

Sri Lankan ruling party issues phony constitutional plan for ending war

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The Sri Lanka Freedom Party (SLFP), the main party in Colombo's coalition government, announced a set of constitutional proposals on April 30 to establish the basis for a political settlement of the country's civil war. The package, however, is a reversion to measures that the Liberation Tigers of Tamil Eelam (LTTE) has long rejected. Thus, far from being a plan for peace, it is a justification for the government's continuing military aggression.

The proposals were drawn up for an all-party representative committee (APRC), set up by President Mahinda Rajapakse last year to consider constitutional changes to solve what is known in Sri Lanka as the "ethnic problem"—the systematic discrimination against the country's Tamil minority that led to the outbreak of war in 1983. Rajapakse excluded the pro-LTTE Tamil National Alliance from the committee and included the two main Sinhala extremist parties—the Janatha Vimukthi Peramuna (JVP) and Jathika Hela Urumaya (JHU)—showing that it is little more than a government propaganda exercise.

The SLFP document makes clear from the outset that the government intends to maintain Sinhala-Buddhist supremacism as the basis for the constitution. It retains the key constitutional clause that establishes Buddhism as the state religion. "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana (institution)," the draft states. The clause blatantly violates the elementary democratic principle of the separation of the state and religion, and relegates other religions to a second-class status.

In 2002, a United National Party-led government signed a ceasefire agreement and entered into peace talks with the LTTE. The basis for the negotiations was the willingness of the LTTE to abandon its longstanding demand for a separate state of Tamil Eelam, in return for a power sharing arrangement that allowed it control of an administration for a combined north-east province. Negotiations broke down in 2003 amid denunciations by the JVP and the SLFP that the UNP was betraying the country.

Rajapakse narrowly won the presidency in November 2005 with the backing of the JVP and JHU and has plunged the country back to war. In open breach of the 2002 ceasefire, he has ordered a series of offensives since July 2006, which have resulted in the seizure of most LTTE-held territory in the East of the island. Rajapakse still cynically claims to uphold the ceasefire and the so-called international peace process, but the SLFP proposals demonstrate that the government has completely rejected the underlying political framework.

On the issue of devolution, the SLFP document even tears up the present system of provincial councils, established under the 1987 Indo-Lanka Accord as a means of allowing self-administration in Tamil majority areas. The 13th constitutional amendment, adopted in late 1987 to implement the councils, also amalgamated the two provinces of the north and east into a single administrative unit—the so-called Tamil homeland claimed by the LTTE and other Tamil parties.

Sinhala extremists have adamantly opposed the amalgamation and provincial devolution as a treacherous concession to the LTTE. In fact, the north-east council, which was established in 1988, was arbitrarily dissolved a few months later by presidential decree and never reconvened. After Rajapakse came to power, the Supreme Court, on a petition from the JVP, issued a dubious ruling annulling the amalgamation of north and east provinces.

The SLFP proposals embrace the stance of Sinhala extremists in eliminating provincial councils in favour of devolution to districts—a smaller and thus less influential unit. At present there are 25 districts in Sri Lanka as compared to nine provinces. The draft proposes to increase the number of districts to 30, making the devolution unit even smaller. The scheme is aimed at increasing the political patronage of the ruling party, rather than providing a solution to the discrimination against the country's minorities.

The UNP government of President J.R. Jayawardene was the first to establish district councils in 1981 as a means of

settling the “ethnic question”. The proposal was overwhelmingly rejected by Tamil parties as well as by left parties. Only the JVP offered to contest the district council elections. In response, Jayawardene sent trainloads of chauvinist thugs to Jaffna to terrorise Tamils and to forcibly impose district councils in the north. During that campaign, these gangs burnt down the prestigious Jaffna library, which contained an irreplaceable collection of Tamil manuscripts and books, further inflaming ethnic tensions.

The SLFP proposal to nullify the provincial councils and revert to the infamous district councils is thus a calculated provocation. Moreover, any genuine devolution of power is largely illusory. The district chief minister, the top administrative post, will not be voted on locally, but appointed by the president in Colombo. Even then, according to the SLFP plan, the president will always be able to step in and assume direct control, “if he is satisfied that there is a failure in the administration of the district”.

On the key issue of land, which has provoked bitter ethnic disputes in the past, the district council will have no power. The SLFP calls for the constitution to establish “a permanent commission for land and water” appointed by the central government and preferably staffed by retired senior judges. In other words, the power to decide on the distribution of land and water is to reside firmly in Colombo.

The SLFP also proposes to establish district ethnic ombudsmen to hear the grievances of local minorities. But this device also remains under the control of the president. Appointments would be made by “the minister of justice in consultation with the President”. Furthermore, the powers of an ombudsman would be limited strictly “to inquire [into] ... complaints and make recommendations” for any settlement to “the relevant authority”.

The remainder of the SLFP’s constitutional plan goes in the same autocratic direction. It proposes the reestablishment of a largely unelected senate as an upper house of review. This institution, which was abolished in 1972, was introduced in the first Sri Lankan constitution worked out by the British rulers in 1947 as a mechanism for defending their interests and those of the local elites after independence. Now it is being resurrected for similar political purposes.

Under the SLFP’s proposals, the senate would have 75 members: 20 would be directly nominated by the president and another 30 would be the district chief ministers, also nominated by the president. The remaining 25 would be nominated by political parties in proportion to their vote in general elections. This move to placing even more power in the hands of the president is being advocated in the name of facilitating the “sharing of power at the centre” and affording “adequate representation to minorities and minority parties”.

Even where the SLFP plan makes a democratic gesture, its underlying content is anti-democratic. The document proposes an end to the executive presidency and return “to the parliamentary model of government” with a “cabinet system led by a prime minister”. The powerful executive presidency, which has long been associated with abuse of democratic rights, is widely detested. For this to be implemented, however, the SLFP insists on a “national consensus” that would provide the perfect excuse for abandoning the suggestion if agreement could not be reached. “In the absence of such a consensus, the executive presidential system would continue with appropriate amendments,” the SLFP plan declares.

The entire plan has been drawn up with an eye to the support of Sinhala extremist parties, which have immediately criticised it for not going far enough. The JVP has accused Rajapakse of betraying “Mahinda Chintanaya [Mahinda thinking]”—his platform for the 2005 presidential election drawn up mainly by the JVP itself. It has criticised the government for retreating from the defence of the “unitary state” and called for all devolution plans to be put on hold while “the armed forces are waging a valiant war to take back the north and east from the control of the terrorist Tigers and defend the mother land”. The JHU is calling for further constitutional concessions to the Buddhist establishment. Rajapakse has already responded to these criticisms, declaring that the SLFP’s proposals would now be reconsidered.

To claim that the SLFP plan is a serious proposal for negotiating peace is absurd. In return for the establishment of district councils, the SLFP declares that “there must be a parallel exercise of decommissioning of arms in the hands of any group in the district other than the state forces”. If the LTTE were to hand over their arms on these terms, it would mean giving up not only their demand for a separate Tamil statelet, but accepting an administrative plan that repudiates all previous “peace plan” compromises.

As such, the SLFP document should be branded for what it is: a political platform for communal war.



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