

# Constitutional amendment aims to provide Sri Lankan president with authoritarian powers

Sanjaya Jayasekera, Deepal Jayasekera

12 September 2020

Early this month, the Sri Lankan cabinet approved a draft 20th amendment to the constitution, which would give sweeping dictatorial powers to the executive president if approved by the parliament. President Gotabaya Rajapakse's Sri Lanka Podujana Peramuna (SLPP) government is planning to ram the bill through parliament in October.

Sri Lanka's attorney general has given legal approval to the amendment and ruled that it can be imposed without a referendum, as constitutionally required, if enacted by a two-thirds majority of MPs.

The SLPP won about 145 seats in the 225-member parliament at the August 5 election, and is expected to secure, via backroom wheeling and dealing, the support of enough parliamentarians for a two-thirds majority.

Rajapakse and his SLPP campaigned during the presidential and general elections for repealing the 19th amendment of the constitution, which restricted certain presidential powers. This was necessary, they claimed, in order to establish "strong and stable" government to "develop" the country.

This is a lie. President Rajapakse, who came to power by hypocritically exploiting popular opposition to the previous regime of President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe, wants dictatorial powers in order to take on the working class. The COVID-19 pandemic has exacerbated the country's economic, social and political crisis. Anger is rising amongst workers and the poor against escalating government and employer attacks on jobs, wages and living conditions.

The 19th amendment, which limited some of the president's executive powers, was passed by the Sirisena-Wickremesinghe administration in April 2015. These restrictions include: the president can only appoint top state officials and judges on the recommendation of a Constitutional Council; the president has to seek prime ministerial advice in the selection of ministers and the allocation of their functions; the president can only hold two terms and cannot dissolve parliament until it has completed four and half years of its five-year term.

Sirisena won power by promising to abolish the hated executive presidency, which was established in the 1978 constitution. In fact, two presidents before Sirisena—Chandrika Kumaratunga and Mahinda Rajapakse—made the same promise

before they came to power, only to abandon it and then use the executive powers to the maximum.

Like his predecessor, Sirisena ditched his pledge and introduced the 19th amendment. The Tamil National Alliance (TNA), Janatha Vimukthi Peramuna (JVP) and various pseudo-left groups falsely proclaimed Sirisena's amendment as a "victory for democracy."

Apart from retaining the president's two-term limit, the SLPP's draft 20th amendment plans to remove all current constitutional restrictions and hand to the president the following powers:

- The president can appoint and remove the prime minister and is not required to consult with the prime minister in the appointment of ministers. Currently, Rajapakse unconstitutionally heads the defence ministry and oversees 23 key state institutions.

- The president can sack the parliament after it has completed just one year of its five-year term.

- The president will be immune from any litigation, including criminal prosecution, and no fundamental rights cases can be filed against him.

- The president can also appoint chairmen of commissions on elections, police, public service, human rights, bribery, corruption and finance, as well as top judges, the attorney general and other high officials. These appointments can be discussed with a proposed Parliamentary Council, whose members will include the prime minister, parliamentary speaker and the opposition leader. It will not be mandatory for the president to be involved in the Parliamentary Council.

The government would also be empowered to pass "urgent bills" in the parliament within 24 hours, thus avoiding any legal challenge from the country's highest court. Modifications to any bill in parliament cannot deviate from its "merits and principles," meaning parliament cannot make major changes. This clause was not in the 1978 constitution.

President Rajapakse, however, wants to go beyond these anti-democratic measures. He claims, in fact, that the current constitution has been amended 19 times because of its "unsuitability," and has called for a new constitution based on "one country, one law for all the people." Such a move would undermine existing laws related to the Tamil and Muslim

minorities and further entrench communalist discrimination. Rajapakse's cabinet has appointed a nine-member "experts committee," mainly consisting of Rajapakse lackeys, to draft a new constitution.

Sri Lanka's current constitution was established in 1978 by the then United National Party (UNP) government, which appointed J. R. Jayewardene as the country's first executive president, transformed the parliament into a rubber stamp and the judiciary into a pliant institution. The 1978 constitution was established to drastically change the Sri Lankan economy and integrate it into globalised production by gutting the social rights of workers and the poor, creating cheap labour conditions and crushing all social opposition.

