

COHABITATION GOVERNMENT; NEED FOR FLEXIBILITY AT TIMES OF CRISIS

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Amidst political, economic and social crises of unprecedented level, political parties struggle to find a consensus formula on an Interim Government and its priorities. As far as the people are concerned, the top priority is to restore law and order and normalcy and solve the grave issues of shortages of essential food, gas and fuel to ensure continuous supply of electricity.

After wasting time on political strategies, the Prime Minister and the Cabinet of Ministers resigned on Monday, paving way for an Interim Government. Now the need of the hour is to establish an Interim Government under the system of cohabitation.

Cohabitation is a system of Government comprises of several parties with diverse policies. This was found in several European countries such as France and Norway. In France, whenever the president is from a different political party than the majority of the Members of Parliament, the President's party and the leading party of Parliament cohabit to govern in a consensual manner. It occurs because such a system forces the president to name a prime minister who will be acceptable to the majority party within Parliament. Thus, cohabitation occurs because of the duality of the executive: an independently elected president and a prime minister.

In Norway, general elections are held once in four years and there is a possibility of dissolving the Parliament before the end of its four-year term. If no party gets an absolute majority, the parties have to cohabit and rule for four years whether they like it or not.

During the current crises and protests in Sri Lanka, most of the political parties stressed the need for constitutional reforms and the need to establish a new political order as top priority of the Interim Government. As they pointed out, the people have determined that a new political order is required because of the negative experiences from the past where the legislative and executive powers opposed each other resulting in instability.

Executive, Legislature and Judiciary

There are many practical reasons why the present system needs changing. There is a dire need which is recognized across the spectrum that the constitutional division of powers needs to be fundamentally changed, while retaining a healthy balance between the Executive, Legislature and Judiciary.

In his first policy statement on January 3, 2020, President Gotabaya Rajapaksa announced his commitment to amend the Constitution. Delivering the Government's Policy Statement at the inauguration of the Fourth Session of the Eighth Parliament, the President said the existing Constitution had given rise to many problems at the present time because of its inherent ambiguities and confusions. "In order to safeguard the security, sovereignty, stability and



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integrity of the country, it is essential that changes be made to the existing constitution".

In post-independent Sri Lanka, there were few significant political reforms in the past starting with the 1956 change of order under new Prime Minister S W R D Bandaranaike and later the first Republican Constitution of 1972 enacted by the Sirimavo Bandaranaike Government.

However, the most distinctive change was the introduction of the system of Executive Presidency, which was introduced in 1978 by the Government of President J R Jayewardene.

The most significant change in the Executive Presidency was made with the intention to devolve some Executive Powers to the Parliament though the 19th Amendment in 2015. Though well intentioned, the faults of 19A became apparent over the years. The 20th Amendment, which was hurriedly drafted too failed to achieve the objective of ensuring balance of power between executive, legislature and judiciary.

National dialogue

Hence, before enacting new constitutional reforms, it is essential to have a prolonged national dialogue, a serious study and create awareness

among the public, especially the intellectual community. There should be a discussion between the Government, Opposition parties, intellectuals and others on Presidential powers, balancing with the legislature and judiciary, the vulnerability of Sri Lanka's political system, institutional characteristics of that system, and then consider the relationship between the executive and the legislature in order to determine the type of political regime model that is applicable to the system of Executive Presidency. Far-reaching reforms are required to take forward the country and they should also sufficiently address the issues of public apathy as it is of pivotal importance to restore public confidence in the system.

While entering into a governing system of cohabitation once again, it is prudent to learn lessons from the previous experience since 2015 to 2019 during which a National Unity Government (NUG), comprising of the two main political parties in the country, United National Party (UNP) and Sri Lanka Freedom Party (SLFP), as well as several other smaller parties. The cohabitation experience ran into problems when serious differences erupted between President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe. The cohabitation

experience was so bitter and the two political parties SLFP and UNP, who ruled the country for over 60 years in turns, ended up as minor parties at the 2020 General Elections.

Generally, it is believed that the political future of an incumbent Government in a democracy depends on how well it has governed the country and fulfilled the aspirations of all the citizens. No Government can afford to shy away from its responsibility to maintain law and order, and address the issues of corruption, nepotism, economic decline and poor governance in any country. Moreover, for the Government of a strategically located small State like Sri Lanka, it is also important to earn the goodwill of the international community as the latter can play a crucial role in shaping popular perception about a regime and determining its political future.

Indian Defence and Strategic Analyst Gulbin Sultana said theoretically, the French experience suggests that a system of cohabitation may lead to less efficient decision making, but it does not cause deadlock, political instability or constitutional crisis. In the case of Sri Lanka, on the other hand, the system of cohabitation during 2001-2004 and 2015-2019 did not work. Hopefully, the circumstances were different then. In the current context, there is a greater consensus among the parties to go in for a new system.

In order to ensure proper cohabitation the political parties should understand that good governance is not just using rhetoric against corruption, economic irregularities and lack of human rights in the country. Good governance denotes creating a favourable political, legal and economic environment and creating opportunity for all the citizens to freely participate in the development and growth of the country.