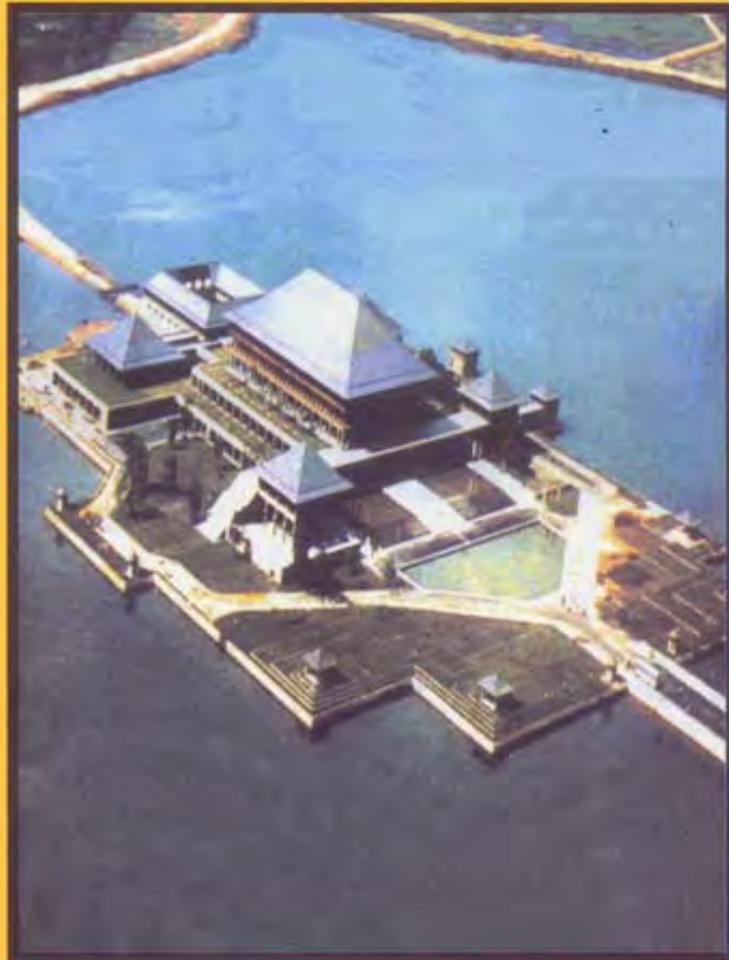


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The Implications of the Changing Role of Governance in Sri Lanka



Shelton Wanasinghe



INSTITUTE OF POLICY STUDIES
99 St Michael's Road, Colombo 3, Sri Lanka

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1. Introduction

All practitioners of public administration, however much they may attempt to avoid the issue, are confronted with the uncomfortable truism that their operational context – whether at the local, sub-national or national level – does not remain immutable over time. The nature and pace of changes, no doubt, vary. On occasions, cataclysmic events trigger radical changes. More often than not, changes evolve imperceptibly, over periods of time. Such changes, as they occur, may appear manageable within the ongoing administrative systems and their structures and processes. However, their cumulative outcome could be so far reaching that, sooner than later, it becomes apparent that the existing systems cannot effectively cope with the new demands. Often, such realisation comes too late; operational gridlock sets in; the new expectations go unfulfilled; the citizenry are affected by cynical apathy; and, worst of all, the society is affected by instability.

Appropriate responses to environmental changes by the administrative systems are hampered by the stranglehold that vested interests have in such systems. These include vested interests of political groups, of groups within the bureaucracy, of trade unions as well as the vested interests of social pressure groups. Resistance and sabotage thwart changes that are required. Those who discern a need for change and seek to bring about the necessary changes and reforms are, invariably, few in number and lack the organisational capacity and strength that is required to overcome the resistance of vested interests.

Sri Lanka has not been an exception to this experience. The several essays in administrative and institutional reform provide evidence. It is not the object of the current discussion to dwell on the past experience.¹ It is, however, patently clear that the earlier failures to introduce the necessary changes in the administrative system have resulted in the country continuing to be burdened with an anachronistic administrative system that is totally at variance with the demands of the economy, the society and the polity. An ineffective administrative system has come to be a major stumbling block to the effective

¹ See, in this connection, the discussion in 'Activating the Administrative Reform Process in Sri Lanka' - Wanasinghe, Shelton: Institute of Policy Studies (July 1994).

economic, social and political development of Sri Lanka. The continuing crises in the economy, the society and the polity provide clear evidence of the malaise.

Sri Lanka cannot continue to be complacent concerning the economic, social and political decline that it is faced with as a result of the progression of crises that are inevitable if the current administrative ineffectiveness is not confronted and reversed.

One objective of this discussion is, therefore, to underline the irrelevance of the ongoing administrative system as a response to the challenges of the changing environment. A second, and equally important, objective is to suggest the radical reforms that can no longer be avoided if Sri Lanka is to have an administrative system that can be effective and which is not a caricature of a system that was designed to serve the interests of colonial control.

Towards this end, the discussion would, initially, seek to understand the recent and emerging political, social and economic changes in Sri Lanka and the consequential changes that are required in the role of the State. The discussion will, then, assess the critical inadequacies of the current administrative system, and its structures and processes, to cope with the new role of the State. It will then proceed to project the systemic changes that are required.

Within these systemic changes, the discussion will seek to focus on the changes that are necessary in the approaches to the induction, tenure, compensation, management and capacity development of the human resources that would be required for the effective functioning of the administrative systems and structures of the future.

The focus would embrace the examination of the radical changes in current approaches to several of the elements in human resources management if the objective of ensuring the relevant quality of staffing is to be achieved. These would include

- The determination of the nature of the staffing required in order to perform the tasks that arise in the changed context;

- The methodologies of induction of such staff – including the tenure of staff positions – in response to the rapidity with which changes occur in the contextual environment;
- The system of management of human resources – including the management of career development; and
- The systems and modalities of capacity development.

This special focus arises from the reality that any new system and its structures that are introduced would not serve the intended purpose unless and until the human resources that staff them are of relevant quality – in terms of competence, attitudes and application. It is increasingly evident from the available experience to date that changes to systems and structure are of no avail unless there are commensurate changes in the systems, rules, procedures and practices that underpin human resources management.

This is a reality that is not understood or appreciated in Sri Lanka – whether it be in the political discourse or in the echelons of the bureaucracy or within the ranks of trade unions or even by the citizenry or their civil society organisations. Changes cannot occur unless this situation is corrected. Correction can only come about when there is the widest awareness of the issues across the spectrum of society and open discourse flows there from.

The question arises as to whether reform of governance is merely a technical issue – an approach that, perhaps, has characterised many a previous attempt. This discussion does not subscribe to this view. A primary reason is that such a technocratic approach fails to ensure that the reforms take root in the society concerned leading to their withering away when vested interests begin to undermine them – both overtly and covertly. Thus, whilst Sri Lanka's specific reform agendas may be technical in nature, they need to be rooted in the needs and aspirations of the Sri Lankan society. Two conditions need to be met for this to be a reality.

- The first, is that the direction and content of the reforms should be the outcome of a transparent consultative process, which is optimally participatory, with the society at large – thus facilitating responsiveness to citizens' needs and aspirations.

- The second, is that all sections of the community be exposed to and be aware of the nuances of the reform agenda so that they can effectively participate in the consultative process.

The objective of this discussion is, therefore, to present an analysis of the issues that are involved so that such a discourse would ensue and a deeper and more specific pursuit of the complex range of the problems that need to be addressed becomes possible. The discussion, whilst it stresses possible approaches, does not view them as a panacea. It recognises that further options are open and need to be seriously considered. If this discussion opens the door to such considerations, it would have achieved its main objective.

2. The Context

The polity, the economy and the society provide the context in which the administration of a country functions. A basic reality in this regard is that it is never static but is in a continuous state of change – a reality that those in Sri Lanka who are concerned with providing direction and leadership tend to ignore.² Over time, the ignoring of the reform implications of contextual changes leads to a situation wherein the administrative system and its personnel sub-system become major impediments to the country's development – a position that has been reached by Sri Lanka today. Hence the importance of recognising and understanding the contextual changes.

While, in the interests of clarity of description, this discussion would present the changes in the polity, the economy and the society separately, it is necessary to stress the reality that considerable linkages exist amongst the changes in the three areas. In many instances, there are causative relationships amongst these changes. Changes in society, for example, trigger changes in the polity and in the economy. In other instances, the society responds to changes that have occurred in the economy and the polity. Hence, it is essential to understand the complex linkages that lie in these networks of changes.

² Continuous recognition of the reality of contextual changes and the reforms and restructuring that they involve could compel the decision makers to consider the introduction of the required reforms and restructuring – an exercise that, in their normal view, is fraught with uncertainty and, hence, to be avoided.

2.1 The Changes in the Polity

The principal change in the polity has been the increasing questioning of the trend of centralisation that had characterised the political culture and processes in the first four and half decades of the post-Independence period. The past two decades have witnessed the growth of a significant body of opinion that has turned to the idea of a devolved political system as a solution to many of the divisive issues that have affected the polity, the society and the economy.

This was, certainly, a move that was viewed with suspicion, and even hostility, by those who controlled the levers of political power in the country. Left on their own, the lead political cadres, irrespective of their purported political ideologies, would have preferred nothing better than to continue the trend of centralisation.³ Thus the adoption, in 1987, of

the Thirteenth Amendment to the 1978 Constitution that introduced the first essays in devolution of political authority was with patent reluctance on the part of political leaders of all shades. It is clear, in retrospect, that left to themselves would have preferred to continue with the centralisation trend.

