CHAPTER V
IMPACT OF THE PROPORTIONAL REPRESENTATION
SYSTEM ON NATIONAL POLITICS
The proportional representation system has had a considerable impact on Sri Lanka's national politics since the late 1980s. Some of the areas affected are the formation of government, coalition politics, presidential power and constitutional changes through the peace process.

THE FORMATION OF GOVERNMENT

In Sri Lanka, coalition governments have been more the norm than single-party government, especially after 1990. Table 5.1 shows the government formation both under the FPP and the PR electoral systems since independence.

<table>
<thead>
<tr>
<th>Year of Government Formation</th>
<th>FPP System</th>
<th>Year of Government Formation</th>
<th>PR System</th>
<th>Victorious party or alliance</th>
<th>Year of Government Formation</th>
<th>Victorious party or alliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947</td>
<td>UNP</td>
<td>1989</td>
<td>UNP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1952</td>
<td>UNP</td>
<td>1994</td>
<td>PA (Core Party)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1956</td>
<td>MEP (Core Party)</td>
<td>2000</td>
<td>PA (Core Party)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1960 (March)</td>
<td>UNP</td>
<td>2001</td>
<td>UNF (Core Party)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1960 (July)</td>
<td>SLFP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1965</td>
<td>UNP (National Government)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1970</td>
<td>UF (Core Party)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1977</td>
<td>UNP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


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TABLE 5.2
PARLIAMENTARY STRENGTH OF COALITION GOVERNMENTS AND THE OPPOSITION PARTY
UNDER THE PR SYSTEM, 1994-2001

<table>
<thead>
<tr>
<th>Election Year</th>
<th>Ruling party</th>
<th>Opposition Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Major Party</td>
<td>Smaller Parties in Coalition</td>
</tr>
<tr>
<td>Parliament, 1994-2000</td>
<td>105 (PA)</td>
<td>07 (SLMC)</td>
</tr>
<tr>
<td>Parliament, October 2000-December 2001</td>
<td>107 (PA)</td>
<td>4 (NUA)</td>
</tr>
<tr>
<td>Parliament From 2001 December</td>
<td>109 (UNP)</td>
<td>5 (SLMC)</td>
</tr>
</tbody>
</table>

**Note:** In 1994, the PA, which was combination of six political parties, initially formed the government with the support of SLMC and UPF. In addition, the PA had the backing of 9 EPDP and 7 CWC members, giving it a parliamentary majority of 129 seats. The CWC had entered Parliament on the UNP ticket but decided to back the PA. Three members of the coalition government (Vasudeva Nanayakkara, Ravi Karunanayaka and Chandrasekaran), however, joined the opposition, bringing down the governmental strength to 126 and increasing the opposition strength to 99. But soon five UNP MPs crossed over to the ruling side, and the government’s strength increased again.

**Source:** Calculated from D.C Ranatunga, *The Twelve Parliaments of Sri Lanka* (Colombo: Sarasavi Publications, 2002).
Under the FPP system coalition governments were formed on three occasions, with a leading political party predominating. Only in March 1960 and 1977 a single party could form the government. Table 5.2 gives details of the composition of government formation under the PR electoral system.

**Strength of Major Parties in the Coalition**

Though the PR system provides a slight advantage for the leading party, (as analysed in Chapter IV), more often no single party has gained majority in Parliament. The margin of difference in the parliamentary seats

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2 Under the FPP electoral system, in 1956 the SLFP formed a pre-poll alliance as Mahajana Eksath Peramuna (MEP) and won the election. The MEP comprised Viplavakari Sama Samaja Party (VLSSP) and W. Dahanayake's Sinhala Bhasha Peramuna (SBP). A no-contest pact was also reached with the LSSP and the CP. In 1965, the UNP formed the national government with the support of seven parties, which included the Federal Party (FP), Tamil Congress (TC), C.P. de Silva (SLFSP), Philip Gunawardena (MEP) and W. Dahanayake (LPP). The government survived its full term despite the Federal Party withdrawing its support in December 1968. In 1970, the SLFP formed the United Front coalition government with the support of the LSSP and the CP. In 1976 the LSSP was expelled from the government but the CP remained in the government till February 1977. In July 1960, the SLFP formed the government under the leadership of Mrs. Bandaranaike. Because of the split in the SLFP, in June 1964 the SLFP reached an understanding with the LSSP and formed a coalition of ideological interest. But the government collapsed in December 1964 when it could not win a confidence motion. (In 1964 the SLFP and its allies of the left debated the issue of Sri Lanka’s national press in a vote of confidence. See K.M. de Silva, “Press and Democracy in Sri Lanka: The Taming of Sri Lanka’s National Press 1960-1974”, Lanka Guardian, vol. 17, no. 16, 15 December 1994, p. 9. Also see D.C. Ranatunga, The Twelve Parliaments of Sri Lanka (Colombo: Sarasavi, 2002).

3 In 1947 and 1952 the UNP formed the government with the support of some minority parties such as Tamil Congress (TC), Labour Party and some independent candidates. During this period, D.S. Senanayake, Dudley Senanayake and Sir John Kotelawela formed the government successively. They demonstrated the UNP’s commitment to pluralism in the formation of the government. In March 1960 no party could muster a majority. The UNP, as a larger party formed the government but fell soon. In 1977, the UNP formed the government with a five-sixths majority. See Urmila Phadnis, “Sri Lanka Crises of Legitimacy and Integration” in Larry Diamond and Seymour Martin Lipset, eds., Democracy in Asia (New Delhi: Sage Publication, 1989), p. 148. See also C.B. Yogendra, K. Malik, C.H. Kennedy and Robert, (eds.)Government and Politics of South Asia (Lahore: Vanguard Books, 1988), p. 334.
won between the traditional rivals—the UNP and SLFP—is quite low.4 During 1994-2001, on two occasions, the leading party (PA) received 18 (4.3% and 8%) seats more than the opposition party (UNP). Subsequently, in the 2001 general election, the winning UNP secured 32 seats (14.2%) more than the PA and yet could not form the government on its own.5 Under the FPP system, the party forming the government had a decisive lead over the opposition party. Thus, in 1956 the MEP and in 1970 the UF formed the coalition government with absolute majority (51.68 and 76.83 per cent6 of the seats) while the opposition parties were splintered on ethnic and ideological differences.

Nature of Opposition in the Coalition Government

The opposition party could nevertheless always maintain a strong and consistent position in the Parliament7 and the ruling party or coalition could not ignore the opposition in parliamentary politics. As seen in Table 5.2, the UNP (the main opposition party) secured over 40 per cent of the seats in 2000; the PA received more than 34 per cent in 2001.8 W.A. Wisva Warnapala noted:

4 See Table 4.4 in Chapter Four.
5 The UNP led in 18 districts and the PA only in one (Moneragala). See Parliamentary General Election 5th December 2001: Detailed Results (Colombo: Election Department, 2002).
7 In Table 5.2, the main opposition party and the smaller parties that did not support the government are classified as opposition. At the beginning of the 1994 coalition, the TULF and DPLF supported the PA government because of its positive stand on the ethnic problem. Later, they withdrew their support.
8 Under the district basis PR electoral system JVP emerged as a third force in Parliament, with its voting strength increasing from 4.4 to 7.11 per cent in the 2000 and
Heterogeneous groups in the opposition adopted different attitudes. This, apart from increasing the effectiveness of the opposition, created a particular situation in which the LSSP, the largest single party in the Opposition, 'developed sufficient self-confidence to regard itself as an alternative to the government'.

But under the FPP system the opposition party had no chance to maintain a consistent position.

