



Sri Lanka's Problems Within: Where does it lead?

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Disagreements over domestic issues are driving the agenda of leaders, political parties and religious figures in Sri Lanka having implications for the stability of the country.



Since October 2018, it seems that there is no let up in political trouble within Sri Lanka. Disagreements over domestic issues are driving the agenda of leaders, political parties and religious figures in Sri Lanka. As the country gears up for the next Presidential elections in December 2019 this has implications for the stability and security of the country.

Debate over a New Constitution

The main issue that is presently afflicting the Sri Lankan polity is that of differences between the President and the Prime Minister (PM) on the possibility of introducing a new constitution and the use of powers bestowed upon them by the current constitution.

Though President Maithripala Sirisena had expressed his support to the 19th amendment after the government formation in 2015, he has slowly seemed to have moved away from this position. He expressed his 'inability to introduce a new constitution and stated

that the Tamils are misled on this matter'.¹ He also called for the repeal of the 19th amendment in January 2019 as his government 'suffered a great loss due to the changes introduced through the amendment'.² Contrary to this views, in the past the 19th amendment was hailed as a significant achievement as it had curtailed some of the powers of President while restoring the independent commissions such as public service, human rights, elections, police and judiciary, and established the Constitutional Council. The amendment received the support of parliamentarians of Sri Lanka across party lines i.e, 212 parliamentarians out of 225 supported the amendment in 2015. Many perceived that it was the beginning of constructive changes to the constitution to address issues faced by the post-war Sri Lankan state.

Political Struggle

Since 2015, differences between the office of President and the PM on issues of governance, handling of corruption cases, economic policy and external relations began to cause a rift. Both leaders represent two different Sinhala political ideologies, those of the Sri Lanka Freedom Party (SLFP) and the United National Party (UNP). This outlook on issues Sri Lanka has been facing since independence also differs. The SLFP is considered as more inward looking having a base in rural areas and the UNP is more outward looking in implementing political and economic policies and is urban oriented. Ethnic conflict and resultant international constraints that Sri Lanka faced over the years had led to convergence of ideologies between the two major parties on domestic economic and political issues. For instance, Sri Lanka opened its economy in 1978 under the UNP government. The open economy policy and reliance on foreign aid to improve the economy more or less continued since then under both the UNP and the SLFP governments'. Both the parties also 'favoured a unitary state and resisted significant decentralisation and devolution of powers to provinces'.³ Although both the leaders came together to form a National Unity Government (NUG) in 2015, differences in outlook based on their party ideology, on issues concerning the nation resulted in power struggle at the Centre.

It is to be noted that power struggle at the Centre led to the constitutional crisis of October 2018, after President Sirisena sacked the PM Ranil Wickramasinghe, over his inaction in initiating an enquiry into a possible threat to his life allegedly due to India's intelligence agency RAW. The crisis ended after the Supreme Court of Sri Lanka intervened in the matter, allowing Ranil Wickramasinghe to prove his majority in the Parliament. Wickramasinghe was reinstated as the PM on 16 December 2019 through constitutional means. The constitutional crisis also saw an attempt by former President of Sri Lanka Rajapaksa to return to power as PM, with the support of President Sirisena. The 19th amendment to the constitution had put a two term limit on Presidency, effectively disqualifying Rajapaksa from contesting as President, as he had held the post twice. The current political atmosphere is not in favour of President Sirisena as the UNP and the Tamil National Alliance (TNA), which supported him in the last elections, are unlikely to endorse him as a candidate for the forth coming elections. The absence of former President Rajapaksa in the Presidential race for the time being, President Sirisena expects, can help in gaining the support of SLFP cadre to his candidature. Therefore, by trying to bring back former President Rajapaksa as the PM, it seems that he would want to go back to his roots i.e the SLFP and the Rajapska brand of politics to gain the support of the majority population. The positions and decisions he has taken on introducing a new

constitution, on constitutional amendments, on the handling of attacks on Churches and on the death penalty suggests this.

Debate over 20th Amendment to the Constitution

There is also the issue of introduction of the 20th amendment (abolition of executive Presidency) to the constitution as promised by President Sirisena and the UNP in the last elections. The Executive Presidency was introduced in 1977 with enormous powers to the president's office. The former president, Rajapaksa's party- the Sri Lanka People's Party (SLPP), is currently not in favour of abolishing the executive Presidency as it may benefit their possible consensus candidate, Gothabaya Rajapaksa, former defence secretary and brother of former President Rajapaksa. The UNP, Janatha Vimukthi Peramuna (JVP), TNA and the Sri Lanka Muslim Congress (SLMC) are in favour of introducing the 20th amendment to the constitution. In May 2019, the JVP tabled the motion in Parliament and it is currently being debated. The process to abolish executive presidency is complex, as the amendment proposal will have to get a two-thirds majority as well as to go to a referendum. This will continue to occupy a place in electoral agenda of political parties in the foreseeable future.