The outcome was that devolutionary structures and processes were contained at the provincial level - without being extended to the local community level - on the premise that the constitutional changes proposed were solely for the objective of resolving the outstanding ethnic issues.

When it became apparent that the limited exercise in devolution did not bring about an immediate resolution to the ethnic issues, the process of undermining the devolutionary structures and processes became the norm and has continued to date. The result has been a chaotic situation in the political and administrative scene. Redundant political and bureaucratic structures abound at the Centre, not only guzzling scarce tax revenue for their own sustenance but also thwarting the attempts of the structures at the provincial

³ It must be recognised that the continuing trend of centralisation served the aspirations of the political cadres for total, monolithic control of the affairs of the country's polity, the economy and the society. It coincided with the desires of different political groups for the imposition of universal political, social and economic agendas that accord with their ideologies throughout the country. Above all, it conferred on them a high level of power and status.

level to carry out functions mandated by the Thirteenth Amendment. The Centre, arrayed against the Provinces, has used every stratagem – ranging from control over financial resources to Centre-biased interpretations of the Concurrent List of Functions in the Constitution – to achieve its objectives.

This sad saga of the essay in devolution has impeded the progressive evolution of the process. It does not, however, detract from the reality that it is no longer conceivable to seek to reverse the devolutionary process. It has come to stay. Several indicators point in this direction.

- A growing body of opinion in Sri Lanka recognises that the continued entrenchment of centralisation in the polity directly contributes to the ineffectiveness and corruption of public management in the country. It is also increasingly recognised that unless Sri Lanka moves genuinely towards a functioning devolutionary political system, a resolution of the ethno-based tensions in the country will not be possible.
- It is also recognised that if a functioning devolutionary polity is to emerge, devolution of public management to the level of the local communities has to be activated and made a reality. The half-way house that was sought to be created through the Thirteenth Amendment to the Constitution has failed to respond to the challenges that the polity faces.
- A concurrent development has been the spatial expansion of education and the rise in levels of literacy as well as the widespread access to print and electronic media. These have contributed to the enhanced availability of public management capacity in what has traditionally been considered to be peripheral areas of the country – both at the local community level and the sub-national level. The hitherto entrenched view that the Centre had an inalienable right to a monopoly exercise of political and administrative authority, due to the lack of capacity at the periphery, no longer holds true.
- The political discourse has also increasingly focussed on the need for transparency in governance. There is a growing realisation that bringing public management closer to the community level would contribute to the enhancement of transparency – thus strengthening the argument for devolution to the community level.
- There is an increasing expectation in civil society that the control exercised by the political parties at the Centre over the bureaucracy should cease and that there

should be effective institutional mechanisms to facilitate public officials being held accountable by the immediate communities that they serve.⁴

Over time, the devolutionary political structure that is now the legal reality would, through growing activism on the part of civil society, also become the functional reality - despite resistance from the wielders of political and bureaucratic power at the Centre. This development, obviously, poses new challenges to public management.

The principal challenge arises from the reality that as multiple levels of autonomous decision-making replace the traditional radiation of decisions from the Centre, a major task of governance at all levels would be the reconciliation of interests at these different levels through consultation and consensus building.

Thus, a major challenge in setting up institutional structures in the polity and the bureaucracy is to ensure that duplication of functions, tasks and responsibilities is avoided and also that waste of public funds in setting up multiple institutions is guarded against. A rationalisation of institutional structures in conformity with the loci of responsibilities is, thus, called for.

2.2 The Changes in the Economy

The post-1977 period saw Sri Lanka moving away from its long experimentation with an administered economy and seeking to provide space for a market-led economy. Economic activity has shifted from being dependent on the government as the major, if not the single, role player. It is, now, underpinned by the activities of a multiplicity of *independent role* players. These include, amongst others, enterprises that range from large to small size, primary producers, those engaged in processing and marketing activities, organised as well as unorganised labour, consumers etc. These role players, as is to be expected, act in contra positions in pursuit of their individual interests as much as they act in harmony in defence of common interests.

⁴ A quarter century of sad and, often tragic, experience has made the citizen conscious of the negative fall outs that flow from the control of the public bureaucracy by the ruling political parties and their cadres – a change that was introduced through the Constitution of 1972. The current, near-unanimous, consensus that an independent Public Service Commission should be set up in order to protect public officials from interference by political cadres reflects the acceptance by the society of the reality that this change was counter-productive.

The expansion of the activities of the non-State sector has not been confined to what is traditionally regarded as economic activity. There is an ongoing revision of the definition of what has, in the past, been considered to be 'public goods'. The provision of these goods and services is no longer a monopoly of the State sector.⁵

The attraction of investment for the expansion of economic activities remains a key priority for Sri Lanka – a priority that stems both from past lags in attracting adequate levels of capital investment as well as from the urgent imperatives of meeting employment expectations of the growing cohorts of youth. The majority of them, having participated in education,⁶ expect employment in the formal sector.

Whilst this applies to both local and foreign investment, given the inadequacy of the increase of domestic savings, the major focus has to be on foreign investment. The attraction of foreign investment has, however, to be attempted in a context of an acute global competition for such investment. Thus, a major role of governance in Sri Lanka would be ensuring⁷ that the country becomes and continues to be an attractive destination for investment capital – both local and foreign.

Whilst the post-1977 opening up of the economy has exposed different sectors to a degree of modernisation, there are several sectors and sub-sectors of the economy that continue to be hampered by low levels of technology.⁸ Hence, a major challenge in ensuring economic growth is enhancing the technology base of these sectors and sub-sectors of the economy whilst coping with the social dislocations that would accompany such a process of technology modernisation.

⁵ This is increasingly seen in the cases of curative health care services as well as of education and training services.

⁶ Though participation covers all three levels of education, the major incidence of expectations are in the secondary and tertiary levels.

⁷ Whilst all three levels of governance (central, regional and local) would have roles to play in this task, the major responsibility falls on the Centre. Basic to the success of this task, in the Sri Lankan case, would be the avoidance of confusion in public policy management and the resolution of security related issues – for both of which the Centre is accountable.

⁸ Agriculture, particularly non-export agriculture, and fisheries are but two examples of this crisis.

2.3 The Changes in Society

Over the past several years, Sri Lanka has witnessed the growth of civil society organizations at a faster pace than at any time previously. Non Governmental Organizations (NGOs), with local and national coverage, as well as Community Based Organizations (CBOs) are on the increase.⁹ If recent experience is anything to go by, the momentum is likely to continue. The civil society organizations have also gradually expanded the range of governance-related concerns into which their interests have permeated –whether they be in the area of consumer interests, of labour issues, of producer interests, of environmental concerns etc.

Not only have the numbers increased. The NGOs and CBOs have enhanced their capacity both to participate in the planning and implementation of the delivery of public goods and services as well as to be watchdogs of public life and critics of public policies, strategies, programmes and projects. Their role has changed to one of activism from one of being passive agents of implementation. They have also developed an appreciable capacity for networking in the pursuit of shared agendas – thus strengthening their role in the polity, the economy and the society.

Thus the NGOs and CBOs have come to provide increasingly effective vehicles for critical participation for an increasingly assertive citizenry.

The spread of education and literacy together with the expansion of access to the electronic and print media – both national and international – has contributed to the emergence of an increasingly assertive citizenry.¹⁰ This development has changed the character of Sri Lankan society from a passive and acquiescent society to an activist and assertive society. This is a key element in its environment that governance in future Sri Lanka has to cope with.

There is, however, an area in which civil society organizations have yet to become

⁹ It is estimated that there are over 30,000 NGOs and CBOs in the country today.

¹⁰ The growth of assertiveness of the citizenry has, no doubt, been a slow process – such that there is scepticism as to the reality of this new phenomenon. However, if one were to monitor the emerging situation carefully, one could see manifestations thereof in episodes related to constitutional issues, environmental issues, matters related to delivery of health care, gender and youth related issues, aspects of law and order etc.

effective. This is the area of consumer organization. The post-Independence period saw the government assuming the role of consumer provider. This has contributed to a mindset that does not see a remedy for deficiencies in provision other than through government intervention. Thus, even though the major role of consumer provision is moving away from the public sector, the citizenry continue to expect the intervention of the government to regulate the market. The task of market regulation would, hence, be an expectation from the government – at least in the medium term.

Persistent poverty among a large segment of the country's population¹¹ is a related social issue that would continue to require the attention of the government in the medium term. Hitherto, the approach to this issue has been to launch programmes of direct government intervention to address the problem.¹² The results thereof in terms both of sustainable impact and of cost-benefit outcomes have, however, not been impressive. Therefore, the development and implementation of an integrated network of policies and strategies that address the objective of the continued reduction of poverty would need to figure significantly in the future arena of public policy management.

2.4 The Entry of Information Technology

Overarching all the changes discussed above is the reality that information technology has not only assumed a major role in economic and social life but has also begun to permeate the processes of governance. This brings a totally new as well as complex dimension into the role of governance as well as the organization of its structures and processes. Information technology and its application would increasingly become a dominant consideration in determining the future processes of governance, of the structures that would support such processes as well as of the human resources that would be required to staff such structures.

¹¹ The current number of those below the poverty line is assessed at around 23 per cent of the population.

¹² The Janasaviya and the Samurdhi programmes are but the more recent of such interventions. They acquired special notice due to their being specifically presented as poverty alleviation programmes.

Given the relatively recent entry of the governmental organizations of Sri Lanka in to the arena of information technology, its role has been marginal in governance processes. The expansion of the role of information technology has been slow due to several reasons.