The LSSP was the largest opposition party till March 1960 and worked cooperatively with its coalition partner CP. This coalition supported the government in enacting “progressive legislation” and ensuring stable function of the Parliament. The Left parties showed greater disunity. The CP was always supportive of the government in designing better living conditions for the people. In the constituency-based electoral system the Left parties worked independently even though

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10 In 1956 the opposition was constituted by the LSSP, CP, FP, TC and UNP, where their attitude was disunited against the ruling party.
12 The UNP was isolated within the opposition because of its communal policy. The Marxist parties also adopted an anti-UNP stance consistently. However, on the language policy the opposition stance varied. The LSSP opposed the “Sinhala only” policy. Subsequently, the LSSP withdrew its support to the government and N.M. Perera, the head of the LSSP, was elected leader of the opposition and head of the shadow government (with all 38 MPs). The FP and the TC adopted a hostile stance towards the attitude of the ruling coalition. Morning Times, 18 April 1956 and 20 April 1956.
13 For further details of the conflict between the ruling party and the opposition party and within the MEP government, see Calvin A. Woodward, n. 11; also see Ceylon Daily News, 7 April 1956.
they had an electoral pact with the SLFP. But such a trend is unlikely under the district basis PR system, in which the opposition party is always in a strong position and the left parties or the smaller parties are dominated by the major parties either in the pre-poll alliance or in the coalition government.

Ideological differences, leadership, strength of the political parties and the nature of the electoral system determine the nature of the opposition. Most important of these determinants, however, is the electoral system. If in the 1956 general election there had been an actual proportional effect, the UNP would have dominated the opposition, not the LSSP. Table 5.3 indicates the hypothetical PR results under the FPP system. Due to the disproportional effect and the pre-poll arrangement the MEP formed the government. Otherwise, the opposition parties together could well have gained an edge over the MEP in Parliament.

In 1965, the margin of votes earned between the two major parties was 9.1 per cent (UNP 39.3 per cent, SLFP 30.2 per cent) but the difference in seat allocation was disproportionate. Though the opposition

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14 On some occasions, the CP supported the government and not the LSSP. For instance, in a vote of no confidence motion passed by the opposition the dissolution of the Colombo Municipal Council the CP did not support the LSSP. The party did not also cooperate with the LSSP on many other issues during this period. The fluid nature of the opposition enabled the CP to do so. See W.A. Wiswa Warnapala, n. 9, p. 20.

15 In this hypothetical conversion the total votes proportion gained by each party under the FPP has been converted into parliamentary seats.

16 The SLFP received 25 seats less than the UNP. H.B.W. Abeyanaike, n. 6, p. 352.
combination (SLFP, LSSP and CP) obtained more votes than the UNP, it could not capitalize this into parliamentary seats.17

During 1970-77, the SLFP-led United Front headed the government, on the basis of the common programme of 1968. The United Front’s majority of over two-thirds in Parliament exceeded its voting proportion at the national level. On the other hand, the UNP was badly defeated by the disproportional effect of the FPP electoral system (the opposition parties together got 33 seats).18

### TABLE 5.3
RESULTS OF THE PARLIAMENTARY GENERAL ELECTIONS, 1956, 1965 AND 1970 UNDER THE FPP ELECTORAL SYSTEM CONVERTED TO PR PRINCIPLE

<table>
<thead>
<tr>
<th>Political parties/Independent Group</th>
<th>1956</th>
<th>1965</th>
<th>1970</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PR</td>
<td>PR</td>
<td>PR</td>
</tr>
<tr>
<td>SLFP Alliance</td>
<td>**51</td>
<td>37</td>
<td>41</td>
</tr>
<tr>
<td>LSSP</td>
<td>14</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>FP</td>
<td>10</td>
<td>05</td>
<td>*14</td>
</tr>
<tr>
<td>UNP</td>
<td>08</td>
<td>28</td>
<td>**59</td>
</tr>
<tr>
<td>CP</td>
<td>03</td>
<td>04</td>
<td>04</td>
</tr>
<tr>
<td>TC</td>
<td>01</td>
<td>00</td>
<td>*03</td>
</tr>
<tr>
<td>SLFSP</td>
<td>-</td>
<td>-</td>
<td>*05</td>
</tr>
<tr>
<td>MEP (PUF)</td>
<td>-</td>
<td>-</td>
<td>*01</td>
</tr>
<tr>
<td>JVP</td>
<td>-</td>
<td>-</td>
<td>*01</td>
</tr>
<tr>
<td>Independents and Others</td>
<td>08</td>
<td>11</td>
<td>06</td>
</tr>
<tr>
<td>Total</td>
<td>95</td>
<td>95</td>
<td>151</td>
</tr>
<tr>
<td>Strength of Opposition</td>
<td>36</td>
<td>47</td>
<td>55</td>
</tr>
<tr>
<td>Strength of Coalition</td>
<td>51</td>
<td>37</td>
<td>90</td>
</tr>
</tbody>
</table>

Note: Independent MPs are included in the ruling party or opposition party. Parties not involved in the coalition government are considered as opposition party.

** The SLFP had an electoral pact with the leftist parties.

* Parties which formed the government in alliance with the major party.


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17 The opposition allies SLFP, LSSP and the CP together gained 40.2 per cent of the votes, while the UNP gained fewer (39.3 per cent) votes and more seats than the opposition. See for the details, ibid.

18 The SLFP secured 36.9% of the national poll and obtained 91 seats; the UNP secured 37.9% of the vote but obtained only 17 seats. Ibid.
Under the FPP system, opposition parties were only pressure groups or lobbies but not forces, which could take over government. During 1970–75, the ruling party, with two-thirds majority in Parliament, made constitutional, economic and social changes with hardly any effective opposition. In its final stage the UF government could totally disregard the parliamentary opposition party. Under the PR system, however, because of their stronger position in Parliament the opposition parties functioned as a rival group. They always could expect to take over power at the centre with the support of splintered groups or smaller parties. Now the ruling party cannot make changes in the Constitution or decide on major issues without the co-operation of the opposition party. Tables 5.2 and 5.3 also show that the PR system brought about change in the composition of the ruling coalition. In the PR system the minority parties are mostly attached

19 Among the decisions made by the UF government against the opposition UNP to deny it electoral opportunity was an attempt to postpone the general election of 1977, and a move to prevent MPs from voluntarily resigning their seats. W.A. Wiswa Warnapala, n. 9, p. 20.

20 On 10 February 1977 Parliament was prorogued to prevent the opposition from staging a demonstration. The prorogation was in force till 19 May 1977, two days before the life of the National State Assembly expired. See ibid.

21 In June 2001 the SLMC withdrew support to the PA government, depriving the government of its working majority in Parliament. This prompted the opposition UNP to make an effort to capture parliamentary majority. It submitted a no-confidence motion against the government. Subsequently, the UNP did not cooperate with the government when the PA made an effort to form a national government. See Nirupama Subramanian, “Chandrika’s challenge : The People’s Alliance coalition government loses its parliamentary majority”, Frontline, vol. 18, no. 14, 7 July 2001 and Tamil Times, vol. XX, no. 10, 15 October 2000.

to the ruling party. Under the FPP system, except in 1965 minority party involvement or support of the government was unlikely.

Importance of the Minorities

In the current electoral system in Sri Lanka, the minorities’ role has become a vital part in the function of coalition governments since the 1990s. Since in the PR electoral system the two major parties often run neck to neck in electoral victory, they need the support of smaller/minority parties to form governments. In addition, PR has produced a space for the radical Marxist, JVP, which emerged as a third force in the Parliament. As a result of ideological differences and its disastrous experience, the JVP has neither taken part in the coalition nor allied with the opposition party. Nevertheless, it makes a certain impact on the ruling party strength in Parliament in each election.

