

CIVIC RESPONSIBILITIES IN GOVERNANCE

By

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My first words must of course be words of sincere thanks to Transparency International Sri Lanka for inviting me on this important annual occasion of the National Integrity Awards held, most appropriately, today on United Nations Anti Corruption Day.

I am happy to join in the tributes paid to the late Justice Mark Fernando as a special award is given commemorating a lifetime of integrity. I also applaud the work of Mr. J.C.Weliamuna for the splendid work he has done.

Dr. Peter Eigen embarked on a great journey when he founded Transparency International (TI) in Berlin in 1993. It has helped immeasurably to empower civil society in many countries including Sri Lanka where the courage and dedication of TI Sri Lanka has been outstanding. The recent publication of the “Governance Report 2010” and the “National Integrity Assessment – Sri Lanka 2010” by TI Sri Lanka must be commended for reading by our public. It is an example of the positive action an INGO/NGO can take despite the shrinking space available to civil society. I was struck by the fact that the latter publication even assessed the civil society organizations at a grade (31) on par with the other 12 pillars evaluated overall but lower than the Executive (36), the Auditor-General (35) and the Election Commission (33). Clearly, levels of integrity in our country

must improve in all pillars and civil society organizations are no exception. Transparency must not only be practiced by the Government.

The United Nation's Convention against Corruption and the UN's Global Compact with the private sector has also focused attention on the need for transparency and accountability. In 2004, research carried out by the World Bank Institute estimated that the annual cost of bribes globally is one trillion US dollars. That is how much is being robbed from the people of the world. We have heard of the more egregious examples of bribery and corruption in the citadels of corporate capitalism but the problem exists all over the world including in our own country Sri Lanka.

Sri Lanka was ranked 86th out of 183 countries assessed in the 2011 Transparency International corruption perceptions index with a score of 3.3. The 2011 Corruption Perceptions Index (CPI) shows that nearly two-thirds of the 183 countries in the index score below five, on a scale from 10 (highly clean) to 0 (highly corrupt). These results indicate a widespread corruption problem. New Zealand is at the top of the list followed closely by Finland and Denmark. At the bottom of the list is Somalia and North Korea. Most significantly Bhutan fares better than Sri Lanka in South Asia.

But fulfilling civic responsibilities in governance is not limited to combating corruption and whistle blowing over malpractice. It can take a broader and more decisive role by civil society in preventing the abuse of governance. The year 2011 has witnessed dramatic change in the world that cannot leave Sri Lanka untouched. There is widespread

evidence – from the Arab Spring to Anna Hazare in India and the Occupy Wall Street movement in the USA and elsewhere - that the civic responsibilities of the people are now being exercised more and more aggressively in a world skewed towards the rich and the powerful. Will this spread and will it endure? We have had revolutions in the past where the people have risen against their rulers only to have a new ruling class repeat the mistakes of the past. As George Santayana has said, “Those who cannot remember the past are condemned to repeat it.”

In 1848 for example, a wave of revolutions swept over 50 countries in Europe and Latin America as some threw off the yoke of the Habsburgs and asserted their nationalism achieving, inter alia, the unification of Italy and Germany while others rebelled against traditional authority buttressed by feudal structures and organized religion. Even in Sri Lanka under British colonialism a spark of revolt was seen in the 1848 rebellion, which spread from Kandy to Colombo in what our most eminent historian Professor Kingsley de Silva identified as “for the first time a deliberate attempt to introduce to Sri Lanka society the current ideas of European radicalism”. With the passage of several decades democracy emerged and decolonization liberated many countries in Asia and Africa. The youth of Europe over two decades after World War II showed the way with demonstrations in many countries in 1968 while in the USA the anti Vietnam War protest reached its peak. All of this had their policy repercussions but yesterday’s revolutionaries were eventually incorporated into the governance structures of today.

Then there was of course, more recently, the dramatic end of the Cold War with so many East European countries breaking free from the Soviet bloc and emerging as democracies in 1989.