- One such reason is the relative lack of persons qualified in information technology in decision-making positions in the structures of governance. Thus, the potential of information technology in improving the performance of organs of governance is neither fully understood nor appreciated.
- A second is the fear that exists at policy making levels of the repercussions of the entry of information technology on the relevance of different institutions of governance and their staffing – both posing threats to the continued employment market for unskilled personnel that such institutions currently provide.
- The perceived threat of those at policy levels of the increase in the levels of transparency that the entry of information technology is likely to provide constitutes a third reason.

This slowness has become a serious drag on enhancing the effectiveness of governance in Sri Lanka and needs to be corrected.

3. The Changing Role of Governance

3.1 An Approach to the Issue

The political, economic and social context discussed above leads directly to the issue as to what the role of the State in Sri Lanka should be - in the medium and long term.

The succeeding discussion, it is hoped, would provide a framework within which the issue of the role of the Sri Lankan State could be addressed. However, it may be appropriate, at this stage of the discussion, to attempt to project what this role should be if the State is to adequately meet the needs and aspirations of the citizens. This discussion views the future role of the Sri Lankan State as:

- A minimalist role that seeks to directly address the macro economic, political and cultural issues rather than being focussed on the micro-management of institutions, projects, programmes etc.
- A role that would require to be serviced by management and professional inputs from small groups of highly skilled human resources than by a mass of ill-equipped personnel.
- A role that would be based on the principle of ‘subsidiarity’ with the direct and continuous involvement of citizens in public management at the local level.

This issue needs to be addressed on the basis that the role of the State does not remain static and immutable but must, necessarily, change in response to the changing demands posed thereon by the contextual environment. This truism has tended, so far, to be ignored in the Sri Lankan polity. The two post-Independence changes to the Constitution¹³ failed to address this issue. They were but exercises in adjustments to formal structures. Their major emphasis was on how such adjustments could underpin the desire, perhaps not unnatural, of the political groups that initiated the changes to remain in long-term control of the levers of state power.¹⁴

Sri Lanka has paid a heavy price for its failure to keep the role of the State under continuous review in the post-Independence period. This is evident when one examines the developments in the post-1978 and post-1987 periods. In the post-1978 period the economy moved from being an administered economy to one that is driven and influenced by the market. In the post-1987 period the polity sought, however hesitantly, to move from a centralised to a devolutionary system. In both instances, the failure to redefine the role of the State affected the outcomes.

A significant contributor to the negative impact on both sets of outcomes was the effect that the failure to redefine the role of the State had on the political and bureaucratic culture and mindsets that had, historically, been steeped in the ideologies of centralisation

¹³ These occurred in 1972 and in 1978.

¹⁴ Even the ongoing exercise in constitutional reform, in 2001, has not really succeeded in escaping this trap.

and of State control. Thus, politicians and bureaucrats at the Centre continue to approach the devolved institutions of governance with an adversarial mindset whilst the bureaucracy, and often the politicians, view the market and its actors as rivals.

Hence, it is imperative to continually redefine the role of the State in the emerging context

However, a caution has to be entered here. The previous attempts at constitutional change, in 1972 and in 1978, took the path of tinkering with what obtained before. As would be natural, the ongoing, with the weight of its vested interests therein, influenced and corrupted the new – both in conception as well as in implementation. The result was that whatever expectations existed in the public mind were not fulfilled.

It is necessary, therefore, to adopt a different approach at the stage of conceptualising the constitutional and administrative changes and of setting out the options. It should be one of:

- Identifying the demands that are posed on the State by the current and anticipated political, economic and social context;
- Determining the roles that must be played by the State in order to satisfactorily meet the identified demands;
- Identifying the portfolio of tasks that would constitute the legitimate domain of the State in fulfilling the determined roles; and
- Designing the constituent structures and processes as well as their administrative underpinning that would be necessary, at different levels of the polity, to ensure that the identified tasks are carried out with optimal effect.

Each step in the process leads to and contributes to the succeeding step. Hence, attempting to skip any step or to adopt shortcuts would only spell disaster. All steps call for the widest range of public discussion and interest articulation – such that the maximum consensus could be achieved on the issues to be addressed.¹⁵

¹⁵ The previous two instances of constitutional reform, in 1972 and in 1978, as well as the recent attempt has suffered from the limiting of participation to those who happened, through the vagaries of the electoral process, to be members of the ongoing national legislature. Both the earlier two Constitutions suffered from a cynical perception of 'being theirs and not ours'. The recent attempt has fared no different.

3.2 The Demands Posed on the State

The previous discussion underscored the fact that the political, economic and social environment of Sri Lanka within which its institutions of governance function would continue to change over time. The changes that would occur in the environment would, in turn, imply that, in responding to them, the State would be required to face demands that would be quite different from those that it has had to face in the first half century after Independence. It is thus appropriate, at this point, to identify the demands posed on the State by the changes in the political, economic and social environment. Some of these key demands are identified below.

The changes in the country's political environment would require that

- The political institutions of the State be so organised as to enable the smooth functioning of a devolved political structure while ensuring direct accountability of the constituent political institutions to the community whether at the local, regional or national level;
- The network of institutional arrangements to be such that there is no overlapping and duplication of structures, authority and functions;
- Maximum transparency is observed in the conduct of public functions and that institutions to ensure such transparency are available; and
- Both at the political and administrative level, individuals of optimal competence for the efficient discharge of tasks and functions assigned to public institutions are available and are willing and ready to accept political and bureaucratic responsibility.

The imperatives in the economic environment would require:

- The availability of a facilitative environment in which the actors in the market economy would be able to efficiently conduct their activities of investment, production and commerce;
- The functioning of a regulatory environment that would enable competing interests¹⁶ within the economy to find their equilibrium and also ensure the stability of the institutions such as financial institutions that underpin the economy; and

¹⁶ Examples of such competing interests would include those relating to environmental concerns and investment interests; to labour and employers; to consumers, producers, suppliers and traders.

- The efficient supply of public infrastructure, goods and services¹⁷ that are required for the efficient functioning of the economy.

The changing social environment that is characterised by an increasingly assertive citizenry has its own expectations from the State. These relate to:

- Non-discrimination as amongst citizens on grounds of caste, ethnicity, religion, gender and of social or economic status;
- Equity of access to goods and services such as health care and education;
- Ensuring the availability of opportunities for productive employment for the entrants to the labour force; and
- Minimising of disparities in regard to economic opportunities, the quality of life and the exercise of political rights as amongst different spatial areas of the country.

3.3 The Threefold Role

Given these expectations and demands, a threefold role could be identified for the State and its administrative apparatus, at its different levels.

The first is a **guidance role**.

The effective discharge of the guidance role requires the availability of a national framework of public policies that would enable the demands from the polity, the economy and the society to be met within the parameters of the country's political, economic and social goals. The satisfactory meeting of such demands and expectations would depend on the effectiveness of the implementation of these public policies.

Public policy management, thus, constitutes the basic and fundamental role of the Sri Lankan State. Whilst being basic to effective governance, public policy management is also a highly complex role - its complexity arising from the fact that it is not only multi-dimensional and multi-level but is also holistic.

¹⁷ These would include physical infrastructure such as highways, roads and waterways, communications, power and energy etc. as well as social infrastructure such as health care services, education and training services etc.

In its multiple dimensions, public policy management comprises several elements. Approached as a process, it involves:

- The developing of specific policies and strategies that would contribute to the achievement of pre-defined goals and would, at the same time, be mutually reinforcing as well as inter-sectorally compatible and complementary;
- The monitoring of the implementation of the policies and strategies and the evaluation of the impact of such implementation; and
- The continuing modification of the policies and strategies under implementation in the light of their impact and of the changes in their operational environment.

Viewed in a multi-level context, the role of public policy management entails different tasks at specific levels of operation.

- At the national level, the stress would, obviously, be on macro-issues that concern the achievement of the current political, economic and social goals.¹⁸
- At the level of the community¹⁹ the focus would be on micro-policies and their operational strategies as they relate to local conditions and needs.
- At the regional level²⁰ the focus would lie on meso-policies that aggregate community needs within the context of macro policies as set out at the national level, and on policies and strategies to support activities of community level institutions.

In all its dimensions and at all levels, public policy management should be characterised by neutrality as amongst different stakeholders in the economy, polity and the society – whether they be individuals or groups.²¹

¹⁸ However, it is to be stressed that, whilst focussing on such macro-issues, the process of developing policy and strategy options must, necessarily, take account of the ground realities of differing operational contexts within specific areas or citizen groups.

¹⁹ Represented today by the Local Government Institutions of Municipalities, Urban Councils and Pradeshiya Sabhas.

²⁰ Represented today by the Provincial Councils.

²¹ A major negative consequence of the failure to do so would be the loss of credibility in the public policy regime – locally, nationally and internationally. Such loss of credibility not only contributes to resistance to the policy regime but also leads those who perceive themselves to be unfairly and adversely affected to devise stratagems to circumvent the public policies in question.

Public policies, whilst they may be targeted sectorally, have trans-sectoral impacts.²²

Hence, in the phase of policy analysis, the holistic character of the policies in question has to be continuously kept in view.

The second is a **facilitative role**.

The active and optimal participation of the different stakeholders in the economic and social sectors in the activities therein requires facilitation by the State. These stakeholders would include the organized private sector – whether large, medium or small scale – and the small-scale informal sector as well as the non-governmental organizations at different levels – ranging from the community to the national level. They also include the institutional arrangements for delivery of public goods and services – including universities, boards of management of schools, training institutions and health care delivery institutions.

