

11 February 2008

H.E. Mahinda Rajapakse
President of the Democratic Socialist Republic of Sri Lanka
Presidential Secretariat,
Sri Lanka

Your Excellency,

OPEN LETTER

NON APPOINTMENT OF THE CONSTITUTIONAL COUNCIL

On behalf of Transparency International Sri Lanka (TISL), we write to express our deep concern with regards to the continuous politicization and large scale maladministration in the public sector, resulting from the non appointment of the Constitutional Council (CC). This continued failure to appoint the CC has significantly eroded the Sovereignty of the People and the exercise of due power of the Legislature, contrary to the expectations of the 17th Amendment to the Constitution.

It is widely accepted that the existence of the CC has played a key role in ensuring Transparency, and Meritocracy in the Governance of the Nation. After the CC ceased to exist over one year prior, many of the appointments to the Independent Commissions have been made directly by the President. This raises the questions of integrity of the process and at present several of these Commissions have come under severe criticism, both locally and internationally. These questionable appointments, such as to the Human Rights Commission and to the National Police Commission, have shown beyond doubt the damage caused to the public service and independent institutions in the country.

This critical governance issue will recur upon the falling vacant of many important positions (including the Secretary General of Parliament and Attorney General). Undoubtedly, these positions should be filled only with the approval of the CC.

TISL notes, with regret, the inexplicable delay on the part of the President to formally appoint the members that have already been nominated. TISL considers that it is the constitutional duty of the President to appoint CC without any further delay. Your Excellency's endorsement of these nominations will enable the CC to function with immediate effect.

In this context, we strongly urge for the immediate appointment the Constitutional Council and the full enforcement of the 17th Amendment to the Constitution.

FOR TRANSPARENCY INTERNATIONAL SRI LANKA

JC WELIAMUNA, EXECUTIVE DIRECTOR

CC: Hon. Speaker
Leader of the Opposition