Sri Lankan president resorts to another extra-constitutional measure

K. Ratnayake
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Under Sri Lanka's constitution, the country's president is expected to deliver a policy statement in parliament at the beginning of each six-year term and subsequently every year at the start of the parliamentary session. The speech, which is regarded as the blueprint for the government's program, is debated and a vote is taken to approve or reject it.

Last weekend, however, President Chandrika Kumaratunga broke with tradition and the constitution, and delivered a nationally televised speech on "government policy and action plan for future". By sidestepping parliament, she avoided a debate and a vote. As the ruling United Peoples Freedom Party (UPFA) does not have a parliamentary majority, there is no guarantee that Kumaratunga's speech would have been approved.

Kumaratunga's manoeuvre is another demonstration of her willingness to flout constitutional and parliamentary norms in order to prop up her shaky minority government. Increasingly she is taking power directly in her own hands as parliament descends into chaos.

In February, Kumaratunga sacked the previous United National Front (UNF) government, claiming that it had been undermining national security in peace talks with Liberation Tigers of Tamil Eelam (LTTE). Her Sri Lanka Freedom Party (SLFP) formed the UPFA with the Sinhala extremist Janatha Vimukthi Peramuna (JVP) and other smaller parties to contest the April 2 poll. The UPFA won the largest number of seats—105—but fell short of a majority in the 225-member parliament.

Since the election, parliament has met only for four days. All four sittings have been taken up with formalities—the appointment of the speaker and other officials. But each occasion has ended in uproar provoked by members of the ruling coalition seeking to circumvent the opposition majority. The antagonisms have only served to deepen the sharp divisions within the country's ruling elite.

Behind the scenes, Kumaratunga and her ministers have been engaged in furious horsetrading with other parties. In the lead-up to the fourth sitting on June 8, government leaders boasted that they would demonstrate a majority on the floor of the House. They were counting on the support of two MPs from the right-wing Jathika Hela Urumaya (JHU) and four MPs from the Sri Lanka Muslim Congress, aligned to the UNF.

The JHU, which won nine seats for the first time at the April 2 poll, responded by forcing one of its pro-government MPs to resign. But the UPFA helped the MP to secure a court order restraining his replacement from taking the oath of office. Matters came to a head at the June 8 sitting. As the court order had not been delivered, the speaker, an opposition appointee, allowed the new JHU MP to take his oath. A melee ensued as SLFP and JVP parliamentarians sought to physically prevent the process. Parliament was then adjourned for another month to July 20.

Amid widespread criticism of the brawl in the Colombo media, Kumaratunga "condemned" the unruly behaviour but took no action against any of those involved. Four days after the fractious sitting and still lacking a majority, the president used the media to make her policy speech. Its content only served to underscore the contradictions wracking her administration.

Over the past two months, Kumaratunga's problems have been steadily accumulating. She is under pressure from the major powers to negotiate a peace deal with the LTTE in order to stabilise the country and transform it into a cheap labour platform. Donor countries, including the US, European Union and Japan, met in Brussels in early June and warned that the release of $US4.5 billion in aid required the resumption of the "peace process".

Facing financial difficulties, the UPFA government desperately needs loans and financial assistance. But its abrupt about face on peace talks has opened up divisions in the coalition, which, just months ago, was denouncing the government for selling out the country to the LTTE. The JVP has opposed the LTTE's main demand: that negotiations are based on its proposal for the establishment of an Interim Self-Governing Authority (ISGA) in the North and East of the island.

As a result, Kumaratunga's pronouncements on the peace talks are full of dramatic twists and turns. In early May, she suddenly invited the Norwegian government to revive the talks. Norway, which has previously acted as a mediator, has come under fire from the JVP and other Sinhala extremists groups for being "pro-LTTE". Faced with JVP criticisms, Kumaratunga held discussions with Norwegian officials but refused to allow them to prepare an agenda and announce a date for negotiations.

After the June 8 fiasco in parliament, Kumaratunga held talks with leaders of the Tamil National Alliance (TNA)—a coalition of Tamil parties aligned with the LTTE. TNA leader R. Sambandan told the media that the president had promised to meet the LTTE's demand for talks on the ISGA. The JVP Political Committee met immediately and wrote to the president warning of "drastic action" if talks on the ISGA proceeded.

In her speech last weekend, Kumaratunga backed off, declaring that nothing had been decided. "The two parties are still working out what the next round of peace negotiations should be about," she said. Her statement provoked an angry response from the LTTE, which accused Kumaratunga of reneging on previous promises and condemned her "duplicity". The LTTE warned of a return to war if the negotiations were endlessly delayed and urged "the international community" to

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push the Colombo government to negotiate.

