

# Rising from the ashes: A plan to establish a new order in Sri Lanka

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[Note that neither of us have ANY interest in taking part in the new government or any of its roles as proposed in this document. We wrote this purely as an attempt to provide a constitutionally consistent, practical and viable path to address the immediate challenges in the country.]

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# Executive summary

**Sri Lanka is at a major crossroads today.** We have two simultaneous events, a people-led political upheaval and an economic armageddon, each of which can lead a country to disaster. No country has had to face both at once to the level we are facing today.

**We cannot face the economic crisis head-on without a stable government in place.**

Today we effectively have no government. Difficult as it may be, it is thus necessary to re-establish proper governance in order to start addressing the massive challenge of stabilizing the economy.

While there are many rallying cries for the people-led protests, **whatever we do to adjust the political system must be done within the framework of the existing constitution.** Any other approach is a call for anarchy and no citizen should wish for that!

The proposed approach for improving governance has two stages:

1. Establish a new, stable national government
2. Improve how our administrative system works

The necessary steps to achieve a national government can be summarized as follows:

1. **Pass the 21st Amendment to the constitution repealing the 20th Amendment** and comprising of an improved 19th Amendment to curtail the powers of the president
2. **Design a new cabinet structure with 28 cabinet ministers** (or less) and no deputy ministers or any kind of non-cabinet ministers
3. **Ask all current 29 national list MPs to resign** from parliament
4. Ask all **parties to nominate new members with specialized skills needed to occupy the 28 cabinet positions and the prime minister role**
5. President invites the identified national list member to **form a national government consisting only of national list members** and appoints the identified person as the prime minister without the president or PM taking any portfolios
6. **All political parties agree to support the national agenda** as defined by this national government

The necessary steps to improve our administrative system can be summarized as follows:

1. Stop appointing random private individuals as secretaries of ministries
2. Introduce the necessary public sector reforms to enable organizations to function better including the reorganization of government organizations as needed
3. A complete moratorium on any new hires to the government unless supported by retrenchment

Executing the plan proposed in this document can result in a government structure that can face the economic problems head on and solve them. This result is a victory for the people and provides the political system the opportunity to serve us rather than themselves.

# Introduction

The people's rebellion that started a few weeks ago with “#GoHomeGota” has highlighted the dire need and is an opportunity to rapidly and radically improve how our country's executive and administrative system works, while still operating within the current constitution. While the anger of the people is currently focused on the president and members of his family, any impartial observer will accept that the deep economic and other issues in our country are the responsibility of all our political leaders over many decades and the voters who voted them in.

As the country is going through soul searching about governance, we are also heading towards an economic precipice. No country that had to deal with economic default-related challenges had to simultaneously deal with political upheaval. Just addressing the economic challenges is itself hard enough, but doing both together is a nearly impossible task. Mismanaging this complex situation with a complete and utter meltdown of the country in all aspects led to chaos and anarchy.

If the country is not navigated safely through this most difficult economic and political crisis in the history of Sri Lanka, the country would become completely bankrupt, inflation would soar to an unfathomable level, the social life would be utterly miserable making it impossible for the majority to make a living, underworld and mafias would take the country to anarchy and chaos from which the country would never recover.

This is a golden opportunity for the people of Sri Lanka to pressurize the political parties which represent the executive and the legislative powers of the government, to pave the way for a national government that could make the best possible attempt to save the country from the impending calamity.

How can we use this opportunity to improve our overall system of government so that we can address some of the following issues, in multiple stages:

1. Establish a new, stable government that can navigate the country through the economic challenges and become economically stable again.
2. Improve how our administrative system works so that it can function independently of the political system to the extent that it needs to.

## Establishing a new, stable government

While the government exists in name today, it is in total disarray without a proper cabinet. Whichever political party takes over to establish a government has the unenviable reality that it will be the bearer and guardian of bad news for several years, the period it will take to re-establish economic stability.

No party will want to take that burden to itself. Thus, it is critical that the next government be a national government with members from all political parties.

## Duration of a national government

The next scheduled presidential election is in late 2024 and the next parliamentary election is in mid-2025. The new national government will need that time to take the country through the difficult set of fiscal and other transitions we will need to make in order to stabilize the economy.