Under the PR system, ethnic coalition has become virtually the norm, with the two ethnic parties, SLMC and the CWC, playing a major role in the coalition government. Jeyadeva Uyangoda observes with chagrin that “the CWC and the SLMC have been in the habit of bargaining their electoral strength with the PA and the UNP purely for ethno-selfish interest” and

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23 Except 1989, the ruling party could not get even 50 per cent of the seats in Parliament. In 1989 the UNP secured 125 seats with the support of the CWC and formed the government. The election was held in a critical situation in the south and the northeast, with noticeably reduced public participation. This favoured the ruling party, as usual. The former Election Commissioner R.K. Chandrananda de Silva pointed out that it was not a democratic and smooth election. See Report of the Election Commissioner of the Elections for the year of 1989 (Colombo: Government Publication, 1990).

24 Under the district basis PR electoral system JVP emerged as a third force in Parliament. While its voting strength increased from 4.4 per cent to 7.11 in the 2000 and 2001 general election, its number of seats increased from 10 to 16. Under the FPP system the party would be badly defeated. Parliamentary General Election 5th December 2001, n. 5; “Elections 2000: The new configuration”, Island, 21 and 22 October 2000.
the two main Sinhalese parties, for their own selfish political interest, are willing to compromise the interest of the majority community.\textsuperscript{25}

The Muslim community used to be represented in various political parties, predominantly the UNP (see Chapter IV). But since the 1980s, when the SLMC was born as a Muslim political party, on all three occasions between 1994 and 2001 the SLMC’s role was vital in the coalition government. From the 1994 general election onwards, the SLMC and the CWC made constructive strategies against the two major parties, making pre-poll and post-poll arrangements in government formation.\textsuperscript{26} In the 1994 election the PA gained a slender majority and formed the government with the support of the SLMC (7) and the UPF (1). Other minority parties like the CWC\textsuperscript{27} (7) and the EPDP (9) thereafter joined the alliance, increasing the governmental strength to 129.\textsuperscript{28} In 2000, the weak coalition survived for a short period (October 2000 to July 2001)\textsuperscript{29}, as the SLMC


\textsuperscript{26} Chandrika Kumaratunga and SLMC leader Ashraf signed an electoral pact in July 1994. By this agreement Ashraf was to deliver 500,000 votes to the PA. The PA and the SLMC had the right to contest separately in four districts—Digamadulla, Batticaloa, Trincomalee and Vanni as separate parties under their own symbol. In other districts the SLMC contested under the PA symmbol. The PA agreed not to nominate any Muslim candidate in Vanni and the East. In 2000 and 2001 also the party made a pre-poll arrangement, with PA (2000) and UNP (2001). See \textit{Sunday Times}, 24 July 1994, 15 October 2000 and \textit{Sunday Leader}, 10 July 1994.

\textsuperscript{27} In the 1994 election CWC members were elected through the UNP ticket and decided to back the PA coalition.


\textsuperscript{29} In the coalition government (national government led by the UNP, 1965-70) from 1965-69, the FP was a second major partner. In April 1969, the FP decided at its Annual Convention to withdraw support from the government and function as an independent group within the opposition as the government had failed to concede its demands. The opposition party could not, however, form an alternative government because of the effect of the electoral system as well the confrontational politics.
withdrew its support in June 2001. On the eve of the December 2001 general election, the UNP formed an alliance, the United National Front (UNF) comprising the CWC, Up-country People's Front (UPF), the SLMC and the breakaway group from the People's Alliance led by S.B. Dissanayake and G.L Peiris. No single party could gain the required majority (113 seats) in that election, and the UNF formed the government with the support of minority parties. Generally, the minority parties' role is crucial in the formation and survival of the government. Arjuna Ranawane notes:

All minority parties have adequate representation under the PR system and they have a voice in the national Parliament. In the current situation without the support of TNA and the SLMC, the government cannot survive. Because of that there is pressure on the government to solve the ethnic problem. This is a more democratic system; they are in a better position to negotiate. If the government did not depend on the minority party there would be monopoly in governmental activities.

Because of the minority parties' vital role in the formation or survival of coalition government, the major parties have changed their attitude towards the minorities. Particularly, the SLFP always had a coalition with Marxist parties and adopted anti-minority policies, as seen between the opposition party (SLFP alliance) and Tamil minorities. A.J. Wilson, "Mr. Senanayeke's Remarkable Record: Stability and Rapid Economic Growth", Round Table vol. 60, p. 208.

31 Within the UNF, two SLMC members were elected under the Elephant symbol; 5 MPs were elected from the SLMC; and 3 CWC members under the UNF. In addition, some Muslim and Indian Tamil members were represented under the UNF through the UNP lobby. See for details Parliamentary General Election 5th December 2001, n. 5; D.C. Ranatunga, n. 2.
32 Interview with Arjuna Ranawane, Editor, Daily News on 23 August 2002.
in the general elections in 1956 and 1970.\textsuperscript{34} Under PR, things have changed, and three reasons could be cited for the change. First, the proportional effect of the electoral system, where no party could secure sufficient majority to form the government on its own strength. Second, the Marxist parties lost their electoral base since the 1970s and could not be relied upon to win at the hustling. Third, the trend of westernisation in Sri Lanka, which made a significant impact.

The consequences of the changed electoral scenario have also impelled the two major parties to change their policies and stands. For example, the PA changed its stand on free market economic policies. For the first time in 1994 the left-of-centre political parties avoided the advocacy of "socialism" and "nationalism" in their manifesto and promised to develop a national economy within the market framework. The PA repeatedly assured voters that it favoured foreign aid, private foreign investment and export-led growth strategy.\textsuperscript{35} There is also an effort to take the minorities along, making electoral rhetoric least divisive. In the 1994 general election the PA gave more importance to solving the ethnic problem. The PA campaign was also devoid of the usual socialist rhetoric

\textsuperscript{34} Under the FPP system coalition governments were formed on three occasions. In 1956 and 1970 the SLFP formed the government with the support of the left parties. In 1956 the SLFP formed a pre-poll alliance and formed the government as Mahjana Eksath Peramuna (MEP), comprising Viplavakari Sama Samaja Party (VLSSP) and W. Dahanayake’s Sinhala Bhasha Peramuna (SBP). A no-contest pact was also reached with the LSSP and the CP. In 1970 also the SLFP formed United Front coalition government with the support of LSSP and the CP. But in 1965, the UNP formed the national government with the support of seven parties of varying ideologies. The coalition comprised the Federal Party (FP), Tamil Congress (TC), C.P. de Silva (SLFSP), Philip Gunawardena (MEP) and W. Dahanayake (LPP). See W.A.Wiswa Warnapala, , n. 9; Calvin Woodward, n. 11, pp. 134-70.

\textsuperscript{35} S.W.R. de A. Samarasinghe, n. 28, pp. 1032-33.
and also did not identify the UNP as a "class enemy", a radical departure from its past campaign style. The UNP also agreed, in its election manifesto, to devolve power as a means of finding a solution to the ethnic conflict.

As a result of the minority parties' growing significance in the coalition government, they were successful in putting forward some conditions for supporting the major parties in the pre-poll or post-election scenario and making the electoral agreements became common. In the pre-PR period, there used to be electoral agreements, but these were limited to pre-poll agreements dominated by certain parties.

