

Sri Lankan Supreme Court orders new presidential elections

Wije Dias
30 August 2005

In a highly political decision, the Sri Lankan Supreme Court ruled last Friday that the term of the current president, Chandrika Kumaratunga, must end this November, rather than in November 2006 as she had claimed. The ruling is a rather desperate attempt to find a way out of the political impasse in Colombo that has produced a succession of unstable governments and stalled peace talks with the Liberation Tigers of Tamil Eelam (LTTE).

Kumaratunga's United Peoples Freedom Alliance (UPFA) narrowly won general elections in April last year but was reduced to a minority of 79 MPs in the 225-seat parliament after the Janatha Vimukthi Peramuna (JVP) quit the government in June. The JVP and other Sinhala chauvinist groups opposed the president's decision to sign a deal with the LTTE to jointly administer tsunami reconstruction, denouncing it as a betrayal of the nation.

Kumaratunga, who first won office in 1994, has been desperate to hold on to the extensive executive powers of the presidency for as long as possible. Having served two six-year terms, she is barred by the constitution from seeking a third. She called the last presidential election early in 1999 and was publicly sworn into office in the same year. The following year, however, a second secret swearing-in ceremony took place, details of which were leaked to the press in late 2003.

The opposition United National Party (UNP) insisted that fresh elections must be held this year and launched a campaign to force the president to hold them. After the JVP left the UPFA, the UNP refused to either join the government or form a government of its own. Only last year, Kumaratunga had used her executive powers to summarily dismiss the UNP-led government, even though it had a majority on the floor of parliament, and to call fresh parliamentary elections.

The Supreme Court case was brought by Omalpe Sobhitha, an MP with the Sinhala extremist Jathika Hela Urumaya (JHU), but a great deal was riding on it for the ruling class as a whole. Significantly, Kumaratunga appointed all five Supreme Court judges who presided over the case. Moreover, Chief Justice Sarath Nanda Silva had officiated over the second presidential swearing-in ceremony in 2000. The fact that the judges unanimously ruled against Kumaratunga indicates the deep concern throughout the political establishment of further instability if she remained in office.

Legal argument revolved around the interpretation of article 31 (3A) (d1) of the constitution. As one political analyst put it, the legal luminaries who appeared on behalf of the president "based their arguments on a comma" to justify her extraordinary claim to effectively extend her second term from six to seven years. The Supreme Court ruling declared in part that there was "no basis whatever to shift the year of commencement of office to 2000 when

the election was in the year 1999".

But the political character of the court decision was made clear in the judgement itself. In the event of any legal ambiguity, it stated: "A construction that results in hardship, serious inconvenience, injustice, absurdity or anomaly or which leads to inconsistency or uncertainty and friction in the system which the statute purports to regulate has to be rejected and preference should be given to that construction which avoids such results." Simply put, in this case, the stability of the state was at stake and its preservation had to override other considerations.

Press editorials, along with the opposition parties, immediately hailed the court decision. The editorial in the *Island* on Saturday entitled "Three hearty cheers!" began: "Yesterday's landmark Supreme Court judgement on the next presidential poll date should be hailed by one and all. The learned judges of the apex court have, once and for all, healed the festering constitutional wound on the body politic, on which political maggots had been thriving for months."

The *Sunday Times* declared: "The nation's agony is over, with the Supreme Court's unanimous verdict that the presidential elections must be held this year. Despite election fatigue on the part of the Sri Lankan electorate with presidential and parliamentary elections in 1999, 2000, 2001 and 2004 and several local-level elections in between, there seems now to be an infectious notion that elections may change life for the better for many Sri Lankans."

A further comment in the financial section of the same newspaper explained: "What is important from a business point of view is predictability and stability. So the market favours a presidential election this year as that is the way it should be, but does not want a premature general election." Reflecting the same sentiments, the Colombo stock market index, on the day of the judgement, jumped up by 1.5 percent.

The attitude of foreign investors had been previously signalled in a recently published joint report by the Asian Development Bank and the World Bank. It stated that the island "remains among the world's most unstable countries" despite the 2001 ceasefire. The report noted that Sri Lanka had had three different governments in just four years and listed it as being marginally more stable than Afghanistan, Nepal and Pakistan and less stable than India, Bangladesh and the Philippines.

Another indication of a shift of international support away from Kumaratunga came last month when the International Democratic Union (IDU) passed a resolution calling for presidential elections to be held in Sri Lanka this year. The IDU consists of more than 80 right-wing parties around the world, including US President Bush's Republican Party.

