Role of Local Governments in Building Democracy: A study of Akkaraipattu Municipal Council of Sri Lanka

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Abstract

This study focuses on the crisis of democracy in the Akkaraipattu Municipal council in Sri Lanka. The prime objective of this study is to give a brief account of the political and development role of Akkaraipattu Municipal Council since it was established. Meanwhile, it scrutinizes the decisionmaking process along with the achievements which have been gained through democracy in the area. The council, in turn, has become marginalized and insignificant in the public eye. The fundamental questions of this research are the following: under what conditions does a local body generate the capabilities that transform it into successful democratic governance; how are they generated; and what role can the municipality play in promoting democratic governance at the local level? Several approaches are employed to analyze and interpret social phenomena. This study is based on an interpretive approach. The data were collected from both primary and secondary sources. In addition to primary sources, qualitative interviews were conducted with all representatives of council and a particular number of voters. Secondary sources such as published and unpublished records, both from different levels of government and from NGOs, were also consulted. Finally this study provides appropriate recommendations to build democracy in the studied area.

Key words: Local government, democracy, local government, Sri Lanka, Politics

Local government and local Democracy: Conceptual Analysis

Local democracy and local government are popular terms and they are playing as the most important dimensions in the viability of any modern democracy. Most of the third world countries have attempted to incorporate these concepts into their political and development process in the early 1970s. They are supposed to be essential in order to ensure the participation of ordinary people in development activities and local democracy at the grass root level. According to Barnett (1996:301) “local government represents both a form of devolution of power and local democracy”. In the third world perspective, local government is also defined as the decentralization of governance and development, and is justified in terms of its contribution to development (Rondinelli and Cheema, 1983). Alexis Tocqueville, who wrote a major book about democracy, considered local government as the mainstay of local democracy. He also saw local democracy as a school of political education and a safety valve of democracy for the entire nation (De Tocqueville, {1835-1840}, 2000). An English political philosopher of the 19th century J.S Mill, also celebrated local democracy because it broad based opportunities for political participation and creating conditions for greater social inclusion (Mill, {1861}, 1991). Sri Lankan political scientists in the local government that, local government is generally seen as the site where 'more democracy' is available to 'common people' at the 'local level' (Kumar, 2006 and Uyangoda, 2012).

De Tocqueville and Mill were forerunners of the perspective that normative values of democracy are inherent in local government, and therefore local government reemerged with an emphasis on local government as being a site where political competition, and struggles and negotiations for popular control of local public affairs take place.

Central to any meaning of local democracy is the inclusion of different social group in the political structure and the active participation of citizens in governance. Here, governance is taken as an interface, a collaboration and partnership between political and civil society, both individually and collectively, in negotiating burning issues and taking decisions of public importance. Ordinary people will not have easy access to central power structures, and so they are highly unlikely to be involved in national policy making (David N. Gellner & Krishna Hachhethu, 2008). It is local government which is more likely than centralized structures to provide citizens with the opportunity to participate actively and directly in decisions that affect them closely.

Local Government must constitute the institutionalized form of local democracy. A fully democratic system for local government can be highly successful if such system is created by the community for the community. The ultimate goal should be open, responsible and effective local government, and the enhancement
of community-based citizen participation. Active public participation on particularly socio-economic matters at local level, as an integral part of mobilization politics, presupposes an effective socialization program by means of which the citizen is made aware of his/her powers and co-responsibility in local governance. The local citizen should be encouraged to claim co-ownership of local institutions and be prepared to be elected to represent the community's interests. Active public participation and involvement – whether at public meetings, in the public media or by means of public enquiries, thereby demonstrating an inquisitive and challenging mind - are all important elements of the dynamics of local participatory democracy. Such participation can constitute input by individuals or via civic-based organizations. One of the greatest challenges in Asian States remains how to ensure people at local level, particularly in the rural areas, participate in local politics.

A workable democracy at local level presupposes the institution of stable local representative systems, characterized by a productive working relationship among all local players. Usually, such process involves the development of authoritative capacity and structures, efficient in decision-making and administration, capable of finding answers to questions regarding the nature and standard of services required and the priorities in a given community, the viability and affordability of services demanded, and the financial means to satisfy them. This will involve effective working relations with higher levels of government, due particularly to resource scarcities in most local areas.