With pre-poll agreements on three occasions (1994, 2000 and 2001) the SLMC gained more benefits than other minority parties and utilized its bargaining power well. This was clearly shown in 1994, when the two major parties made a serious effort to get the support of Tamil and Muslim parties for the formation of the government. The SLMC came to an understanding with the PA and UNP respectively in the 2000 and 2001

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36 Ibid., p.1024.
37 In 1956 and 1970 the SLFP made pre-poll agreement with LSSP and CP. As a result it gained sufficient majority to form the government. Unlike under the PR system the coalition was dominated by parties based on ideology, and they belonged to southern Sri Lanka. See for details on electoral alliance A. Jeyaretnam Wilson, *Electoral Politics in an Emergent State* (London: Cambridge University Press, 1975).
38 In the 1994 general election the UNP defeated the PA by 105 to 94 seats. This made the minorities' support crucial in the formation of the government for the two major parties. To get the SLMC support, the UNP assured three ministries. See *The Statesman* (Calcutta), 19 August 1994.
general elections. In 2000 it drove a hard bargain in the formation of the
government.

Under the PR electoral system, every seat has a value in the
formation of the government. Hence, even unwilling partners are
accommodated in government formation and their demands are
favourably considered.

The Indian Tamil community's demands, in contrast with the
SLMC, revolved around social and economic welfare and citizenship
rights. Unlike other minority groups, the Indian Tamils have been
represented mostly through one or the other major party without
confrontation on power sharing. Under the PR system, the community
secured more seats and successfully utilized its bargaining power.

Achievement of the Minority Community under the Coalition
Government

The minority parties representing Muslims and Indian Tamils form
an important part in the coalition governments under the PR electoral
system. Their bargaining power has extensively contributed not only to

39 The Muslim Congress contested the 2000 election as a National Unity Alliance (NUA)
with some other Muslim groups. The PA agreed to some of its demands. The NUA too
appeared to have softened its stance. See Chapter Four for details of the inclusion of
NUA (SLMC) members in the PA list in the 2000 general election. In the 2001 general
election the NUA contested in the PA list and the SLMC in the UNP list.
40 Among the demands put forward by the SLMC were that two of its members should
be included in the national list, removal of Fowzie from the cabinet, setting up of a
commission to probe the Kandy incident in which two NUA members were killed by
PA supporters, and action against Anuruddha Ratwatte who led the violence against
the Muslim people. See The Sunday Times (Colombo), 15 October 2000.
41 See T. Subramanian, Out of Bondage (Colombo: Sri Lanka Indian Community Council,
1990).
42 See Chapter Two and Chapter Four for the trend of the Indian Tamil community
representation and the reasons for the changes.
their strength in Parliament (representation and ministerial position) but also social-economic development.

In the 1989 Presidential election, the SLMC (led by Ashraf) supported the UNP reciprocally. As a result, the minimum cut-off vote to enter Parliament was reduced from 12.5 per cent to 5 per cent by President Premadasa. This facilitated the SLMC’s entry into Parliament in 1989. The PA government (1994-2000) established a university in the predominantly Muslim region of the South Eastern Province in return to SLMC support. In the words of Ameen:

The Muslim community demanded a separate University in the Eastern Province, which was impossible under the previous electoral system. But it has been given by the PA Government because of the bargaining power, which could easily be utilized by the SLMC as a coalition partner under the new electoral system.

The SLMC having become an integral factor in the coalition government, SLMC leader and Minister Rauf Hakeem is of the view that "Prime Minister Ranil Wickremesinghe had given a firm assurance to recognize the identity of the Muslims and protect their rights in working out the peace process under the present Ceasefire accord." Rauf Hakeem was included in the peace process. The LTTE also did not oppose the SLMC’s inclusion.

44 Ibid.
45 Interview with M. Ameen, Tamil newspaper editor (Lake House), Colombo.
Some of the SLMC's demands have seemed to exceed their bargaining capacity in the coalition government, a far from the days of the FPP system. Muslims then did not form a separate political party or claim their identity as a separate ethnic group. The system did not encourage Muslim representation as a political force.47

The Indian Tamil community, too, has secured more benefits than under the previous electoral system. For instance, in June 2002 the estate unions demanded an increase of Rs. 64 in the basic daily wage of tea plantation workers. The Employers' Federation of Ceylon (EPC) accepted the demand only partially.48 This dispute was resolved with the intervention of two ministers49 representing the Indian Tamil community. Because of this intervention the wage was increased to the satisfaction of the estate unions.50

The ultimate solution of the citizenship problem has been another milestone under the coalition government, achieved because of the PR electoral system. Many Indian Tamils lost their citizenship after the Citizenship Acts of 1948 and 1949 (see Chapter Four). Because of its weaker position in Parliament (one seat), the community could not put enough

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48 The three estate unions—Joint Plantations Trade Union Centre, Ceylon Workers' Congress and the United National Party—affiliated to the Lanka Jathiha Estate Workers' Union, proposed a wage hike for the estate workers from Rs. 101 to Rs. 165. The management in turn offered Rs. 121. See *Island*, 2 June 2002.

49 Arumugam Thondaman, leader of the CWC, Minister of Housing and Plantation Infrastructure and C. Chandrasekaran, UPF, Ministry of Estate Infrastructure.

50 The companies agreed to a wage of Rs. 147 for tea plantation workers and Rs. 131 for rubber plantation workers. The Union wanted Rs. 151 for tea estate workers. The companies earlier were agreeable for only Rs. 142 in the first year and Rs. 146 in the second year. *Daily Mirror*, 30 August 2002.
pressure on the government regarding the loss of its rights. But under the PR system, the Indian Tamil community having gained fair representation in Parliament, both the UNP and the PA in 2000 agreed to grant citizenship status to all stateless persons under a proposed constitutional amendment. The promise materialized belatedly, on 7 October 2003, when the UNP government passed the Citizenship Bill unanimously.

Another benefit the Indian Tamils have derived is a five-year plan approved by the UNP cabinet to replace the antiquated system of line rooms with their meagre facilities. Action has been taken to provide better facilities to all citizens. A pension scheme and 15,000 houses for estate workers in the near future have also been suggested.

Cabinet

Under coalition government the character of the cabinet has also changed since the 1990s, making it broad based, to accommodate the multi-party and multi-ethnic groups. Subsequently, the cabinet has been expanded and some new cabinet posts created. Table 5.4 highlights the trend of the cabinet since independence.

52 P. Krishnaswamy, Sunday Observer, 8 September 2002.
TABLE 5.4
NUMBER OF MINISTERS IN PARLIAMENT, 1947-2001

<table>
<thead>
<tr>
<th>Year</th>
<th>Sinhalese</th>
<th>Tamils</th>
<th>Muslim</th>
<th>Indian Tamil</th>
<th>Total Cabinet Ministers</th>
<th>Total MPs in Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>1947-52</td>
<td>11</td>
<td>02</td>
<td>01*</td>
<td>-</td>
<td>14</td>
<td>101</td>
</tr>
<tr>
<td>1952-56</td>
<td>11</td>
<td>02</td>
<td>01</td>
<td>-</td>
<td>14</td>
<td>101</td>
</tr>
<tr>
<td>1956-60</td>
<td>13</td>
<td>-</td>
<td>02</td>
<td>-</td>
<td>15</td>
<td>101</td>
</tr>
<tr>
<td>1960-65</td>
<td>10</td>
<td>-</td>
<td>01</td>
<td>-</td>
<td>11</td>
<td>151</td>
</tr>
<tr>
<td>1965-70</td>
<td>15</td>
<td>01</td>
<td>-</td>
<td>-</td>
<td>17</td>
<td>151</td>
</tr>
<tr>
<td>1970-77</td>
<td>17</td>
<td>01</td>
<td>01</td>
<td>01*</td>
<td>20</td>
<td>151</td>
</tr>
<tr>
<td>1977-89</td>
<td>21</td>
<td>01</td>
<td>02</td>
<td>01</td>
<td>25</td>
<td>168</td>
</tr>
<tr>
<td>1989-94</td>
<td>24</td>
<td>-</td>
<td>02</td>
<td>02</td>
<td>27</td>
<td>225</td>
</tr>
<tr>
<td>1994-2000</td>
<td>34</td>
<td>-</td>
<td>02</td>
<td>02</td>
<td>38</td>
<td>225</td>
</tr>
<tr>
<td>2000-2001</td>
<td>38</td>
<td>01</td>
<td>04</td>
<td>01</td>
<td>44**</td>
<td>225</td>
</tr>
<tr>
<td>2001 to date</td>
<td>48</td>
<td>01</td>
<td>10</td>
<td>03</td>
<td>62***</td>
<td>225</td>
</tr>
</tbody>
</table>

**Note:** * In 1947 the cabinet had a Malay member; in 1970 there was a Burgher as a member.
** In the PA there were 44 Cabinet Ministers and 35 Deputy Ministers.
*** In the 2001 Cabinet there were 25 Cabinet Ministers, 28 non-Cabinet rank Ministers and 9 Deputy Ministers.


