

# **THE ROLE OF CIVIL SOCIETY IN DEMOCRATIC GOVERNANCE: STATE-CIVIL SOCIETY RELATIONS IN DEMOCRATIZATION- SPECIAL FOCUS ON CONTEMPORARY SRI LANKA**

**SM. Aliff  
&  
A. Sarjoon**

Part – I

## **Introduction to Civil Society: definition and its nature**

Civil society and its institutions are playing a vital role in building and strengthening democracy and its institutions. In fact, it plays as an intermediate between state and the citizen and link these two institutions for good governance. However it is very difficult to define the concept 'civil society' because of the different view of the concept. Civil society describes the multitude of associations, movements and groups where citizens organize to pursue shared objectives or common interests. These organizations function beyond the individual or household level, but below the state.

Civil society organizations include highly institutionalized groups such as religious organizations, trade unions, business association, international NGOs, think tanks; local organizations such as community associations, farmer's associations, disable people's organizations, local sports clubs, cultural groups, business groups, local NGOs, credit societies, community media outlets; and looser forms of associations such as social movements, academia, networks, virtual groups, and citizen groups outside national border such as Diaspora. The effective states are based on an evolving relationship between the state and the citizens.

In account of the emergence and importance of civil society, it has been seen as emanating either from the state or society. It has further been used as either a primarily political or a sociological concept (Anders 2001:22). Some scholars are striving for neutral definition of civil society and others opt for more or less explicitly normative definitions (Ibid, 23). However, though civil society, at least in the present state of social sciences, can not be precisely defined, it may be described. Michael Edwards refer civil society as 'all organizations and associations between the family and the state with the exception of businesses. But, Jude Howell define it as 'arena of association located between the state and the household' (thus far agreeing with Edwards) but then goes on to include in civil society formal organizations such as religious bodies, chambers of commerce, trade unions, NGOs and trade associations as well as informal type of associations such as mutual support groups, and burial societies (Paul 2004: 202-203) According to Diamond (1994), civil society is "a realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bounded by a legal order or a set of shared rules". The distinguishing features of civil society are certain dimensions of organizations and their activities within the public sphere: it is concerned with public rather than private interests, it relates to state, and it is pluralist (Anders: 39). According to this definition, civil society amounts to a positive-sum game, where democratic culture is created as the unintended consequence of sound institutional setting.

There are number of overviews and surveys about the conceptual history the different meanings of Civil society. Each use carried with it, its own horizon of expectations, where aspects and layers have pointed to future understandings. These conceptual changes occurred together with societal transformations. One obvious implications of the methodological premises suggested above is that all interpretations are somehow fragmented, and that there is not a 'proper' understanding of civil society to be found.

According to Keane (1988), the modern use of civil society differed from the early modern one where society and state were seen as synonymous. These concepts gradually became separated during the century of upheaval, from about 1750 to 1850, in four different phases. The main theme of this transformation, according to Keane, was fear of despotism (Ibid). According to Taylor (1990), the seeds for the new understanding of society as different and separated from state, were sown during the Middle Ages, and can most adequately be summarized as a conception of society as being not identical with its political forms. This, in turn, was underpinned by the autonomy of the church from the state, expanding notions of individual rights, independent cities and the tandem rule by king and Estates (Ibid:24).

In contrast to the repressive state, Paine evoked visions of self-sustaining societies, where the natural propensity for socializing in each individual would guarantee political and social equilibria or in Keane's formulation "[c]ommon interest is the 'law' of civil society". Paine based his reasoning on the premises of natural rights, which had to be respected and would restrict the state to its necessary assignments (Ibid: 25). According to Tocqueville, civil society is seen as a counterweight to state power. An autonomous civil society is able to discipline the state as well as to change the balance of power between the state and society. And civil society is intrinsically pluralistic one. Further, civil society is seen as having ethical function, as a sphere for elaborating or transforming normative notions of fair system of government. According to this argument, a pluralistic and self-organizing civil society is a necessary precondition for a working democracy (Ibid:28). In Karl Marx's expression, civil society is the true source and theatre of all history; create the necessity of political society, with its class-based laws, institutions and state (Ibid:28).

The importance of civil society is first and foremost directed at society, to democratize political culture and, by implication, rationality itself, and to demarcate social space against both the state and the market forces, to uphold a sphere of political life for citizens. Civil society is the arena where democratic political culture is taking shape (Anders: 32). According to Keane, civil society has two main functions: precautionary against the state-to balance, reconstruct and democratize it, and advocating, to expand liberty and equality in civil society itself (Anders: 33). In the political arena, many civil society organizations, such as advocacy groups and trade unions, have been prominent in challenging authoritarian rule (Ibid: 35).

