Sri Lankan President tries to push through anti-democratic constitution

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Sri Lankan President Chandrika Kumaratunga's presentation to parliament of an amended constitution yesterday marks a new stage in the political crisis produced by the 17-year long civil war against the minority Tamil population.

The president formally presented the package of constitutional reforms to a special sitting of parliament, in a desperate bid to push it through before August 24, when the current parliament ends. Fresh parliamentary elections are due before November 9.

Amid uproar in the house, Kumaratunga proclaimed that the plan to devolve powers to the regions and to establish an interim council in the north and east would end the country's protracted civil war and bring about “national peace”. She declared that she would put the document to the separatist Liberation Tigers of Tamil Eelam (LTTE), “but if the LTTE rejects those proposals, we will continue the war.”

Members of the opposition United National Party (UNP) hooted and booed throughout Kumaratunga's two-hour speech, interjecting that she was “a drunkard who had sold out the country”. UNP leader Ranil Wickremasinghe walked out, while other opposition MPs tore up and burnt copies of the proposed constitution.

The UNP has lined up with extreme right wing Sinhala chauvinist groups, including the Sihala Urumaya Party (Sinhala Heritage Party), the Janatha Vimukthi Peramuna (JVP) and the Buddhist hierarchy in pledging to oppose the new bill. The UNP accuses Kumaratunga of rushing the measures through without public debate or the blessing of the Buddhist hierarchy, the Sangha, while the chauvinists claim the package cedes too much power to the Tamils, will divide the nation and end the privileged constitutional position of Buddhism.

Several kilometres from parliament house, police clashed with thousands of demonstrators organised by the JVP, while Buddhist monks held their own protest in central Colombo. The JVP has promised to launch a national campaign against the devolution package in league with the Sangha, who claim that thousands of monks will “fast until death” if the changes are instituted. These groups are intent on whipping up a communalist backlash against the Tamil population in the lead up to the parliamentary debate on the proposals, due to start on August 7, with the vote to be taken two days later on August 9. A demonstration of 10,000 monks is planned while parliament deliberates.

Kumaratunga has been trying to press ahead with the package during the past two months, walking a perilous tightrope between appeasing the Sinhala extremists and appealing to the various bourgeois Tamil parties. In mid-June, she initiated a series of talks with the UNP, aimed at arriving at a compromise deal that would win bipartisan support. But the UNP abruptly broke off the negotiations two weeks ago. Since then she has been engaged in a frantic round of negotiations in a bid to shore up her own ruling alliance, secure the support of the Tamil parties and win over sufficient MPs from the opposition UNP to pass the constitutional changes.

The backing of the Tamil parties is critical to the success of her plan. In exchange for limited local autonomy, a degree of political power and various concessions—she has already offered verbal assurances that the interim council to be set up will be extended from five to 10 years—the president hopes to utilise the Tamil bourgeoisie to isolate the LTTE and impose the package onto the Tamil masses.

On July 28, Kumaratunga met with the leaders of the Tamil United Liberation Front (TULF) and People's Liberation Organisation of Tamil Eelam (PLOTE). Over the weekend she held discussions with the Ceylon Workers Congress (CWC)—one of the partners in the ruling coalition. On Monday night, she met with another Tamil party, the Eelam People's Democratic Party (EPDP).

The TULF has indicated that it will not support the package unless the LTTE is included in the arrangements. For its part, the LTTE has rejected the present constitutional reforms but has not ruled out a deal with the government that falls short of the LTTE's demand for a separate Tamil state on the island.

At a special meeting on Monday, Kumaratunga convinced her cabinet to unanimously approve the new measures. The president's ailing mother—Prime Minister Sirima Bandaranaike—was brought to the meeting in a wheel chair. She insisted she would “vote if necessary with both hands”. Even as thousands of Buddhist monks held prayer meetings on Tuesday against the constitutional changes and for a continued war, Kumaratunga attempted to meet with the Sangha heads in Kandy.

On Wednesday, the president made a last minute, but unsuccessful, effort to convince the UNP to support the new constitution. On that day, the package was presented to the country's Supreme Court for prior ratification. A three-member bench ruled it could only pass with a two-thirds majority in parliament, followed by a national referendum. The UNP, the Sihala Urumaya Party (SUP), the JVP and the Sangha all presented legal objections, to the effect that the proposals would not be valid unless the referendum were held before the parliament ended on August 24. The SUP also challenged the authority of the PA-appointed chief justice. In the end, the court ruled that the package was constitutional.

In 1994, Kumaratunga's People's Alliance (PA) regime came to power by exploiting widespread hostility to the previous UNP governments and their prosecution of the civil war. The PA promised to end the war, establish democratic rights and improve living standards. But when negotiations with the LTTE broke down in 1995, Kumaratunga intensified the war, declaring that it was necessary to

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wage “a war for peace” to force the LTTE to accept the government's terms. The first devolution package was hatched in 1995 as the war was escalating. By 1997, when it was transformed into a legal draft, the government had significantly watered down its previous limited proposals.