Debate over Nature of State

There are other important issues linked to a new constitution such as the foremost place given to Buddhism in the current constitution as a state religion, devolution of powers, federal or unitary state. A consensus between communities and political parties on these issues will be hard to arrive at before the next Presidential elections. PM Wickramasinghe placed the report prepared by various committees on the new constitution in Parliament in January 2019. Based on the recommendations, Parliament will have to prepare a draft new constitution. Introduction of the new constitution seen as a move to divide the country by parties such as SLPP. The PM had to assure the nation that 'foremost place given to Buddhism will be preserved in the new constitution as well as unitary nature of the state'.⁴ Any mention of the term 'federal' is looked upon by the majority as a threat to the sovereignty of the country. Therefore, the attempt by the Sri Lankan Tamil political parties to change the nature of the state is unlikely to see the light of the day. The full implementation of the 13th Amendment to the constitution introduced through the 1987 agreement between India and Sri Lanka also may not be possible.

Controversy in the Aftermath of the Easter Sunday Attacks

Sri Lanka extended the state of emergency for another month on 22nd July 2019. The differences within the ruling coalition the SLFP and the UNP over the brutal Easter Sunday attacks continue to hamper the investigation into the attacks that killed over 259 people. The brutality of the attack was condemned widely by both domestic as well as international actors. The attacks have put Sri Lanka's security at crossroads. However, internal developments since indicate that the leadership, as well as state institutions are far from taking the responsibility for the volatile security situation and have been at loggerheads with each other since then.



While President Sirisena has so far refused to appear before the Parliamentary Select Committee (PSC) that is investigating the attack, PM Wickramasinghe, on the other hand, has expressed his willingness to testify before it. The Committee was appointed on 22 May 2019 to look into the terrorist attacks and its findings will have to be reported to parliament. The committee is chaired by the deputy speaker of the Parliament. It was given three months time to produce a report. President Sirisena wanted the ‘speaker to scrap the PSC as it will hamper the criminal investigation processes’.⁵

Inspector General of Police (IGP) Pujith Jayasundara and Former Defence Secretary Hemasiri Fernando were arrested by the Criminal Investigations Department (CID), as both the officers were targeted for not acting upon the information they had regarding the attacks. The no confidence motion against the government on its handling of attacks on churches proposed by the JVP was defeated on 11 July 2019. 119 parliamentarians voted against the motion while 92 members voted in favour. The UNP and the TNA again came together to defeat the motion and the SLPP as well as the SLFP voted in favour.

The attacks on churches and the possible role of the Islamic State (IS) with the help of few local Muslim community persons has also given a boost to the nationalist discourse which had been relatively muted since 2015 due to the formation of a bipartisan government at the centre. The Sinhala radical group, Bodu Bala Sena (BBS) has called upon the people to “unite to form a Sinhalese government”.⁶ Gnanasara Thero, the General Secretary of the BBS was also released from jail after President Sirisena pardoned him, amidst criticism by the minority leaders, due to his past actions against minorities in the country. The act indicated that the President Sirisena seemed to be appealing to the Sinhala majority to secure his position.

Arbitrary arrests of persons belonging to the Muslim community under the Prevention of Terrorism Act (PTA) and ‘attacks on Muslim shops and houses were reported after the church attack’.⁷ Nine Ministers as well as Governors of Eastern and Western Province belonging to the Muslim community had to resign from their positions after the attacks, due to the hunger strike by a monk in Athuraliye RathanaThera in June 2019. The monk demanded the resignation of Eastern and Western Province Governors, alleging their possible link to the attack on Churches. Seven of the ministers resigned, belong to the Sri Lanka Muslim Congress (SLMC).

Contrary to many speculations and claims, preliminary investigations into the bombings revealed ‘no possible direct link to the ISIS but persons who committed the act was only inspired by the ideology’.⁸The revelation itself indicates that there exists a potential security threat that is looming large in society, unless the concerns and fears of minority communities of Sri Lanka are addressed in a holistic manner by the government of Sri Lanka.