Will the manifestations of popular dissent in 2011 be any different? We need first of all to differentiate between the exercise of civic responsibilities within democracies and within dictatorships. The social contract embodied in Constitutions of democracies guarantees rights to the people. It also imposes duties on them to abide by the Constitution and the rule of law. Should there be an arbitrary abuse of democratic rights then the people are justified in looking for new avenues to express their views. The free exercise of the franchise in democracies is not intended to be the only participation of the people in governance. A vigilant civil society must remain engaged in the process of governance using all opportunities in the body politic to keep the elected government honest and faithful in implementing the policies that won it electoral support. This exercise of civic responsibilities is independent of what the opposition parties may or may not do – and especially at times when the institutions of democracy are dysfunctional.

In Tunisia and Egypt a popular based revolt against the autocratic regimes of those countries arose spontaneously sparked by Mohammed Bouazizi's act of self-immolation in Sidi Bouzid and the predominantly youthful demonstrators in Tahrir Square in Cairo bonding together through their modern social media networking. In India, Anna Hazare's movement is a grass-root reaction to the widespread corruption in that country over the

unbridled expenditure on the 2010 Commonwealth Games, the 2 G scandal and other heinous acts of misappropriation of public money. In a country where civil disobedience has had a long history crowds flocked to listen to Hazare and express solidarity with him as he conducted a fast to demand the passage of a Lokpal Bill. While Hazare has now broadened his demands to include electoral reform, the enactment of an effective and undiluted Lokpal Bill remains his primary focus.

With the Arab Spring the world awaits its unfolding as a genuine prelude to the welcome advent of democracy. Tunisia has held elections successfully and the drawing up of a Constitution is now expected. In Egypt the situation remains unclear as the Army remains in power while the drafting of a Constitution and elections for a new President are expected. The popular movement in both those countries can be justified as a demand for democracy by civil society exercising their responsibilities. In Libya a popular revolt has been supported by the Arab League and the Security Council and regime change has been achieved albeit in controversial circumstances - especially with the brutal execution of Gaddafi. In Syria a popular movement is also being supported by the Arab League and the Western powers but unqualified UN Security Council action is still not agreed upon. Similar movements in Bahrain and Yemen have not had the same success because of the absence of unified international support.

In India, being a democracy, the picture is not so clear-cut. Anna Hazare's demand to actually draft legislation in the street challenges the function of the elected legislators in Parliament. His right, along with his supporters, to act as a pressure group influencing

legislation cannot be contested. But to hold the Government to ransom through fasts and demonstrations that could disrupt law and order and paralyze Parliamentary business are actions that can and have been questioned. How far can civil society proceed in demanding its rights without crossing the line into anarchy? When the late Indira Gandhi declared an unpopular Emergency there were protests but it was only later that Jayaprakash Narayan was able to achieve his “total revolution” unseating the Congress Party from power through democratic elections. The seeds of public protest took time to germinate and manifest itself in the form of an electoral result.

Thus in functioning democracies while civil society uses constitutional and democratic avenues to exercise its responsibilities, the use of street power as blackmail can be dangerously close to anarchy. The “Occupy Wall Street” movement in Zucotti Park in New York – which I visited when I was in New York in October and which has spread across the US to many cities and to Europe as well – is obviously riding on a wave of popular dissatisfaction over the corruption in Wall Street especially with investment banks. There is the angry perception that 1% of the people have got unconscionably rich on the backs of the 99% who have had to undergo unemployment, foreclosure of their mortgaged houses and other economic privations because of the greed of Wall Street. The political agenda of the protesters is as yet as diverse as it is inchoate. It is also not clear how long the protests will continue before they adopt a political objective. The coincidence of economic crisis with the political bankruptcy of European democracies like Greece and Italy in coping with it has caused a deeper malaise in the Euro zone and

in Western capitalism. How that will evolve in Western democracies has to be seen as the alienation of citizens from their governments increases.

Asia is by no means insulated from this economic crisis and its impact on governance.