## Part – II

**Different rules of civil society (in State-Citizen Relation and) in (Good) governance**

Governance is about the exercise of power and authority and how a country manages its affairs. It refers to the institutional arrangement within which all organizations operate – the formal

and informal 'rule of the game'. It concerns politics, rights and the relations of people, resources and power in diverse institutional and social context. The characteristics of Good Governance, i.e. state capacity, accountability and responsiveness reflect the need for state and citizens to work together to build effective states, to strengthen what is already in place and to develop new institutions where necessary. Civil society organizations (CSOs) and networks are important players in national political life with the potential to strengthen governance and transform state-society relations. They do this by linking citizens to the state through formal and informal bridging mechanisms, as well as bonding citizens to each others. Civil society can make a significant difference in improving governance-as innovators in service provision, developer of pro-poor policies, investigators of state abuse, monitors and overseers of state institutions, and advocates with and for poor people. A strong civil society contribute to an effective state that can protect people's human rights, support economic growth, tackle corruption and provide security and basic services like education and health care.

Civil society organizations can complement, inform, influence or challenge the state – a role often referred to as the 'demand side of the government'. Pressing for better public service, pushing political leader to improve the performance of the state, identifying who does and does not benefit from the public spending (specially groups of poor people), lobbying for the rights of excluded groups such as disable people, lobbying for land rights, campaigning against corruption, brokering relationships between poor people and local authorities, offering solidarity networks, engaging in public-private partnership or delivering services – the list of approaches is extensive, reflecting a great diversity of both CSOs and the state institutions.

The importance of civil society lies in the capacity of its organizations to address the caring needs and functions of society. It is now universally accepted that these caring functions are most useful and even necessary, especially since they are today so threatened by the forces of industrialization, modernization, economic globalization and of authoritarian regimes.

### **State accountability and civil society**

The concept of accountability has received considerable attention by (donors) and others. There is thus a tendency to see accountability in dualistic term. On the one hand there is a state that must be help to become more transference and responsive, including through putting in place the institutional mechanisms to make this possible. On the other hand is civil society that must be supported to engage more effectively with the state, including through building its advocacy capacity

## **Part – III**

### **Civil Society in the New Democracies**

The term of civil society refers to all social groups and institutions which, in condition of modernity, lie between primordial kinship groups or institutions on the one hand, and the state groups and institutions on the other. A strong civil society entails (a) the existence of rule-of-law conditions that effectively protect citizens from state arbitrariness; (b) the existence of strongly organized non-state interest groups capable of checking eventual abuse of power by those

control the means of administration and coercion; (c) the existence of a balanced pluralism among civil society interests so that non can establish absolute domination (Mouzelis 1998: 58). In the late-developing societies of the semi-periphery, despite the relatively early introduction of liberal democratic political institutions and the adaptation of social welfare policies, the process of inclusion in almost all cases took a more vertical, authoritarian turn. The distribution of political, civil and socio-economic rights was more uneven and restricted. The lower classes, although brought into the national center, were left out as far as basic rights were concern, rights guaranteeing them a reasonable share in the distribution of political power, wealth and social prestige. (Ibid: 59-60). In these societies, the integrative mode of political inclusion tends to be displaced or peripheralized by the more incorporative clientalistic and/or populist modes – the latter bringing people into the national political arena in a more vertical, heteronomous manner (Ibid:64)

Not only does the state in late-developing societies carry a negative legacy, but their post-independence trajectories have further consolidated the pre-independence despotic features. In view of the state's enormous growth prior to the development of capitalist industry, and considering that the belated large-scale industrialization was achieved only under state tutelage, as well as, finally, the restricted type of capitalism that has eventually come to prevail in the semi-periphery – given all this, it is not surprising that the majority of civil society organizations operate not so much as safeguards against the state despotism than as administrative extensions of the state's highly corrupt and particularistic apparatuses. This is true for instance of various working-class organizations (such as trade unions) which, in contrast to the Western case, were not constituted in opposition to the state but created but the state elites themselves with a view to cementing their control of the means of domination. (Ibid: 65). It is evident in Sri Lanka that during the UNP regime in the late 1970s and in the 1980s, one of its strongest trade unions, Jathika Sevaya Sangama (J.S.S) was fully support for the authoritarian role of UNP rulers and it was behind the most incidents which contributed for ethnic conflict and violence, specially 1981 violence in Jaffna and 1983 July riots out of north east of Sri Lanka.

