Sri Lanka begins process to frame new Constitution

Sri Lanka on Saturday began the process of formulating a new Constitution with President Maithripala Sirisena underlining the need for constitutional reforms aimed at achieving reconciliation with the minority Tamil community and preventing another ethnic war.

“We need a Constitution that suits the needs of the 21st century and make sure that all communities live in harmony,” Sirisena, who completed one year in office today, said in his address to the Parliament. Outlining the previous attempts in the island nation’s history to settle the Tamil issue through various forms of devolution, Sirisena said, “The extremists in the south and the north have caused the loss of thousands of young lives”.

“We must ensure reconciliation and harmony so that we will never go back to war.” “I believe now, through our past bitter experiences, we must prepare ourselves for future challenges,” he said. Prime Minister Ranil Wickremesinghe, who also spoke in the Parliament, presented a resolution to set a Constitutional Assembly (CA) made up of legislators, who would seek public input and make recommendations for a new Constitution.

In a special session, Wickremesinghe moved the resolution in Parliament to set up CA and a steering committee of 17 members to draft the new Constitution. “We will have the whole Parliament formulating the Constitution unlike the previous instances when the constitutions were drafted outside Parliament,” he said. The new Constitution will replace the current executive president headed constitution adopted in 1978.

Sirisena acknowledged the difficulty in drafting a constitution that would satisfy both sides – Sinhalese and Tamils. Sinhalese oppose a federal system that would ensure more political power for minority Tamils. Sirisena said he himself had opposed the India-mooted provincial councils system introduced in 1987 as a solution but later realised that it was “a good thing”.

He said a solution has to be found which will lead to lasting peace through consensus. “The move to set up the Constitutional Assembly was done with that aim,” he said. Sirisena, who was elected last year after his stunning electoral victory over strongman Mahinda Rajapaka, wants to abolish the present executive presidential system which for long has faced accusations of being authoritarian.

Sri Lankan troops in 2009 defeated the LTTE which was fighting for an independent state for minority ethnic Tamils. At least 40,000 Tamil civilians may have been killed in just the final months of the civil war, according to a UN report. The Sri Lankan government has promised that it will investigate alleged war crime allegations against government troops and Tamil Tiger rebels.

Sirisena’s predecessor Rajapaksa had antagonised both Tamil and Muslim minorities in order to appease the Sinhala majority.

The resolution moved in Parliament noted that there shall be a Committee of Parliament referred to as the “Constitutional Assembly” which shall consist of all MPs, for the purpose of deliberating on, and seeking the views and advice of the people, on a new constitution for Sri Lanka, and preparing a draft of a Constitution Bill for the consideration of Parliament.

It said the Speaker of Parliament will be the Chairman of the Constitutional Assembly and there will be seven Deputy Chairmen of the Constitutional Assembly, who shall be elected by the Constitutional Assembly. A Steering Committee consisting of the Prime Minister (Chairman), Leader of the Opposition, Leader of the House, the Minister of Justice, and not more than 11 other Members of the Constitutional Assembly will be appointed by the Constitutional Assembly.

Sirisena in his address denied opposition’s accusations that the new Constitution is being drafted to please the international community based on their advise. Sirisena, since coming to power, has reduced his presidential powers and strengthened key areas of governance by setting up independent commissions on police, judiciary elections and public service.