The latest Asian Development Bank publication “Asia 2050” states, and I quote, –

“Asia is in the middle of a historic transformation. If it continues to follow its recent trajectory, by 2050 its per capita income could rise six fold in purchasing power parity (PPP) terms to reach Europe’s levels today. It would make some 3 billion additional Asians affluent by current standards. By nearly doubling its share of global gross domestic product (GDP) to 52 percent by 2050, Asia would regain the dominant economic position it held some 300 years ago, before the Industrial revolution”. So far so good. And then comes the warning. I quote again, “To achieve this promising outcome Asia’s leaders will have to manage multiple risks and challenges, particularly:

- ❖ Increasing inequality within countries, which could undermine social cohesion and stability.
- ❖ For some countries, the risk of getting caught in the “Middle Income Trap” for a host of domestic economic, social, and political reasons.
- ❖ Intense competition for finite natural resources, as newly affluent Asians aspire to higher standards of living.
- ❖ Rising income disparities across countries, which could destabilize the region.
- ❖ Global warming and climate change, which could threaten agricultural production, coastal populations, and numerous major urban areas.

- ❖ Poor governance and weak institutional capacity, faced by almost all countries.

These challenges are not mutually exclusive. They can affect one another and exacerbate existing tensions and conflicts, or even create new pressures that could threaten Asia's growth, stability, and security.”

Prosperity for Asia including Sri Lanka is, therefore, not assured although we know the centre of global political and economic power is moving inexorably towards Asia. We also know that the achievement of a military victory over the ruthless terrorism of the LTTE will not result in political stability and miraculous economic development unless we consolidate our victory through political solutions, genuine reconciliation, an investment friendly environment and state reform. The institutions of democracy such as an independent judiciary; a free press; the rule of law; a Right to Information Act; the unfettered practice of human rights and freedoms need to be revitalized. Legislation drafted in secret, rushed through the Supreme Court as being in the national interest and rammed through Parliament with a steamroller majority is not good governance. The seeds of discontent sowed now will eventually germinate as political protest.

Earlier this year I addressed an audience in Colombo on ‘Energizing Civil Society’. I would like to quote from what I said then even though the space we have for democratic action has shrunk further since then –

“The concept of the ruler governing in harmony with the people is an ancient one. Transparency, inclusiveness and good governance were not invented by Western democracies (or, may I add, by NGOs!). The Buddha’s “Dasa Raja Dhamma” or “Ten Duties of a King”, the mandate from Heaven for the Chinese Emperors, the balanced world order in Tudor England and Jean Jacques Rousseau’s “Social Contract” were all predicated on a harmonious relationship between the ruler and his subjects. Gandhi’s civil disobedience campaign that forced the British Raj to quit India, the Filipino people’s power that toppled the Marcos regime and what we have seen in Tahrir Square in Cairo is civil society in action when that harmony is out of joint. In democracies people do not abdicate their role between elections. Governments do not have a monopoly over the interpretation and implementation of the aspirations of the people and the national interest. Engaging with civil society is not an option for Governments. It is a necessity.”

In an op-ed titled “How China Can Defeat America” published in the New York Times of 21, November 2011, Professor Yan Xuetong of China’s Tsinghua University wrote – “According to the ancient Chinese philosopher Xunzi, there were three types of leadership: humane authority, hegemony and tyranny. Humane authority won the hearts and minds of the people at home and abroad. Tyranny — based on military force — inevitably created enemies. Hegemonic powers lay in between: they did not cheat the people at home or cheat allies abroad. But they were frequently indifferent to moral concerns and often used violence against non-allies. The philosophers generally agreed that humane authority would win in any competition with hegemony or tyranny.”

Governance with “humane authority” in modern democracies is the most sustainable. I have a deep faith in the inherent wisdom of our people and their capacity to exercise their civic responsibilities in governance for inclusive development and the common welfare of all the people of Sri Lanka. That wisdom lies in the words of the old Sinhala poem from the Guttala Kavya that we learned in our childhood which established a clear moral demarcation between good and bad and tells us that evil can never be laundered. That is as true in governance as it is in everyday life. –

“ Kopamana guna kalath,

Dudano nowethi yahapath

Kiri diyen deviyat,

anguru suduwena kalak nam nath”.

Thank you for listening to me.