



## **No- confidence Motion against the PM of Sri Lanka: Possible Implications for Continuation of National Unity Government**

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The National Unity Government of Sri Lanka led by the Sri Lankan Freedom Party (SLFP) and the United National Party (UNP) is facing numerous challenges due to internal developments relating to handling of corruption cases, communal tensions and implementation of reconciliation measures. Moreover, differences between the UNP and the SLFP leaders on handling of internal political and economic issues is adding to the challenges and the Joint Opposition (JO) is trying to consolidate its vote bank by exploiting differences of opinion among ruling coalition members. In this context, the JO proposed a no-confidence motion against the PM over 'alleged financial mismanagement under his leadership and failure to control the anti-Muslim riots in Central Kandy district'.<sup>1</sup> The no-confidence motion was initiated by JO led by the former President of Sri Lanka Mr. Mahinda Rajapaksa and the Janatha Vimukthi Peramuna (JVP).

The no-confidence motion against the Prime Minister (PM) of Sri Lanka Mr. Ranil Wickramasinghe was debated in Parliament on 4<sup>th</sup> April 2018. The PM defeated the no confidence motion with the support of 122 members of Parliament out of 225 members and 76 members voted in favour of the no confidence motion against the PM. The PM won the no-confidence motion with the support of his party the UNP, the minority Tamil National Alliance (TNA) and the Sri Lanka Muslim Congress (SLMC). Around 26 members of Parliament mostly belonging to the SLFP were absent during the discussion. In the last Presidential elections, the UNP won 106 seats in Parliament, the 'SLFP led United People's Freedom Alliance (UPFA) won 95 seats, the Ilankai Tamil Arasu Kadchi (ITAK) won sixteen, the SLMC and EPDP won one seat each and People's Liberation Front won six seats'<sup>2</sup>. Presently, the SLFP is divided between the former President Rajapaksa and the President of Sri Lanka Maithripala Sirisena. Therefore, the support extended by the Tamil alliance as well as the SLMC was crucial to win the no-confidence motion.

### **Reasons to Initiate the No-Confidence Motion**

The SLFP and the UNP alliance is under systematic attack by the opposition since the beginning of this year. The no-confidence motion against the PM was an attempt by the JO to exploit differences among the SLFP and the UNP on pursuing and implementing a common economic policy and reconciliation measures as recommended by the UN. The defeat of the SLFP and the UNP at the local council elections held on 10<sup>th</sup> February 2018, in which Rajapaksa led Sri Lanka Podujana Peramuna (SLPP) won with comfortable majority, also acted as a catalyst to disrupt the National Unity Government (NUG) before the next Presidential elections in 2020. As against the expectations of the JO and its leadership both the President Mr. Maithripala Sirisena and the PM decided to continue with the NUG formed in 2015.

The opposition's call for discontinuation of the NUG is linked to the corruption, which took place under the new government since 2015. The Central Bank Bond Scam involving the former Governor of Central Bank Mr. Arjuna Mahendran, appointed by the PM became a bone of contention between the SLFP and the UNP. And many SLFP MPs have appealed to the President to ask the PM to resign on grounds of PM's alleged involvement in corruption and replace him with a candidate from UNP. According to reports 'the PM did not accede to the proposal to resign from the President of Sri Lanka'. Meanwhile, the SLFP refused the proposal to join the UNP led United National Front (UNF) government<sup>3</sup>.

In this scenario, the President Sirisena made a few changes to decision making structures of institutions and Ministries under the purview of the PM to deal with criticism arising from his party, the SLFP support base, regarding handling of Central Bank Bond Scam. For instance, the Central Bank which was under the purview of the PM was brought under the Ministry of Finance headed by (UNP Minister) Mr. Mangala Samaraveera in March 2018. In 2015 after the formation of the new government, Mr. Sirisena placed the Central Bank under the purview of Ministry of Policy Planning and Economic Affairs headed by the PM. In March the President also replaced the PM as Law and Order Minister after the eruption of violence against the Muslim community in Kandy. The President appointed the PM as the Law and Order Minister only in February 2018 through Cabinet reshuffle.

Therefore, clear differences between the PM and the President came to surface, much to the advantage of JO's plans to break the UNP and the SLFP alliance before the next Presidential elections. Due the differences mentioned above, the SLFP Central Committee decided to vote in favour of the no-confidence motion.

