

Hopes and fears — On Sri Lanka's Constitutional reform

It is only with a great degree of caution and circumspection that the interim report of the Steering Committee of the Constitutional Assembly of Sri Lanka can be welcomed. The panel, chaired by Prime Minister Ranil Wickremesinghe, has done creditably by producing a forward-looking proposal within 18 months of its first sitting. However, there have been several such reports in the past that envisioned far-reaching reforms in the country's structure. None of them found broad acceptance within Sri Lanka's polity. It is thus difficult to see the interim report as the beginning of an irreversible process of constitutional reform. There is room for both hope and fear. There is scope for optimism that Sri Lanka's fractious polity could get its act together and adopt a durable constitution that would protect its unity and stability, distribute powers equitably across ethnic and geographical divisions, and ensure economic prosperity for all. There is equal scope for the fear that the whole process could be derailed by extremists. Yet, there is a sustained effort to build a consensus among all sections of society. The report, which incorporates a framework for key elements of a new constitution, envisages an undivided and indivisible country, with the province as the unit for devolution of power. It suggests that the controversial terms 'unitary' and 'federal' be avoided, and instead Sinhala and Tamil terms that suggest an undivided country be used to describe the republic. Predictably, there is opposition from some parties, which argue that nothing should be done to dilute the state's unitary character.

On the lines of proposals made since the 1990s, the interim report aims to abolish the executive presidency. It introduces the concept of 'subsidiarity', under which whatever function can be performed by the lowest tier of government should be vested in it. Other reforms envisaged are a change from the electoral system solely based on proportional representation to a mixed method under which 60% of parliamentary members will be elected under the first-past-the-post system, and the creation of a second parliamentary chamber representing the provinces. Nationalists worried about the ramifications of devolving power to the periphery are likely to oppose some of the federal features, and may even seek the retention of the all-powerful executive presidency. The report marks a milestone, but it is still at a preliminary stage in a long-drawn process of enacting a new constitution. The government has promised that the pre-eminent status given to Buddhism will remain, an assurance that may help overcome opposition from the majority. The willingness of the Tamil National Alliance to accept a founding document arrived at on the basis of a bipartisan consensus is also a good sign. It is time Sri Lanka set itself free from the shackles of divisive notions of nationalism and charted a new path of equality and reconciliation for itself.

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