



Sri Lanka's Political Crisis: A Setback to Consolidation of Democracy in Post War Sri Lanka

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Sri Lanka plunged into political crisis after the President of Sri Lanka Mr. Maithripala Sirisena, sacked the Prime Minister of Sri Lanka Mr. Ranil Wickramasinghe and appointed former President of Sri Lanka Mr. Rajapaksa as the Prime Minister on 26th October 2018. The President justified the sacking on constitutional grounds, though the 19th Amendment to the Constitution does not bestow power to the President to sack the PM.

The constitutional crisis was the result of differences of opinion that was witnessed publicly since the beginning of 2018 between Sirisena and Ranil Wickramasinghe on issues pertaining to implementation of Geneva resolution on Sri Lanka, economic reforms and investments, handling of corruption cases particularly the Central Bank Bond Scheme and financial mismanagement. Also there is a clear resentment among the people over the increasing high cost of living, lack of opportunities in employment and reduction in social benefits. In 2017, the country recorded a growth rate of 3.1 percent as against 4.5 percent in 2016. Growing resentment over the failure of unity government to provide good governance to the people resulted in majority support to newly formed Rajapaksa's party in local council elections held in February 2018. The Sri Lanka Podujana Peramuna (SLPP) won 225 out of the 340 directly-elected Councils at the election.

Lack of consensus, on issue of governance led to no-confidence motion against Ranil Wickramasinghe which was initiated by Rajapaksa backed Joint Opposition in April 2018. Though it was defeated with the help of Tamil National Alliance (TNA) the fissures continued thereafter between the two leaders. Amidst the internal developments, alleged assassination plot by India's RAW, as claimed by the President of Sri Lanka, only added to the growing gap between the two leaders and triggered breakup of the coalition government. The President was upset about the

slow progress in investigating the allegations by the Prime Minister's Office. The friction between Sirisena and Ranil Wickramasinghe led to the coming together of Sirisena and Rajapaksa after a gap of more than three years. Sirisena in 2014 left Rajapaksa's camp to contest as a united candidate in 2015 Presidential elections, much to the disappointment of Rajapaksa.

The friction between Sirisena and Ranil Wickramasinghe was also to do with the class difference between the two leaders. Sirisena rose to power from a rural farming background where as Ranil Wickramasinghe belongs to the set of English speaking Sri Lankan elite, who were educated in best of schools and universities¹. The feeling of alienation on the basis of class was expressed by the President himself in his speech on 28 October 2018 when he said that Mr. Ranil Wickramasinghe and his group of closest friends, who belonged to a privileged class, did not understand pulse of the people in conducting themselves².

The above developments at the political arena led to the present political showdown. The President prorogued the Parliament till 16 November 2018, to garner the support of majority Parliamentarians behind Rajapaksa. Sacked PM Ranil Wickramasinghe and his party the United National Party (UNP), have argued that the appointment of Rajapaksa as the PM was unconstitutional as only Ranil Wickramasinghe commands the majority in Parliament. Meanwhile, the SLPP leadership took the position that since the Sri Lanka Freedom party (SLFP) withdrew from the unity government, the term of the Cabinet expired, leading to the cancellation of the term of the Prime Minister³. After sacking the Prime Minister, the President appointed new cabinet and secretaries to the various Ministries. The Parliament was convened on November 16 and two no-confidence motions were passed against Rajapaksa with the support of 122 Parliamentarians. A voice vote was taken as the SLFP and SLPP members disrupted the proceedings. The President of Sri Lanka refused to accept the verdict of the Parliament and the cabinet appointed by him continued to function. The Court of Appeal on 3rd December 2018 issued an interim order restraining the functioning of Rajapaksa and his Cabinet and deputy ministers.

The Supreme Court of Sri Lanka will take a decision in December about the validity of Presidents' decision to dissolve the Parliament. But the fact remains that the 19th Amendment to the Constitution of Sri Lanka, had put various checks on powers of the President. According to the Article 42 (4) of the Constitution, "the President shall appoint as Prime Minister the Member of Parliament, who, in the President's opinion, is most likely to command the confidence of Parliament". However, he cannot sack a Prime Minister and cannot dissolve Parliament, before the first four and half years of its term unless the Parliament requests for the same by passing a resolution approved by two thirds majority (Article 70 (1) of the Constitution). Therefore, the decision by the President of Sri Lanka is considered unconstitutional by political parties such as UNP, TNA, Sri Lanka Muslim Congress (SLMC) and the Jana Vimukthi Peramuna (JVP).