### **Aftermath**

Despite the lack of support from the SLFP and the JO in Parliament the PM won the no-confidence motion with the support of TNA. However, the SLPP Chairman Mr. G.L. Peiris had claimed that, the PM came to an agreement with the TNA before the vote on

issues pertaining to demilitarisation and positions at the district level'.<sup>4</sup> Some argue that, it is not a formal agreement between the TNA and the UNP but an understanding with the PM before the no-confidence motion, on issues which are already being discussed as part of reconciliation measures and an assurance that it will be implemented in due course of time. Some of these issues include; 'expediting the political discussions to bring about a negotiated settlement', renewing the constitution making process, return of lands by the army in North and East, preference to local people in the North and East in service appointments at the local level and appointment of Tamil speaking administrators in the North and East'.<sup>5</sup>

Reforms within the UNP in terms of leadership change and organisational structure was recognised as an important step for increasing UNPs base before the next Presidential elections, which the UNP believes, can secure its vote base among Sinhala voters and can also pave the way for the PM to contest the next Presidential elections. There are reports which suggest that 'the PM asked Mr. Sajith Premadasa, Minister of Housing and Construction, Government of Sri Lanka, son of former UNP leader and the Prime Minister of Sri Lanka, Mr. Ranasinghe Premadasa to be ready to play a bigger role in the party'<sup>6</sup>. However, the no-confidence motion seems to have united the party as the party decided to rally behind the PM in times of crisis. The UNP after the vote appointed a new twelve member committee which will also act as the politburo of the party. New members appointed are; 'Navin Dissanayake, Akila Viraj Kariyawasam, Harin Fernando, Ranjith Madduma Bandara, Mangala Samaraweera, Ajith P Perera, Eran Wickramaratne, J C Alawathuwela, Ruwan Wijewardene, Gayantha Karunatileke, Nalin Bandara and Asoka Priyantha. UNP Deputy Leader Sajith Premadasa and Assistant Leader Ravi Karuanayake will be ex-officio members of the politburo'<sup>7</sup>.

The UNP had also asked the SLFP Ministers and Deputy Ministers who had voted in favour of the motion to resign from their positions on moral grounds. Following this request, sixteen SLFP Ministers resigned from their posts. The SLFP is yet to decide on the future course of action regarding the continuation of the government. The opposition leaders position currently held by the TNA is also an issue, as the JO is demanding that the position should be given to its member in Parliament. The JO might bring a no confidence motion against the opposition leader Mr. Sampanthan.

### **Future of the Coalition**

There are several factors which are going to determine the future coordination and continuation of UNP and the SLFP coalition at the Centre. Firstly, the internal party preferences and interests are going to dominate the decision making at the highest level in UNP and the SLFP. Both the PM and the President will have to manage the demands within and at the same time will have to implement the promises made during the formation of the NUG.

As promised the government constituted independent Commissions through 19<sup>th</sup> Amendment to the Constitution and has taken a few steps towards reconciliation by establishing required institutions. However, achieving reconciliation through constitutional reforms and by establishing transitional justice mechanisms and change to parliamentary system by replacing the current executive system, are some of the promises, which are yet to be implemented. On the economic front Sri Lanka is facing a huge debt burden and climate change effects on the economy are also adding up to the slow economic growth. According to the World Bank “adverse economic impact of a prolonged drought took a toll on growth (3.1 percent) and the external sector while raising inflation (6.6 percent, annual average) in 2017”<sup>8</sup>.

Secondly, the most important task for the Government of Sri Lanka is to implement the recommendations of the UN resolution of 2015. At the thirty seventh session of the UNHRC held from 26<sup>th</sup> February to 23<sup>rd</sup> March, OHCHR reviewed the progress made by the Government of Sri Lanka during the period from March 2017 to January 2018 on accountability and reconciliation, on strengthening human rights, democracy and rule of law. The OHCHR called on the government to clearly set out a plan of action to implement the key recommendations’.<sup>9</sup>

The Human Rights Commission in its report noted that “while the institutional architecture has been established only incipiently to take the transitional justice process forward, concrete results are yet to be delivered”<sup>10</sup>. It also noted, the delay by the government ‘to endorse or officially review in Parliament the report of the Consultative Taskforce on Reconciliation Mechanisms. The report also questioned the conduct of judicial proceedings in Sri Lanka and discrimination meted out on the basis of ethnicity, religion and protection of State actors in the context of conflict.

