

An Accountable Cabinet for a Lasting Resolution to the Gota-Go-Home Struggle

National Movement for Social Justice

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The need for an interim government national and international credibility is receiving acceptance across party lines. There are many proposals for programs to be implemented by such an interim government including the latest comprehensive set of eleven proposals by the Bar Association of Sri Lanka (BASL). Missing from these proposals is a mechanism for implementing these programs.

The instrument of implementation of a government's program is the Cabinet of Ministers. The Constitution allows for a Cabinet of 30 ministers and 40 state Ministers. Clearly an agile Cabinet we need at this juncture should be much smaller than that.

The latest instance where we had a limited cabinet was in the Cabinet of 20 Ministers and no state ministers formed during the interim government that functioned between election of the President in November of 2019 and the election of a new Parliament in August 2020. Another, relevant example is the set of 16 sectoral committees that functioned in the 8th Parliament but were suspended in the present 9th Parliament. Additionally, using evidence of key portfolios found in Cabinets across the world We propose that a set of fifteen ministerial portfolios is the kind of war-room like Cabinet which is organically linked to the Parliament through Sectoral Oversight Committees is what this country needs at the present time (Annex 1).

There is also an increasing interest in binding a Cabinet of Ministers to performance contracts. It is common for government departments in developed countries such as USA, UK, and New Zealand to be bound by performance indicators. In emerging trend in developing countries is to give performance contracts for ministers, the political authority. Three of the better-known examples are Rwanda, and South Africa, two countries which are recovering major internal strife and Zimbabwe which is trying to recover from gross mismanagement by an autocratic ruler.

As a starting point for wider conversation and adoption of a performance driven interim cabinet, we present the eleven proposals by BASL under the proposed fifteen portfolios (Annex 2).

ANNEX 1. An indicative list of portfolios for a cabinet of 15

The topics covered by the sixteen sectoral oversight committees established during the 8th Parliament provide a useful guideline for formulating a lean Cabinet which also is accountable to Parliament in a more organic way than currently possible. To formulate a set of subjects more appropriate for a Cabinet, we looked at portfolios common to Cabinets in Sri Lanka in the past two decades as well as portfolios common to Cabinets across the world at the present time. We found ten portfolios that are common across the world, and we were able to directly match eleven of the sectoral committees with those ten portfolios. They are Finance, Foreign, Defense and internal affairs, Justice, Environment, Agriculture, Industry and Commerce, Education and Health.

We combined Business and Commerce and Manufacturing and Services sectoral committees to make up and Industry and Commerce portfolio. The Education and HR Development sectoral committee includes the labor portfolio, and we propose to let it remain so for the time being.

Proposed Ministry	Parallel Sectoral Oversight Committee
1. FINANCE & ECONOMIC DEV	1. Economic Development
2. FOREIGN AFFAIRS	2. International Relations
3. DEFENSE	3. National Security
4. INTERNAL AFFAIRS	4. Internal Administration and Public Management
5. JUSTICE	5. Legal Affairs (anticorruption) and Media
6. ENVIRONMENT	6. Sustainable Development and Environment and Natural Resources
7. AGRICULTURE	7. Agriculture and lands
8. INDUSTRY & COMMERCE	8. Business and Commerce 9. Manufacturing and Services
9. HEALTH	10. Health and Human Welfare, Social Empowerment
10. HR & INNOVATION	11. Education and Human Resource (HR) Development
11. FAMILY & COMMUNITY	12. Women and Gender
12. CULTURE & SOCIETY	13. Youth, Sports, Arts and Heritage;1 14. Reconciliation and North & East Reconstruction
13. INFRASTRUCTURE	15. Transport and Communication 16. Energy
14. TO BE DETERMINED	-
15. TO BE DETERMINED	-

1. Women and Gender committee is to be expanded and renamed as a Family and Community portfolio to include Child Affairs, Social empowerment, and Housing.
2. Aviation, Ports, Highways, and other infrastructure projects currently in the Economic development

Further we found another set of 10 portfolios that are common across cabinet systems but mixed and matched in various ways. We bring them together as three portfolios - namely, Family & Community; Culture & Society and Infrastructure - and matched to the other five sectoral committees to give 13 portfolios that cover the existing 16 sectoral committees. Two additional portfolios are left “to be determined” allowing for further the splitting of some proposed portfolios as needed.