Accentuated Differences over Death Penalty

Amidst the differences over the investigation on Church attacks, the Sri Lankan President Sirisena’s decision to lift the four decade old moratorium on the death penalty has divided domestic opinion amidst international concerns. In June 2019, he signed the death penalty for four convicts. To defend his decision, President Sirisena attributed that those who are against the death penalty are ‘indirectly aiding drug dealers’.⁹ He also stated that if the bill is not passed in Parliament, he would “declare the day as a day of mourning”.¹⁰ This decision did not get approval from the PM Wickramasinghe, opposition parties, the Supreme Court, civil society groups in Sri Lanka including the Sri Lanka Medical Association. The UNP has already tabled a motion in Parliament to abolish the death penalty.

The Sri Lankan President’s arbitrary decision to sign on the death penalty in June 2019 went against Sri Lanka’s own decision to vote in favour of global moratorium on the use of the death penalty in December 2018 at the UN. Since the decision of the President of Sri Lanka is against his government’s policy, the Supreme Court of Sri Lanka stayed the implementation of the death penalty of four convicts till October 2019. More than ten petitions were filed in courts against lifting the moratorium on the death penalty.

The main reason put forward by President Sirisena to bestow the death penalty is that Sri Lanka has witnessed the rise of drug users as well as drug related arrests in recent years. The increase in drug use is mainly attributed to the use of ports as transit routes by drug dealers. According to the Sri Lanka Ministry of Defence, National Dangerous Drug Control Board data, 81,156 persons were arrested in 2017 on drug related charges and the “prevalence of drug related arrest was 506 per 100,000 population aged between 15-64 in 2017”.¹¹ The report also mentioned that foreigners are mostly involved in drug trafficking within Sri Lanka and in the last five years and “189 foreigners were arrested in Sri Lanka for drug related offences and 54 of them were Indians and 50 were Pakistanis”.¹²



Though it is a serious problem confronted by Sri Lankan society, the deterrence proposed by Sri Lankan President Sirisena was not well appreciated within Sri Lanka. Canada, Germany, EU and the UN asked the President to reconsider the decision and UK in a strong statement said that it might have to “review its cooperation with Sri Lanka in law enforcement issues, counter-terrorism and security”.¹³ The warning by the UK was criticised by President Sirisena as a “threat to the sovereignty of Sri Lanka”.¹⁴ It remains to be seen, whether a consensus will emerge within Sri Lanka on the issue. For now, the Supreme Court of Sri Lanka had put a hold on the matter till October 2019.

Possible Implications

President Sirisena seems to be trying to garner the support of his party the SLFP as well as of former President Rajapaksa-led SLPP for his candidature. His hard positions on issues of death penalty for drug offenders, handling of Easter Sunday church attacks as well as his views on constitutional process demonstrate this. But, he has to manoeuvre hard with Rajapaksa and his supporters to be nominated as the Presidential candidate. The SLPP and the SLFP are trying to form an alliance and decided a name for the alliance “Sri Lanka Nidahas PodujanaPeramuna”.

Unless the present 19th amendment to the constitution is changed, there is no possibility of Rajapaksa coming back to power as president, but he may nominate a family member for the post. However, he can be a possible candidate for PM if parliamentary elections take place early or mid-next year as decided by the new President of Sri Lanka. Former President Rajapaksa’s brother, Gotabaya Rajapaksa is facing charges in US courts fielded by victims of torture when he was secretary of defence from 2005-2015. He has initiated the process to renounce his US citizenship. The decision can pave the way for him to contest presidential elections smoothly and may also avert possible punitive action by the US court, in the wake of court cases filed against him.

As far as the UNP is concerned, there are newspaper reports that are suggesting a possible rift within UNP regarding the Presidential candidate and names that are mentioned are ‘Ranil Wickramasinghe, Sajith Premadasa and the current speaker of Parliament Karu Jayasuriya’.¹⁵ The party is yet to make a decision.

These developments and positions taken by the Sri Lankan leaders as well as political parties on issues concerning the country indicate that the country has moved away from the politics of reconciliation and good governance as promised in the last elections. The current leadership, it appears is trying to garner the support of the majority population by taking positions, and in the process possibly strengthening radical elements in every community. Response to these developments within society shows the deep fault lines based on ethnicity and religion. Given the political positions taken by political parties on the above issues, it seems that there is a long way to go before Sri Lanka truly unites on issues affecting the country.

End Notes

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