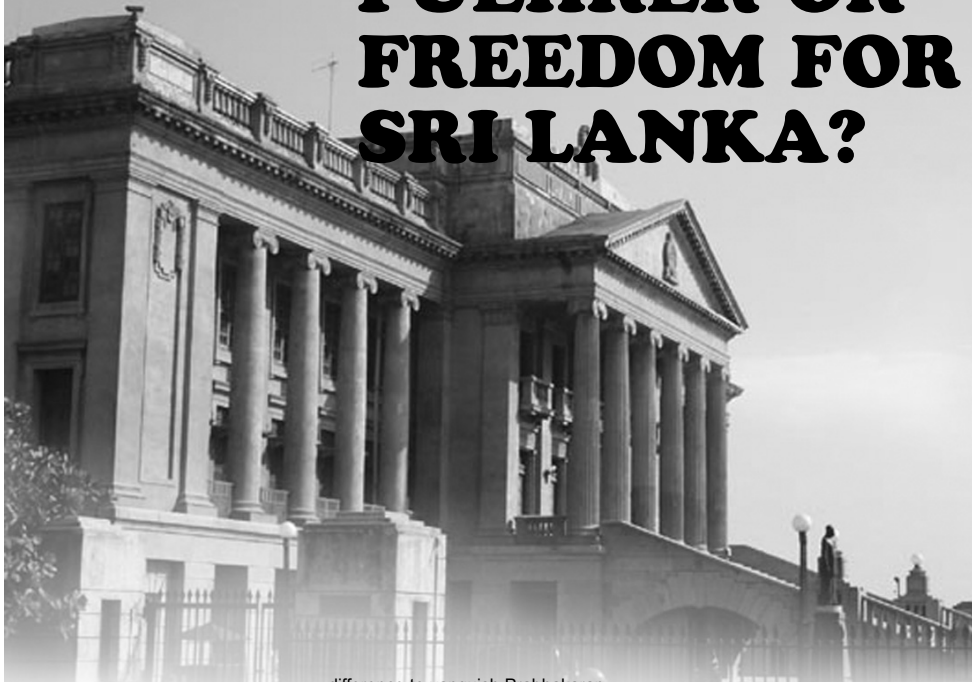


FUEHRER OR FREEDOM FOR SRI LANKA?



Men and women born to this world, wherever they may live, need to live in freedom and safety, to be treated equally before the law, to think and express as they wish, to form associations, to have meetings and so on. These rights, enshrined in the Universal Declaration of Human Rights, give quality of life to a population and sanctity to the prevailing order. Who likes to live in fear of arrest for what one says and does? Who wants to kowtow or cringe before politicians or thugs in order to survive?

You and I see ourselves and others enjoying such rights in Australia. Sri Lankans, too, generally had these rights just a few decades ago but they have since been destroyed by successive political regimes.

The Presidential elections, a hopelessly flawed one though, has put back Mahinda Rajapakse (MR) back into the seat of power. The general elections that followed on the heels of the Presidential elections firmed MR's power in almost absolute terms.

The four years of MR's first term witnessed the glorious destruction of separatist terrorism that had plagued the

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island for 26 years. MR achieved that with the help of a remarkable Army Commander- General Sarath Fonseka (SF). It is sad that the President had to fall out with SF who is now kept under arrest on obviously trumped up charges. To add insult to injury this war hero has been dubbed a 'fool', a 'rogue' and so on by state media. It is a case of unsurpassed political irony.

It is true that of all the previous Presidents it was MR who made the

difference to vanquish Prabhakaran. One can in the same logic say that of all Army Commanders SF made the difference required for the military blitz. The actual truth requires gaps to be filled, namely events like the ageing of Prabhakaran and his militant group, internal fissions among Tigers, the changing stance of India, the global backing post-Nine Eleven etc.

