

PARLIAMENT WATCH – SRI LANKA*

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Two years after the end of the war, it is not too ambitious on the part of the citizenry to expect some specific steps towards restoring normalcy in the country. An important step in this direction is the relaxation of emergency rule under which Sri Lanka was ruled for nearly three decades, a brief departure notwithstanding.

To date, Sri Lanka is governed under emergency regulations and the Prevention of Terrorism Act (PTA). There appears general consensus that these laws, though extremely repressive in character, were necessary to combat the Liberation Tigers of Tamil Eelam (LTTE). Yet two years after the war and people looking forward to a normal existence, more and more are beginning to question the validity of the emergency rule that perpetuates a politically repressive culture and delays normalcy.

The emergency rule has come under severe criticism in Parliament since the beginning of the 2011 sessions, as these regulations are presently being used continuously. In February, the Janatha Vimukthi Peramuna (JVP) Member of Parliament (MP) Anura Kumara Dissanayake even presented an adjournment motion in Parliament demanding the reasons for the government's failure to repeal the emergency regulations and the PTA.

As opposition dissatisfaction peaked against the continuity of the said laws, the government ensured there was justification for such continuity during the March debate on the extension of the state of emergency. The government's argument was that there was evidence to support that the LTTE was once again regrouping overseas. However, the government did not support this claim by bringing evidence to the House about regrouping activities of the Liberation Tigers at international level.

While the government did not disclose the specific locations where regrouping was taking place, Prime Minister D M Jayaratne, reading the proclamation of the Security Ordinance (PSO), informed the House that the LTTE was indeed regrouping in Tamil Nadu and there was credible information to support that three training camps have been re-established by the LTTE in Tamil Nadu. The prime Minister stated that his statement was based on intelligence reports.

"One camp's trainees specialize in VIP assassinations. Pottu Amman's second in command Pugalendra Master is behind this and he is behind the recent attack on Maha Bodhi Society in Chennai."¹

However, this statement was immediately challenged by opposition MPs. Opposition Leader Ranil Wickremesinghe demanded to know whether the government had spoken to the Indian authorities since the Indian media and authorities have constantly claimed that there is no such occurrence.²

The claim of the Prime Minister was immediately denied by the Indian authorities with a call to desist from making irresponsible statements. Covering the diplomatic faux pas, the Prime

¹ Hansard, 09th March 2011, Volume 198 - No. 2.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3132>

² Hansard, 09th March 2011, Volume 198 - No. 2, 186.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3132>

Minister was heard in Parliament next day retracting parts of his speech just the previous day. Premier Jayaratne claimed that his speech was not based on 'intelligence reports' but on a local newspaper.³

Such moves of the government, however successful they are in making people believe that emergency laws are necessary, have led the country towards diplomatic embarrassments over the past.

Recently, the External Affairs Minister, Prof G L Peiris, claimed that the President had been invited to solve the Nepalese constitutional crisis⁴ and that Britain's Queen Elizabeth II would visit Hambantota for the Commonwealth Heads of Government meeting in 2013⁵, but both claims were immediately rejected. Such events impact on our international image and the 'anti-government' forces internationally are likely to record these points to prove that the Sri Lankan government's claims do not carry much weight.

The government's insistence on continuing the repressive laws may backfire at a crucial moment. The Panel of Experts appointed by the United Nations Secretary General (UNSG) Ban Ki-Moon maintains a keen eye on Sri Lanka. The Annual Report by the US State Department on Sri Lanka is scheduled for release in April. It is hinted by many sources that both these reports will highlight as well as question the continuation of the emergency laws and its impact on Sri Lankan democracy and human rights.

Report of the UNSG's panel of Experts

The above mentioned UNSG and US State Department reports will further increase international pressure to investigate allegations of war crimes and reiterate the call for the UNSG to appoint an independent committee to probe these claims. This was widely discussed in Parliament in March.

Irrespective of political differences, most political parties did not appear to support an international investigation of any sort. However, both the United National Party (UNP) and the JVP were extremely critical of the government for not conducting an internal investigation into the allegations to clear the air and for denying the residents of the North their rights guaranteed by the 1978 Constitution.

Referring to the recent call made by the US Senate upon the Sri Lankan government to agree to an international probe, UNP MP Ravi Karunanayake said that the government should accept that it was expected of a responsible administration to comply with certain international obligations.

"We, as a party, have always been very vocal that there is no need for external factors to interfere with the internal affairs of our country. But certain norms need to be practiced in this

³ Speaking lies to power: Sri Lanka's PM and the LTTE in India.