Tamil political parties have played a key role in the formation of the National Unity Government. The delay in implementation of transitional justice mechanisms, a must to contain the return of conflict situation, is being delayed by the Government of Sri Lanka. In this regard, to influence the Government of Sri Lanka, the Tamil diaspora organisations are involved in a global campaign and are advocating a referendum in the Northern and Eastern Part of Sri Lanka. For instance, ‘the Transnational Government of Tamil Eelam (TGTE) launched a campaign that called for referendum in Sri Lanka for Sri Lankan Tamils’.<sup>11</sup> Given the slow progress in implementing the UNHRC recommendations the TGTE also demanded ‘considering referring Sri Lanka to the UN General Assembly’<sup>12</sup>.

During the Session of the UN Human Rights Council in March 2017, the TGTE along with eleven TNA parliamentarians and victims of the conflict appealed to the UN not to give any extension of time to the Sri Lankan Government to fulfil its commitment to the unanimously adopted UN Human Rights Council Resolution 30/1 on accountability, beyond the March 2017 deadline. They had also appealed that the “only way to protect Sri Lankan Tamils and give justice and safety was to refer Sri Lanka to

the UN General Assembly, along with a recommendation to the UN Security Council that Sri Lanka be referred to the International Criminal Court (ICC) or that an ad-hoc International Criminal Tribunal be created on Sri Lanka, similar to the procedure followed to assure accountability for North Korea's Crimes Against Humanity"<sup>13</sup>. However, the Sri Lankan Government got two more years to implement UN recommendations.

The United States Tamil Political Action Council (USTPAC), the British Tamils Forum (BTF) and the Australian Tamil Congress (ATC) welcomed the recommendation by the UN Human Rights Council (HRC)'s 37<sup>th</sup> Session (26<sup>th</sup> February to 23 March 2018), report which asked the member states of the UN to "explore other avenues, including the application of universal jurisdiction, that could foster accountability".<sup>14</sup>

On the domestic front, the Chief Minister of Northern Province Mr. C V Wingneshwaran stated recently that the 'government has not taken steps towards demilitarisation, return of land to rightful owners and repatriation of more than 10 lakh Tamils who had fled to various countries including India during the ethnic crisis'.<sup>15</sup> At the same time he insisted that the people of North and East are in support of a unified Sri Lanka. The TNA has been appealing to the government for speedy implementation of UN recommendations. On 13<sup>th</sup> April 2018, 'the Sri Lankan government released 683 acres of land to 964 families (3309 members) in Thelippalai and according to the government 50 percent of those currently in IDP centres would be able to return to their rightful lands'<sup>16</sup>. However, 'the government is still to release 36,002 acres of land in the North-East'<sup>17</sup>.

Though a section of the budget 2018, for the first time was dedicated for reconciliation, the first transitional justice mechanism established by the government is the Office of Missing Persons last year and government is yet to establish the Truth and Reconciliation Commission and repatriation programme as recommended by the UN. Accountability mechanisms are still to be designed, such as special courts and procedures. Repeal of the Prevention of Terrorism Act is still pending.

Increasing communal violence in Sri Lanka in recent years reflects the reality that inter-community trust is still an issue. Incidents of violence and attacks on minority communities particularly on the Muslim community in Sri Lanka indicate that the hard line elements in the society are as active as in the past and are successful in directing their hatred towards the community. The attacks on mosques and business owned by Muslims and homes increased in the last one year and few of the examples in this regard are listed below;

- in September 2017, Buddhist monks belonging to the Sinhalese National Force organisation protested against the presence of Rohingya refugee in Sri Lanka and stormed the house sheltering refugees<sup>18</sup>.



- tensions between Muslim and Tamil community in the East also reported and Tamils boycotted Muslim businesses in November 2017 for some time in Batticaloa<sup>19</sup>.
- seventy Muslim homes were damaged in Gintota in Southern Province in November 2017, by a mob and government had to impose curfew to control the situation<sup>20</sup>.
- -attacks on Muslim homes and businesses in March this year in Central Kandy district led to imposition of emergency by the State on 6<sup>th</sup> March 2018 for ten days.

