

# Sri Lankan constitutional changes entrench autocratic rule

Wije Dias

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The constitutional changes rammed through the Sri Lankan parliament earlier this month are a warning to workers throughout the island and internationally of the methods that will be used to impose the austerity agenda demanded by global finance capital.

The 18<sup>th</sup> amendment passed on September 8 is one more step towards a full-blown police state headed by President Mahinda Rajapakse. In addition to his already extensive executive powers, the president now has a free hand to appoint key state officials and can run for office indefinitely.

Rajapakse has now ruled as the executive president since late 2005. Within seven months of assuming power, he relaunched the war against the separatist Liberation Tigers of Tamil Eelam (LTTE), effectively tearing up the internationally-brokered 2002 ceasefire. Backed by the US, India and other major powers, Rajapakse brought the conflict to a bloody end in May 2009 at the cost of tens of thousands of civilian lives.

Rajapakse's war was accompanied by a frontal assault on basic democratic rights. Exerting his constitutional powers to the full, he held the key posts of defence and finance minister as well as being commander-in-chief of the military. Increasingly parliament and cabinet were sidelined as he ruled through a cabal of relatives, generals, cronies and hand-picked state bureaucrats. Under the state of emergency, which is still in force, the regime detained thousands of people, mainly Tamils, without trial. Hundreds more "disappeared" or were murdered by pro-government death squads operating with the collusion of the security forces.

The 18<sup>th</sup> amendment overturns the 17<sup>th</sup> amendment, which mandated the formation of a Constitutional Council

to oversee top appointments and establish independent bodies to supervise the police, public service, elections, judicial services and corruption inquiries. Under Rajapakse, the 17<sup>th</sup> amendment was a dead letter. When the Supreme Court ordered him to establish the Constitutional Council, Rajapakse ignored the decision. The Constitutional Council has now been replaced with a Parliamentary Council, which can only advise but not overrule presidential appointments.

The constitutional changes have also removed the limit on an individual holding the presidency for more than two six-year terms. In part, the two-term limit was included in the 1978 constitution because of the widespread public hostility to the establishment of an executive president with extensive powers to sack ministers, take on executive power and rule by decree. Given the advantages of incumbency in such a powerful post, the door is now open for Rajapakse to become president for life.

Rajapakse pushed the amendment through parliament by categorizing it as an emergency bill, thus blocking public discussion and allowing only a few hours for a farcical debate that defied all norms of parliamentary procedure. Despite a requirement that major changes to the constitution need to be ratified by referendum, the Supreme Court ruled that was not necessary in this case.

The government's ability to rush through the constitutional changes depended on the supine character of the parliamentary opposition. Capitalising on the LTTE's defeat, Rajapakse won a second term as president in January and a large majority in parliamentary elections in April, largely because many voters viewed the opposition parties as no alternative. The opposition United National Party (UNP) and Janatha Vimukthi Peramuna (JVP) both supported Rajapakse's communal war, his anti-democratic methods and his pro-market

economic agenda.

Just short of the two-thirds parliamentary majority needed to change the constitution, Rajapakse easily garnered the necessary cross-overs from the UNP and several minor parties with the offer of government posts and other perks. The UNP, which is responsible for the 1978 constitution and is notorious for anti-democratic methods, boycotted the vote. The JVP, which backed Rajapakse in the 2005 presidential election, staged an impotent street protest. Only 17 votes were cast against the bill.

The vote only underscored the deep divide between working people and the whole Colombo political establishment. In January's presidential election, there was a huge abstention rate of 40 percent. Even the *Daily Mirror* noted in its editorial: "True that he [Rajapakse] mustered a parliamentary majority beyond two thirds in support of the bill [18<sup>th</sup> amendment]. However the majority of the countrymen think that this overwhelming majority of MPs are wrong."

Rajapakse and his supporters are quite open about the purpose of the amendment. It is to entrench "a stable government" in office to wage an "economic war" to build the nation and transform Sri Lanka into "the miracle of South Asia". Comparisons were made with the 30-year rule of Lee Kuan Yew and his autocratic regime in Singapore.

Sri Lanka in 2010, however, is not Singapore in the 1960s and 1970s. Laden with debts from the war and hard hit by the global financial crisis, the Sri Lankan regime, like governments around the world, is under pressure to impose drastic austerity measures. Rajapakse is consolidating his grip on power in preparation for the inevitable opposition that will erupt among working people to deteriorating living standards.

The call for "stable" and "strong" governments is not confined to Sri Lanka. Political instability is becoming the rule as governments face rising popular disenchantment and opposition to the social crisis produced by their policies. Four months of political upheaval in Australia resulted in the first hung parliament in 70 years. In the manoeuvres that followed to form a Greens-backed Labor government, the overriding issue as far as the big business media was concerned was the need for "political

stability" to implement further pro-market "reforms".

Similarly in May, the British general election produced a hung parliament. In stepping aside as Labor leader and prime minister, Gordon Brown declared: "What all of us should be mindful of is the imperative of strong stable government and that to be formed with the authority to tackle the challenges ahead and one that can command support in parliament." A Conservative-Liberal Democrat coalition is now implementing a program of austerity measures that go far beyond the notorious spending cutbacks under Thatcher.

As the social tensions sharpen, the ability of the ruling class to impose deeply unpopular policies via parliamentary means will become even more difficult and a turn to autocratic, extra-parliamentary forms of rule will be made. Significantly, Professor Herfried Münkler from Berlin's Humboldt University put the issue of "dictatorship" up for public discussion in Germany with a lengthy essay earlier this year on the "exhaustion of democracy" and the positive aspects of autocratic methods of rule.

The advanced decay of bourgeois democracy in Sri Lanka is a harbinger of what is in store for the working class internationally as the worst global economic crisis since the 1930s continues to unfold. The only political antidote in both backward and advanced capitalist countries is the emergence of the working class as an independent force on the basis of a socialist program. The defence of democratic rights is bound up with the struggle to abolish the profit system that defends the interests of the wealthy few against those of working people.

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