The Family and Community portfolios includes Child affairs, Women’s affairs, and Social Security. Society and Culture portfolio includes Sports & Youth Affairs; Information and Mass Media; Cultural Affairs; Buddha Sasana and Religious Affairs. Infrastructure includes Civil Aviation; Ports & Shipping; Roads and Highways; Power & Energy; Transport; Telecommunication; Urban Development.

There is room split these portfolios further after further consultations, but we believe that the interests of families, communities, and the infrastructure needs of country are best managed by clustering related sub-portfolios together for decision-making.

ANNEX 2. Terms of reference and KPIs for an interim Cabinet of 15 (draft)

This draft is a redistribution of the proposals by BASL among the proposed list of 15 interim cabinet portfolios. The BASL proposals emphasize legislation and law-related actions but they surprisingly cover all portfolios except Defense, Environment, and Human Resources, and Innovation. Discussion are underway to further delineate the content here as terms of reference and key performance targets to be achieved by the interim government within a 12-18 month period.

FINANCE & ECONOMIC DEVELOPMENT	<p>1. Debt restructuring, negotiating an IMF program and obtaining of bridging finance from bi-lateral partners pending the IMF Program.</p> <p>1(a) Adoption of debt management strategy, starting from 2019 draft; 3(a) Fast track a high-profile restructuring/sale to communicate seriousness of purpose.</p> <p>3. Divesture and privatization of State assets and awarding tenders including ongoing procurements to be conducted in a transparent manner.</p> <p>7. Enact necessary amendments to the Monetary Law or promulgate new legislation to strengthen the independence of the Central Bank of Sri Lanka.</p>
FOREIGN AFFAIRS	<p>5. Adopt a foreign policy which supports the national interests.</p> <p>5(a) Immediate revamping of foreign missions;</p>
DEFENSE	-
INTERNAL AFFAIRS	<p>4(a). Address land and related post-conflict issues affecting refugees and IDPs.</p> <p>3(c) Expedite approval of procurement regulations stalled in 2019; Regulation of political parties and campaign finance; and necessary amendments to the Declaration of Assets and Liabilities Law to enable the publication of the declarations of Assets and Liabilities of elected officials.</p> <p>9. Strengthen the Consultative Committees of Parliament and Sectoral Oversight Committees and invite professional organizations and trade associations to attend such meetings.</p> <p>10. Complete all necessary reforms relating to the conduct of elections expeditiously (especially those which have been delayed); devise methods to conduct such elections in a cost-effective manner (i.e., on the same day); and set a time frame for conducting elections other than a Presidential or Parliamentary election;</p>
JUSTICE	<p>4. Uphold the Rule of Law and in particular ensure that State actors uphold the rights and freedoms of the People and advance Sri Lanka's Human Rights situation.</p> <p>6. Enact legislation on proceeds of crime; recovery of state assets; composite law on anti-corruption.</p> <p>11. Consider the proposals submitted by the BASL on the Prevention of Terrorism Act (PTA) submitted to the Minister of Foreign Affairs by letter dated 22nd December 2021 and amend the same</p> <p>11(a). Release political prisoners and those held without charges; 4(b) Expedite resolution of cases of missing persons;</p>
ENVIRONMENT	-
AGRICULTURE	2(d) Formulation and implementation of plan to rescue agriculture sub-sectors with priority given to food crops and exports
COMMERCE	<p>8. Enact with bi-partisan support and input by professional organizations and trade associations necessary legislation to develop the national economy and attract investments</p> <p>8(a). Promote exports through the Committees under the National Export Strategy (NES) & update the NES</p> <p>12. Take steps to improve the ease of doing business;</p>
HEALTH	2(b) Formulation and implementation of emergency plan on medical supplies
HR & INNOVATION	-
CULTURE & SOCIETY	-
FAMILY & COMMUNITY	2(a) Urgent implementation of social safety net to shield the poorest from price increases:
INFRASTRUCTURE	<p>2(c) Restructure fuel, gas, electricity and water tariffs and public transport fares along with targeted subsidy schemes</p> <p>3(b) Design and implement auctions of radio frequency spectrum</p>