If we were to hold a parliamentary election before 2025, the new government would come with a new set of policies and directions. Historically our governments have always been known to reverse any positive direction taken by the previous government. In the economic war, we're in today, even ignoring the massive financial cost of an election, such a reversal would be damaging.

Thus, our view is that the national government must be in place until the current parliamentary and presidential terms are completed.

## Executive presidency

While the rallying cry of the protesters is “GoHomeGota”, removing a president is not an easy task. If the president were to resign, according to our constitution parliament would have to select a Member of Parliament as the President. If anyone observed the parliamentary sessions on April 4th and April 5th, that process is likely to become a disaster.

Secondly, appointing a new president who operates within the power of the current constitution (i.e. the 20th amendment) can be a disaster as the power of that seat is simply awesome and will not result in an overall government that can work properly. The need of the hour is national thinking and statesperson-like behaviour – which is not something that any of our political leaders have demonstrated!

In order for a government to operate effectively as a national government, it is critical that the president's powers be pruned by parliament and an updated version of the 19th amendment be established as the 21st amendment. The changes which should be made to the 19th Amendment have been explained by Dr Jayampathi Wickramaratne, one of the authors of the original 19th amendment can be viewed [here](#) (see [1]).

Once the 21st amendment is passed, the current president can resign if he so chooses or he can remain in a largely ceremonial role until the next election cycle or until parliament chooses to rewrite the constitution to eliminate the executive presidency completely. Note that such an elimination is not a simple amendment as it requires modifications to the constitution in many places – effectively, a new constitution is needed.

## The national list of members of parliament

The parliamentary election system in Sri Lanka results in two kinds of people going to the parliament: those that are elected from each district (a total of 196) and a further 29 that are appointed by political parties in numbers proportional to the national vote count of the party.

As explained in [this](#) GroundViews article (see [2]), the reasons for the national list are sound:

*The list was introduced primarily to bring in experts and professionals from various fields, whose knowledge and skills would be useful in parliament-the underlying assumption being that such individuals would not have the time, political know-how, or the requisite popular appeal to successfully contest and win an election.*

However, the article goes on to note that the list has lately been abused:

*The logic behind a national list is sound, although the mechanisms to protect its spirit are not (Section 99A as introduced by the 14th amendment effectively allows parties to ignore the lists they have declared and to nominate anyone else, subject to the normal limitations).*

Here is the current national list of MPs in parliament:

<b>Name</b>	<b>Party</b>	<b>Alliance</b>
Selvaraja Kajendran	ACTC	TNPF
Thavaraja Kalai Arasan	ITAK	TNA
Harini Amarasuriya	JVP	JJB
Tissa Vitharana	LSSP	SLPFA
Yadamini Gunawardena	MEP	SLPFA
Mohamed Mussammil	NFF	SLPFA
Athuraliye Rathana Thero	OPPP	
Diana Gamage	SJB	SJB
Eran Wickramaratne	SJB	SJB
Harin Fernando	SJB	SJB
Imthiaz Bakeer Markar	SJB	SJB
Mayantha Dissanayake	SJB	SJB
R. M. Ranjith Madduma Bandara	SJB	SJB
Tissa Attanayake	SJB	SJB
Suren Raghavan	SLFP	SLPFA
Ali Sabry	SLPP	SLPFA
Basil Rohana Rajapaksa	SLPP	SLPFA
Charitha Herath	SLPP	SLPFA
G. L. Peiris	SLPP	SLPFA
Gevindu Kumaratunga	SLPP	SLPFA
Jayantha Ketagoda	SLPP	SLPFA
Jayantha Weerasinghe	SLPP	SLPFA
Manjula Dissanayake	SLPP	SLPFA
Marjan Faleel	SLPP	SLPFA
Ranjith Bandara	SLPP	SLPFA
Sagara Kariyawasam	SLPP	SLPFA

Seetha Arambepola	SLPP	SLPFA
Tiran Alles	SLPP	SLPFA
Ranil Wickramasinghe	UNP	

## Forming a new government

The goal is to form a new national government consisting of ONLY parliamentary members who are in parliament by way of the national list. This allows those members to *do the right things* for the country, ignoring party politics and re-election pressures.

As established in the previous section, barring a few exceptions, the current national list members do not possess the right capabilities to be holding cabinet positions in this crucial period for our country.

The following sections explain the sequence of activities to establish this new national government.

