

Making Sense

Let's face it squarely political personalities are not so much the issue for Sri Lankans breaking into the New Year. Nor should we bother with the great debate as to who won the war for us? That is past. The country is rotten to the core and the system of governance must go. Systemic changes are urgently needed. We need a new constitution that will amount to a new social contract that will bring in real peoples' participation, accountability in government, and institutions that ensure checks and balances.

In 1947 India wrote out a constitution and still has that along with certain amendments. India has people similar to Sri Lanka and a culture that bears great affinity to our own. As a matter of fact our people may be said to be in a more advanced state of literacy and less bound by conservative, feudal values. However, our great neighbour's democracy has stood the test of time under different regimes. Despite the huge poverty that prevails among 40 per cent of

This was theory but the downside of losing the electoral umbilical chord had been ignored and this was more important in terms of democracy.

In the old system Parliament was supreme, as it must be. Legislators held the key and the standard of debate had been very high. Post 1978 we have had a Presidential system which converted Parliament supremacy into a tragic joke. MPs were mere statistics for the President who must muster sufficient numbers to establish his power. Parliament was a rubber stamp. The theory here is that the President is also directly elected by the people. When there are two authorities directly elected by the people like this adequate checks and balances should have been introduced to preserve borders. This is so in the US constitution, for instance. However, the constitution makers in 1978 thought none of this. They were focused on JR alone.

To do him justice, JR deftly handled the situation giving place to Parliament although he took the precaution of having pre-signed letters of resignation from all government MPs. JR did abuse his power and used to boast that he had all the powers except the ability to make a woman a man and vice versa. JR tried a second term but

budget was overseen by the family. The capable Mangala, having been sidelined, slipped out in disgust and the JVP waited in the background until the day would arrive when they would cut his neck. The opposition criticism was "baduth eya ge naduth eyage." It was clear from the outset that MR was advised by his brothers to keep hold of everything. The keeping of Finance threw a suspicion from the onset. The span of management of an Executive President cannot accommodate such a big portfolio. The President's job is to stay on top and supervise his Ministers while letting the latter use their creative efforts in planning and implementing

an independent Elections Commission is doing very well in India. To implement this legal provision it is necessary for the President to appoint a Constitutional Council. But MR would have none of this. The result: today we have one of the most politicised Police services in the world. Cops are at the behest of politicians - Pradeshiya Sabha Members, MPs etc and they do their bidding. Promotions are not made on merit but on political loyalty.

It is argued that the Executive Presidency enabled our success in the war. This is not true as Emergency power is adequate to run a war

HORIZON

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SRI LANKA IN 2010-LET'S GO FOR A SYSTEM CHANGE

the population that country is forging ahead as an economic giant next to China and a mere 30 per cent of the affluent population segment is pushing the economy to greater and greater heights.

In Sri Lanka until 1978 we had a smoothly run Westminster polity. Parliament was peopled by persons of electoral acceptance and these representatives were compelled to remain accountable to their electorates for fear of losing that acceptance. This meant they had to be on good behaviour and not play the role of thugs and local overlords. Nor could they easily cross-over after winning on a particular party ticket because that may mean the termination of their electoral credibility. The nexus between the MP and the electorate was so direct except for a few electorates that returned more than one MP.

In came the JR Jayawardena's constitution of 1978 and this all changed. Proportional representation meant that candidates are nominated by a party hierarchy. This alone broke the link with a particular electorate. MPs now belonged to a District and there were many of them for a District which meant that people had no control over any of them and no one to go to in the event of redressing a need.

The theory of proportional representation is that it is more democratic because it reflects better all shades of opinion and all interests.

was forced out by the JVP rebellion. Premadasa came in; soon realized that the power in his position was too much not to be utilized. He disengaged from the 'slum dog' inheritance, sought to lay claims to an aristocracy, built a throne for himself that was displayed at Gam Udawa and so on. Before he could do further damage he was assassinated by the LTTE. Good man Wijetunge had greatness thrust upon him but he was not impressed by power-keeping. Instead he let the Prime Minister and Parliament run the show. This extreme in the interpretation of the role of the President is tenable but human beings being human beings would be more tempted to go on to the other extreme end of the continuum. Chandrika Bandaranaike came in with all the fan-fair. She abused the position left and right but yet had the qualms to allow criticism of her regime. TV programs aired the hilarious "Always Breakdown" show that caricatured her but she knew to laugh at herself.

Percival Mahendra Rajapakse took hold of the Presidency in the year 2006 with the help of the JVP and broker Mangala Samaraweera. He started on the wrong *mandiya* which aroused suspicion about his preferred interpretation of the role. He arrogated to himself the portfolio of Finance and gave his brothers the plum offices. This meant that nearly 60 per cent of the

policy. But Mahinda had other thoughts and preferred to focus on his hold to power. The retention of such a large slice in the hands of the family naturally led to criticism and rumour. Charges of corruption by members of the family seem to be a daily occurrence.

To stifle such talk Mahinda decided to go for the free Press. Today, the Press is muffled and even the few 'independent' ones are living in fright. What more are we to say when at the handing over of nominations the pictures of General Fonseka had been blocked. Since the current President came to power 17 journalists have been killed and 37 others harassed in various ways. The most shocking event was the slaying of Lasantha Wickrematunge, effective Opposition leader in the country, who had the gift of raking up dirt. Lasantha was murdered in broad daylight in held-up traffic. The assassins reportedly clubbed him to death and with great ease made their escape. No serious attempt had been made to catch the culprits. Government seemed content that it had done away with "a traitor."

The previous government had with the consent of all parties brought in the 17th Amendment that aimed at ensuring an independent Public Service, Elections Commission, and the Police just in order to stem the tide of politicisation of these very vital institutions. For instance,

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like the one we had. "A fact we know," stated a weekend newspaper, "is that under the current system every successive leader and government have been more corrupt and more dictatorial than the previous one."

Unfortunately, MR's election promises don't mention any need for changing the system. On the other hand, General Fonseka's manifesto is strong on systemic changes and anti-corruption provisions.

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