

Bitter dispute over timing of Sri Lankan presidential election

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23 August 2005

In a hearing that began yesterday, a five-judge bench of Sri Lanka's Supreme Court is due to deliver a key decision this week on the timing of the next presidential election. The fact that the election date has been a matter of a lengthy and rancorous dispute between President Chandrika Kumaratunga and the official opposition is another indication of the intractable political impasse that has been reached in ruling circles in Colombo.

Kumaratunga called the last presidential election in December 1999, over a year early, and won, after capitalising on sympathy following a failed attempt on her life just days before the poll. She was publicly sworn into office the same month for her second and final six-year term of office. Under the Sri Lankan constitution, presidents are only permitted two terms in office.

In December 2000, however, Kumaratunga was sworn in a second time—in secret. The ceremony was never gazetted and only came to light after details were leaked to the *Sunday Times* in December 2003. The president claims that the next election is not due until December 2006 because she called the previous poll early and was officially sworn into office in 2000, not 1999.

The opposition United National Party (UNP) has disputed this extraordinary manoeuvre, which is without precedent in Sri Lanka, and has consistently called for presidential elections to be held this December. UNP leader Ranil Wickremesinghe launched a so-called “peoples’ power” campaign last month to demand the poll be held this year. A week-long march from the southern town of Hambantota culminated in a rally of 100,000 people in Colombo on July 12. The UNP plans to gather a million signatures on a petition for its demand.

The bitterness of the dispute underscores what is at stake. The constitutional powers of the executive presidency are extensive and include the right to appoint and sack ministers and the government. Kumaratunga has already exploited these to the hilt. In November 2003, she seized three key ministries—defence, interior and information—after accusing the UNP-led government of undermining national security in

its efforts to restart peace talks with the Liberation Tigers of Tamil Eelam (LTTE).

At the last minute, Kumaratunga drew back from imposing a state of emergency under pressure behind the scenes from the US and India. In February 2004, however, she took the unprecedented step of sacking the entire government—even though it had a parliamentary majority—and calling fresh elections. Her Sri Lanka Freedom Party (SLFP) narrowly won the April 2004 election in alliance with the Sinhala chauvinist Janatha Vimukthi Peramuna (JVP), capitalising on discontent with the impact of the UNP's economic restructuring measures.

Over the past year, the political crisis has only deepened. With her coalition in office, Kumaratunga did an about face and sought to reestablish negotiations with the LTTE—in large part in order to secure foreign aid as a means of alleviating the country's sharp economic crisis. In the process, however, she alienated her chauvinist allies. Tensions with the JVP reached breaking point in June after the president signed a joint tsunami aid agreement with the LTTE—a move that the JVP denounced as a betrayal of the nation.

Since the JVP quit, the ruling coalition has been a minority government with just 80 seats in a parliament of 225. Such is the popular hostility to the political establishment that none of the parties is calling for a fresh general election. Mindful of Kumaratunga's previous actions, the UNP has rejected her invitation to join the government or to form a government of its own. Just as Kumaratunga is seeking to hang onto the presidency for as long as possible, so the UNP is trying to get hold of the post and its autocratic powers.

Shortly after the JVP walked out, Kumaratunga appealed to all parties to support the government and its tsunami reconstruction plans, then pointedly warned that “dictatorships and military dictatorships” often arose in situations like the present one. She subsequently declared on national television that she had “the executive presidential powers to take all ministries under her purview”—in other words, she could and would establish one-woman rule if the

need arose.

As a result, a great deal hinges on the outcome of the Supreme Court decision. Kumaratunga claims that the constitution enabled her to call the last presidential election early and also to serve out her previous term of office. By this reasoning, she has until December 2006 before relinquishing office.

The electoral commissioner Dayananda Dishanayake, who is the main respondent in the case, has directly contradicted the president. In answers filed in the Supreme Court on August 15, Dishanayake stated that he believed the president's current term started on December 22, 1999 and therefore, according to the constitution, a new election was due this year.

The UNP did not bring the case before the Supreme Court. It has been sharply critical of the Chief Justice Sarath Nanda Silva, who was appointed to the post by Kumaratunga, bypassing more senior judges. Even some of those supportive of Kumaratunga have questioned whether Silva should be presiding over the case. He has acknowledged administering the contentious oath of office to Kumaratunga in 2000 as chief justice and thus has a stake in the outcome.

A human rights petition was filed by Omalpe Sobhitha, an MP with the Sinhala extremist Jathika Hela Urumaya (JHU), calling on the Supreme Court to direct the election commissioner to hold a presidential election this year. The SLFP has appealed to the Supreme Court to quash the JHU request. Kumaratunga has also sent a request to the court seeking its legal opinion on the issue.

The assassination of Foreign Minister Lakshman Kadirgamar on August 12 has further inflamed political tensions in Colombo. Despite their sharp differences, most of the major parties—including the SLFP, UNP, JVP and JVP—came together last Thursday to sanction a state of emergency. The president now has powers to ban protests and strikes and impose media censorship. The army and police can raid homes and arrest and detain suspects without trial.

The real target of these measures is not Kadirgamar's killers or the LTTE, which has been accused—so far without proof—of ordering the murder. Rather, the ruling elites have set aside their disagreements to give emergency powers to the security forces to crack down on working people who are increasingly disillusioned with all of the major parties and their failure to address falling living standards—particularly in the aftermath of the devastation caused by the December 26 tsunami.

The frustrations in the ruling class over the current political impasse were voiced by a prominent business leader Rienzie Wijetilleke in comments last month to the *Lanka Monthly Digest*. He declared that “the country's

democracy has proved to be a mockery” and cited the autocratic methods used in Malaysia as a model to implement market reforms.

Opposition leader Wickremesinghe is presenting his call for a presidential poll this year as a crusade for democracy. Addressing a rally at Hatton on August 19, he declared the UNP is fighting “for democratic rights, the voting rights of the masses and to protect sovereignty of the people”. Appealing to widespread discontent, he said that “the skyrocketing cost of living has ignited warfare in the peoples' homes”.

The UNP's campaign has nothing to do with defending democratic rights or alleviating poverty. Only last year, the Wickremesinghe government was voted out of office because of widespread discontent over its economic program of privatisation and cutbacks to public spending dictated by the IMF and the World Bank. Previous UNP presidents J.R. Jayawardene and Ranasinghe Premadasa were just as ruthless as Kumaratunga in riding roughshod over the democratic rights of political opponents and more broadly, the working class.

In a sign that international support may be slipping away from Kumaratunga, the International Democratic Conference (IDU) passed a little publicised resolution in Washington last month calling for the Sri Lankan presidential elections to be held this year. The IDU consists of more than 80 right-wing parties from around the world, including the Republican Party in the US, the Conservative Party in Britain and the Liberal Party in Australia. Wickremesinghe, who attended the IDU conference, was appointed its president for South Asia.

The Bush administration has to date pressed for a negotiated settlement with the LTTE to end the country's 20-year civil war as it threatens the political stability of a region in which US strategic and economic interests are growing. If he feels he has the backing of the US and other powers, Wickremesinghe may well step up his campaign for presidential elections this year regardless of the outcome of the Supreme Court case. Far from resolving the country's present political crisis, the court decision will almost certainly intensify it.



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