

Sri Lankan parliament amends constitution to entrench powerful presidency

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Sri Lanka's government rammed through parliament on Wednesday key constitutional changes entrenching the autocratic powers of President Mahinda Rajapakse, enabling him to run for office indefinitely and handing him considerable control over the judiciary, police, election commission and central bank.

The entire process of passing the constitutional amendment was anti-democratic. At no time was the bill disclosed to the public. Instead, the cabinet approved the amendment on August 31. After just a one-day hearing, the Supreme Court informed the parliamentary speaker that the bill was "consistent with the constitution". Presented as an "urgent bill," parliament had only one day to debate and vote on the amendment.

The bill received 161 votes in the 225-member parliament. Rajapakse's ruling United Peoples Freedom Alliance (UPFA) had only 144 MPs. After weeks of behind-the-scenes horse-trading the government obtained the necessary two-thirds majority. Eight MPs of the opposition United National Party (UNP) and eight MPs of the UNP ally, the Sri Lanka Muslim Congress (SLMC) changed sides to support the bill.

On Wednesday the UNP boycotted the parliament, thus avoiding actively voting against the bill. It made the bogus claim that it did not want to "contaminate" its hands by participating. In reality, the UNP is responsible for the present extensive presidential executive powers which were incorporated into the current constitution that it drew up in 1978. This means that the executive president can already dissolve the parliament one year after an election, seize any ministry and declare emergency rule.

Eleven MPs from the ethnic-based Tamil National Alliance (TNA) and six from the Sinhala extremist Janatha Vimukthi Peramuna (JVP)-led Democratic National Alliance (DNA) voted against the bill. This opposition is equally counterfeit. The TNA was formerly a proxy of the Liberation Tigers of Tamil Eelam (LTTE), which was defeated in May 2009, and is now attempting to reach an accommodation with the government. The JVP which

backed Rajapakse's civil war, is now posturing to head off the mounting disaffection among ordinary people.

The government deployed hundreds of military and police personnel on Wednesday in Colombo city and the suburban roads leading to parliament. The show of force was a reminder that Rajapakse's regime will not tolerate any opposition. Police blocked opposition protests organised by the UNP.

Two major changes were made by the constitutional amendment. The first abolished clause 31, which limited the president to two six-year terms. This limit was introduced in 1978 as a supposed "check and balance" on the far-reaching executive powers of president. By repealing it, Rajapakse can now run for office indefinitely.

The second change replaced the Constitutional Council (CC) with a Parliamentary Council (PC). Chaired by the parliamentary speaker, the CC, established by the 17th amendment to the constitution in 2001, was meant to oversee key government and judicial appointments, and establish independent commissions to monitor the police, public service and elections. Its nine members were to be appointed not only by the president and the ruling party but also the opposition. The 17th amendment was introduced amid wide criticism over the executive presidency's politicisation of the machinery of government.

Rajapakse, who used his position to put key cronies in top administrative positions, flouted the constitution and stalled on the appointment of the CC for years. When the Supreme Court ordered him to establish the body, he simply ignored the ruling. Now he has changed the constitution to ensure that his appointments cannot be overruled. Rajapakse will chair the PC. Although the parliamentary speaker, prime minister and opposition leader and their nominees will be members, the president need only seek their "observations" in making key appointments, and can reject any objections.

Speaking to selected media editors on Monday, Rajapakse claimed the changes would "democratise" the governing process. His brother and economic development minister, Basil Rajapakse, said the amendment "increased the

leverage of parliament”. These utterances are outright lies. The amendment concentrates power in the hands of the president. In another meeting the next day, Rajapakse insisted that the “government’s objective is to continue the development effort uninterrupted and no leave for political instability”.

In an effort to legitimise the shift, the state-controlled *Daily News* published the views of several pro-government “intellectuals.” In hailing the amendment as a “brilliant” move, Dr. T.C. Rajaratnam wrote: “Singapore is a classic example of economic and democratic success by political stability. Singapore has been successful due to political stability. Lee Kuan Yew served as Prime Minister of Singapore from 1959 to 1990.”

Singapore has functioned as a police state under Lee Kwan Yee and his successors. Electoral regulations, defamation laws, media censorship and control, and a host of other repressive measures ensure one-party rule, there is no right to strike or protest, and the notorious Internal Security Act allows for prolonged detention without trial.

The references to “uninterrupted development”, “political stability”, “Singapore” and “economic success” indicate where the Rajapakse regime is heading. The government is advancing dictatorial provisions to crush not only political opponents but any resistance by the working class as the government unleashes the burden of the global economic crisis.

Just two weeks after January’s presidential election, the government arrested the rival presidential candidate, retired Army Commander General Sarath Fonseka, and numbers of his supporters. Fonseka has been kept in military custody on the basis of trumped up charges. As a military general, Fonseka prosecuted the final stages of the civil war ruthlessly and was part of Rajapakse’s inner circle until the two fell out.

Rajapakse’s government has massive public debts because of war expenditure and the ongoing impact of the international recession. As in other countries facing a sovereign debt crisis, the IMF has demanded austerity measures from the Sri Lankan government, in return for a \$US2.6 billion bailout loan last year July.

The measures include slashing the budget deficit, which was at 10 percent in 2009, to 8 percent this year and 5 percent by 2012. This means increasing the tax burden, imposing wage freezes, abolishing pension benefits for new workers, and privatising or restructuring the oil and power corporations. While some measures have commenced, the government must implement much more of the IMF program in its next budget, which is to be presented in November.

Rajapakse has built a political-military cabal around him,

including his brothers—economic development minister Basil and defence secretary Gotabhaya—the military hierarchy and a handful of senior officials. While carrying out the war against the LTTE, this regime cracked down on political opponents, intimidated the media and suppressed working class struggles, with the help of the trade unions.

The decay of all the opposition parties is increasingly on display. UNP leader Ranil Wickremesinghe helped Rajapakse prepare the latest assault on democratic rights. Last July, he readily accepted Rajapakse’s invitation for discussions on constitutional reform, which he declared this week to be “a step towards dictatorship”. The defection of eight UNP MPs to the government demonstrates the lack of any basic difference between the UNP and the ruling coalition.

The JVP organised a protest in Colombo on Tuesday against the amendment. JVP general secretary Tilwin Silva appealed to Rajapakse to “not play with democracy” and “listen to the voice of the people”. Pressure on the government will not change its anti-democratic course. The JVP helped Rajapakse take office in 2005, urged on the war, and is now in an alliance with Fonseka, the general who prosecuted it.

The Lanka Sama Samaja Party (LSSP), the Stalinist Communist Party (CP) and Democratic Left Front (DLF) are all part of the ruling coalition. After initially raising tepid criticisms of the constitutional amendment, they quickly fell into line and voted for the changes. DLF MP Vasudeva Nanayakkara, who is a presidential adviser, justified his capitulation by declaring: “We are pro-government but opposed to this amendment. These anti democratic forces want to topple the government. We cannot allow them to do so. We want to consolidate the government.”

The constitutional changes are a sharp warning to the working class. Rajapakse is in the process of consolidating the police-state regime that he used to wage his communal war in order to suppress the resistance that will inevitably develop among working people to the government’s austerity measures.



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