Local government institutions do not operate within an institutional vacuum. There are other institutions and other actors at local level and higher levels dealing with matters that affect local people, often far more than the local government institutions. It is important to note that the involvement of a range of competing institutions and actors in the management of local affairs tends to deduce the importance of the local government from the point of view of the local inhabitants (Siri Hettige, 2008).

Sri Lanka's Context of Local Government

The idea of local government has been considered from ancient Sri Lanka. In ancient times, the popular name for the local government system was Gam-Sabhas - the village councils. However, it is difficult to say whether the Gam-Sabhas system had self-governing functions throughout history. Looking into the history of local government in Sri Lanka it becomes clear that there had been a high degree of autonomy to 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 dispute, cultural activities, (Gooneratne & Jayasinghe, 2000).

During the colonial period (1505-1948) the old Gam Sabhas system seemed to have virtually vanished. A different system of local government was introduced by the British (1796-1948) during the later part of their administration. The first to create were the municipal councils of Colombo and Kandy in 1885. They were modeled on the British system of local government, nevertheless with restricted powers and functions. Thus local government institutions started by the British were products of colonial policy of the period and came under the control of the Provincial Administration, and were viewed by the people as organs of the British bureaucratic machines rather than institution indigenous to them, to which they were accustomed (Tressie Leitan, 1977).

A proper system of local government institution came under the Donoughmore constitution of 1931 with the introduction of the universal franchise. However, the local government system became fully systematized in 1936 with fourtier system with separate ordinances for Municipal Council (MC), Urban Council (UC), Town Council (TC) and Village Councils (VC). Two new types of councils-the Urban Councils and Town Councils became introduced in 1936, therefore, it can be considered as the beginning of a modern local government system in Sri Lanka with roots dating back to 1924 (first Village Council) and 1885 (first Municipal Council) (Kanesalingam, 1971).

At the top of the system, there were Municipal Councils constituted for cities and larger towns, while urban councils were created for other urbanized areas. There were similarities between the two types of the institutions. Similarly Village Councils meant to cater to the rural people, while small towns within those areas came under the administration of the Town Councils. The initial four layer system (1924-1987) was converted into a three layer system in 1987 as Pradeshiya Sabhas (Divisional Council), Urban Councils and Municipal Councils, the present existing model. In this conversion, the earlier village councils and town councils were amalgamated to create Divisional Councils and they could be considered the backbone of the local government system in the Island. Local government is enshrined in the 13th Amendment to the Constitution in 1987, which states that “Local authorities will have the powers vested in them under existing law, the Municipal Councils
Ordinance and the Urban Councils Ordinance” (13th Amendment to the Constitution of Sri Lanka, 1987). The main Acts relating to local government authorities are (1). Municipal Council Ordinance No. 61 of 1947 (as amended) and (2). Urban Council Ordinance No. 61 of 1939 (as amended) and (3). Pradeshiya Sabha Act No. 15 of 1987 (Marga, 2011).

**Organizational structure of local governments**

The administrative structure in the three categories of local bodies is similar. Municipal Councils (MC) are headed by Mayor, who is selected by the majority party or group in the election and appointed by the Commissioner of Elections. The Mayor who is chief executive of the council is supported by the Deputy Mayor and elected members of such bodies and Municipal Commissioner, a senior level public officer, who is head of administration and responsible for the day to day operation of the MC. The other bodies, Urban Council and Pradeshiya Sabhas are headed by chairman who is elected by the popular votes of the citizens of the particular body.

**Powers and duties of local bodies**

According to the existing laws and local government ordinances, MCs enjoy more power in compare to other local bodies. The duties of the three bodies of local government are broadly similar, particularly in relation to maintenance and lighting of roads and thoroughfares, public health and sanitation and public utility services. According to Municipal Council Act for instance, Municipalities are “charged with the regulation, control and administration of all matters relating to the public health, public utility services and public thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the people and the amenities of the Municipality” (Marga, 2011). However, within the low level of funding, local governments depend on central government transfers for upwards of 60% of their revenues. And, most of the transfers from central government to provincial and local governments are earmarked for salaries and benefits; and less than 10% of subnational governments’ expenditures go towards capital investment.

