

# Sri Lankan president insists on retaining emergency powers

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Sri Lankan President Maithripala Sirisena has blocked a move to require a two-thirds parliamentary vote, rather than the current simple majority, to approve a presidential declaration of emergency. He ordered the removal of a clause to that effect in the proposed National Action Plan for Protection and Promotion of Human Rights (NHRAP).

The president's insistence on having an unrestrained prerogative to impose police-state provisions underscores the anti-democratic nature of the government and its readiness to use draconian measures against political opponents, workers and the poor.

The new NHRAP clause was proposed by a ministerial committee, for submission to the UN Human Rights Council (UNHRC), which is scheduled to discuss the Sri Lankan human rights situation next month.

A previous NHRAP document, submitted to the UNHRC by former president Mahinda Rajapakse's government, expired at the end of 2016. Rajapakse's administration presented that document to UNHRC in 2011 in response to a resolution sponsored by the US that called for an investigation of war crimes committed during the final military offensive against the separatist Liberation Tigers of Tamil Eelam (LTTE) in 2009.

Washington used this resolution, not to support the democratic rights of the Sri Lankan population, but to pressure Rajapakse to distance himself from China, which the US regards as a strategic rival. When pressure failed, the US helped orchestrate the ouster of Rajapakse via the 2015 presidential election, which installed Sirisena as president.

Sirisena ordered the blocking of the NHRAP clause in a cabinet meeting late last month. Mahinda Samarasinghe, a cabinet minister from Sirisena's Sri

Lanka Freedom Party (SLFP), quoted the president as saying: "The parliament should retain the right to impose Emergency Regulations with a simple majority ... to subject it to a two-thirds majority in parliament could cause unnecessary problems."

The cabinet decided to remove the clause, Samarasinghe said, with the full agreement of Prime Minister Ranil Wickremesinghe and all the ministers of the SLFP-United National Party (UNP) unity government.

Draconian emergency regulations enacted under the Public Security Act have been used by successive governments to suppress class struggles and terrorise the masses since the early 1970s and throughout the communal war against the LTTE. These laws give wide powers to the military and police on the pretexts of protecting "the interests of the public," "preservation of public order" and "maintenance of supplies or services essential to the life of the community."

Rajapakse allowed emergency powers to lapse in 2011, facing international criticisms and domestic opposition. However, he incorporated many emergency regulations into the Prevention of Terrorism Act (PTA). Emergency measures can still be declared by the president. If the emergency goes beyond 14 days it has to be approved by parliament and then extended every month with parliament's approval.

The NHRAP is not a legally-binding document, even if accepted by the cabinet and approved by the UNHRC. Nevertheless, Sirisena's directive is highly significant.

The government is facing an acute economic crisis and a rising tide of struggles by workers, students and the rural poor. It has already unleashed the military, police and court orders to suppress protests violently. The government is well aware that explosive social and

class struggles are on the agenda as it implements International Monetary Fund (IMF) austerity demands by slashing living conditions, limiting welfare programs and jobs.

That is why the Sirisena-Wickremesinghe government is not prepared to tolerate any limit on the use of repressive powers. Emergency regulations can be used to ban political parties and their activities, and suspend limited democratic rights.

The government is now seeking a pretext to invoke emergency powers. Prime Minister Wickremesinghe presented a note to the cabinet in late January, titled “Formal Declaration of Emergency in view of the impending severe drought.” Currently the country is facing a severe drought, affecting hundreds of thousands of families.

Earlier, Sirisena declared the government would use the armed forces for the relief work. Wickremesinghe reiterated this in his cabinet paper and said an emergency promulgation would facilitate the deployment of security forces. Last weekend, the disaster management ministry secretary, S.S. Miyanwala, told the *Sunday Times* that a decision on an emergency declaration would be taken in the coming week.

Sri Lankan governments have utilised such scenarios in the past to impose emergency powers and then use the laws to crack down on workers and the poor. In 2005, former president Chandrika Kumaratunga declared an emergency, which only lapsed three years later, in the name of facilitating relief work after the December 2004 Asian tsunami disaster. Rajapakse’s government used emergency powers in the ensuing years to resume the war against the LTTE and suppress working class struggles.

Last month’s cabinet meeting also moved unanimously to remove two further NHRAP clauses on “non-discrimination” and “economic and social rights.” According to Minister Samarasinghe, “some members of the cabinet felt that the non-discriminatory clause could be exploited” to decriminalise homosexuality, which remains an offence under Penal Code sections 365 and 365A.

Further uproar about decriminalising homosexuality reportedly flared in the cabinet regarding a condition proposed by the European Union to “ensure non-discrimination on the basis of sexual orientation,” as

part of reinstating GSP+ (General Scheme of Preferences) trade concessions. The government rejected this condition, with some ministers calling it a “surreptitious attempt to recognise homosexuality.”

The pseudo-left groups and NGOs promoted the election of Sirisena in office as the democratic alternative to the Rajapakse government’s dictatorial methods of rule. These claims have been thoroughly exposed. The retention of full emergency declaration powers must be a warning to youth and workers: the crisis-ridden Sirisena-Wickremesinghe government is preparing to unleash ruthless attacks on their democratic and social rights.



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