The facilitation role has gained importance due to the trend to move away from the direct management of all economic activities and from the direct provision of all public goods and services by the government to be replaced by the active participation of the private sector, the NGOs, autonomous institutions – none of which would be within the direct diktat of the government. Such participation requires a facilitative environment – the provision of which becomes a major responsibility of the State.

The facilitative environment would include, amongst others:

- The availability of a legal infrastructure that would ensure continued stability for investments in economic activity, for observance of human rights, for protection of rights of labour and for the free functioning of citizen organisations;
- The continuous enhancement of the public infrastructure that would support economic activities as well as the desired quality of life of communities;

²² Examples of such trans-sectoral impacts abound. They include the impact of all policies on gender, ethnic, youth, spatial concerns; the impact of education and training policies on employment generation and attraction of investments; the impact of transport and communication policies on market access and on investment promotion in deprived areas etc.

- The availability of education and training, progressively linked to advanced modern technology, for the current and future workforce; and
- The securing of law and order.

The facilitation role is linked to the policy management role. The national policy framework as well as the sub-national and micro policies that derive there from should provide the underpinning for the facilitative role.²³

The third is **a regulatory role**.

This role arises as a response to several factors. The realities of the country's market economy would be one such factor. The current expectations of the society would be another. The long-term vision that is anticipated for the future Sri Lankan society, economy and the polity would be a third whilst the ongoing challenge of maintaining economic, social and political stability would be a fourth. The regulatory role would, thus, address such issues as:

- The protection of consumer interests through the regulation of the quality, standards and prices of basic goods and services as well as through the inhibition of the emergence of monopolistic conditions;
- The effective management of the environment –in the context both of the present and of the future;
- Ensuring of labour conditions that are non-exploitative in terms of wages and compensation, conditions of work, occupational health etc.;
- Ensuring non-exploitative relationships as amongst the production, processing and marketing functions in the small scale sector;
- The protection of human rights and personal liberties of all citizens;
- The avoidance of market failure in the provision of essential goods and services; and
- The maintenance of the stability of the country's financial system and its constituent institutions such that public savings and investments are safeguarded.

²³ Equally important are the strategies, programmes, projects and interventions that are implemented to give effect to these policies. They, naturally, would prove the reality of the facilitative environment to the stakeholders.

It is in the context of this three-fold role of governance that Sri Lanka's future administrative structures and their personnel have to be planned.

4. Current Inadequacies

However, before seeking to set out what the future should be in terms of administrative structures and human resources, it is appropriate to understand the inadequacies that would prevent the structures and human resources of the current system being effective in the future situation.²⁴

A survey of the current scene points to several inadequacies. These affect both the current levels of administrative effectiveness as well as the relevance of the ongoing structures to serve the future economy, society and polity. Some of the more significant of them are identified below.

A major impediment that has adversely affected the effectiveness of the institutional network is the increasing centralisation of decision-making within its components. This trend is clearly seen over the fifty years since Independence. Successive governments and their political cadres discovered in progressive centralisation a useful instrument for the accumulation of personal power and for the furtherance of ideological agendas. The low levels of political awareness and of civic organization that characterised the citizenry in the early post-Independence decades prevented them from countering the centralisation. For most of the period, centralisation has been an imperceptible process. Its extent and its negative impact on decision-making has come to be readily discernible only when it was too late.

The task of decision making that is integral to effective public policy management been adversely affected not only by centralisation. An equally negative factor that contributes to poor decision-making is the aversion, amongst peer institutions, to engage in horizontal level consultations in the decision making process. This has prevented

²⁴ It is necessary to enter a note of caution here. Whilst the term 'administrative system' has, for convenience, been used here to describe what obtains today, it would be incorrect to view the medley of institutional structures and their human resources as being the product of systematic enquiry and planning. What passes for a 'system' is an uneasy aggregation of administrative arrangements that have come into existence as a consequence of ad hoc decisions over time.

decision-makers from adequately appreciating the horizontal implications of the policy decisions that are arrived at from time to time. The reluctance at horizontal consultation is seen to be a part of the culture of Sri Lankan public sector institutions at all levels.

Public sector institutions have shown a progressive inability to match the demands of the tasks assigned to them with human resources of adequate knowledge and competence. The outcome is that whilst the skill and knowledge demands of the issues to be addressed and the services to be provided continue to rise, the overall capacity of the human resources that could be attracted to the public sector continues to decline. There are many reasons that account for this gap. The relatively unattractive wage conditions in the public sector; particularly at the management and professional levels, is but one of them. The

lack of challenge in the public sector work culture that inhibits the abler job seekers from seeking entry is another. The partisan political patronage that overrides personnel management in the public sector inhibits professional recruitment. Generalists continue to be predominant in positions that require specialist skills. Added to all this is the absence, in the public service, of a culture of self-enhancement of individual capacity.

The efficient and effective performance of the tasks that are integral to the delivery of public goods and services and to the management of public policy is dependent on the degree to which public officials and political cadres can be directly held accountable by the public. The level of public accountability is affected by the absence of transparency in the conduct of administrative functions and tasks. Public accountability, underpinned by transparency, is not a feature of the Sri Lankan polity or of its administration. The absence of public accountability, in turn, contributes to low levels of efficiency and of effectiveness.

Archaic systems and procedures, some coming down from the colonial period, are still entrenched in public sector institutions and have become an integral part of their culture. They continue to slow down the flow of public business, thereby contributing to unacceptably low levels of efficiency.

Whilst in the preceding discussion the lacunae in the current situation were identified separately, it is necessary to stress that, more often than not, they are inter-related and reinforce the impact that each has on the level of effectiveness of governance in Sri Lanka. Hence, rather than approaching their resolution as individual exercises, it is necessary to conceive of the future changes that are required in the polity, in the administrative support system and in the management of human resources as a holistic exercise.

The discussion that follows would, therefore, attempt to provide the key elements in the framework for such a holistic exercise.

5. Future Changes in the Polity

It is the institutional structures of the polity that provide the context within which the administrative structures and processes as well as the human resources that support them would function. Hence, it is necessary to understand the future changes that are imperative in the structures and processes of the polity if Sri Lanka is to emerge from its current economic, social and political stagnation.

The scope of this Study, however, does not permit a discussion of the details of what the future institutional structures of the polity should be. What would, instead, be sought is to set out the outlines of the basic structure at each of its three levels – given the future role of the State vis a vis the economy and the society as well as its devolutionary character based on the principle of subsidiarity.

The past and recent experience has shown that several basic principles need to be observed if the future Sri Lankan polity is to function effectively.

Underpinning the basic principles that govern the polity is the requirement that there should be a clear demarcation of responsibility and authority as between the three levels of governance – national, regional and local. These demarcations should be clearly spelt out and widely publicised so that they are familiar to and are appreciated by the citizenry

at large. There should be no overlapping of responsibilities and authority as between the different levels of governance.²⁵

The principal functional focus at the national level should be on the setting of national policies. Such national policies should both facilitate²⁶ the optimal participation of the different stakeholders in the polity, the economy and the society as well as provide a stable regulatory framework for the stakeholders. This is in distinct contrast to the hands-on micro management role in regard to all aspects of economic and social life that is played now by the Centre.

The main pre-occupation at the local community level should be with the efficient management of the provision of public goods, services and infrastructure as required by the different communities. The political institutions at that level should be directly accountable to the local community for the due discharge of this responsibility.

The tasks at the regional level should be concerned with the aggregation of the needs of the local communities, the mobilisation of resources for the effective satisfaction of such needs and their allocation. The regional level would also be concerned with the organization of technical support²⁷ for the provision of public goods, services and infrastructure by the local government institutions.

It is these task demands that should determine the institutional structure at each level.

5.1 The Centre

The institutional structure at the Centre should comprise:

- A legislature that would be concerned with issues of national policy and the legislative underpinning that is required to give reality to such policies and with the mobilisation and allocation of the financial resources that are necessary to operationalise them. Given the devolved character of the polity, the multi-ethnic nature of the society as well as the limited functional focus of the legislature, two features of the future legislature require special consideration – the drastic

²⁵ The recent disputes that have arisen between the Urban Development Authority and the National Water Supply and Drainage Board (both under the control of the Centre) on the one hand and the Municipal Councils (chiefly the Colombo Municipal Council) on the other, provide an example of the negative fall outs from the absence of clarity and from the overlap of functions.

²⁶ This should be done through the designing and implementation of appropriate strategies and initiatives.

²⁷ This would, for example, take the form of back-up technical know-how and technical support services that would be beyond the capacity of local government institutions to provide, individually, for themselves.

- limitation of its numerical size and the advantages in its being bi-cameral.
- An Executive that takes the form of a Cabinet of Ministers which, given the redefinition of functions as amongst the three levels of governance and its own main concern being with public policy management, should be quite small in size.
 - A non-executive Presidency²⁸ that is elected for a single five year term by an Electoral College comprising the Members of the Legislature, Members of the Regional Councils and the Members of all Local Government Institutions. The Presidency will also include a Vice President²⁹ whose primary function will be presiding over the sessions of the Second Chamber.

5.2 The Local Community

The institutional structure at the local community level should comprise a network of Local Councils.³⁰ The actual structures and processes that would underpin the future Local Councils could take several forms.³¹ Nevertheless, there are several basic principles that, if followed, would yield optimal results.

- These Councils should not be restricted³² in regard to the potential public goods, services and infrastructure that they could provide to their respective communities.³³

²⁸ Incumbency of the Presidency should carry with it the obligations of such office being the last public office to be held by the incumbent and of her/his ceasing membership in any political party.