After systematic anti-Tamil communal provocations—a vicious weapon used by successive regimes to divide the working class and to weaken it in the wake of the 1948 formal independence—the Jayewardene regime began what became a three-decade long civil war against the separatist Liberation Tigers of Tamil Eelam (LTTE). The executive powers were also used to sack around 100,000 public sector employees, who, in July 1980, began a general strike against the government's attacks on living and social conditions.

The current Rajapakse-led government, however, is not simply returning to the 1978 constitution. The Sri Lankan capitalist class is mired in a deep crisis due to the collapse of exports, tourism and remittances—a result of the growing impact of the global COVID-19 pandemic. Economic growth is estimated to be negative three percent this year, under conditions where the cash-strapped government has to pay \$US4 billion annually, until 2024, on foreign loan repayments.

More than 400,000 jobs have been destroyed in the manufacturing sector, with workers' wages in the private sector being cut by at least 30 percent, according to a labour ministry survey. Social tensions are rising throughout the country as part of the growing resistance of workers internationally.

Rajapakse's preparations for autocratic rule are in line with the moves of his international counterparts towards fascistic and dictatorial forms of rule. In the US, President Donald Trump is seeking to mobilise fascist elements, while unleashing repression against workers and those protesting against police violence. In India, Prime Minister Narendra Modi's Bharatiya Janatha Party government is intensifying its anti-Muslim attacks and whipping up extreme-right elements to use against workers and the poor.

Rajapakse has already inserted serving and retired military officers into his administration and is creating the framework for a presidential dictatorship, based on the military.

Sri Lanka's so-called opposition parties have no fundamental differences with the government's moves towards dictatorship, and are equally fearful of the growing opposition of workers and the poor to capitalism and to Sri Lanka's ruling elite.

The UNP, Samagi Jana Balavegaya (SJB), TNA, JVP and the Muslim parties have strengthened Rajapakse and his

government, attending two all-party meetings on March 24 and April 2, praising the president's response to COVID-19 and offering their assistance. On August 20, all the opposition parties endorsed the president's parliamentary policy statement without a vote.

This week the SJB held a protest in the Colombo suburbs and "pledged" to defeat the 20th amendment by "mobilising the people." This rhetoric is aimed at hoodwinking the population and diverting it into dead-end parliamentary appeals.

Similarly, the JVP is seeking to politically disorient the working class by covering up the real dangers posed by the Rajapakse government's dictatorial plans. Addressing a September 4 press conference, JVP leader Anura Kumar Dissanayake declared that the new constitutional amendment was "not in the interests of the country" but to "politically benefit one section"—i.e., the Rajapakse family.

Likewise, pseudo-left formations, such as the Frontline Socialist Party (FSP), have lined up with these right-wing parties, and the trade unions, to block any independent mobilisation of the working class.

Addressing a September 4 press conference, FSP educational secretary Pubudu Jayagoda declared that the "autocratic rule of an individual will bring horrific disaster to the country" and issued a pathetic appeal to government MPs to oppose the 20th amendment. Following the August 5 general elections, Jayagoda declared that the FSP was "ready to work with left, petty-bourgeois and progressive sections of the right-wing parties... on common issues."

The Socialist Equality Party (SEP) is the only organisation that has consistently warned the working class about the growing danger of authoritarian rule in Sri Lanka. No amount of appeals to the government or the opposition parties will change the right-wing anti-democratic agenda being advanced by the Sri Lankan ruling elite.

The working class can only take forward the defence of its democratic and social rights by breaking from every faction of the capitalist class and mobilising around its own independent interests—i.e., on the basis of a revolutionary socialist program. This means fighting for a unified struggle of workers across ethnic lines and to rally the rural poor in the fight for workers' and peasants' government based on an international socialist program.



To contact the WSWS and the  
Socialist Equality Party visit:  
**wsws.org/contact**