<http://groundviews.org/2011/03/11/speaking-lies-to-power-sri-lankas-pm-and-the-ltte-in-india/>

⁴ Himalayan fallout on GL, The Sunday Times, November, 28, 2010

<http://sundaytimes.lk/101128/Columns/cafe.html>

⁵ Peiris' latest blunder on Queen's visit annoys Commonwealth Secretariat, The Sunday Times, January 23, 2011. http://sundaytimes.lk/110123/News/nws_02.html

House. If we practice them in this august assembly, you could show the world that there is at least a trend of democracy in this country.’⁶

Attack on Tamil National Alliance (TNA) MP Shritharan and the Right to security of person

In March, safety concerns of parliamentarians came up for discussion in the House yet again. Although the right to personal safety is not explicitly stated in the 1978 Constitution, the Sri Lankan judiciary in several cases, Sriyani Silva v. Iddamalgoda and Lal Fernando vs. Seeduwa Police Station, has reiterated that the state should adhere to international treaties which establish such rights.

However, in the recent past, many individuals including journalists, activists, opposition political party supporters and parliamentarians have encountered physical assault and other forms of attacks contributing to a fear psychosis among many about their personal safety. Despite an increase in incidents and the demand for justice, the government appears to be nonchalant and simply disclaim responsibility with no attempts made to conduct inquiries.

TNA MP S. Shritharan came under a mob attack at Nochchiyagama on his way back from Vanni on March 7, 2011. While the opposition MPs demanded an impartial investigation into the incident and an increase of protection for TNA MPs, the authorities claimed that it was ‘staged.’⁷

Speaking in Parliament, Opposition and UNP Leader Ranil Wickremesinghe stated that there was a ‘need to have some additional protection for the TNA members. “I think they have only two security personnel attached to them and you have to take steps to ensure that the security given to them is increased. Who did this and what the reason was, we do not know. But, nevertheless, his security and the security of some of the other TNA Members have to be looked into.”⁸

Despite the government’s claims that it bore the signs of a staged attack, Speaker Chamal Rajapaksa ordered the relevant authorities to immediately take action. The need to increase the security of Tamil MPs has been pointed out repeatedly, specially in the light that in the past, several TNA legislators have been killed.

Transparency and good governance

The rights issues appear to plague the present administration, both inside and outside of parliament. Besides, the government’s developmental agenda too is now coming under the public radar with some priorities being questioned.

⁶ Hansard 09th March 2011 Volume 198 - No. 2 208 210.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3132>

⁷ Attack lacks credibility- DIG, Lakkbima News, March, 14, 2011.

http://www.lakbimanews.lk/index.php?option=com_content&view=article&id=833%3Aattack-lacks-credibility-dig-&Itemid=56

⁸ Hansard. 09th March 2011 Volume 198 - No. 2, 186.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3132>

Admittedly, there is a post war development drive including some mammoth development projects. Yet, people are not necessarily a part of this rebuilding process and have little or no access to information about the ongoing projects, though they are identified as the beneficiaries of such grand scale development initiatives.

Responding to a question by UNP MP Dayasiri Jayasekara, Nirmala Kothalawala, Deputy Minister of Ports and Highways, revealed that to rebuild 1,700 metres of the Girathalana North Road in the Panduwasnuwara West Divisional Secretary's Division, it cost Rs. 40 million.⁹

Later during the day, Jayasekara commented about the Sri Lanka Rupavahini Corporation (SLRC) and the monies SLRC needed to recover from political parties for election propaganda work, to which the leader of the House, Dinesh Gunawardene replied that it was unethical and against parliamentary traditions to discuss matters of a 'secret committee,' (COPE) in Parliament.¹⁰

State initiatives against corruption have deteriorated in the recent past and people have lost their faith in the long defunct Bribery Commission. Public sector wrong-doers have become more brazen, in view of the lukewarm approach displayed by the Committee on Public Enterprises (COPE) and the Public Accounts Commission (PAC), the foremost parliamentary oversight committees that are now headed by Ministers and dominated by government MPs.

Part of Sri Lanka's problem is its failure to guarantee information to the people as a right. This alone can and has contributed to rampant corruption, as the culture prevents asking of questions and receiving information as a right.

In contrast, neighbouring India has taken giant strides with the introduction of the Right to Information Act and the emergence of a vibrant media culture. Paradoxically, Sri Lanka has weakened its existing structures through concentration of power.

There is a strong link between governance and development. A capable and accountable State creates better opportunities for the people, provides better services and improves development outcomes. However, the question arises as to the extent to which the government is willing to be accountable and transparent about its activities, especially given that there is very little legislative and societal pressures to do so.

⁹ Hansard, 22nd March 2011 Volume 198 - No. 3, page 292.

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3156>

¹⁰ Hansard, 22nd March 2011 Volume 198 - No. 3, page

<http://www.parliament.lk/news/ViewPublication.do?published=Y&documentID=PUB3156>