The President held the All Party Meeting on 19th November 2018 to resolve the constitutional crisis but the talks ended inconclusively. Mr. Ranil Wickramasinghe and Mr. Rajapaksa participated in the talks. May be the future all-party talks can settle the dust. Rajapaksa himself seems to have admitted the legal flaws in the decision by the President by

saying that he is only heading an interim government and accepted the offer to be the PM to save the country from economic crisis⁴.

Presently, it seems that not many options are left for Sirisena, despite his unwillingness to work with Mr. Ranil Wickramasinghe. The President's attempt to garner support behind Rajapaksa by breaking the UNP was not successful. The UNP is united under Ranil Wickramasinghe and the support extended by the Tamil parties forms the backbone for challenging the attempts to disrupt the political stability witnessed in recent years. Another option left is the impeachment of the President of Sri Lanka on the grounds that he violated certain provisions of the Constitution and unable to discharge his duties (Article 38 (2) (a) of the Constitution). Whether, this option will be used in the future by political parties' remains to be seen⁵.

Conclusion

If we put aside the constitutional validity of actions by the President, it is clear that Sri Lanka, once again, might go back to the pre-war phase of political instability and violence. The relative peace that was achieved in recent years, due to the bipartisan government in place since 2015, is threatened by return of hard-line elements into the political space of Sri Lanka. This is because, the UNP and SLFP have failed to consolidate the moderate electoral gains achieved with the help of Tamil minority parties.

Other than the differences between the UNP and SLFP leadership, growing differences between Sri Lankan Tamil minority representatives and parties over the approach to reconciliation is an issue that can work in favour of hard-line Sinhala elements. The recent formation of a new Tamil party called the Tamil Makkal Kootani (TMK), by the former Chief Minister of Northern Province Mr. Ranil Wigneshwaran, is an example in this regard. He came to power with the help of TNA, but could not agree with the TNA leadership approach to the resolution of ethnic question and believed that the TNA was too soft in demanding Tamil rights. In the present scenario, the moderate gains achieved in terms of implementing the UN resolution, which the Sri Lankan government co-sponsored in 2015, may be lost in the future. In this regard, the Government of Sri Lanka had set up the Office of Missing Persons the (OMP) and a bill to set up the Office of Reparations. The President of Sri Lanka also announced that all the civilian lands will be released by 31st December 2018. In this scenario, one can only hope that the present political crisis will be resolved through constitutional means. International response to the present political crisis in Sri Lanka cannot help to stabilise the situation unless there is a collective dialogue and consensus among the communities and their political parties' representatives in post-war Sri Lanka to address issues of governance, reconciliation and economic development.

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

Endnotes:

¹The views are based on author's interaction with top Sri Lankan political leaders organised by Kalinga International Foundation, New Delhi, in Colombo, Sri Lanka, on 31st October 2018.

² "MR as PM totally in accordance with the Constitution: Prez", 28 October 2018, *Daily Mirror*, <http://www.dailymirror.lk/article/MR-as-PM-totally-in-accordance-with-the-Constitution-Prez-157507.html>

³ "Removing Ranil as PM constitutional: G.L", *Daily Mirror*, 27 October 2018, <http://www.dailymirror.lk/article/Removing-Ranil-as-PM-constitutional-G-L--157484.html>

⁴According to Rajapaksa, "within a period of about three and a half years, the Yahapalana government had taken a total of more than UDS 20.7 Billion in foreign currency loans alone". MahindaRajapaksa, "Objectives of The October 26th Change Of Government", *Colombo Telegraph*, 25 November 2018, <https://www.colombotelegraph.com/index.php/objectives-of-the-october-26th-change-of-government/>.

⁵ The Constitution permits a Presidential election after the President completes four years in office, which means that in January 2019 Sri Lanka can go for a Presidential election.