### All national list MPs resign

To bring in new credible individuals to parliament to form the new cabinet, the current national list members must resign from parliament. They and the political parties they represent must sacrifice their parliamentary membership benefits for the national cause.

### President and political parties organize a 28-member cabinet

The president is ultimately responsible for asking a member of parliament to form a government. This task is essentially a re-organization of the government into 28 ministries that can effectively run the country for the next two and a half years.

Note that no ministries will be taken by either the president or the prime minister. There will also not be ANY deputy ministers or state ministers or any other form of non-cabinet ministers.

In this state of coming national armageddon, we expect political party leaders to work together to design this organization structure.

### Parties nominate 29 new national list members

All parties to nominate new members with specialized skills needed to occupy the 28 cabinet positions and the prime minister role. The individuals should be able to work collaboratively, earn the respect of the people due to their credibility and be willing to work full transparently to earn the trust of both the people and parliament as they execute the difficult task of re-shaping our economy without political party focus or bias.

The prime minister candidate should be able to get the confidence of the parliament as they have to vote him or her in and support the person for this period to run the government.

It is permissible to bring back some of the national list members if they credibly fit a role in the new 28 member cabinet. However, all candidates must meet the minimum criteria:

1. Be of a generally non-political nature and be willing to work at the national level without bias towards the party they are nominated by
2. Have suitable educational & professional qualifications and relevant experience to be the minister of a particular subject
3. Be willing to declare all assets and maintain it during the course of their national list membership
4. Be willing to be transparent about their work to a level unseen by any previous member of parliament or cabinet member. This is critical for the person to earn and maintain the trust of the people and of parliament.
5. Not be a person who ran for, and/or lost, the last parliamentary election
6. Be willing to make a declaration that s/he would be disqualified to run for the next election unless a majority of the present Parliament changes this criterion at the latter stages of the National Government term. This allows the person to focus on doing whatever is right for the country during this term without worrying about how it will be received by the voters.

The Constitutional Council (which will come back into effect with the revised 19th Amendment coming as the 21st Amendment) will take responsibility to verify the qualifications of the nominees against the set of criteria given above and approve/disapprove the nominations.

## President invites the PM candidate to form a government

The President invites the identified national list member to form a national government and appoints the identified person as the prime minister and the other members as cabinet ministers.

All political parties agree to support the national agenda as defined by this national government. They also must agree to NOT undermine or attempt any change until the next elections in 2024 and 2025.

## Making difficult decisions

The critical task of the new national government is to stabilize the economy, stabilize the prices of essential commodities, ensure utility services and commodities are readily available in the market and reshape the public sector to make it a smart and efficient unit. Another task is to rebuild the trust of the people in the government and its ability to manage the country.

In order to fulfil the above, it is necessary to make hard and difficult decisions that will not be popular with a majority of the country in the short run. For example, during the economic recovery period, the government of Greece had to cut down the public sector cadre by 26% and the wages bill by 39% to make the public administration efficient and productive [\[3\]](#). There could be continued protests against hard decisions which will be taken by the caretaker government. Still, the government will need to make the necessary hard decisions to take the country out of this catastrophic situation.

The new Prime Minister and the Cabinet of Ministers, would present a roadmap for the recovery and the Finance Minister would submit a new budget for the years 2022 and 2023.

The Finance Minister could appoint an Economic Advisory Council comprising eminent economists to advise him/her and take part in the negotiations with the international lending agencies.

Party leaders MUST agree to support the proposals from this national cabinet of ministers and support them in parliament to pass any necessary laws and regulations and of course the budgets. In particular, this agreement must hold until the next election without any room for withdrawal.

## Impact

The advantage of this approach is that when it comes to election time, all parties can blame these 29 individuals (if they so wish) for having caused pain to the people during the interim national government. (There is no way back from the current economic nightmare without pain.) When the efforts of the national government would bear fruit, all would embrace them as national heroes.

The remaining 196 then become effectively inert in terms of executive actions in navigating the country out of the mess.

Elections will come in 2024/2025, and that gives time for those 196 people to improve legislation, clean up obsolete acts and drive any constitutional change (such as eliminating the executive presidency if they so wish) and re-establish credibility in themselves if they desire to be re-elected. This is a position-saving exit for all members of parliament.