²⁹ It is most appropriate that a tradition should evolve whereby the Vice President would be of an ethnic group other than that of the President.

³⁰ Currently, the councils at the local level are Municipal Councils, Urban Councils and Pradeshiya Sabhas.

³¹ This is an issue that could be addressed by a specially constituted Study Group. However, it is most appropriate to seriously consider whether the actual structures and processes are not matters that are best decided upon by the specific local communities through public discourse and referenda thereon. Whilst it is correct that as part of the colonial legacy Sri Lanka has adopted a convenient approach of Island-wide uniformity in regard to institutional structures and processes, it is appropriate to question this approach and to consider the possibilities of structures and processes responding to local ethos.

³² This is in contrast to the situation as regards today's Local Government Institutions that have discriminatory restrictions of functions as between Municipal Councils, Urban Councils and Pradeshiya Sabhas.

³³ The underlying assumption in this case is that, given the nature of Sri Lanka's economic and social development, there is a continuing process of escalation of citizens' expectations of goods, services and infrastructure. The stereotyping of different areas of the country as rural, semi-urban and urban adopted hitherto is unrealistic. Hence the importance of maintaining flexibility through enabling provisions rather than being prescriptive and, thereby, being restrictive.

- The members of the Local Councils should be elected for five-year terms through a system of territorial wards and the Chief Executive be concurrently elected, for a similar period, through an area-wide poll.
- The Local Councils should adopt the practice of holding regular public hearings at which all major decisions are openly discussed and the citizens are provided with an opportunity to seek accountability from the Council and its Chief Executive.
- The Chief Executive and the members of the respective Local Councils should be indictable before the Courts of Law for violations of the laws and statutes, mal-administration and dereliction of duties.

5.3 The Regional Level

The institutional structure at the Regional level should comprise a series of Regional Councils.

- Considering the negative experiences in Sri Lanka with political institutions at different levels claiming their legitimacy through election by the same electorate, it is appropriate to introduce an electoral system whereby the members of Regional Councils are indirectly elected, for five year terms, by the Local Councils within the Region.
- The Regional Councils, unlike today, should not carry responsibility for the direct micro-management of the provision of public goods, services or infrastructure. Their responsibilities should be for the aggregation of local demands, for mobilising financial resources for meeting the aggregated demands and for the allocation of the resources so mobilised to facilitate the provision, by the Local Councils, of the needed goods, services and infrastructure.
- An Executive Board of the Council would be responsible for carrying out the executive functions that are in the domain of the Council.
- Each member of the Executive Board would be the Chair of an Executive Committee that would focus on a specific sector or a cluster of related sectors. The membership of these Executive Committees would be drawn from all members of the Council.³⁴ The Executive Committees would discuss the proposals that are to be presented to the Executive Board for its consideration.

³⁴ The Executive Committees that were an integral part of the State Council set up under the Donoughmore Constitution provide a precedent.

6. The Future Administrative Support System

The ensuing discussion would only highlight the critical changes that are necessary in the administrative support system. These imperative changes should indicate the trend and pattern of the agenda of change that is required and, thus, provide a framework for future comprehensive enquiries to chart out detailed programmes.

Whilst not seeking to discuss the details of the new administrative structures,³⁵ it would be appropriate to set out the basic principles that should be observed in their designing.

The administrative structures of the future should not be regarded as permanent fixtures in the administrative landscape. They should be considered as being designed to serve a specific time-bound need.

It is in the nature of such needs that they change over time. Also, the continuing changes in the economic, technological, and social environment of governance would yield new and more relevant approaches to meeting such needs. Hence, the importance of regarding administrative structures as having only pre-set time spans at the end of which their continued validity should be reviewed.³⁶

Administrative structures of the future should be ‘purpose designed’ with clear objectives in view.

With this approach, the existing network of hierarchically structured departments and agencies that control service delivery outposts spread throughout the country would cease to be relevant. These should give way to autonomous structures that are specifically designed to serve local needs and contexts.

³⁵ This would be a task that should be undertaken by a continuing group of institutional specialists who should receive independent inputs.

³⁶ This issue, referred to as ‘The Sunset Principle’ was addressed by the Administrative Reforms Committee in its Report No. 2 on “A Policy Framework for Cadres and Salaries’ (Department of Government Printing, Colombo – October 1987).

Whilst the future emphasis would be on autonomous purpose-designed structure, the importance, for the tasks of policy management and programme designing, of consistent statistical series and data bases should be kept in focus and provided for in the designing of structures.

When new needs³⁷ emerge, the initial step should be to decide on the specific administrative support arrangements that would be necessary to fulfil such needs.

Whether new structures should be created or existing structures modified to provide the necessary administrative support requirements should be an issue that is decided upon after deciding on the specific requirements.

The discussion that follows would be within the context as indicated above. As was done in the case of the polity, the proposed changes would be set out at all three levels of governance.

6.1 The Community Level

Given the emphasis placed on the local community level throughout this discussion, it is considered appropriate to begin with the changes in the administrative support structures that are necessary at this level. This would provide not only a relevant foundation for the administrative support system as a whole but also a framework for setting out the changes at the national and regional levels.

The future administrative support structures at the community level should be so designed as to enable the local communities to autonomously manage the provision of all their common public services and goods on their own. Such purpose-designed structures should, therefore, be under local oversight and be accountable to the local communities³⁸ in regard to the quality of service delivery and the effective utilisation of resources that are mobilised from different sources.

³⁷ Such needs would relate to the delivery of specific public goods and services, to the execution of specific programmes and projects.

³⁸ This would be in radical contrast to the present culture of accountability to super-ordinate structures that run all the way to the Centre.

This is the level at which the views of the citizenry, expressed in practical rather than ideological terms, could be best brought to bear on the institutions of governance. It is also the level at which accountability of such institutions could most directly be enforced by the citizenry. The citizenry at their local community level would be in a position to comprehend and evaluate the quality of performance of the local administrative support structures in the delivery of public goods and services – thus acquiring a capacity to enforce accountability. This would provide the citizenry the best training ground in the exercise of democracy and, in the process, contribute to changing the Sri Lankan polity from a colonial and feudal overhang to a functioning democracy.

For this to be a reality, several conditions have to be fulfilled.

To begin with, in the designing of institutional structures, work processes and management systems relating to the delivery of public goods, services and infrastructure, it is essential to provide for autonomy of all aspects of management - including personnel management, financial management and the management of supplies and infrastructure. The future institutions at this level would, thus, be 'stand-alone' institutions and not components of a countrywide network that are managed from the Centre.³⁹

This should be accompanied by changes in the system of providing financial resources to these stand-alone service delivery institutions. It should be based on a system of reimbursement of pre-determined unit costs of delivery rather than on the allocation of resources in response to articulated expenditure needs.⁴⁰

A third condition relates to human resources. Future recruitment of personnel for administrative support (or service delivery) institutions at the community level should be job-specific and not to generalist cadres. The post-recruitment movements of staff, whether vertical or horizontal, should also be job related. Recruitment, career advancement and discipline should be an autonomous responsibility of the management structures of the service delivery agency.

³⁹ The concept of 'stand-alone' can apply to clusters of delivery institutions as well as to individual institutions. For example, it may be more realistic to think in terms of local clusters of schools or of vocational training institutes or of a network of primary health care institutions.

⁴⁰ Adequate know how is available now on setting unit costs in regard to any area of delivery of public goods, services and infrastructure – for example, education and training services, health care services, road and highway construction and maintenance etc.

If there is to be effective oversight by the local community of the delivery of public goods and services, these different delivery institutions at the local community level should be accountable to the Local Government Institution (L.G.I.) of the area. Co-ordinating their activities and the monitoring of their performance would, thus, be a prime responsibility of the Local Government Institution. It would, for the purpose of performance monitoring, set targets of performance and of resource use⁴¹ – against which the achievements would be assessed.

To enable the local community to fully comprehend the quality and pace of performance, each delivery institution should present an Annual Performance Report to the Local Government Institution. These reports should be both discussed at the sessions of the Local Government Institution as well as be presented at public hearings.

The institutional arrangements as set out above would, obviously, require the availability of a Chief Executive Officer within the administrative structure of the Local Government Institution who would serve as its focal point. He/she would discharge the responsibilities of co-ordination, facilitation, performance assessment and monitoring of the activities of all delivery institutions. Another key function of the Chief Executive Officer would be the appraisal of the operational policy and programme options by the respective institutions prior to their approval by the Local Government Institution. The Chief Executive Officer should be appointed by the Local Government Institution - and not be the present Divisional Secretary appointed by the Centre.

6.2 The Centre

The observance of the principle of subsidiarity leaves the centre with two basic responsibilities. The first is that of public policy management at the national level. The second is the management of the residual functions that cannot, by their nature, be desegregated into spatial areas at the local or regional level. The institutional arrangements for the discharge of the two sets of responsibilities would, naturally, have to be different.

⁴¹ This would include personnel, finance and physical assets.

