

Sri Lankan government prepares major constitutional changes

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Just two months after parliamentary elections, the Sri Lankan government is preparing a series of far-reaching constitutional amendments that will further entrench President Mahinda Rajapakse in power and enhance his autocratic methods of rule.

Prime Minister D. M. Jayaratne presented the proposed amendments for cabinet approval on June 9 and revealed last week that the changes will be presented to parliament in the coming weeks. Underlining their anti-democratic character, the changes will be introduced as an “urgent bill” under a rarely used constitutional clause, effectively blocking public discussion.

Two main changes are involved. The first would abolish the limit of two on the number of presidential terms, allowing Rajapakse to stand for office indefinitely. Rajapakse first became president after the November 2005 election, won a second term in January and is due to step down in November 2016.

The second would modify the 17th amendment to eliminate the requirement for a constitutional council, which has broad powers to oversee government appointments and appoint other commissions to supervise key government institutions, including the police, elections and the public service.

The 17th amendment was enacted in 2001 amid sharp public debate on the politicisation of the state apparatus under previous presidents. According to the Sri Lankan constitution, the executive president has wide powers, including to appoint and dismiss ministers and governments. In addition, through the continuing state of emergency, the president can order detentions without trial, ban strikes and censor the media.

On taking office, Rajapakse rapidly plunged the island back to war in mid-2006, effectively tearing up the 2002 internationally-recognised ceasefire with the separatist Liberation Tigers of Tamil Eelam (LTTE). He used his police-state powers to the full to prosecute the war. Resting on a shaky parliamentary coalition, the president increasingly operated through a politico-military cabal of relatives, top bureaucrats and generals.

Rajapakse simply ignored the 17th amendment and refused to establish a constitutional council that would have cut across his ability to appoint trusted cronies to major posts. When the Supreme Court eventually ordered the president to establish the constitutional council, he ignored the ruling. Now Rajapakse is seeking to neutralise the 17th amendment.

At present, the president is required to consult with the opposition to form a constitution council, which comprises the president, prime minister, parliamentary speaker, opposition leader and a nominee of other parliamentary parties. Under the proposed changes, there would be no constitutional council. Instead the president would be required only to “consult” with the prime minister, speaker and opposition leader in making key appointments.

Rajapakse exploited the military’s victory over the LTTE in May 2009 to whip up a climate of militarism and triumphalism in this year’s presidential and parliamentary elections. The main opposition parties—the United National Party (UNP) and Janatha Vimukthi Peramuna (JVP)—had backed the war and offered no alternative. Rajapakse easily defeated opposition presidential candidate Sarath Fonseka—his top general before the two fell out—who was then arrested on trumped-up charges of planning a coup.

At the parliamentary election in April, the ruling coalition won 141 seats—just nine short of the two-thirds majority required for constitutional amendments. Rajapakse is clearly confident that he can secure the support of enough opposition MPs by offering various inducements to make the planned changes.

The government has also fed speculation about further constitutional changes, including to the voting system, which favours smaller parties. Other mooted amendments are changes to the provincial councils and the creation of a second parliamentary chamber. The government's first priority, however, is to consolidate its grip on, and the powers of, the presidency.

The defeat of the LTTE has not led to an easing, but rather a strengthening of Rajapakse's autocratic methods of rule. The government confronts a worsening economic crisis as a result of the huge public debts produced by high military spending and the impact of the continuing global economic turmoil. Having taken out an International Monetary Fund loan last year, Rajapakse is under pressure to drastically cut the budget deficit.

Already there is widespread resentment among the island's Tamil minority over the military's brutal methods, which led to tens of thousands of civilian deaths in the final months of the war. More broadly there is simmering discontent among working people over the steady deterioration of living standards and the government's attacks on basic democratic rights. Last year, Rajapakse used his emergency powers to outlaw industrial action by public sector workers in the petroleum, port, water and power sectors for higher wages.

The government clearly expects further social unrest. Announcing the cabinet's approval of the constitutional changes, acting media minister Lakshman Yapa Abeywardena declared on June 10: "[T]he period which our country is presently going through is one in which the government is seeking to make necessary adjustments to the present 'administrative and constitutional structure' of Sri Lanka, to bring about stability to the country."

The police-state measures that were used to prosecute the government's war against the LTTE are being strengthened to suppress the inevitable opposition of

working people to new economic burdens. Rajapakse has framed his policies in military terms, promising to wage "an economic war" to build the nation.

The opposition parties are posturing as defenders of democracy and opponents of the constitutional amendments. JVP parliamentary leader Anura Kumara Dissanayake said his party would oppose the moves in parliament "tooth and nail" and "stoke up a public debate throughout the country on this matter".

The JVP has its own long record of contempt for democratic rights. In the late 1980s, the party's hit squads murdered hundreds of trade unionists, workers and political opponents who rejected its chauvinist campaign against the Indo-Lanka Accord and the intervention of so-called Indian peacekeepers. In 2005, the JVP supported Rajapakse for the presidency and urged him to use his executive powers to restart the war. Having fallen out with Rajapakse, the JVP now attempts to put on a democratic face to appeal to popular discontent.

UNP media spokesman Gayantha Karunatilake declared: "We will fight against the government's arbitrary actions. We will even go to court in an effort to block these dictatorial proposals." The UNP's opposition is equally hollow. The party was responsible for introducing the executive presidency in 1978 and used its powers in 1980 to sack 100,000 public employees who took strike action for a pay increase. Throughout the 1980s and early 1990s, successive UNP governments were notorious for their systematic abuse of democratic rights.

The only way that workers can defend their living standards and democratic rights is through a complete break with all these parties of the Sri Lankan bourgeoisie. What is needed is the building of an independent political movement of the working class based on a socialist and internationalist program that is directed against the source of these attacks—the capitalist profit system itself.



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