In the third world, what are called corporatist arrangements are based less on genuine collaboration and more on overt or covert state coercion. In other words corporatist arrangement prevailling in most developing countries fall somewhere between the democratic/pluralistic corporatism of, for example, the Scandinavian countries and, at the other extreme, the fascist legal-compulsory corporatism of Mussolini's Italy and Franco's Spain. Democratic corporatism entails a strong civil society, fascist corporatism (where labor rights are formally abolished) and almost non-existence civil society, and authoritarian corporatism (where trade union rights are weakened de-facto rather than de-jure) a weak civil society (Ibid: 65-66)

There are some successful stories about the role of civil society Organization in democratization in the developing countries, especially in transforming of totalitarian regimes to democracy in Eastern Europe and in post-apartheid regimes in South Africa. But most of the other new democracies in the third world, many researches indicate that the role of civil society and its organizations in democratization process was/is in weak and also fragmented in nature.

NGOs one of the strong civil society organizations generally claim to be representative of the people for whom they are working, on the ground that 'we work for them', or that 'we understand their problems'. But in practice these civil society institutions are not deeply understand their problems giving representations for them. Researches show that civil societies organizations are only rarely involved in public problem solving and in most of the organizations, poor people are excluded (Harris 2005: 212). (For ex See: Harris studies in India) and relatively, few of them are membership organizations – most NGOs are not membership organizations at all. If it is like that how they can purely represent the people and how they can act / stand for people in democratic governance? As Leftwich (1993:616) mentioned, civil society can strengthen the assumptions and practice of democratic self-management in the complex societies. However, one feature of many Third World societies is that the institutions of civil society, to the extent that the exist have been penetrated and 'captured' by dominant one-party states and thus transformed into agencies of the regimes.

The strength of civil society differ greatly different regions of the Third World. In Africa, for example, civil society is 'male dominated and gerontocratic', and includes ethnic and fundamentalist religious associations unlikely to sponsor democratization (Smith 2003:269). It is obvious in most part of the Asia too. In Latin America, while there has been some collective empowerment through credit unions, self-help housing and other community initiatives, new social movements have some times been subjected to 'capture' by government and clientelist politics (Ibid).

#### Part – IV

Civil society in Sri Lanka: Development and its multi-dimensional role

Sri Lanka – one of the smallest countries among the nearly 200 listed in the UN publications, yet one that held much promise when it received constitutional independence in 1948. In it too, civil society my yet play a role, no indeed to replace or weaken formal social structures, but to support them and render them more compliant with the legitimate demands and aspirations of the citizens. As Uyangoda says the notion 'public sphere' is important in modern political theory of democracy. It denotes the existence of a domain of social life in which citizens' political activity takes place outside the sphere of state. It also refers to the space where public discussions and deliberations take place where, allowing the formation of what is known as public opinion. The specificity of the public sphere, in Jurgen Harbermas's analysis, is that it arose as a mode of social integration outside both the state and economy (Uyangoda 2001: 195-96); in modern notion we can define it as 'civil society'. This political sphere was emerged in colonial Sri Lanka through organized associations of citizens. The Buddhist movement of Anagariya Dharmapala made a key contribution on this regards. He was the first 'national' activist of civil society to introduce a form of associational politics autonomous in colonial Sri Lanka (Ibid: 203). Thereafter, number of civil society organizations were emerged on the basis of religion, caste, profession, interest etc.

The campaign for a citizen-based order of political modernity was to be spearheaded by a host of civil society bodies that include trade unions, youth associations, women's clubs, rural based mahajana sabhas (people's society), and marginalized caste associations. Indeed the late 1920s were a period in which Sri Lanka's civil society in all ethnic formations developed a measure of activism and vibrancy unmatched during any proceeding period (Ibid :206). They

spread democratic political awakening across the society. They demanded the colonial rulers for constitutional reforms assuring universal adult franchise, equality and independence. To some extent they represented the social and political margins (See: Wickramasinghe 2001:76-78). In this process many of the civil society organizations were with Left political parties. Left, during the formative years achieved the secularization of civil society. However, from the partnership with government in the 1960s and 70s, the Left not only at politics but also at civil society spheres. From 1970s onward the number of civil society organizations increased specially with regard to protect human rights. The first civil society group to specialize in human rights, the civil rights movement, was formed in 1971 in response to the JVP insurrection and its aftermaths. The organization also came to respond to the escalation to the ethnic conflict (Orjuela 2004: 132).

### **NGOs and their role**

Non-governmental Organizations (NGOs) are becoming the most powerful portion of civil society in the contemporary Sri Lanka. Human rights, minority rights, women rights, issues concerning the environment, development and critical social and political research are some of the key areas with which NGOs became closely identified. In Sri Lanka the relationship between the state and civil society changed with the formation of development NGOs around 1970s. Development-including human rights, women's rights, the creation of social and political awareness in the quest for employment and income – began to be pursued by NGOs in an organized manner after 1974. (Paul 2004:214).