Hence, the future institutional structure for the performance of the functions germane at the Centre would include the following:

- A limited number of Ministries⁴² that are policy focussed and are staffed appropriately for the task of public policy management. Such cadres would be small but of high quality. They would, mostly, be inducted on time-bound contracts and be compensated in such manner that the best talent in the market could be attracted.
- A strong and appropriately staffed Cabinet Secretariat that would focus on the inter-sectoral reconciliation of policy options and on appraising such policy options in terms of their relevance to the declared national objectives.
- A small cluster of agencies for the performance of the limited range of tasks that would, in accordance with the principle of subsidiarity, continue to remain with the Centre.⁴³
- A group of enterprises to manage activities of a commercial nature that cut across the local communities and regions.⁴⁴⁴

The responsibilities at the Centre, whilst being limited in range and scope, would be of a demanding nature in regard to the professional skills that are required. Hence, the importance of recruitment of personnel to be on the basis of being job specific and time-bound. It needs to be underlined that there is no place in the future Sri Lankan administration for the plethora of 'All-Island Combined Services' that exist today – which have, due to inherent shortcomings, become a barrier to effective administration.

⁴² A fact that is not normally realised in the rush for political accommodation is that multiplication of ministries beyond what is essential only leads to conflict and confusion in public policy management which, then, takes a fractured rather than a holistic character. This became increasingly evident in the Cabinet of 46 ministers formed after the parliamentary election of 2000.

⁴³ These would, for example, include such functional areas as matters related to citizenship, the conduct of foreign relations, the regulation of the financial sector, other regulatory requirements of delivery of public goods and services etc. The arrangements would be essentially central in character – though it is possible that arrangements could be made with institutions at the local level to carry out some of the tasks involved, on 'agency arrangements'.

⁴⁴ Examples of such activities include the running of railway services, the management of the national power grid, the management of airports and ports. The enterprises could be wholly State-owned or private-State joint enterprises. These would need to be continuously reviewed for possibilities of their transfer to the private sector fully.

6.3 The Regional Level

The administrative support institutions at the regional level have four main functions:

- The review and appraisal of the financial needs for the provision of public goods, services and infrastructure of the local communities - as presented by the Local Government Institutions – and the aggregation of such needs.
- The mobilisation of financial resources that would be available to the region from all sources – within and outside the region – to meet such needs.
- The allocation of the resources so mobilised as amongst the demands received from the communities in such manner that inter-spatial disparities in the availability of public goods, services and infrastructure are minimised.
- The facilitation of the efficient delivery of public goods, services and infrastructure by the Local Government Institutions through ensuring the availability of the required technical support.

A major error that was made in 1988 when the Provincial Councils were introduced was to attempt to replicate the already outdated political and administrative structures at the Centre at the Provincial level – in the form of Ministries, Secretaries, Departments etc. The opportunity to introduce a simple and minimal structure to discharge the functions that are really essential at this level was missed. The ignoring of the local community level was a contributory factor to the irrelevant outcome. The result has been a considerable waste of financial resources.

As a result, the regional level, like the central level, has become a burden to the public exchequer and is in equal need of radical surgery. Some of the key elements in the restructuring need to be emphasised.

Given the portfolio of functions at the regional level as described above, there is no need for separate administrative structures in the form of Ministries as at the Centre. A Common Secretariat would administratively support the Executive Board. A Chief Executive Officer would head such a secretariat. It would, of course, have the support of technical specialists as required by the exigencies of the tasks to be performed.⁴⁵

⁴⁵ Such specialised skills need not be a permanent cadre but could be obtained on a task-specific basis.

The provision of technical support to the Local Government Institutions to facilitate the efficient delivery of public goods, services and infrastructure by them could be organised through contractual arrangements – either with the private or NGO sector, under cost reimbursement arrangements.

Arrangements for the delivery of public goods, services and infrastructure to a number of adjacent Local Government areas⁴⁶ should be set up as co-operative arrangements of the Local Government Institutions concerned. They should function autonomously and not be organizations owned and controlled by the regional level.

As proposed for the local and central levels, recruitment of personnel to administrative structures at the regional level should also move away from lifetime employment and be made task-specific and time-bound.

7. Human Resources - The Critical Factor

Restructuring of administrative support institutions would be of no avail unless radical changes are effected to the management of the human resources involved in their operation. As is evident from the preceding discussion, the new institutional structures would, obviously, require a supply of human resources that is significantly different from what has obtained in the first half century after Independence.

Several key basic areas in which radical changes are required could be identified. These include areas such as

- The approach to the determination of skill profiles;
- The tenure of appointments;
- The process of induction of personnel;
- The development of flexible approaches to the determination of remuneration and compensation;
- Capacity enhancement of public sector personnel that would call for innovative thinking;

⁴⁶ Examples would include secondary and tertiary hospitals, public road transport services etc.

- The availability of a senior policy management group at the apex of the system;
- The assignment of responsibility for human resource management.

Each of these will be dealt with in the discussions that follow.

7.1 The Skill Profile

The changing nature of the roles and functions of governance and of the tasks that flow from them has a direct bearing on the future skill profile of public sector employment.

The skill requirements of jobs in the public sector organisations would increasingly tend to be specialised rather than generic. They will be directly related to the specific tasks that are involved and to the performance targets that are to be achieved at any given time. The added reality is that the tasks and the performance targets in question would change frequently – as the operational contexts of such organisations change. As recent evidence shows, changes in the operational contexts occur with increasing rapidity – though this is not, necessarily, understood and appreciated at the policy levels of governance.

The detailed and specific definition of roles, functions and tasks must, therefore, be the initial step in the process of filling a vacancy in an administrative support organisation. This step should lead to two outcomes. The first, is the confirmation that the position does really need to be filled. The second, is the definition of qualifications (in terms of academic proficiency, skills and experience) that should be sought for in the selection process.

The skill requirements of the future, whether they be at the management, technical or operational levels, would be increasingly sophisticated. Such sophisticated skill requirements would imply that potential candidates have acquired specific competences over and above those provided by the general education system – whether at the tertiary or secondary level.

The traditional view that skills that are required could be acquired on the job does not hold true any longer. Not only is such a process of on-the-job-skill-acquisition time

consuming, it also affects job performance in the interim in terms of output, quality and time.

It is a reality that, even within the same job designation, there are wide variations in task demands that are specific to different spatial locations in the country. It would, therefore, be realistic to approach the definition of job qualifications in the specific context of job location.

7.2 Tenure

Over time, changes in the requirements of service delivery as well as in the role of the State and its constituent institutions would affect both the institutional structures in the administrative support system as well as the jobs therein. In a sense, the impact of the changes would be more direct on the jobs – because whilst institutional structures may continue, changes in their task content would call for new jobs with new skills. This reality has major implications, in the future, for tenure of jobs in administrative support and service delivery organisations. The key implications are discussed below.

There is unlikely to be room for guaranteed lifetime employment in administrative support and service delivery institutions. It is the norm in the employment market that the duration of employment in a specific job is co-terminal with the time duration of the task content thereof. There is no logic for employment in the jobs in public sector organizations to be different. The future trend in public sector employment should, therefore, be one of time-bound contracts instead of lifetime employment.

It is but appropriate that such contracts, whilst being time-bound, should provide for renewals and extensions – if the task demands of the institution so require. However, such renewals should be directly linked to the quality of performance of the individual employee concerned. For renewal of contracts to be linked to the quality of performance, it is necessary that the contracts, themselves, should spell out performance expectations for the contract period.⁴⁷

⁴⁷ This could take the form of performance agreements that are integral to the employment contracts.

Employment contracts should, obviously, provide for their termination on account of misconduct or persistent poor performance.

7.3 The Process of Induction

The post-Independence processes of recruitment of personnel to the public sector have taken the form of a linear extension of the practices that were followed by the British colonial administration. The colonial administration had to cope with a limited range of tasks⁴⁸ that were of a consistent character and a correspondingly smaller number of administrative organisations and of personnel.

As was seen in the preceding discussion, there has been a radical change in the scenario. The task profile of administrative support and service delivery institutions has come to be more complex and to be subject to rapid changes. This has a direct bearing on the future processes of recruitment to positions in the administrative support organizations.

As already discussed, the future recruitment of personnel should be directly linked to the task requirements of the specific jobs in the different organisations at the different levels. As the future tasks in the structures of public management would, increasingly, be highly specialised, there would be no room for peripatetic generalists as at present.⁴⁹⁴⁹

The shift to a process of task-specific recruitment requires that the present 'All-Island Combined Services'⁵⁰⁵⁰ should be terminated. It is correct that specific individuals who had, in the past, been inducted to such Services may have specific competences that would be relevant to specific task requirements of the future. However, the Services as such, in the manner that they are structured, have outlived their relevance. Equally

⁴⁸ These, in the main, were related to the maintenance of basic law and order, the management of crown property including land, the administration of simple revenue collection systems, the provision of basic infrastructure that was geared to the furtherance of investment activities of British capital and the like

⁴⁹ An interesting example of an area of governance the effectiveness of which has suffered due to the replacement of specialised cadres by such peripatetic generalists is that of the management of industrial relations.

⁵⁰ These would include the Sri Lanka Administrative Service, the Sri Lanka Scientific Service, the Sri Lanka Engineering Service, the Sri Lanka Accountants Service, the Sri Lanka Education Administration Service, the Clerical Service and others of the same genre.

importantly, they have also, through the manner in which their internal management systems have evolved, impeded the forging of an accountability nexus between their members and specific client groups that such members are expected to serve.

Public sector employees, as is to be expected, would aspire to improve their career positions through seeking and competing for higher-level posts. Freedom of mobility that would provide for improvement of career positions would serve as a strong underpinning for a well-motivated workforce. This requires the opening up of all posts in public sector organisations to open competition⁵¹ to enable such aspirants to compete for them.

The processes of induction to positions in administrative support organisations must, obviously, be fully transparent. They should be such that aspirants to public employment have the fullest confidence that there is in-built accountability at the different levels at which induction is effected – a situation that does not, necessarily, obtain today.⁵²

The objective of the induction process is to attract the best talent from the market. For this to be achieved, they should become more open and flexible. Today, the induction processes in the public sector tend, unlike in the private sector, to be rigid – due to pressures brought to bear by the vested interests of trade unions.

