



CENTRE FOR POLICY ALTERNATIVES

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The Public Perception of Governance in Government is Not Good

9 November 2015, Colombo, Sri Lanka: The Centre for Policy Alternatives (CPA) is disturbed and condemns two reported recent incidents adversely impacting governance – the Police attack on the Diploma students and what transpired in Parliament over the Avant Garde investigation.

In the case of the former, CPA unreservedly condemns the Police attack. In any functioning democracy it is the responsibility of the Police to protect citizens exercising their fundamental rights rather than brutally attack them in actions reminiscent of the recent authoritarian dispensation. Was it the case that orders were given to the Police to use force in the manner they did and by whom or was the Police acting on its own accord and reverting to what may have been orders and/or standard operating procedures sanctioned by the previous regime? CPA notes that there are a number of investigations ordered into the attack including by the Prime Minister and the Human Rights Commission. We believe that these investigations should be brought to a thorough and speedy conclusion, the reports made public and those responsible brought to justice without fear or favour.

The second incident relates to the debate in Parliament on the Avant Garde case and the defence of that organization by none other than the Minister for Law and Order as well as adverse criticism by him of the role of the Police in the investigation – an institution under his purview. In addition, there was the statement by the Minister of Justice to the effect that he acted to prevent the arrest of the former Secretary of Defence in this regard. There are accusations pertaining to the interference in this investigation by another minister as well. Media reports state that following the debate in Parliament there was further, intense discussion of the issue at Cabinet with some ministers threatening to resign over the statements made in parliament by their colleagues. The Cabinet will meet yet again regarding it.

The issue at stake in the investigation is as to whether there are grounds for prosecution in this case and under which law, thereby determining as to whether prosecution should be criminal or civil. The Attorney General has opined that there is no case that can be filed under the Fire Arms Ordinance or the Prevention of Terrorism Act. The two ministers concur. Most importantly though at the heart of what transpired is the issue of the declared conflict of interest on the part of the Minister for Law and Order who appeared for Avant Garde before he

took up his ministerial portfolio, his use of parliamentary time and privilege to defend his former client and his criticism of the Police. His statement in Parliament smacks of a cavalier disregard for conflict of interest as a key and integral element of governance in government and flies brazenly in the face of any pretension of fostering a political culture of governance since the historic election of January this year and its reinforcement seven months later in August.

CPA calls for the resignation of the Minister of Law and Order and a clear public statement, without delay, from the Minister of Justice as to what precisely his role was in the investigation.

The citizens of this country voted twice to reject the previous dispensation and its wanton and systematic erosion of governance in government. Almost a year now since the election of President Sirisena in January, there is a cynicism abroad that those at the helm of the establishment of governance in government are wanting in terms of either willingness and/or ability, that all politicians are the same and that “deals’ will always be struck. Were this perception allowed to become widespread in the absence of government action to reverse it through renewed, demonstrable commitment to governance and declared “zero” tolerance of corruption, the gains of January and August 2015 could be fatally compromised and reforms in general needlessly de-railed. The government is responsible for this situation. Not the opposition.

Swift and decisive action is needed. Perception matters in politics. Principle always does. The balance of political power could shift and quickly, not because the previous dispensation and its torch bearers in active politics are looking good and providing an attractive alternative, but because the government is too soon appearing to be wanting on principle and performance.