The arrival of the right-wing, pro-liberalist UNP regime in 1977 and its authoritarian governance, radical ethnic and nationalist insurgencies in the eighties lead number of NGOs and Leftist activist to occupy the public domain and political-intellectual spheres through debate, discussion, agitation, research and publication. In the context where the Left and the oppositionist political parties were in retreat and in decline, civil society institutions provided a space for solidarity, collaboration, intervention and political action (Uyangoda 2001:195). Even though NGOs are working toward the development and social justice in different ways, in Sri Lanka, NGOs are always criticize by the Sinhala nationalist and state officials because of their affiliations with INGOs which (they feel) are spreading western imperialism and working for Tamil nationalism. A State Commission appointed by the Former President R. Premadasa in 1991-92 to inquire into the activities of NGOs generally leveled against the NGOs in a media – that they are corrupt, controlled by foreign interests, a threat to the state as well as the majority Sinhalese-Buddhist community (Uyangoda 2001: 193).

Neo-liberalism creates non-governmental organizations, which are 'financially dependent on neo-liberal sources' and directly involved in the 'competing political movement for the allegiance of local leaders and activist communities (Uyangoda 2001: 187-88). Sri Lanka's welfare state has been dismantled on the neo-classical economic argument of reducing public expenditure. While state has been withdrawn from some of its major traditional functions, development NGOs are entrusted with the task of implementing social welfare among poor and low income social groups. While the NGOs can not replace the welfare state, what is being really emphasized in this paradigm of critique is the process in which the rise of the NGOs in the recent years has paralleled the decline and weakened of the state, particularly in the developing world (Uyangoda 188-189).

After the Tsunami, there were tremendous developments in the civil society. There were number of civil society organizations, especially NGOs emerged and worked toward infra-structural development and building inter-communal harmony in Sri Lanka. However their activities were questioned and for some extent they were not independent organizations, always depending on donor or big bosses. Further more government also tries to control their activities. Security of the INGOs operating in the conflict and disaster affected areas is becoming weak and questioned. The killing of 17 French based Humanitarian Organization in Mutur while they were in Tsunami rehabilitation works is the clear example to the tread over civil society organizations in Sri Lanka.

### **Support to good governance and democratization**

There are some civil society organizations which are working for the promotion of democracy and good governance. Center for Policy Alternative, Peoples Action for Free and Fair Election (PAFFREL) (1987), Free Media Movement-Sri Lanka are prominent among those. They are working on Election Monitoring, Human rights Protection, Anti-corruption, and Media Independence.

### **Civil Society, (conflict) and Peace building**

A powerful civil society can contribute in many ways in a conflict situation. Orjuela identify three major civil society work for peace; (a) put pressure on key actors, (b) build support for peace and post war peaceful relations among other peoples and (c) work as an intermediary between key actors and ordinary people (Orjuela 2004:53-55) and Liyanage add one more function with these three functions, i.e. develop early warning system and early interventions (Liyanage 2006:276-277). Civil society provides the opportunity for building trust in a way not available to the formal structures to the society. It is in democratic developing countries which have an inter-ethnic population and face complex inter-ethnic socio-political situations that civil society is able to play an important role by calling into action the pressure of trust. It is the organizations of civil society that can avoid these inter-ethnic tensions by ensuring the positions of control within the organizations are shared equitably by the various ethnic groups in the country (Paul 2004: 212).

The over-inflated emphasis has been given on the role of civil society in building peace among the conflicting societies because of the multiple non-state actors have to be vigilant to ensure the state reforms are properly implemented and practiced. In this formulation, it is almost axiomatic that a vibrant democracy needs a vibrant and well-developed civil society (Liyanage 2006:271). When the civil war started to make tremendous impacts over the civilian lives in Sri Lanka, many civil society organizations (NGOs, CBOs) were emerged and working on the peace work at all level in all parts of Sri Lanka. Citizen Committee for National Harmony (1977), Movement for Inter-Racial Justice and Equality (1979), Jaffna Citizen's Committee (1981), Mother's Front (1984), The University Teachers for Human Rights – Jaffna (UTHR-J) (1988), National Peace Council (1995) were emerged as a strong civil society organizations based on peace movements (Orjuela 2004:132-139) and worked against war and to build peace in Sri Lanka. Undergraduate associations also played a vital role in mobilizing mass and expressing their national demands to recognize their self-determination, protect rights, equal and share in the peace process. 'Ponku Tamil' events by Tamil Undergraduates and 'Oluvil Declaration' by 'Muslim Undergraduates are to some extent effective events in mobilizing people to peace after the Ceasefire Agreement in Sri Lanka.