However, not surprisingly, the majority of researchers, consultants and experts on local government in Sri Lanka now consider that the Pradeshiya Sabhas and Urban Councils are lacking in basic management competency—indeed, some of the experts applied this same generalization to most of the Municipal Councils (Wanasinghe, 1999). The Commission of Enquiry on Local Government Reforms, established in 1999, suggested that there should be a new development vision for local government. Further, it recommended that the vision should address many matters, including representative system, gender balance in selecting council members etc. (See: Kanthi Hemamalee Wijetunge, n.d).

**Background of Akkaraipattu Municipal Council**

Akkaraipattu is the second Municipal Council of Ampara District in the Eastern Province of Sri Lanka. Ampara District is unique in having largest population of Muslim community in the country. Although there are Sinhalese and Tamils in the district, in Akkaraipattu, nearly 99 percentage people are Muslim and few Tamils also living in the area.

Source: Akkaraipattu Municipal Council, 2011

Akkaraipattu Municipal Council (hereafter, AMC) formed on 1st April 2011 by dividing the territories of Akkaraipattu Pradeshiya Shabha under the local government Act (Gazette of SL 1686/30). Before it become as a
Municipal Council, the areas of the present AMC were the part of Akkaraipattu Pradeshiya Shabha (APS) territory and constituted a population of nearly 39071 people as a whole. The newly formed AMC consists a population of 32338 (2011) and 23 sub divisions. Its total inhabitant area is 6.415 hectares in length. According to latest population, male and female of AMC are 15865, 16473 respectively (based on Akkaraipattu Divisional Secretariat report, 2011). Based on the population and other conditions, nine seats were allocated for the AMC. Compare to other local government in Sri Lanka, Akkaraipattu MC is situated in a very small area. Due to the lack of land allocation to the Muslim community by the government of Sri Lanka, most of the Muslim local government areas in the Amparai district have smaller than other communities particularly Sinhalese and people compelled to live within highly dense areas which have been causing number of issues.

The Campaign for Free and Fair Elections (CaFFE), an independent election monitoring organization, criticized the hasty creation of AMC, stating that Local Government Minister A. L. M. Athaullah had not followed proper procedures and CaFFE pointed out that a Rural Council (Predesiya Shaba) is usually promoted to Urban Council before being promoted to a Municipal Council whereas AMC had received a "double promotion" (Daily Mirror, 2011/01/08). It is to note that Minister Athaullah is a resident of Akkaraipattu and Cabinet Minister for Provincial Council and Local Government in the centre. He formed National Congress, a new political party, after expelled from Sri Lanka Muslim Congress which is a more influential party in the Muslim of Sri Lanka. Athaullah's support bases are Akkaraipattu and some part of suburb and adjourn areas of this district. He is one of the strong supporters of the ruling United People Freedom Alliance (UPFA) government and has an alliance with the UPFA. When the Akkaraipattu Pradeniya Sabha was upgraded to MC, it was criticized as “Athaullah is trying to gain political mileage from the elevation” (Daily Mirror, 2011/01/09). After created as MC, local government election was held in March 2011. The result was very clear, that the minister's party gained 8 seats out of nine and controlled the AMC without any difficulty.

Akkaraipattu Municipal Council and its role in building democracy

Akkaraipattu MC comes under the Eastern Provincial Council, which operates from the Provincial capital of Trincomalee. The Provincial Commissioner of Local Government based in Trincomalee oversees the local government institutions, including the channeling of funds, in the province. The Provincial Commissioner comes under the Commissioner of Local Government based in Colombo. It should, however be noted that the MC were established and continue to function, by allowing the Cabinet Minister in charge of the subject to exercise considerable power over these institutions. Moreover, even at the local level, Members of Parliament as well as various central government Cabinet Ministers and deputy ministers from the area tend to be more influential since they usually control more resources and have more political influence and statutory powers (Siri Hettige, 2008). It is also noteworthy that the whole electoral process at the level of the MC is very much guided by political parties and their leaders including the selection of candidates and the nomination of the chairpersons of the Councils following the elections. Elections are contested on political party lines and, therefore, national and regional political trends usually influence the outcome of the local polls.