Let us leave that controversy at rest for we have a more serious concern to discuss here. During the last term of the regime one observed a naked



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growth of authoritarianism. Both accompanying this trend and contradicting it, lawlessness spread in the country. Even legislators like Dr Mervyn, Aluthgamage, openly flouted the law. MR lost the grip on the provinces and police stations as he watched these keepers of public security go wild. The Prevention of Terrorism Act was meant to counter LTTE terrorism; but now it was used to crush legitimate democratic dissent. A public perception spread that the regime was not going to allow opposition. To cap all these and other numerous developments island-wide came the open violation of election laws and the scandalous disregard of the official edicts of the Elections Commissioner. At the conclusion of the Presidential elections the Commissioner came on national TV with a disgusted and wearied look and stated that he could not "even protect his ballot boxes!" There were instances when even Courts' rulings had been disregarded. While the election was in progress the state media was used to declare that the General was disqualified!

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captured the growing authoritarianism of the regime.

The governance situation had gotten so bad that religious leaders of all persuasions were forced to intervene. The leading non-partisan Buddhist monks headed by the Mahanayakes set out to call a special meeting of the Sangha of the three Nikayas to consider the adverse situation prevailing in the country. This move which was subsequently stymied by the regime has been regarded as an unprecedented development. The Bhikkus of the Jathika Hela

Urumaya who were in the best position to influence the regime chose to be part of the system. They, perhaps, believed that fundamental rights were not part of our 'urumaya.' On the contrary the Buddhist texts are full of inspiration for fundamental rights.

Would the new electoral confirmation make MR continue this thread? Or, on the contrary, would he chasten and transform himself into someone committed to the quality of life of the population? Would he metamorphose into a true statesman rather than a mere politician? If the change does occur Sri Lankans can look forward to a bright future.

A Nazi political theorist once said: "The authority of the Fuehrer is total and all-embracing.....The Fuehrer's authority is subject to no checks or controls; it is circumscribed by noindividual rights; it isoverriding and unfettered." Will Sri Lanka develop on these authoritarian and totalitarian lines?

We pointed out earlier in these columns that most of these unwholesome developments stem from the system. Well MR is now with a near two thirds majority to change the system for the future good of the country to which he owes a lot. Let us pray!

Actually, our liberal democratic tradition has been quite long in operation. The tradition had been planted by our colonial rulers during their last decade of rule. In 1931 The Donoughmore Constitution

established universal suffrage long before many Western countries had it. All men and women of an approved age had the equal right to vote. The Soulbury Constitution of 1947 continued further in the implementation of liberal democratic principles. The 1947 Constitution was contained in a White Paper presented by the colonial government passed by the then State Council. At independence Sri Lanka had an independent Public Service, Police, and Judiciary and we had free and fair elections for many years thereafter.

This state of affairs continued until 1970 when the new United Front government came to power and set up a new constitution. The new constitution still retained many of the liberal elements. However, it dealt a death blow to the independent Public Service by abolishing the Public Service Commission and bringing Public Servants under political authorities. Politicisation of the Public and Police services began at that point in time and has now grown into a full-blown evil.

The worse, however, came in 1977 when the UNP obtained a two third majority. With the 1978 constitution that government installed the monster of the Executive President with authoritarian powers similar to what the Fuehrer enjoyed in the Third Reich. The President was invested with immunity from legal challenges and he had untrammelled power. JR boasted famously that he had all the power except to make a woman a man and vice versa. In this way, the liberal democratic tradition in Sri Lanka had been blasted.

Political leaders used to complain about the absurdity of conferring Nazi-like power in the President of a democratic state. However, once ensconced in power such leaders chose to enjoy their new-found nirvana. How can a state maintain rule of law when its Chief Executive is placed above the law? Laws are passed in Parliament by legislators



who are democratically elected for the purpose. If the President can act above the law of what use is this? These days one even finds minions in government like Mervyn Silva who act above the law and ban legally set up liquor shops in Kelaniya. He has been doing things like this for some time employing his own strong men to implement the "law." This is nothing but a "Third Reich mindset" that our current constitution in theory and practice has created.

In this way, sixty years after Independence ordinary citizens are gradually losing their independence. Politicians are operating at multilevels levels-national, provincial, and local. Rural Sri Lankans are being transformed into vassals of provincial political war lords. Our society is a vassal society. The system is being worked out to encompass all within the politician's grasp. These war lords rule the roost and in return collect captive votes for the rulers.

At the recent General Elections nearly half the registered voters abstained from voting. Isn't this very significant? Does it not mean that fifty per cent of voters are fed up with such developments? President Rajapakse has to pay heed to these vast numbers who did not go to polling booths. They have given a message in unambiguous terms.