However the effectiveness of their activities was questioned in many ways. They could not stop the continuation of war, cost of war, decline of economy, and most importantly the decline of parliament democracy. They were not success even in building peace and harmony among communities. Most of the NGOs works regarding peace building are going on at track two and grass-root levels and those are not giving more training to the top level policy makers, parliamentarians and most importantly politicians who are making all conflicts among the society. As Liyanage indicate one of the general flaws of civil society (peace) activities is that their work is invariably targeted at the same groups. Most organizations failed to go beyond their usual 'costumers', it mean that they fail to attract new people. Many civil society organizations failed to address new issues and problems and continue to work within an old framework (Liyanage 2006: 280). He further added that Sri Lankan NGOs and peace activists have failed miserably to produce a significant impact on the peace process and have become subservient partner of donor agencies that privileges from a conflict resolution agenda over a movement agenda (Ibid: 286). Infact, people's involvement in promoting peace and democracy is limited only to vote for political parties at the elections, but after that they fail to control governance or governing officials.

Even though many civil society institutions are working on peace building field in Sri Lanka, the following questions may be very difficult to answer positively with regards to Civil Society role in peace building and democracy protection and promotion. How far civil society institutional activities are effective in stopping war in Sri Lanka? How far they could control state / government authoritarianism over the innocent civilians? To what extent they could control or raise their voice over the human rights violation, abduct, unknown killing and missing? To what extent they mobilize and express political opinion independently? To what extent they question about the government's activities, expenditure and failures? To what extent they are representing people?

## Part – V

### Conclusion

Civil society and its organizations are important in linking people with state and controlling state power. They are playing a vital role in building and strengthening democracy and its institutions. Infact, it play as an intermediate between state and the citizen and link these two institutions for good governance. However, its role in developing countries / new democracies is questioned because of weaknesses as focused above in this essay. There may be some successful stories of civil society role, but in most part of developing countries, they face number of problems and issues.

As analyzed above, present Sri Lankan democratic politics is covered by ethno-nationalist Rights and (to some extent) Left, and military radicalism. In the new hegemonic order of neo-liberalism and economic globalization, the organized labor or trade unions are not present as counter-hegemonic players. As Uyangoda (2001:211) says the politics of ethnic identity in Sri Lanka has de-secularized civil society politics to a great extent. Because of economic liberalism, social and distributory injustices are high in Sri Lankan democracy. There is a need for change



of these conditions under the spheres of equality, fairness, justice and rights. Class agencies for democratization, social justice and pluralistic re-construction of political order are urgent need for political task in our societies (uyandoda 2001:198). In the contemporary democratic politics, these political agencies are absence in Sri Lanka.

People usually obtain political representation through entering into mainstream politics. Civil society partnership with the state is possible and this partnership mode, however, seems to have undermined the ability of a whole stratum of civil society organizations, some of them claiming to represent the interest of the poor, to engage in the political process. As Orhuela (2004: 125) mentioned, in contemporary Sri Lanka, the ability to mobilize mass protest has been mainly in the hands of political parties and they have come to overshadow civil society in Sri Lanka.

Most of the civil society organizations have ties with political parties and to the state. Infact most of the civil society organizations in Sri Lanka have been formed on the basis of religion and ethnicity in the colonial period and even in the contemporary period there are close link between Civil Society and religion and Politics in all communities. It is a kind of politics of civil society and it is against the base/ philosophy of civil society. Democracy stresses the importance of equality. But inequality is obvious in all third world democracies. How do these civil society institutions are working on this regards? Poverty and social stratifications are the most challenging factors in the contemporary Sri Lankan social arena, however, there are many civil organizations working for the equality of people, but the equality is not achieved in any area.

As Liyanage describe (2006: 274-75) it is necessary to note that in a social formation in which money and power are dominant, civil society, its institutions and discourse are influenced heavily by the state and economy. It is obvious in contemporary social democracy of Sri Lanka. The entire civil society is dominated by power and money. In the new hegemonic order of neo-liberalism and economic globalization, the organized labor or trade unions are not present as counter-hegemonic players.

What is the main reason for the weakness of civil society in Sri Lanka is that the failure to build and integrate strong civil society in Sri Lanka. In fact, contemporary civil society and its organizations are fragmented in nature and deeply controlled by state power and donors. Then, how it can contribute or influence in democratization in a positive way? Therefore, it is necessary to rebuild or strengthen civil society organizations toward democracy and good governance in contemporary Sri Lanka.