The above pattern was clearly evident at the Akkaraipattu MC elections in 2011. The local people were aware of the above reality and their voting behavior was guided by it as the outcome of the poll clearly indicated. The local people readily recognize the dominant presence in the local arena of regional and national level political actors for some extents. The result is that they do not recognize an autonomous, local political domain, but rather recognize the role of Minister in addressing local issues. This is understandable because many local issues remain unresolved and the local residents are aware that the MC dose not has the resources or the organizational capacity to resolve the problems in those areas. Therefore, the local leaders of MC become agents of national politician and they are less accountable to local people and more loyal to their national level politician than their people, which lead public to take less interest in participating local government affairs. It is the people participation, is being identified as one of the key elements and essential in building democracy and development at local level. Without it, the support of other elements also will be questioned. This was evident in this research area too.

Another factor that has contributed to the marginalization of local government institutions in the public eye is the continuing dominance of central government institutions in the local context. Although various line Ministry officials operate relatively independently at local level, many development and service provision activities are organized and carried out with almost no involvement of the local government and its members. In this regard, the office of the Divisional Secretariat (DS) is significant. In addition, the area of authority of the DS
often overlaps with that of the LG as envisaged in the LG Act. In fact, a decision was made at the time to make the functions of the DS executive officers largely independent of each other. The DS office stands out as a local institution that impinges on the day-to-day lives of the people, more than the LG office. Yet, being the local administrative arm of the central government and other external agencies, the DS office often tends to be guided by pressures emanating from above rather than by bottom-up pressures coming from local communities. Thus, the DSs are the focal point of local level administration and the vehicle for the implementation of central and most of the provincial programs. It undermined the progressive of the local democracy created by the decentralization of power.

Information gathered from members of the Council, ex-member of the Predeshiya Shabas, government officers, business men, social service man, ordinary men and women regarding to democracy, development activities, decision making process of the Akkaraipattu Municipal Council, in which their responses are mixed, negative and reactive. Positive aspect of the Municipal Council in the people mind was that the line minister and the area minister are same and as well as from the same council area which paves the way for getting central government's resources and funds for the development of infrastructure and democratic activities without any hardship and also they can simply made any development project without challenging from the opposition due to same minister's party is dominating the Municipal Council. Another positive aspect of the Council is that most of elected members of the Council are young and enthusiastic for development activities and dedicated to people for actively carryout any task assign to the council as well as to them.

However, there are number of hindrances with regards to democracy building and development in the practice of this particular MC. One of the main aspects which undermined the condition of democracy in the Council, observed during this study, is the dominant role given to, and acquired by the institutions and agencies and area minister of the central government in the way in which local governance is organized. Such agencies of the executive branch of the central government have become dominant over the Municipal Council. When information gathered from the council members they said, the Mayor of the MC, a relatively very young and elder son of the area minister expressed a great deal of satisfaction with his and his council's success to deliver services to the public. His pleasures were based on the point that since he headed the council belonging to his father's party coalition with ruling central government, his council was able to receive more support from the government. He put his point modestly by saying that it was an advantage to the people in the area to elect a council with majority from ruling coalition partner. This highlights the problem of excessive politicization of local bodies along the lines of convergences and supports that exist at the national level. They quickly percolate into local politics and democratic practices placing local democratic governance on a non level playing field. In this context, ministerial intrusion and dominance in the affairs of the MC lead to apathy among the elected members. The dominance presence of government agencies and area minister in the council pushing the elected bodies a status to quite triviality.

Politically dependence

The dependence of the MC on politician and the central government for resources makes the council incompetence for collecting revenue for its own survival. The Mayor of the MC is relatively very young and elder son of the area minister. Using his personal and political contacts with central government, he succeeded in obtaining funds from the ministries of central government for the development of the MC. This also demonstrates how local government may run the risk of being politicized in a variety of ways that may not necessarily contribute to strengthening local democratic bodies. With successful resource mobilization by means of informal strategic alliances between the Mayor of MC and the minister of central government, the autonomy of the local government bodies is liable to be compromised. This kind of action undermines the autonomy of the MC. Another aspect of the marginalization of the MC, from public, is the influence and powers of the Members of Parliament (Minister) at the local level. The survey and some of the interviews with key informants reveal that the people often contact Minister directly to get some issues resolved than addressing it to the MC. The Minister usually has more powers and finances to support groups or projects at the local level.

