



"Yahapalanaya," is the new high profile addition to the Sri Lankan political lexicon. Backers of the previous Rajapaksa regime like to spin around this term, dance around it and try and make it look like some weird thing or a funny joke. The fact is that the concept merely stands for a standard that defines good governance. Generally, all citizens who inhabit the developed Western World do enjoy yahapalanaya despite occasional breakdowns. We, in Australia observe the norm in operation most of the time. Yahapalanaya is, thus, simply an ideal that citizens anywhere in the civilised world would expect from their ruling elites. Citizens are entitled to it and it is an unwritten social contract that underlies such a public expectation. To scoff at it is hypocritical and even unpatriotic. The other day, at a party I found a Sri Lankan living in Australia doing just that. I asked him, "Why don't you like our poor citizens in Sri Lanka enjoying what you do here?" The guy went plain dumb. I went after him: "Don't Sri Lankans deserve a decent civilised life?"

Yahapalanaya is the backbone of civilised living. People must get a government that is accountable to them for the things it does. Government is not any dictator's private property. The Boss and his kids and siblings cannot go around indulging in money laundering, bribery, intimidation, and robbing government



CIVIL SOCIETY AND ITS ROLE IN YAHAPALANAYA

cash. They don't not have the licence to threaten and to murder persons who seem to them to act as hindrances. None of those in the ruling elite should be above the law. The law of the land and not the boss must be supreme. If a specific law is not right, the peoples' representatives in parliament can change or alter it. But once in the state book, laws have to be obeyed and applied to all equally and without fear. When their time is up, ruling parties must learn to go willingly without stretching the Constitution to keep

in action. One former-regimeVIP had bought a property for Rs 350 million; his wife was found supervising the building in construction; yet, now before court he says he is unaware who owns the property. They are innocent and they are smiling all the time. "Catch me if you can," they seem to say. It is a cat and mouse game.

was also a major accomplishment. Accountable practices have been introduced.

We have to watch this work-in progress and be alert. The reason is explained by Lord Acton's famous dictum, which can be treated as a universal truth: "Power

excellent illustrations. It is on record that these two organisations played an influential role in ousting the regime of the Rajapakses. They now continue to fight for yahapalanaya. One has to fight for yahapalanaya all the time and endlessly because, as stated above, yahapalanaya is not something that will be a finished product at a



themselves longer in power. When the time comes to face the electorate, elections must be free. Law enforcing officers must be independent of political control and cops should not work from the officers of MPs. Above all, the judiciary must be completely free to consider judgments without being harassed by telephone calls from the Boss, his relatives or "Baby Mahattayas"; or without the fear of illegal impeachments. The opposite of yahapalanaya is impunity in government action.

In substance, the above characteristics define yahapalanaya. Now what is wrong about that? Yahapalanaya makes rulers fear citizens and that is what should be. During the regime that Sri Lanka had, people feared their rulers, their siblings, their baby mahattayas and their cronies. The latter were crawling all over and interfering everywhere. They managed to rob public money and launder them to buy property in the name of grand aunts and other mysterious persons. Millions of worth of property have been bought in this way. And now, finding that owners are scared to claim them, the court has been compelled to have the property auctioned. Real owners are missing

It is very important to emphasise that Yahapalanaya is a standard or norm or ideal and it can, for that reason, never be a job completed and be done with. It is always and will always be a work-in-progress. We have to strive to realise it. That means there would be innumerable obstacles on the road that

crop up from time to time. Yahapalanaya becomes a goal-steering process in such a context. The Revolution of January 8th came on the platform of yahapalanaya and the official policy of the new regime of Sirisena/Wickremasinghe is to strive for the goal or norm. We do observe there are obstacles emerging from within government ranks themselves, and many fingers are pointed to the government over accusations of 'avayapalanaya' or mis-governance. It is the responsibility of the government to clear its name in such instances and to move on.

That said, nobody can honestly stay that nothing in the way of yahapalanaya has been done. The fact that yahapalanaya has been officially adopted is an achievement since this had not been the case previously. Impunity was in the air and all over; it had been a case of "my car my petrol." Some of the basics have now been completed. The judiciary is free. Independent Commissions having been established to minimise political interference in the activities of the Elections Commissioner, Public Service and Police. The passing of the Right to Information Act

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corrupts." Politicians in power behave differently to when they were out of power. They tend to abuse their power and are tempted by the dangling opportunities for corrupt deals and for crushing dissent. If the leadership has a nonchalant attitude then the situation can go out of control. This is where 'civil organisations,' come in. Strong and independent civil society arms are a vital part of a democracy alongside independent media. Media is referred to as the 'Third Estate,' in politics. Civil society will have to use media but they constitute a different 'Estate,' - what may be called a 'Fourth Estate.' the term 'civil society,' is often used these days but it is an ambiguous term. In this context one may refer to it as an intermediary between the state and the private sector. It is distinguished from the economic society that works for profit and also from trade unions. Larry Diamond (Development Democracy: Towards Consolidation. John Hopkins University press 1999) gave a close definition when he referred to civil society as "the realm of organised social life that is open, voluntary, bound by a legal order or a set of shared values." Our Purawesi Balaya and the organisation that Revd Maduluwawe Sobitha formed are

given point in time. It is ongoing.

There are many things that civil societies could do: check and restrain central state power; watch how the state uses power and step in to intervene; promote political participation by encouraging political literacy, building consciousness about rights etc; promote other values of democracy like tolerance, compromise etc; promote new forms of solidarity that cut across prevalent religious and ethnic ones. inform public and so on. On the other hand supporters of the previous regime keep chanting that "nothing has been done." Within an 18th month period this amount of work was great enough. Even Mahinda Rajapakse started building road only after five years of his rule; he left the country broke after that and fresh financial resources have to be found. Direct foreign investment, which never came must now be encouraged.

Despite a severe debt crisis the signs are generally good. Political stability seems firm and big projects like the Megapolis and the new Hambantota development plans are under way. The Central Express will soon start.