The president himself will continue to remain in the job but will no longer be in an executive position nor hold any ministerial portfolios. If he were to resign, parliament would elect one of their 196 members to become the president but that person too has to agree to support this interim plan until it is time for new elections.

## Improving the administrative system

Since all the governments which governed the country so far have avoided the opportunities for frequent and regular public sector reforms, the politicization, the unplanned expansions to the public sector cadre, multiplication of public institutions and the lack of good governance in the state-owned enterprises has led to an unaccountable, inefficient and massive public sector which consumes a massive portion of the government revenue as salaries and pension.

The elimination of the post of a Permanent Secretary of a ministry has led to the absence of the continued implementation of national policies. Today we see massive politicization going down to several levels, rampant recruitment of political supporters to permanent government jobs and an overall increase in bureaucracy and red tape.



As the IMF would definitely impose on the Government of Sri Lanka, the government would have to undertake many public sector reforms. Leaving those to the government to handle, we could identify certain measures which should be introduced for the government to function smoothly.

## Appointment of ministry secretaries

The secretary of a ministry is like the chief operating officer of a business - they are responsible for the actual execution of all functions of the organization and are also the responsible financial officer.

All recent governments have established the practice of appointing a favoured private sector individual or a long-retired public sector officer to the position of secretary to a ministry. These people might be very competent, but they are not familiar with government procedures and policies and often end up making a bigger mess than they deliver value.

During this interim national government, all 28 ministry secretaries, the prime minister's secretary and the president's secretary will be career government officials of secretary rank who are about to retire or have retired within the past few years. They will be given an employment contract that continues until 3 months after the 2025 parliamentary elections. They will be compensated at market competitive rates, will be given appropriate KPIs and be held accountable for delivering the results the country needs.

Unless the secretary is not performing at the expected level, they will not be removed from their post for the duration of the contract.

## Public sector reforms

Introduce public sector reforms and austerity measures as required for improving the efficiency of the public sector. These public sector reforms consist of deliberate changes to the structures and processes of public sector organizations with the objective of getting them to run better. Structural change may include merging or splitting public sector organizations while process change may include redesigning systems, setting quality standards and focusing on capacity-building.

## Recruitment moratorium

The Sri Lanka government has employed almost one and a half million people in the public sector. In addition to being a burden on the budget, the size of the government automatically makes the system slow and bureaucratic.

There will be NO recruitment to the government except for necessary specialized professional roles such as in the critical areas of health and education.

# Getting started

Many of the steps required to execute this plan take time. Time is exactly what Sri Lanka does not have today.

In order to pass the 21st Amendment and start this process, it will take at least 6 weeks. We cannot wait for 6 weeks to commence the economic repair work. As an interim measure, the president must agree on a temporary caretaker government, along with this plan, so that the work of engaging with our lenders and the IMF can begin immediately.

## References

[1] Improved 19th amendment draft:

[https://anidda.lk/19-%e0%b7%80%e0%b6%b1-%e0%b7%83%e0%b6%82%e0%b7%81%e0%b7%9d%e0%b6%b0%e0%b6%b1%e0%b6%ba%e0%b6%a7-%e0%b6%86%e0%b6%b4%e0%b7%83%e0%b7%94-%e0%b6%ba%e0%b7%91%e0%b6%b8-19%e0%b6%ba%e0%b7%9a-%e0%b6%b4%e0%b7%8a/?fbclid=IwAR1\\_gdRiDVP4hQLvZcLu1L8lcttkKZeMYbA4pj4YRIIEuMuthoqoWFOg85k](https://anidda.lk/19-%e0%b7%80%e0%b6%b1-%e0%b7%83%e0%b6%82%e0%b7%81%e0%b7%9d%e0%b6%b0%e0%b6%b1%e0%b6%ba%e0%b6%a7-%e0%b6%86%e0%b6%b4%e0%b7%83%e0%b7%94-%e0%b6%ba%e0%b7%91%e0%b6%b8-19%e0%b6%ba%e0%b7%9a-%e0%b6%b4%e0%b7%8a/?fbclid=IwAR1_gdRiDVP4hQLvZcLu1L8lcttkKZeMYbA4pj4YRIIEuMuthoqoWFOg85k)

[2] Groundviews article on the national list:

<https://groundviews.org/2015/09/05/national-list-what-list/>

[3] Structural Reforms in Greece:

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