7.4 Remuneration and Compensation

The issue of remuneration and compensation needs to be approached from two viewpoints. The first is that of attracting and retaining the best talent that is available in the employment market for the tasks that are envisaged. The second, is that of ensuring that the talent so inducted continue to be at optimal levels of performance.

⁵¹ In order to attract the best talent available in the ‘skill market’, such competition must be open to candidates from both inside the public sector as well as outside.

⁵² It is to be hoped that the 17th Amendment to the Constitution, providing for an independent Public Service Commission that was adopted by the Parliament in September 2001 would provide for this transparency and, thus, pave the way for a restoration of confidence in regard to induction to public employment.

The approach to the issue of remuneration and compensation has also to recognise that, with the expansion of employment opportunities in the corporate private sector, the monopoly command that public employment had in the employment market, during the first three decades of the post-Independence period, has disappeared. This is clearly evident in employment preferences shown by job seekers – particularly at the higher skill levels. The public sector is, today, but one, and albeit a low priority, contender for the limited pool of such skills that enter the employment market.⁵³

Several changes are, therefore, necessary in the hitherto current approaches to the determination of remuneration and compensation for jobs in the public sector organizations.

Remuneration and compensation has to be post-specific and not common to groups of posts as it is today. As already discussed, the identification of tasks applicable to specific posts should be accompanied by the determination of skills, qualifications and experience that are required for the performance of the identified tasks. The fixing of the remuneration and compensation package for the posts in question should, obviously, be guided by the levels of remuneration and compensation that obtains in the market for such portfolios of skills, qualifications and experience.

It is clear that, in a changing context of salary and wage patterns in the country's employment market, the compensation and remuneration packages for public sector jobs would also have to change at frequent intervals. Such changes are unlikely to uniformly affect remuneration and compensation across the board – as the major determinant of the fluctuations would be the demand for specific skills and their supply at given points of time. What would be important for effective human resources management in public sector organisations is to ensure that employing organisations remain alert to the changes in remuneration and compensation patterns in the employment market and to so respond to them that they remain competitive in the employment market.

⁵³ Exceptions to this situation, no doubt, exist – particularly in regard to doctors and teachers. Not only is the public sector the dominant employer in these cases but also, interestingly, both these groups have the opportunity to engage in 'private practice' whilst maintaining the public sector jobs as safety nets.

The location of the posts would also be a determinant in deciding on remuneration and compensation packages. The tradition of countrywide uniform remuneration and compensation structures has been an impediment to attracting and retaining skills of appropriate quality in the less endowed areas of the country. This has affected the quality and timeliness of the delivery of public goods, services and infrastructure in such areas and has contributed to continuing spatial disparities in social and economic conditions. The main criterion of the future should be that of attracting and retaining the required skills, qualifications and experience for work in such deprived locations.

The time-bound contractual character of future employment in public sector organisations would, obviously, have its own influence on the remuneration and compensation packages. The future packages would be distinctly different to the multi-tier salary scales that have hitherto applied to systems based on lifetime employment. The new remuneration and compensation packages should comprise multiple elements. Basic packages with supplements, in cash and kind, which are geared to such factors as performance, location, contract duration etc. need to be explored.

Schemes of super-annuation that obtain in the formal employment market today fall into two categories. The Public Service Pension System that is the dominant super-annuation scheme for employees of public sector organisations is a non-contributory and un-funded scheme with the age of retirement and the duration of employment being the major determinants of the quantum of the participants' benefits. Employees in the private sector participate in provident fund schemes that are contributory and are funded and where the periods of contribution determine the quantum of participants' benefits. The move away from lifetime employment to time bound contractual employment and the replacement of a single employer (the Government of Sri Lanka) by multiple employing organisations signals the imperative of contributory and funded schemes of super-annuation. The likelihood of high mobility of jobholders as between the public and private sectors underlines the importance of such super-annuation schemes being open ended and being integrated into the system of contributory super-annuation schemes in the employment market.

7.5 Capacity Enhancement

The preceding discussion on the future administrative support structures and the necessary concomitant changes in regard to the induction of personnel to public sector organisations point to a radically different approach to capacity enhancement of public sector personnel. The traditional approach adopted thus far – though not with any appreciable degree of success – has been to regard the responsibility for capacity enhancement as being that of the government as the employer. The underlying rationale for this approach was the reality that any individual employee, having once entered public employment had a life-long association with such employment and that, as a matter of course, would not only be set on a career path but would also be likely to move frequently from organisation to organisation. He/she would not, necessarily, be the employee of any single organization.

However, the situation in the future would be completely different. No longer would individuals be inducted for positions in the administrative support and service delivery organisations on the basis of permanent, life-long tenure. They will be inducted on time-bound contracts – though such contracts could be renewable depending on the needs of the employing organisation, the levels of performance of the contracted individual and the latter's consent.

This implies that the concern of the employing organization as regards capacity enhancement would be directly performance-related. Training and development exercises that are thus initiated by the employing organizations for capacity enhancement should, obviously, be linked to the imperatives of performance enhancement – linked to productivity improvement as well as to changes in technology. This would require employing organizations having to assess job performance of individual employees and of groups of employees and also to relate such performance to the potential of emerging technologies. It is from such exercises that programmes of capacity enhancement would emerge.

Such programmes for capacity enhancement could take two forms. They could be designed and conducted in-house such that they meet the specific needs of the concerned organisation. They could also be out-sourced to specialised training and development

institutions on a cost reimbursement basis. Whichever approach is adopted, the task of ensuring that employees undergo appropriate capacity enhancement exercises would, no doubt, be the responsibility of human resources management and development units within such organizations.

Given the inevitable desire of employees to seek better employment opportunities at higher levels of skills and responsibility, there would, naturally, be an inclination on the part of most employees of public sector organisations to seek avenues of capacity enhancement that would raise their prospects of obtaining such employment. This, however, should not be regarded as a responsibility of the employing organisations nor be confused with the efforts at capacity enhancement for productivity improvement discussed above. It would be a responsibility of the employees themselves – undertaken at their own initiative and cost. Nevertheless, given the competitiveness of the employment market, employing organisations could, where appropriate, include incentives in the form of provision of support for such employee-initiated efforts in the service contracts. Such support could include such elements as time-off for attendance at programmes and cost sharing of such activities. These, no doubt, would be motivational factors in a competitive employment market.

7.6 Cadres for Policy Management

This discussion on human resources management has proceeded on the basis of continuing contextual changes in the task environment that would require concomitant changes in the administrative support structures and their human resources.

There is, however, one activity of governance that has a higher degree of continuity than the general run of tasks.

This is the function of macro-policy management that, principally, belongs to the Centre. In this function, consistency, over time, in the evolution of policy regimes would be an important factor. Frequent policy discontinuity would run counter to the objective of ensuring a stable underpinning for the country's economic, social and political development.

The knowledge and information inputs that would be required for specific episodes of macro-policy management could, of course, vary. However, the skills that are required for their analysis, for the development of policy options and for the designing and monitoring of implementation strategies would, whilst they would require sharpening and updating, remain constant over at least the medium term.

The function of macro-policy management would, naturally, be linked to the Cabinet of Ministers at the Centre – which is the institution within the polity that, collectively, carries responsibility for decisions on national policies and their implementation. For this to be effective, the core group concerned with macro-policy management should, most appropriately, be placed within the Secretariat of the Cabinet of Ministers. Whilst the induction into the policy management cadre would not be on the basis of life-time employment, it would be realistic to conceive of their time-bound contracts as being more of a continuous and long term rather of an ad hoc and short term nature. Continuing capacity enhancement should, naturally, be considered an integral part of such employment.

Given the complexity of the tasks that face such cadres, their induction should be based on rigorous competitive testing and the determination of their remuneration and compensation should always be influenced by the importance of attracting and retaining the highest competencies and skills that are available in the employment market.

7.7 Responsibility for Human Resource Management

The foregoing discussion is predicated on two basic premises as regards the performance, by public sector organisations, of the tasks that flow from the identified roles of governance.

The first such premise is that each public sector organisation would, in the future, be responsible for the provision of pre-designated outputs by the use of the financial inputs received by it from public resources. The pre-designation of outputs would be in terms of quantity, quality, timeliness and cost. It would, in essence, be a relationship of a contractual nature as between the providers of funds and the specific organisation.

The second premise is that the accountability for the delivery of the pre-designated outputs by the organisation concerned would rest, primarily, with the Chief Executive Officer of the organisation concerned.⁵⁴

It, obviously, follows from these two basic premises that the Chief Executive Officer should have comprehensive authority as regards the management of human resources employed by the organisation concerned. Such authority would include several elements.

- The first such element would be the authority for the determination of the size and composition of the cadres to be engaged from time to time. This would depend on the volume and the nature of the tasks that are to be performed and the volume of financial resources that are available to the organisation at specific points of time.
- A second would be the actual induction of the personnel as required and the determination of the nature and the tenure of the contracts of the personnel.
- The determination of the remuneration and compensation for each such contract would be a third such element in the spectrum of authority. Such determination would, obviously, be influenced by the guidelines on these matters issued from time to time by the National Commission on Public Employment that is referred to later.
- The enforcement of discipline would be the fourth element of responsibility that would fall on the Chief Executive Officer. The exercise of this responsibility would be within the framework of guidelines that are issued by the National Commission on Public Employment, the general laws of the country and the legislation that governs the practice of labour relations.
- Ensuring that the performance of the individual cadres is monitored would be a fifth element of the range of responsibilities and of the authority of the Chief Executive Officer. The task would include the setting in place of performance monitoring regimes that would encompass all personnel of the organisation as well as the direct monitoring of specific cadres personally by the Chief Executive Officer.
- The sixth element of the profile of functions would naturally follow from such

⁵⁴ Various designated as Secretary, Director General/Director, Commissioner General/Commissioner, Controller and Divisional/District Secretary etc.

performance monitoring. This is the ensuring of the capacity enhancement of the personnel in terms of task performance.