The joint statement released by the US and the UK during the thirty seventh session of the Human Rights Council expressed disappointment at the slow pace of progress and also expressed concern about reports of abuse of authority by some security officials and multiple incidents of inter communal violence, attacks, and hate speech against minorities.<sup>21</sup>

### **Conclusion**

The Tamil political parties voted against the motion in clear support for the continuation of NUG. For Tamil political parties' continuation of the present set up of the Government is important to pursue their demand for implementation of reconciliation mechanisms as recommended by the UN. There is not much choice left for the minority parties in the current political juncture. As the minority parties cannot form the government on their own, the support and cooperation of Sinhala parties to achieve reconciliation is a must. The SLFP is a divided entity between the President of Sri Lanka Maithripala Sirisena and former President Mr. Rajapaksa and there is no guarantee that the Sri Lankan President will be able to garner the support of SLFP law makers and cadres for his candidature in the next presidential elections.

The UNP seems to be a united entity presently under the leadership of Ranil Wickramasinghe. Therefore, by supporting the PM in the Parliament, the minority parties have sent a message that implementation of reconciliation measures as well as constitutional reforms can be possible if the UNP is in power till 2020. At the same time, there is possibility that the Tamil parties might support the UNP candidate for the presidency. Mr. Ranil Wickramasinghe was instrumental in initiating negotiations with the LTTE in the past for a meaningful negotiated political solution through constitutional means.

The 19<sup>th</sup> Amendment, to the Constitution of Sri Lanka limited the term of the President for two five year terms. This leaves no scope for former President Rajapaksa to become President of Sri Lanka for third time. In this context, Rajapaksa's recent support for the abolition of executive Presidency and establishment of Parliamentary form of government may be intended to pave the way for Rajapaksa's comeback as the PM.

Amidst these developments, the President of Sri Lanka prorogued Parliament on 12<sup>th</sup> April and the next Parliament session is going to commence on May 8<sup>th</sup>. The government claimed that the prorogation of Parliament had no negative impact on the functioning and operation of the government. The uncertainty over the continuation of NUG still continues. The Cabinet reshuffle planned by the government took place on 1<sup>st</sup> May and reports suggest that most of the Ministers have retained their portfolios, a clear sign that the PM and the President are keen to continue with the coalition government. The 19<sup>th</sup> Amendment allows cabinet to exceed 30 members only in the event there is a national government.

The President of Sri Lanka while addressing the Commonwealth Heads of Governmental Meeting Session on 19<sup>th</sup> April 2018 in UK said, 'achieving a sustainable future a main concern of the Government of Sri Lanka.'<sup>22</sup> The objective can only be fulfilled if government implements reconciliation measures, a necessity for future peace and stability of Sri Lanka.

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Disclaimer: The views expressed are that of the Researcher and not of the Council.*

## **Endnotes**

<sup>1</sup> Mahinda Rajapaksa hopes Sirisena will back no-confidence motion against PM, 1 April 2018, <http://indianexpress.com/article/world/mahinda-rajapaksa-hopes-sirisena-will-back-no-confidence-motion-against-pm-5119416/>

<sup>2</sup> Parliament of Sri Lanka, <https://www.parliament.lk/en/election-2015>

<sup>3</sup> Ranil refuses to resign during talks with Maithripala, 14 February 2018, <http://www.thesundayleader.lk/2018/02/13/ranil-refuses-to-remain-during-talks-with-maithripala/>

<sup>4</sup> PM made deal with TNA to defeat no-faith motion: SLPP, 9 April 2018, <http://www.dailymirror.lk/article/PM-made-deal-with-TNA-to-defeat-no-faith-motion-SLPP-148479.html>

<sup>5</sup> Jeyaraj D.B.S, "TNA's Key role in Defeating No-Confidence Motion Against Ranil", 10 April 2018, <http://www.dailymirror.lk/article/TNA's-Key-role-in-Defeating-No-Confidence-Motion-Against-Ranil-148497.html>

<sup>6</sup> Ranil tells Sajith: 'Get ready to play a bigger role in party' 29 March 2018, <http://www.dailymirror.lk/147994/Ranil-tells-Sajith-Get-ready-to-play-a-bigger-role-in-party->

<sup>7</sup> New UNP committee will become a permanent politburo - Akila, 8 April 2018, <http://www.dailymirror.lk/article/New-UNP-committee-will-become-a-permanent-politburo-Akila-148438.html>

<sup>8</sup> World Bank, Sri Lanka, <http://www.worldbank.org/en/country/srilanka/overview>

<sup>9</sup> United Nations, General Assembly, Human Rights Council, Thirty-seventh session, 26 February-23 March 2018, Agenda item 2, Annual report of the United Nations High Commissioner, for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Promoting reconciliation, accountability and human rights in Sri Lanka Report of the Office of the United Nations High Commissioner for Human Rights, p.4,

<https://reliefweb.int/sites/reliefweb.int/files/resources/G1801853.pdf>.