The two ethnic minority parties, CWC and SLMC, gained substantial benefits through representation in the cabinet. Even though the Muslims were successively represented in the cabinet through mainstream parties under the FPP electoral system, they did not bargain to get their position in the cabinet. But under the PR system the community got direct representation in the cabinet.\(^{55}\) In 2000 four Cabinet Ministers were represented from the Muslim community out of 44 members. Under the

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\(^{55}\) In 1994 the SLMC secured two ministerial posts of Shipping, Ports and Rehabilitation. It also obtained two Deputy Ministerial posts. *Tamil Times*, vol. XII, no. 8, 15 August 1994, p. 4.
UNF government (from 2001 December) the Muslim community secured 10 ministerial posts.\textsuperscript{56}

The Indian Tamils secured cabinet positions from 1977 onwards. They obtained more than one cabinet position in 1994 and in the present cabinet.\textsuperscript{57} Nevertheless, the more important ministerial positions, such as Defence, Finance and Planning have not so far been given to any minority groups.

It is thus seen that a coalition government has some merits. The negative aspect of a coalition government, however, is that it is a very difficult task to run one. The ethnic parties always have a formidable position in governmental functioning and can create governmental instability. In 2000 October when the PA formed the government with the support of ethnic minority parties such as SLMC, CWC and EPDP it

\textsuperscript{56} In the present cabinet (2001) Rauf Hakeem holds three key ministerial posts of Internal & International Trade & Commerce, Muslim Religious Affairs and Shipping Development. The late SLMC leader Ashraff demanded particularly the post of Muslim Regional Affairs. The SLMC got the post only in 2001. In the earlier ministry Mrs. Feriel Ashraff was appointed as Minister of Development & Reconstruction of the East & Rural Housing. However, Food and Marketing Development was taken away from the Trade Ministry and created as a separate ministry. See for details of the ministerial portfolios. Tamil Times, vol. XIII, no. 8, 5 August 1994. POT, Sri Lanka Series, vol. VI, no. 79, 24 November 2000 and vol. VIII, no. 7, 23 January 2002.

\textsuperscript{57} In 1994 from the Indian Tamil community S. Thondaman and P. Sandrasekaran were in the cabinet. In the present government (2001 December to date), Thondaman is the Cabinet Minister of Housing and Plantation Infrastructure. P. Sandrasekaran is the non-Cabinet Minister of State Infrastructure. M. Sivalingam is Deputy Minister of Agriculture & Livestock. EPDP, a Tamil political party, supported the government with its strength of 9 seats in parliament and gained a Cabinet minister post for Douglas Devananda (Development, Rehabilitation & Reconstruction of the North and East) in 2000. In the present government (from 2001) a Sri Lankan Tamil MP elected on the UNP list has been appointed as non-Cabinet Minister of Hindu Affairs.
survived less than a year. It was dissolved when the SLMC pulled out from the coalition, when its demands were not met. 58

THE ELECTORAL SYSTEM AND THE PRESIDENTIAL POWER

The Presidential form and the PR electoral system were the significant inclusions in the 1978 Constitution of Sri Lanka. The present constitution is weighted heavily in favour of the executive President. 59 Before 1977 the President functioned as a nominal head, nominated by the Prime Minister. 60 Now the people directly elect the President on a national basis election. The candidate who secures absolute majority is elected as President for a six-year term. If there are more than two candidates in the field, the voters will have to indicate their preferential votes in the ballot paper. 61

58 See POT, Sri Lanka Series, no. 59. In Parliament the SLMC has the determining power with a strength of 9-10 seats (with less than 6 per cent of the national votes. SLMC leader Rauf Hakeem said in 2000 that the SLMC wanted to be “fiercely independent” and warned that the SLMC’s support was based on “irrevocable conditions and will not hesitate to pullout.” SLMC was splintered by internal conflict under the leadership of Rauf Hakeem and Deputy Highways Minister Athaullah in April 2002. It threatened the stability of the government during negotiations with the LTTE from a weak position. The party was disunited on several issues. Subsequently, Deputy Highways Minister Athaullah insisted that the Prime Minister should first declare his stand on the demands of a separate power-sharing unit for Muslims, who fear that the Tamils will hold sway in a merged North and East province and the safety of the Muslim community in the East against the Tamils. Their boycott of the government in April 2002 reduced the strength of the government to 108 (5 short of a working majority). Some political analysts commented that the LTTE was likely to use the TNA parliamentary strength for greater bargaining at the negotiating table in the second round of talks that began in Bangkok. See ibid. and Daily News, 12 April 2002.


The main objective of the introduction of the presidential system, as stated by the UNP in 1977, was that “the executive power will be vested in the President elected from time to time by the people, and this will ensure stability to the executive for a period of years between elections”. The UNP, led by J.R. Jayewardene, felt that the executive should be stable and not depend on the legislature. The experiences of unstable government were emphasized by the UNP leader to introduce a stable executive presidential system in Sri Lanka. The constitutional amendment has transferred the executive power of the people (which was exercised by the National State Assembly through the Cabinet of Ministers) to the hands of the President who is not a member of the legislature. He has absolute powers, like the legislature and the judiciary. With this constitutional amendment, Parliament lost its centrality in the constitutional structure of Sri Lanka.

The executive President cannot, however, enjoy his/her power without the cooperation of the parliamentary majority. There is a need for cohabitation and the consensual approach to maintain presidential power as well the governmental function. But in practical terms, partisan approach and confrontation among the major political parties seem to be a

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63 J.R. Jayewardene noted, “... As happened in 1960 when with a few months we had another general election, as happened in December 1964 when the Government of Sirimavo Bandaranayake was defeated by one vote though they had about one and a half years more to go. "National State Assembly debates, 23 September 1977 Column 1291.
64 *Second Amendment to the 1972 Constitution*, Sec. 3(c) (Colombo: Government Press, 1972).
major hindrance to smooth relations between the President and legislature. In the recent past, the electoral system has provided a strong opposition party and has given more room for minorities in Parliament. These factors lead to political instability. The UNP, as a single party, has generally gained more votes in the parliamentary general elections. Given this fact, the UNP always threatens the Presidential power whenever it functions as an opposition party. If the opposition party is in a weaker position in Parliament, it has no chance to mobilize a strong force against the President.