From this it follows that the responsibility and authority for personnel management that, hitherto, has been dissipated amongst a multitude of agencies,⁵⁵ should, in future, vest in the specific institutions in which such personnel serve.

While the responsibility for personnel management would, thus, vest with the individual public sector organisations, there must, necessarily, be an institutional arrangement which would both provide the several employing organisations with general guidelines and principles that would apply to public sector personnel management. Such an institutional arrangement should provide appeal mechanisms that would enable aggrieved persons to seek redress in instances of non-observance of such guidelines and of principles of natural justice.

Such an institutional arrangement should be in the nature of an independent body, which should be set up through the aegis of the Constitutional Council, in the form of a National Commission on Public Employment.

8. Managing the Transition

The new scenario concerning the administrative support system and its structures and processes as well as the human resources that would be required to make it effective, as set out in the preceding discussion, presents a radical change from what has obtained until now. This is particularly so in the case of the new scenario that relates to human resources management.

It naturally follows that the transition from the old to the new needs to be undertaken with the highest degree of deliberation and planning. The objective should be to ensure that the functioning of the different organisations that would constitute the administrative

⁵⁵ These include the Public Service Commission at the Centre, the several Provincial Public Service Commissions, the Cabinet of Ministers, Provincial Boards of Ministers, the Ministry of Public Administration at the Centre.

support system at its several levels and the delivery of public goods and services by them proceeds without interruption, at acceptable levels of efficiency and effectiveness.

The ensuing discussion would focus on the main elements and framework of this transition and its management. It will, however, not dwell on the details of the different specific action steps that are integral to the several elements. Such details require in-depth studies of the actions involved and are beyond the scope of this discussion. In any event, the designing of detailed action steps would become realistic only once the framework of transition and its elements are agreed upon.

The starting point of the transition process would be the agreement on the ultimate scenario on policies and practices concerning human resources management in the public sector. As set out in the discussions in the preceding Section, agreement would be required on policies and practices concerning induction and tenure; remuneration and compensation; capacity enhancement; as well as the loci of responsibility for human resource management. Two aspects that concern such an agreement need to be underlined.

The first, is that such an agreement should not seek to spell out the operational details of the policies and practices but should, instead, set out their basic principles. These basic principles, in turn, will guide the spelling out of operational details as occasions arise.

The second, is that agreement implies participatory discussion by all parties to the implementation of the policies and practices so agreed upon. It should not be a unilateral imposition of views by the government of the moment. The participation of the current public sector employees is, obviously, important. However, given that there is a close nexus of these policies and practices and the nature of the Sri Lankan polity, critically essential would be the multi-partisan agreement and commitment amongst all major groups within the polity. This becomes important in order to ensure that frequent changes and adjustments consequent on changes of government, as has happened in the past, do not occur in the future.

Given its critical importance, the first step in the process of transition is to deal with all the groups of public sector employees who are currently constituted in what are commonly referred to as 'All-Island Services' – as well as other groups of cadres who

continue to be centrally inducted and managed.⁵⁶ The preceding discussions have underlined the fact that such ‘groups’ have no place in or relevance to the future approach to human resources management in public sector organisations. Recruitment to these groups should, therefore, be immediately frozen. Those who are already members of such groups should be regarded as employee pools – to be either phased out or inducted into jobs under the future system depending on skill demands and suitability as well as the personal preferences of the individuals concerned.

A time consuming task, which would involve voluminous detailed preparatory work, would be that of dealing with the individual personnel in the existing system. These would involve both members of the ‘groups’ earlier referred to as well as occupants of specific stand-alone posts. This task would entail the development of age and service tenure profiles of all personnel as well as the formulation of action plans to deal with them⁵⁷ - as individuals or as groups. In drawing up schemes for separation, encouragement should be offered to incumbents to take up new employment under the new human resources management policies.

The setting up of the National Commission on Public Employment would be a key step in the stage of transition. The early establishment of the Commission would facilitate several preparatory steps in the process of initiating the new system of human resources management in the public sector.

- One such step would be the issuance of guidelines on aspects of induction such as the evaluation of tasks within organisations and the setting of commensurate qualifications for jobs; on setting of tenure for different posts; on publicising vacancies; and on methods of selection.

⁵⁶ Into these latter groups would fall such cadres as Doctors and Assistant Medical Practitioners, Nurses and Paramedical personnel, teachers etc. and even grades such as Karyala Karya Sevakas, Samurdhi Niyamakas, extension cadres and the like.

⁵⁷ Whilst this discussion does not propose to present a detailed action plan, it is self-evident that such a plan should deal with the current incumbents on the basis of sub-groups related to age and service periods. For example, mandatory retirement could be the approach for all those who are over 55 years of age which is the current age of retirement; for those below that age who have completed the required pensionable period of service, a series of packages that would compensate for early retirement could be instituted; a gratuity scheme could be formulated for those who do not possess the required pensionable period of service. The immediate financial burden on the Treasury would be considerably eased if provision were to be made for those who accept subsequent public sector employment (under the new policies) to draw their separation benefits (together with market interest thereon) after their final separation from such subsequent employment.

- A second would be the issuance of guidelines on matters such as remuneration and compensation structures; on performance assessment and on aspects of discipline.
- Preparation and dissemination of codes of conduct related to human resources management would be a third step, whilst the organisation of training programmes on different aspects of human resource management for Chief Executive Officers and Human Resource Managers would be an important preparatory step.

An important step in the phase of transition would be the setting up of the new superannuation schemes for public sector employees to replace the current non-contributory pension schemes. This would require detailed study. However, it is appropriate to underline that these schemes should be fully funded, autonomously managed and statutorily created. Given the complexities that could arise in the management of large schemes, it may be appropriate to adopt an approach of creating several medium sized Funds – leaving open the options for later mergers as demanded by investment management advantages as circumstances change over time.

The winding up of the institutions that have, hitherto, purported to deal with aspects of what is loosely termed ‘Public Administration’ is another step in the process of transition. These would include the Public Service Commission (both at the Centre as well as at the Provincial level), the Ministry of Public Administration at the Centre as well as the plethora of units that dabble in what are commonly referred to as ‘establishment matters’ in the ministries at the Centre and in the Provinces.

An important step would also be the encouragement of the setting up of capacity development institutions. Such institutions, for optimal effectiveness, would need to be competitive, autonomous and self-financing. They would, where relevant, be specialised. In this connection it would be appropriate to critically appraise the future of the Sri Lanka Institute of Development Administration as well as to study how the different universities could be drawn to participate in the activity.

Overarching the process of transition would be the creation of a support constituency for the agreed scenario for the new policies and practices. Likely early supporters would include Community Based Organisations (CBOs) and national Non-Government Organisations (NGOs), the Local Government Institutions and Provincial Councils. The mobilising of the general public as well as organisations within the bureaucracy itself would require the launching of effective schemes of public education and public

awareness creation with vigorous use of the print and electronic media. The dissemination of information on international developments⁵⁸ would be an integral element in such schemes.

9. Conclusion

The preceding discussion underlines the need for a new administrative support structure if the Sri Lankan State is to effectively play the role that is required of it in the changing context of the twenty first century. Within the available space, only broad parameters have been set out. Even the broad outline would underscore the radical nature of the changes that would be required.

The most radical changes that would be required would concern the approaches to human resources management – which, hitherto, have been conditioned by the systems, structures and processes that were inherited from the colonial regime a half-century ago.

As is to be expected, this is also the area of reform around which the greatest volumes of vested interests have grown up. These strong vested interests need to be overcome if the reform agenda relating to human resources management is to become a reality.

The challenge before those who seek a reform agenda of this magnitude is to work towards achieving a large enough constituency for reform amongst the citizenry that would be able to articulate the need for reform and to bring pressure to bear on the political and bureaucratic institutions to launch a comprehensive programme.

If such a constituency were to be a reality, an extensive programme of public education would be a pre-requisite. Such a programme of public education is bound to be long drawn out. It would require the active participation of the intellectual community, the private sector, civil society organisations, trade unions of public sector employees and the media amongst others.

⁵⁸ The reform and restructuring experience of New Zealand would, for example, provide valuable inputs into the discussion in such public education programmes.

The required participation would only be forthcoming if there is a perception that the leadership of the polity – both within and outside of the government of the day – is serious about and is committed to implementing the agenda of reforms. Sri Lanka has had a chequered history concerning administrative reform – with vested interests being able to undermine reform processes and to turn them to their advantage through the use of inducements of short-term electoral advantages or threats of electoral disadvantages or both. Regrettably, policy managers in the polity have been only too ready to yield to such pressure and to covertly abandon the reform agendas – a pathetic situation that has come about due to the absence of conviction and commitment.

The agenda of reforms as presented in the preceding discussion is offered on the premise that, having learnt from the past lessons of experience, political maturity will motivate leaders of the parties and groups in the polity to provide multi-partisan agreement to the agenda and, thus, counter the efforts of the vested interests.

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