<sup>10</sup> United Nations, General Assembly, Human Rights Council, Thirty-seventh session, 26 February–23 March 2018, Agenda item 2, Annual report of the United Nations High Commissioner, for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Promoting reconciliation, accountability and human rights in Sri Lanka Report of the Office of the United Nations High Commissioner for Human Rights, p.4, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1801853.pdf>.

<sup>11</sup> Former UN official to support calls for referendum in Sri Lanka, 15<sup>th</sup> April 2018, <http://colombogazette.com/2018/04/15/former-un-official-to-support-calls-for-referendum-in-sri-lanka/>

<sup>12</sup> Enough is enough - UN Human Rights Council should now refer Sri Lanka to the UN General Assembly: TGTE, 8<sup>th</sup> February 2018, [http://world.einnews.com/pr\\_news/365613391/enough-is-enough-un-human-rights-council-should-now-refer-sri-lanka-to-the-un-general-assembly-tgte](http://world.einnews.com/pr_news/365613391/enough-is-enough-un-human-rights-council-should-now-refer-sri-lanka-to-the-un-general-assembly-tgte)

<sup>13</sup> Sri Lanka War Crimes: Tamil Leaders and Victims Jointly Urge UN Not to give Extension and Refer to UN General Assembly, 2 March 2017, [http://world.einnews.com/pr\\_news/369076202/sri-lanka-war-crimes-tamil-leaders-and-victims-jointly-urge-un-not-to-give-extension-and-refer-to-un-general-assembly](http://world.einnews.com/pr_news/369076202/sri-lanka-war-crimes-tamil-leaders-and-victims-jointly-urge-un-not-to-give-extension-and-refer-to-un-general-assembly)

<sup>14</sup> Leading Tamil Diaspora Organizations Welcome UN Human Rights Commissioner's Report on Sri Lanka and Call for International Action, 2 March 2018, <https://www.prnewswire.com/news-releases/leading-tamil-diaspora-organizations-welcome-un-human-rights-commissioners-report-on-sri-lanka-and-call-for-international-action-300607379.html>

<sup>15</sup> “Sinhalese still occupying properties of Tamils”, 14 April 2018, <http://www.thehindu.com/news/national/tamil-nadu/sinhalese-still-occupying-properties-of-tamils/article23543642.ece>

<sup>16</sup> “Half of IDPs can be resettled with latest land release, 17 April 2018”, <https://news.lk/news/sri-lanka/item/20154-half-of-idps-can-be-resettled-with-latest-land-release>

<sup>17</sup> United Nations, General Assembly, Human Rights Council, Thirty-seventh session, 26 February–23 March 2018, Agenda item 2, Annual report of the United Nations High Commissioner, for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Promoting reconciliation, accountability and human rights in Sri Lanka, p.6, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1801853.pdf>.

<sup>18</sup> “Sri Lanka arrests Buddhist monk for attacking Rohingya refugees at UN safe house”, 2 October 2018, <https://www.hindustantimes.com/world-news/sri-lanka-arrests-buddhist-monk-for-attacking-rohingya-refugees-at-un-safe-house/story-YxyXYdYpvS3zRlvI0UhYEI.html>

<sup>19</sup> United Nations, General Assembly, Human Rights Council, Thirty-seventh session, 26 February–23 March 2018, Agenda item 2, Annual report of the United Nations High Commissioner, for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Promoting reconciliation, accountability and human rights in Sri Lanka, <https://reliefweb.int/sites/reliefweb.int/files/resources/G1801853.pdf>.

<sup>20</sup> Gintota violence: PM warns troublemakers, 20 November 2017, <http://www.dailynews.lk/2017/11/20/local/134986/gintota-violence-pm-warns-troublemakers>

<sup>21</sup> “UK Mission to the United Nations, Geneva, Human Rights Council 37: Joint Statement on Sri Lanka”, <https://www.gov.uk/government/news/human-rights-council-37-joint-statement-on-sri-lanka>

<sup>22</sup> Lanka’s main concern is achieving a sustainable future - President, 20 April 2018, <https://news.lk/news/politics/item/20195-lanka-s-main-concern-is-achieving-a-sustainable-future-president>