Under the PR system, the minorities play a significant role in electing the President and in running the government under his/her leadership. In every election, for the presidential candidates to overcome the 50 per cent barrier, the minorities, namely the Indian Tamils, Muslims and Sri Lankan Tamils contributed substantially. In the 1982 general election the winning UNP candidate obtained 52.91% of the valid votes; 9.35% of the votes came from minority-dominated areas such as Nuwara-Eliya, Digamadulla, Trincomalee, Batticaloa and Jaffna districts. In the 1994 general election, the PA candidate obtained more than 85% of the votes in Jaffna, Batticaloa and Vanni districts and in the Eastern province more than 70% of the district votes. In the stiff competition of the 1988 and 1999 presidential elections, the minority vote played a vital role in securing
the wafer-thin majority of the UNP and PA candidates: the winning candidates secured 50.4% and 51.12% of the valid votes.66

The elected President is always answerable to the people who elected him/her. Constitutionally, the governmental powers of legislative and executive are divided between Parliament and President respectively, but the presidential power is pervasive in all institutions of government.67 It has been said that the Sri Lankan Presidency is the most powerful in the world. At the same time, the President cannot implement his/her executive powers unless supported by a parliamentary majority. The recent experience of Sri Lanka illustrates this situation.68

Sri Lanka's experience of coalition always influenced the presidential power in practice. In a coalition government the President

66 For details of the results of the presidential elections see W.P.P. de Silva and T.C.L Ferdinando, n. 43.

67 The President is head of the state, head of the executive, head of the government, and Commander in Chief of the Armed Forces. He/she is the head of the Cabinet. He/she appoints the Prime Minister, determines the number and portfolio of Ministers and may remove a Minister from office. The President may assign to himself/herself any subject not assigned to any other minister. He/she appoints the Provincial Governors, ambassadors and other diplomatic agents and secretaries to Ministers. The President is responsible for declaring war and peace. He/she is responsible to Parliament in the exercise of his/her powers and functions. The President has the right to attend and address Parliament but cannot vote. He/she has power to prorogue Parliament and may dissolve Parliament any time after a lapse of one year from the date of last general election. See The Constitution of the Democratic Socialist Republic of Sri Lanka – 1978, n. 22, pp. 19-54.

68 J.R Jayewardene was executive President from 1978 to 1989 when his own UNP formed the government with a huge majority of 5/6. He extended the life of Parliament for the second term by referendum (1982), which was initially elected in 1977 by the FPP electoral system. He extended the parliamentary majority up to 1989. President R. Premadasa formed the government when the ruling UNP strength was more than 55 per cent of the seats in Parliament. In 1994 and 2000 the PA formed the government with the support of minority parties, when it secured less than 50 per cent of the seats. However, from December 2001 the scenario has changed and the two different parties held Presidential power and parliamentary majority. Consequently, there is a confrontation between the executive President and the UNP government; the President could not enjoy her/his powers freely without the cooperation of Parliament. See D.C. Ranatunga, n. 2.
cannot fully enjoy his/her powers if the President and Parliament are elected from two rival parties. In 1994, the PA could not gain sufficient majority to form the government without the support of other parties. So the PA formed the government with the support of SLMC, UPF, EPDP and CWC.69 If not for the PR system, the President could have formed the government without the support of minority parties and would have enjoyed the executive power uninterrupted.70

This does not necessarily happen in the present circumstances. For example, the President had to face a severe constitutional crisis from June 2000 to September 2001, when she sacked the SLMC leader from her cabinet. Subsequently, the coalition split and the PA government lost its majority.71 The President was helpless in this critical situation because of lack of majority under the PR electoral system. President Chandrika expressed her dissatisfaction over the PR electoral system in July 2001 when she addressed the nation:

Under this distortion of the representative process, a party that has won 80 electoral districts gets only 51 members elected; in contrast the opposition that won 20 electoral districts got 49 members elected. A party that wins 30 per cent of the electoral districts has 45 per cent of elected members. This has ensured that no political party will be able to establish a stable government. In no other country in the world does such electoral system exist.72

69 In the 1994 general election the PA secured 105 (48.94%) seats and SLMC-07, UPF-01, and EPDP-03 together formed the government with strength of 116. See W.G. Goonerathne and R.S. Karunaratne, Tenth Parliament of Sri Lanka (Colombo: Lake House, 1994).

70 In the 1994 general election, the PA obtained 51.5% of the votes with majority in more than 13 districts. If the election were held under the FPP, the PA would have won two-thirds majority. See Lanka Guardian, vol. 17, no. 9, 1 September 1994, pp. 4-6.

71 See Nirupama Subramanian, no. 21

72 Ibid.
She also pointed out that the system created a fragile and unstable coalition government. In any event, the President used her power and prorogued Parliament on 10 July 2001 until 7 September 2001 and ordered referendum on 20 August 2001 to escape impeachment, which was to be passed by the opposition parties in Parliament. The same recourse was used by her predecessor R. Premadasa to pre-empt an impeachment motion against him.73

However, the President could not utilize his/her whole powers without public support.74 The Presidential powers are always controlled by the public verdict; this situation was formulated under the PR electoral system in Sri Lanka in recent experience. Jehan Perera remarked about the position of the President in the situation after the President’s party (PA) was defeated in the December 2001 general election and the March 2002 local government election:

Although the President is vested with enormous constitutional powers her ability to utilize those powers was limited by the electoral rejection her party suffered in those past eight months. First was the defeat at the General Election of December 2001, which was followed by the even worse defeat at the local government election of March 2002. Despite these two defeats the President continued to have legal and constitutional powers. But due to the resounding nature of the defeat suffered by her party she lost much of her political and moral power.75

73 Ibid.
74 The UNP was to defeat the government with its own strength of 89 seats and the support of SLMC, CWC and other smaller groups and tabled a motion of no confidence for debate between 16 and 18 July 2001. See A.G. Noorani, “Kumaratunga has heralded a crisis by suspending Parliament and seeking a new Constitution: constitutionally unsound”, Hindustan Times (New Delhi), 7 August 2001, p. 10.
However, according to the Constitution, the President has the authority to sack the Prime Minister and his cabinet. The UNP government took some significant decisions without the approval of the President because of its own electoral strength as well as the minority party support in Parliament. In addition, the TNA supported the UNF government. In this light, the UNF gained more confidence to take decisions without the President's consent. For instance, the de-proscription of the LTTE (4 September 2002) and the agreement with the LTTE on sea movement in August 2002 were reached by the UNF government without the permission of the President. Further, foreign policy and some major economic decisions were taken by the cabinet without taking the President into confidence.

Because of the representative strength in Parliament, the UNF government overruled some of the presidential powers in practice. For example, till 4 November 2003, the Defence Minister gradually took the power of defence away from the President. Then, the President resorted to presidential reference to the Supreme Court on whether she or the Defence Minister had the power to deal with national security. The Chief Justice ruled that the Defence Minister had encroached upon the power vested with the Executive Presidency of the country under Section 129 of the

77 According to the agreement the LTTE cadres were allowed sea transport between the northern and eastern parts of the Island during daytime. POT, Sri Lanka Series, vol. VIII, no. 67, 6 September 2002, pp. 398-99.
Constitution. The UNF government also made an effort to curtail the
Presidential power through the 19th amendment, which the Supreme
Court rejected.

ELECTORAL SYSTEM, CONSTITUTIONAL CHANGES AND THE
PEACE PROCESS

Constitutional changes have become an inevitable factor in the
process of solving the ethnic conflict in Sri Lanka. The three constitutions
(1947, 1970 and 1978) were mostly in favour of the majority community.
The minorities were deliberately alienated from the mainstream politics
and power sharing. The Tamil minority groups have been demanding a
power sharing arrangement with the successive ruling parties since
independence. Subsequently, from the 1980s the Muslim community also
demanded some sort of political power by way of devolution. However,
the authoritarian political culture strongly believed in the unitary state
policy, and did not feel it necessary to accommodate the minorities in the
mainstream politics through constitutional changes. As a consequence, the
Sri Lankan communities are in conflict and there is protracted strife over
power sharing. However, this seems to be changing from the 1990s when
the PA government came to power.