Disinterest in local democracy

According to information gathered from the peoples that the MC is inefficient, inactive and lack in keenness to promote and poster democracy even within the Municipal council. The monthly meetings were not held regularly and the planning and accounts were not submitted on time. The tolerance and solidarity was in
absentee. In the MC bitter debate tended to bring quarrel to the level of personal attacks against members, which leads its members and peoples to disinterest in the council meeting. This does not only undermine the effectiveness of the local government system, but often also leads to tensions and political violence at the local level. This condition of mistrusting the local body is also observable in the AMC and it leads to level of inefficiency to manage such affairs effectively. When public were asked about how you feel about the cooperation they received from the MC, the responses of the public were sharp and reactive as, “after the election, they are not seen anywhere, and they do not serve the people but serve themselves” (Field survey, 2012). The point then is that the disinterest in local government institution is not a product of local body itself but traditional practice of local government of Sri Lanka. While disinterest has become a key base in the professional culture of local government, it is an outcome of structural faults of the system of governance which control the capacity of local body to be vibrant and modern.

**Accountability**

Local government institutions have accountability to their people. It means the answerability to citizens and the electors on whose mandate the local councils obtain popular authorization to govern. In interview with peoples, they complained that, their representatives ignore those who voted for opposing party as well as ordinary people’s demand in making the resources are redefine to priority order. Ordinary peoples say that the Municipal Council members are cannot to be seen after the election. They complained further, that the resources are directed toward their support bank areas as well as to their relatives and loyalties. This asymmetry of accountably is further heightened by the fact that MC do not have enough resources to enable elected representatives to provide satisfactory services to their peoples.

**Responsibilities**

Local government helps to extend the concept of accountability through pluralism which acts as a safeguard against abuse of power arising from overcentralization and also it has greater potential for enhanced responsiveness in service delivery by ensuring local services are provided locally. It is platitude to say that peoples expect their representatives to be responsive to their needs, and that they judge the quality of accountability in terms of responsiveness. Peoples have a deep skepticism about the honesty of their representatives. The description of corruption includes Mayor, and members of MC made money by offering contracts to contractors, relatives, loyalties and family members to complete public works such as road repairs, constructing public building and, even by collecting money from ordinary peoples in exchange for attending to their needs. In this regards, public normally have a rather stumpy assessment of their representatives of the MC.

**Representativeness**

The representation is one of the main tools for the democracy in the world. What is learned from the interview among the selected public within this particular municipal areas is that the feeling of non-representativeness become increasingly among public, basically among women in the local government and other bodies. It is merely reflects the male dominance in the recently elected AMC body. Past history of the local body also declares that there is neither elected nor nominated women representation in the council. However, in a discussion with women group, only very few have expressed their readiness to contest to an election in order to become a representative in the MC. When political activities become intense in the context of election, women are also very active. Their participation for voting is very high. The field survey conducted among women clearly shows that they all voted in every election; however, no one had expressed their intention of contesting election for representation in the local government body. There are several factors influenced as impediments for the non-contesting and non representation of women in the council, namely; religion, social conditions, family structure and social structures. Political parties are extremely reluctant to give nomination to women candidates. Male dominated political parties do not seem to consider women as 'human candidate' even at the local election. The information gathered from women for this research shows the negative attitude of women towards contesting in the election and many of them expressed deep heated words as, “we cannot fights, we cannot engage in violence, we cannot preserve ourselves from opponents - these can face by gents only”. The exclusion of these women from representation, because of social conditions and gender differences is arise question of democracy not only in the research area but also in Sri Lanka as a whole.
Accessibility

People accessibly to their local government are compulsory for their day to day life. It becomes sensitive under disadvantaged social structural circumstances. Even though the AMC is located very tiny area and easily accessible to people for their daily needs, the absence of policies, procedures and mechanisms to enable citizens to attend to their needs arising out of social-structural conditions of poverty, discrimination makes the AMC less accessible to poor peoples of the area.

