government of India.*

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<sup>5</sup> www.LankaNewspapers.com: December 22, 2013: Northern Province council all set to kick out Northern governor for `intentionally` not acting as per constitution.