Leonard Woolf, who served in Sri Lanka during the British period,
criticized the divisive nature of the Sri Lankan constitutions and noted: “Sri
Lanka’s failure to lay down the constitutional foundation of a multi-ethnic

society based on equality, ethnic pluralism and sharing of power has exacerbated the ethnic conflict. As a result Sri Lanka has been besieged by ethnic fratricide and political violence." Since independence the political leadership has proposed some solution to the national problem by way of devolution of power. However, all these attempts failed because of the inherent weakness of the proposals themselves and serious opposition from various forces holding extreme points of view. The Island has a strong unitary tendency and devolution has been unsuccessful in practice.

The PA government came to power in 1994, when the country faced crisis on three interrelated issues: ethnic conflict resolution, governance and economic development. The ethnic issue, however, was the foremost, since the other two issues depended on a satisfactory resolution of the ethnic question. This was the demand of the aid donors; this was also the fervent desire among the people, reflected in the overwhelming mandate to the PA in 1994 both in the parliamentary and presidential elections. Hence,


82 The Bandaranaike-Chelvanayakam Pact of 1957, which was an effort to answer the ethnic discontent among the Tamils, envisaged the creation of autonomous provinces. Dudley Senanayake thought of some devolution to districts in 1965 for the same purpose. Other proposals in this direction were the Indo-Lanka agreement of 1987 and the subsequent 13th Amendment to the Constitution; some proposals and reports such as the Democratic People Alliance proposal of 1988; the interim report of the Mangala Moonasinga Parliamentary Select Committee in 1992; and the Gamini Dissanayake proposals contained in the UNP manifesto for the presidential election. See ibid., pp. 170-71.
the government under Chandrika Kumaratunga made a move to solve the ethnic problem through constitutional changes from the mid-1990s.83

People’s Alliance initiative for peace

President Kumaratunga accepted the root causes of the ethnic crisis and the need for a quick solution.84 She stated explicitly85 that the polity of the country must be structured in such a way that all sections of society are recognized as constructive partners.86 She said at the inauguration of the new session of Parliament on 6 January 1995.

Our Government is committed to a peaceful resolution of the ethnic conflict. We have a vision of Sri Lanka where all communities can live in safety and security, where human dignity is valued, and equality of treatment is an acceptable norm of public life. We believe that all communities must be given the space to express their identity and to participate fully in the life of the nation, were it be at the national, provincial or local level.87

The government having expressed its readiness to bring about constitutional changes to solve the ethnic problem, both the government and the LTTE agreed to cessation of hostilities and started negotiations in Jaffna in January 1995. The uneasy dialogue, however, did not lead to an

84 Neelan Thiruchelvam, n. 81, p. 115.
85 Jehan Perera, a political analyst, stated, “the ethnic conflict has got aggravated since 1994. The government has publicly accepted and reiterated the position that there is an ethnic conflict in the country. But it has sought to resolve it on its own terms rather than through a genuine process of dialogue and compromise with those leading the separatist rebellion. See Jehan Perera, “The Peace Process: Prospects and Problem”, Tamil Times, n. 83, p. 13.
86 Neelan Thiruchelvam, n. 81, p. 115.
87 Ibid., p.169.
amicable settlement\textsuperscript{88} and hostilities resumed in April 1995. On its part, the
government made a two-pronged approach—military as well as the
implementation of a political package.\textsuperscript{89} A preliminary political package
was reportedly ready as early as January 1995, but had to be kept in
abeyance until substantive political discussion commenced.\textsuperscript{90}

The government hoped that the “devolution package” would satisfy
the aspirations of the Tamil people, inducing them to move away from the
Tamil Eelam demand. With this step, it expected support for the LTTE to
decline.\textsuperscript{91} Under the federal structure provinces would enjoy greater power
than at present.\textsuperscript{92} Pleading for opposition parties’ support for this move,
President Chandrika emphasized that it was an opportunity for the
majority community to demonstrate that they were not racist.\textsuperscript{93} She added:

\begin{quote}
\textit{...We have not seen, anywhere in the world, the majority community not
acknowledging the rights of the minority communities. We should
acknowledge minority rights and ensure them legally in this constitution,
as an honest government, and not give rights by the constitution, as
during the past, and nullify them in action.}\textsuperscript{94}
\end{quote}

\textsuperscript{88} During the initial talks the LTTE made it clear that it would enter into substantive
political discussions only after economic concessions from the government, vacation
of a major army camp and such other steps. However, the economic embargo was not
fully lifted on the movement of goods to the north. Also, President Kumaratunga
agreed only partially to the LTTE demands. For details of the demands see Howard B.

\textsuperscript{89} In September 1995 the President laid down her conditions to resume peace talks with
the LTTE at the UN General Assembly. These were: a complete cessation of hostilities,
a symbolic laying down of arms by the Tigers and an agreement by the LTTE to

\textsuperscript{90} \textit{Ibid.}

\textsuperscript{91} \textit{Ibid.}

\textsuperscript{92} \textit{Ibid.}, pp. 219-220.

\textsuperscript{93} \textit{The Island} (Colombo), 4 August 2000. For further details of the President’s effort, see

\textsuperscript{94} M. Somasundram, \textit{Constitution 2000: Parliamentary Debates} (Colombo: Ministry of
The President had to appeal for opposition support to her peace move because under the PR system her government lacked sufficient majority to bring about the necessary constitutional changes. But given the bipartisan approach of the major parties in Sri Lanka, the package failed to garner support. When presented again with amendments to Parliament in October 1997, enough support was not forthcoming. Subsequently, the government invited 13 political parties represented in Parliament to discuss a compromise formula\(^5\) but consensus eluded the all-party meet. The UNP particularly resisted the amendments, consistently blaming the proposals as a stepping-stone for separation.

In Sri Lankan politics, the main opposition party has always resisted the government’s reforms on the ethnic issue. In the current context, the PA government’s success in solving the ethnic problem might help it to stay in power for a long period at the expense of the opposition party.\(^6\) The Sinhala Buddhist nationalists fear also that the constitutional package would affect the unity of the Island and have opposed it.\(^7\)

Any proposed constitutional reform has to be reviewed by a parliamentary select committee and then must be approved in Parliament by a two-thirds majority and accepted by the majority of votes in a national referendum.\(^8\) Though the UNP initially resisted any move for change, it

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\(^5\) Ibid., p.187.


\(^7\) Ibid., p. 221.

\(^8\) Howard B. Schaffer, n. 88, p. 219.
changed its stand on the devolution because of wide acceptance of the
proposed devolution of power locally and internationally. But its covert
opposition to the package remained. Ultimately, the UNP announced that
it would not vote for the proposed constitutional reforms of August 2000.
On the eve of the debate on the constitutional reforms on 2 August 2000,
the party stated:

The UNP would like to reiterate its unreserved commitment to bring
lasting peace to the country. It was with this notable objective the UNP
attended all the sessions of the discussions convened by the President on
constitutional reforms and submitted important and suitable proposals.
The stand taken by the UNP from the very beginning of the discussion
was that the constitutional reforms should be presented to the Maha
Sangha and other religious leaders, all political parties and to the LTTE,
thereby enabling them to democratically express their view on the
constitutional reforms before it is presented to Parliament for approval.
The proposed reforms which we received last night (August 1) is being
scrutinized by our constitutional experts we need sufficient time to study
the draft...

While expressing its support to the peace process the UNP created a
negative opinion on the PA’s move on the peace process. Such an approach
is common to both major political parties in Sri Lanka. The UNP leader
Ranil Wickremesinghe said in Oslo in March 2001:

UNP would not give its support to the government’s efforts to take
forward the peace process unless the government agreed to the setting up
of the four independent commissions for police, public service, elections
and judiciary which are essential for the good governance of the
country.