The LTTE is confronting a major rift in its own ranks. Just before the April 2 election, its eastern military commander V. Muralitharan, better known as Karuna, broke away, accusing the "northern" leadership of monopolising the positions and resources. While the LTTE retook control of the Batticaloa-Ampara area in April, there are continuing reports of murders and low-level fighting involving the two factions. In part, the LTTE wants talks and the establishment of an ISGA, which it would dominate, to more effectively stamp its political control over the North and East.

At the same time, the new government is confronting rising discontent over the continuing slide in living standards. There have been sharp rises in the price of basic items, including rice, in the past few weeks. The Colombo Consumer Price Index jumped by 120 points to 3,598, or by 3.5 percent, in the month of May alone.

During the election, the UPFA was able to exploit public disaffection by denouncing the UNF government's economic reforms and promising to reverse its policies. Now in office, the UPFA lacks the finances to implement its policies and is under pressure from the IMF and World Bank to proceed with economic restructuring and privatisation.

This week health sector unions issued an ultimatum to the government to grant substantial wage increase or face an indefinite island-wide strike. Private sector workers, including at the multinational Bata Company, launched a campaign last week to force the government to amend laws enacted by the UNF that lower the compensation paid to retrenched employees.

In the northern city of Jaffna, 15,000 people demonstrated on June 17 with a series of four demands, including the resumption of peace talks and the removal of the High Security Zones in the North and East. These zones, set up by the military, cover substantial areas, where thousands of families have been forced to leave their homes, land and businesses.

In less than a month, Kumaratunga and the UPFA are facing crucial elections for six provincial councils. A decisive win could help them woo over opposition MPs but losses would be disastrous. Kumaratunga's speech was pitched at hoodwinking the masses while appeasing her chauvinist ally, the JVP, with rhetoric about boosting the national economy and small businesses. The problem for the UPFA is that there is broad distrust among ordinary working people of the political establishment as a whole.

The opposition UNF is compounding the government's problems. It has used the fracas in parliament to draw closer to the JHU. A joint opposition has now been formed that has collected 117 signatures to prove that it has a majority in parliament. The list is due to be handed over to the speaker. While there are no immediate moves afoot to table a no-confidence motion and bring down the government, that threat constantly confronts Kumaratunga and the UPFA.

Kumaratunga is desperate to hang on to power. Her speech strongly hinted at rule through extra-parliamentary and unconstitutional means. "[T]he government," she declared, "has people's power and also the skills, the ability and the strength required to manage government efficiently". But, she added, it "is debarred from registering a majority in parliament due to an unjust manipulation of the people's vote by the existing electoral system."

Like every autocrat, Kumaratunga invokes "people's power" to justify trampling on parliamentary norms and basic democratic rights. Even given the distortions of parliamentary politics, the president's claim to speak for "the people" is demonstrably false. Under the country's proportional election system, the UPFA gained 105 of the 225 parliamentary seats—a higher proportion than its vote, which was just 37.5 percent.

The JVP is even more openly contemptuous of parliament and was central to the fracas during the June 8 sitting. Formed in the 1960s on the basis of Maoism and Castroism, the JVP is notorious for its murders of workers and political opponents in the late 1980s. Legalised in the 1990s as a useful safety valve for popular discontent, the JVP was able to make significant gains in the April 2 elections, based on a mixture of populist demagogy and Sinhala chauvinism.

In government for the first time, the JVP finds its chauvinist thunder has been appropriated by the JHU, which advocates the establishment of a theocratic Sinhala Buddhist state. The JVP demagogues who denounced the UNF for selling out the country to the LTTE are now being accused of doing the same by the JHU MPs—all of whom are Buddhist monks. The JVP has responded with provocative and thuggish actions in parliament—all in the name of "the people"—which have more than a whiff of fascism about them.

During the election campaign, Kumaratunga declared that the UPFA would change the constitution to abolish the sweeping executive powers of the president and return to a parliamentary system. The proposal was a crude attempt to use the hostility to the executive presidency to permit Kumaratunga to continue in power as a parliamentary prime minister. Under the present constitution, she is barred from contesting for a third term.

Kumaratunga raised the issue again in her speech last weekend. But lacking a majority in parliament, she is unable to proceed with her plan to turn the parliament into a Constituent Assembly to make the proposed amendments. Even her scheme to do so with a simple majority would breach the constitution, which clearly states that a two-thirds parliamentary majority is required.

The JVP is seeking to provide the justification for ignoring the constitution. The party has launched a propaganda campaign on the theme: "Can we let people's power be submerged in the Diyavanna (signifying parliament)?"

No one should be in any doubt as to the significance of these appeals to "people's power". Neither Kumaratunga nor the JVP represent the interests of the working class and oppressed masses of Sri Lanka. This discussion of extra-constitutional measures reflects the frustrations of sections of the ruling class at the impasse that has been reached in parliament.

Any step toward a more autocratic form of rule by Kumaratunga and her allies will inevitably be directed against the living standards and democratic rights of ordinary working people.

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