The calculation in Sri Lankan ruling circles is that a new president

provides the best prospect of ending the present political gridlock and of pursuing the agenda being demanded by the dominant corporate layers: a negotiated deal with the LTTE to end the country's 20-year civil war and an accelerated program of economic restructuring to attract foreign investment. The UNP and its candidate, opposition leader Ranil Wickremesinghe, have most consistently advocated this program and will receive significant backing in business circles during the presidential poll.

Kumaratunga's own party, the Sri Lanka Freedom Party (SLFP), will stand Prime Minister Mahinda Rajapakse as its presidential candidate. After winning the 2004 general election, Kumaratunga and the SLFP attempted to restart peace talks with the LTTE but quickly came under pressure from their Sinhala chauvinist ally, the JVP. The party is divided over whether to seek the JVP's support for the presidential election. For their part, the JVP and the JHU have indicated they intend to stand their own candidates unless the major parties agree to demands that would effectively rule out negotiations with the LTTE.

The poll will do nothing to solve the basic political dilemma confronting the Sri Lankan bourgeoisie. Economically, an end to the war and a power-sharing arrangement between Sinhala, Tamil and Muslim elites is essential to integrate the island into global processes of production and to address the country's deteriorating economic position. Politically, however, the ruling class has depended since independence in 1948 on whipping up Sinhala communalism to divide the working class and provide a social base for its parties—both the UNP and SLFP.

Whoever wins the presidency will confront the demands of the major powers and from business circles to resume the so-called peace process. Any step in that direction, however, will immediately provoke bitter opposition from Sinhala extremists who regard any concession to the LTTE and the Tamil minority as outright treason.

Even the hope that the election will provide a temporary respite may prove to be an illusion. Broad layers of ordinary working people are alienated from all the major political parties. Successive elections have brought no respite to the continuing deterioration of living standards as the UNP, the SLFP and JVP alike have backed further market reforms and the destruction of jobs, working conditions and essential services.

More than seven months after the December 26 tsunami devastated large swathes of the coastline, reconstruction has barely started. Inflation is currently running at a rate of 16-18 percent, in part the result of the continuing rise of global oil prices. In recent months, there have been protests by different layers of workers, students, the rural poor and tsunami victims.

Incapable of making any broad appeal, the presidential contenders will resort to electoral fraud, character assassination, chauvinist appeals and outright violence to boost their chances. As one commentator declared, although the Supreme Court ruling has ended much uncertainty, "it has generated new uncertainty in the form of an election campaign that, going by previous practice, would be very disruptive of normal economic and social life".

Nervous at the prospect of heightened political tensions, the press has already issued calls for "clean elections". The *Sunday Times* editorial, for instance, concluded: "Let the mudslinging posters, violence and political slang on political platforms be dumped into Sri Lanka's political history. If we are to look beyond a presidential election, where this fractured island, both the North and the South, is united, this is the time for a new beginning."

Sections of the ruling elite are openly pessimistic that the election will provide any solution. The business magazine, *Lanka Monthly Digest*, headed the editorial in its August issue "Time for a real change?". Arguing that there was no viable alternative within the present electoral process, it concluded: "What real good will a change of person in a flawed system yield? President Ranil Wickremesinghe may well have to share power with Prime Minister Mahinda Rajapakse one day—this year or next. And the fat will be in the fire again!"

Such comments reflect a growing sentiment among the ruling elites that the present system of political rule has exhausted itself and that more autocratic methods are needed to ram through their agenda. The *Island* newspaper in particular is openly contemptuous of the "political maggots" that inhabit parliament and has repeatedly appealed for someone of incorruptible morals to save the nation. It is a thinly disguised appeal for some form of dictatorship—either through the executive presidency or some other means.

An editorial in the *Daily Mirror* yesterday took a slightly different slant by appealing to popular alienation and concern over falling living standards. "The people must be wondering whether our ever costly democracy is worth cherishing, due to the mockery the leaders make of it. A little over a year ago an early general election called to 'save the nation' cost the country more than 600 million rupees. The President may have instead of saving it made it even more perilous. Now we are likely to be saddled with not only a presidential election, but a general election as well. Both are likely to cost the nation another fortune."

All these remarks point in the same direction: the destruction of basic democratic rights. Significantly, in response to the assassination of foreign minister Lakshman Kadirgamar on August 12, all the major political parties set aside their feuding to join together in ratifying a state of emergency. While ostensibly aimed at helping the police to track down Kadirgamar's killers and prevent further murders, the sweeping emergency powers, including the right to ban protests and demonstrations and censor the media, are directed above all at working people.

Far from resolving the deepening social problems facing working people or ending the danger of a return to war, the presidential election will simply be the prelude to a deepening political crisis in which the bourgeoisie will not hesitate to use the most ruthless methods to maintain its rule.



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