The latest constitutional changes were only proposed after the LTTE began to make significant military advances last year. The fall of the key Elephant Pass army base in April this year precipitated a deep political crisis in Colombo, which worsened as the LTTE came to the brink of seizing the entire Jaffna peninsula. Since then Kumaratunga has been under substantial pressure from the major powers and significant sections of big business in Sri Lanka to negotiate with the LTTE and end the conflict. After a series of fruitless talks earlier in the year, the government hurriedly cobbled together the latest arrangements.

On July 25, shortly after talks with the UNP broke down, and with the devolution package in limbo, Kumaratunga flew to London. While the trip was billed as a private visit for medical purposes, pressure was clearly brought to bear on her by the British government to push the package through before the next elections.

Indirect evidence of the nature of the discussions was indicated by the British government's announcement last week of new anti-terrorism laws. If passed, the legislation will enable Britain to declare the LTTE a “terrorist organisation” and thereby ban its extensive operations in the UK—a longstanding demand of the Sri Lankan government. This threat is undoubtedly being used to pressure the LTTE, as well as the Colombo government, to come to the bargaining table.

A World Bank report entitled *Missing Opportunities in Sri Lanka* released last week estimated the cost of the war from 1984 to 1996 to be 1,831 billion rupees ($US23 billion) and indicated that investment would increase only if the war ended. The war has not only created an economic disaster but the resulting political and social instability threatens to spill over onto the Indian subcontinent where a number of separatist and ethnic conflicts are already erupting.

The methods employed by the PA government to change the constitution, underscore the reactionary and undemocratic character of the entire enterprise. The months of discussion leading up to yesterday's release of the package have been conducted behind closed doors, without any public scrutiny.

Under the new constitution, the executive presidency, introduced in 1978 to strengthen the powers of the executive, will be retained for a further six years—enabling the incumbent Kumaratunga to see out her term of office. This is despite the fact that she came to power in 1994 promising to abolish the post, which has played a key role in carrying through the war and attacking the democratic rights of the working class and oppressed masses.

The proposed constitution will also strengthen the ability of the government to impose emergency rule. At present, the declaration of a state of emergency must be renewed monthly by a parliamentary majority. This will be extended to 100 days. Except for brief intervals, a state of emergency has been in force in the north and east of the country since the UNP first declared it in 1979. In 1983, it was extended to the entire country, in the wake of anti-Tamil riots. After winning office in 1994, Kumaratunga briefly lifted the measure, only to reinstate it in the north and east in 1995. In 1996, she extended the state of emergency, once more, to the entire country.

In May the government promulgated draconian emergency regulations, imposing blanket press censorship and outlawing all strikes, public meetings and protests. The amended constitution will retain the emergency regulation option, as well as the country's draconian Public Security Law, the Prevention of Terrorism Act and other repressive laws used against Tamil and Sinhalese workers alike.

Kumaratunga's claim that the new constitution will end discrimination against the Tamils is exposed by the fact that it retains the clause, inserted into the constitution by the Sri Lanka Freedom Party-Lanka Sama Samaja Party (SLFP-LSSP) coalition government in 1972, rendering Buddhism the country's state religion. The new constitution will require the state to “protect and foster” the religion, and the minister in charge of Buddhist affairs to consult with the Sangha. By again granting Buddhism a privileged constitutional position and by establishing a direct relationship with the rightwing hierarchy of monks, the package only further entrenches religious discrimination and communalism.

Moreover, the devolution proposals effectively institutionalise communal divisions through the establishment of an interim council for the Tamil-dominated north and east. The council will not be elected, but appointed by the president from representatives of existing communal-based parties and organisations. The chief minister will be a Tamil, the first deputy minister a Muslim and the second deputy minister Sinhalese.

The Tamil parties have criticised the failure of the new constitution to give greater control over land to the interim council. Land has become a communal issue because, for more than six decades, the Sinhala bourgeoisie have pursued a policy of colonising Tamil areas with settlements of poor Sinhala peasants from the country's south. Over a protracted period of time, the policy has changed the demographic pattern in some districts, particularly in the east, stoking up deep resentments and tensions among the Tamil rural poor.

On a range of major issues, a council decision will not only require a majority of votes overall, but a majority from each of the Tamil, Muslim and Sinhalese communities. Pressures will be brought to bear by chauvinists in each of these communities to drive out the minority populations: Tamils from Sinhala-majority areas, not only in the north and east, but also throughout the country; Muslims and Sinhalese from Tamil-controlled regions in the north.

In other words, far from achieving “peace”, the new arrangements will strengthen the role of religious and communal parties in political life, heightening mistrust and tensions, hardening existing ethnic divisions and creating the conditions for Balkan-like ethnic cleansing and pogroms.

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