99 Opposition leader Ranil Wickremesinghe stated to the newsmen “His party was
prepared to help the government again only if the PA was ready to discuss the new
constitution in a wider perspective with the participation of all parties, the Maha
Sangha, other religious dignitaries and the people.” See Island (Colombo), 9 August
2000.

101 Tamil Times, vol. XX, no.5, 14.
These non-partisan institutions, he said, could act without fear or favour to ensure the right of all sections of society and must be part of the peace package. Obviously, this condition was a tactic to refuse support to the PA's peace process. The final result was that even though President Kumaratunga conducted 15 rounds of talks (till 2000) with the opposition party leader to elicit his support for the necessary constitutional reforms, she failed.\textsuperscript{102} The new constitution,\textsuperscript{103} scheduled to be presented in Parliament in August 2000, was hastily withdrawn once it became clear that the two-thirds majority required for constitutional reforms was not forthcoming.\textsuperscript{104}

Even among the smaller parties, the proposed constitutional reforms did not pass muster. The Tamil parties TULF and LTTE expressed reservations on the reforms proposal of 1995.\textsuperscript{105} Their view was that the package did not contain their basic demand for autonomy of the predominantly Tamil areas of Northern and Eastern provinces.\textsuperscript{106} The


\textsuperscript{103} The Constitutional draft of the PA government has some changes from the prevailing unitary constitution. These are: abolition of the executive Presidential system; a mixed electoral system, which is a hybrid of FPP and PR electoral system; and devolution for regions moving away from the present unitary framework of the state. The last objective is the most significant dimension, which would reorganize the structure of the state power as a semi-federal framework. For the final draft of the Constitution, see M. Somasundaram, n. 94.

\textsuperscript{104} In the south, there was a massive extra-parliamentary agitation, demonstrating once again the popular hostility against power sharing to the provinces belonging to Tamil minorities. The agitationists also opposed the linking of the Northern and the Eastern Provinces and creation of a large Tamil ethno-region in the Northeast. K.M. de Silva, "Power Sharing Arrangements in Sri Lanka", \textit{Working Paper-4}, (The Hague: Netherlands Institute of International Relations 'Clingendael', 2001), p. 20.

\textsuperscript{105} Howard B. Schaffer, n. 88, pp. 220-21.

\textsuperscript{106} K.M. de Silva, no.104,pp. 19-20.
proposals also attracted heavy criticism from the Sinhalese for different reasons. Consequently, the government modified its proposals in 1996 and more so in 1997 to emphasize greater devolution to the provinces. The structure was more quasi-federal than the current one.\textsuperscript{107} Even some Tamil parties, which opposed the LTTE, were reluctant to endorse the new changes. PLOT leader and the Member of Parliament D. Sirtharthan expressed this view:

As far as our party is concerned or, as far as the Tamils in particular are concerned, our people believe that the federal form of government is the best solution for solving the ethnic problem of this country. If it is possible to find a permanent solution to fulfil the expectations of Tamils that would be only through a form of government similar to that prevailing in Switzerland or in Canada. When we compare the solution to solve the problems of the Tamils placed before us in the past, and compare them with the proposed Constitution Bill now presented, we cannot fail to note that there are many progressive items embodied as solution. But I like to say that this proposed Constitution Bill needs to be substantially improved\textsuperscript{108}

Ethnic parties like the CWC and the SLMC, while supporting the reforms, requested for some concession and modification in their favour. Both parties agreed that autonomy is the singular option to end the current ethnic conflict. The autonomy to exercise power shall be vested with a regional council, encompassing the North East Region.\textsuperscript{109} The JVP vehemently opposed the devolution of power saying, the "primary aim of the document is to keep the ruling party in power forever. This is not a

\textsuperscript{107} Ibid.
\textsuperscript{108} M. Somasundaram, n. 94, p. 305.
\textsuperscript{109} Ibid., p. 252.
solution for the existing North-East conflict as it does not give equal right to the minorities, but divides the country on racial basis."\textsuperscript{110}

**Electoral Reform**

In its attempt at electoral reforms also the PA's experience was negative. To overcome the drawback of the existing PR system the PA government proposed a hybrid electoral system as followed in Germany, which has combined elements of FPP and PR system.\textsuperscript{111} Under this scheme one half of the MPs would be elected on constituency basis by the FPP method and the other would be elected under the PR on the basis of the percentage of votes obtained by political parties from the national level.\textsuperscript{112}

Puththirasigamoney is of the view that the existing PR system does not provide adequate representation to minorities like Indian Tamil community in every election whether it is at the local or the national level.\textsuperscript{113} The minority parties' proposals on electoral reforms are aimed at avoiding the demerits of the existing PR system. Parties like CWC, SLMC and the JVP (which obtained less than 10 per cent of the national votes) proposed in their draft on the electoral reforms, which were diverse from

\textsuperscript{110} Ibid., p. 385.


the PA's proposal, definite constituencies and some privileges for minorities.114

The PA scheme of electoral reforms drew the most vehement opposition from local party organizers. Most criticism was against the reduction of the constituency-based number of representatives to half of the members of Parliament. It would severely restrict the local party organizers the opportunity to seek national political office. They stated, "If the new electoral system were implemented, vast majority of local political leaders would be compelled to remain as local politicians, with no real prospects of becoming members of Parliament." Their ultimate opinion was 'The PR system is bad; change it, but not at our expense'.115 The PA could not therefore produce a new proposal for electoral system because of the fragmented opinion. This was another setback in the process of constitutional reform.

An effort was made by the PA as well as the UNP to work towards a consensus in 1999 and through a delegation headed by A.C.S. Hameed. The delegation met members of the Tamil and Muslim communities. In the meantime, the Constitutional Affairs Minister G.L. Peiris agreed with the representatives of the four main religious parties that enacting constitutional reforms would ensure peace on the Island. But nothing concrete emerged.

President Chandrika Kumaratunga in her statement on the eve of the 2001 general election said:

The People Alliance and I pledged at elections and received your mandate for required constitutional change or a new constitution. But we did not receive the two-thirds parliamentary majority required for such a change, and impossibly under the present electoral system. The main opposition party has consistently refused all support for meaningful constitutional reforms. I am sorry to say that because of the actions of our opponents in Parliament, the prospects of talks and of a new constitution were both lost....\cite{116}

**CONCLUSION**

Coalition government is an inherent part of Sri Lankan politics under both electoral systems, but the nature of the coalition differs. The ethnic minorities became a vital part in the formation and survival of the government under the PR system. The composition of the coalition established by ethnic relationship, party policy and the major parties' attitude towards the minorities and the minorities' response to the major party have undergone a change. The ethnic minority parties gained benefits when they were represented through their own party rather than contesting under one of the major parties, having gained better bargaining power under the PR system.

The President can exercise absolute power even without the support of Parliament because constitutionally he/she enjoys executive power over all governmental institutions. However, if there is a controversy between the President and Parliament it disturbs the

conducive atmosphere in governmental functioning. Under the PR electoral system, the strength of the ruling party is always a significant factor in maintaining the presidential powers in practice, depending upon whether it supports or opposes the President. The system does not confer the required majority to change the presidential power, which has been a constitutional safeguard to Presidential power.

Constitutional changes are a much-needed element for solving the ethnic problem. Even though both major parties have a similar policy on constitutional changes, their political motivation detracts from constructing a bipartisan consensus to make changes in the constitution. They oppose each other for their own partisan benefits. Ultimately, the electoral system would create greater impact on the peace process by the time of implementation even when the ruling party and the minority groups would have reached an amicable solution.