Participation of peoples

People's participation in the local government can give better opportunities to improve the democracy in local bodies. But in Sri Lanka, local governments do not have efficient instrument and practice to participation of peoples in the local government. Non aware of local government act to members of the council and the peoples barred effective participation in the local bodies. The information gathered from interview reveal that the business man, loyalties of council members, contractors are the regular men attending the council meeting and also the AMC following a very austere system in which people must get permission at least one week prior to the meeting. If peoples like to participate to the meeting, MC forcefully prohibiting the people by using police forces. In spite of that, Council members, in this regards says that the peoples do not take interest to participate the meeting due to their personal works and busy in their life. The study in the region reveals that the people's participation within local government decision-making is so far not very much developed, but rather limited to voting during the elections. MC's are not yet open for public participation and people have no idea of their rights and duties to participate in local governance, besides voting at the elections, local authorities do not announce their monthly meetings to the public and the people do not know about their rights.

As examined during the field survey, people's participation in local development planning and budgeting is not in practice in the AMC. The council members say that the council invites proposals from community groups with whom the council has regular contact. But the area peoples say that they are not aware of fact that the AMC practicing such kind of participatory budgeting.

Dominance of the central government agencies

It is observed during the study that the central government agencies are playing a lion share role in the development as well as other activities in the AMC. The Divisional Secretariat, ministries, departments and other central government agencies have become dominant over the activities of AMC. This has created disparities between elected institutions of local governance and bureaucratic institutions of local administration, at the expense of local democratic process of governance.

Conclusion and recommendations

The institution of local governance is essentially meant for enriching the practice of local democracy. It does so in many ways, such as, expands the scope of social and political participation, make the system more accountable, responsive and transparent, ensures efficient delivery of goods and services to the local people, enables people to articulate their felt needs and demand, offers a forum to people, and functions as a nursery for upcoming leadership (Dreze and Sen 2002; Girish Kumar 2006).

Democracy has not thrived at the grass root level. The local government, rather than projection democratic ideals in the rural setting, has been an instrument of oppression and wealth accumulation in the hand of the unscrupulous politician. Mayor's covert dealing with the cabinet minister undermined the autonomy of the Council and paves the way for erosion of democracy at the local level. Also public accountability, the consent of governed, widespread participation and consultation, as principles of democracy are conspicuously absent in the MC. This is still connected with the stunned growth of democracy in Sri Lanka as whole. The Local Government in Sri Lanka has not been recognized as a level of governance what we have is only a network of local authorities. Local Government is treated as a 'step mother' by successive government in the history of Sri Lanka. If the quest for local democracy has to be kept alive, its base has to be expended. This will require a host of other complementary actions and interventions. By merely ensuring the survival of the structure changes through commission reports and recommendation, this objective cannot be achieved. Therefore, it is necessary to initiate an agenda for state reform from below aiming at reinventing local democracy in some aspects, especially making local government bodies as an initial step to democracy and development. The recommendations suggested below,
based on the finding of the study can be viewed as the basis for rebuilding and boosting of Sri Lanka’s local government, particularly for Akkaraipattu Municipal Council.

- Sri Lankan Government should take immediate steps to implement recommendation made by commission in 1999.
- Initiate reforms in the existing laws to broaden the revenue base of local authorities.
- To ensure the autonomy of MC, it should be independence from central and provincial government to make local bodies an active and dynamic level of governance.
- Introduce a new system to effective participation of peoples and other stakeholders in local bodies to ensure local democracy.
- Assure women representations in the local bodies by means of quota system to ensure democratic inclusion that can pave the way for ordinary people at the local bodies.
- Conducting awareness programs on local government system and its importance for peoples to engage in planning, budgeting, implementation, accountability to ensure local democracy.
- The local government itself should provide special mechanisms for active and maximum participation of local peoples in MC affairs.
- People should be allowed to participate in the initiation and implementation of the project in the MC.
- Corruption must be deterred and punished in the local bodies system to enhance efficient and effective service delivery at grass root level.

Bibliography


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