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McLARTY SRI LANKA UPDATE: Constitutional Crisis

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KEY POINTS:

1. President Sirisena removed Prime Minister Wickremesinghe from office on October 26, replacing him with former President Mahinda Rajapaksa.
2. Prime Minister Wickremesinghe has challenged his removal, calling for a special session of Parliament to prove he has the confidence of the majority.
3. President Sirisena has suspended Parliament until November 16, to allow time for Prime Minister Rajapaksa to entice opposition legislators to join his party.

Late on Friday night, President Maithripala Sirisena announced that Prime Minister Ranil Wickremesinghe had been fired as Prime Minister. At the same time, he swore in former President, Mahinda Rajapaksa as the new Prime Minister, setting in motion a series of events that has plunged Sri Lanka into a constitutional crisis. Officially, the reason President Sirisena gave is that he sacked the Prime Minister and the cabinet due to an alleged “conspiracy” to assassinate him.

Tensions had been simmering within the unity government for a few months now, starting in April when a joint-opposition backed no-confidence motion was brought against Prime Minister Wickremesinghe. It was comfortably defeated but helped contribute to the deterioration of relationships between the President and the Prime Minister (President Sirisena had backed the motion). The two leaders came from rival political parties and had never really seen eye to eye, and the Unity Government that was formed to defeated Rajapaksa in 2015 was fragile to begin with.

Following President Sirisena’s announcement, Prime Minister Wickremesinghe held a hastily-arranged press conference to condemn the sacking as illegal and argue that he remained Prime Minister, in accordance with 19th amendment of the Sri Lankan Constitution, passed under this government in 2015, with the support of both Wickremesinghe and Sirisena. This provision curbed the powers of the executive, stipulating the President could not sack a Prime Minister who enjoys a majority in Parliament, which PM Wickremesinghe currently does (the United National Party currently holds 106 seats in Parliament, while the Sirisena/Rajapaksa coalition has the backing of around 95 parliamentarians at last count). 113 seats are needed for a simple majority.

With this in mind, Prime Minister Wickremesinghe has now called for a special session of Parliament to prove that he has the confidence of Parliament. However, President Sirisena has suspended Parliament until November 16, which gives the Sirisena/Rajapaksa coalition time to cajole lawmakers into switching sides. Prime Minister Rajapaksa has sought to establish the legitimacy of his rule by announcing his cabinet. Thus far, 12 Cabinet Ministers, 1 State Minister and 1 Deputy Minister were sworn in on October 29. Of particular note, Prime Minister Rajapaksa has maintained the Finance and Economic Affairs portfolio, and Dr. Sarath Amunugama is the Minister of Foreign Affairs. Amunugama served in previous Administrations as Minister of Finance, and Minister of Investment Promotion, among others.

What Next?

Sri Lanka is no stranger to political turbulence, but it now faces an unusually severe political and constitutional crisis. Over the next few weeks, expect to see more defections from the UNP to the Sri Lanka Freedom Party (SLFP), as the SLFP works to put together a majority when Parliament returns.

Rajapaksa is popular: he is a skilled political operator and presided over the end of the country's civil war in 2009. He is also a very polarizing figure. During his tenure as president, he was criticized by human-rights groups and foreign governments for not doing enough to promote post-war reconciliation. On the international scene, Rajapaksa was successful in obtaining generous infrastructure loans from China, but these are proving problematic, and the government that succeeded him has been obliged to grant China a 99-year lease on the country's second port, when Sri Lanka could not service its debt. His defeat in the presidential election of 2015 reflected widespread popular discontent over corruption and cronyism in his government.

The US, India, the European Union and other countries have called for resolving the crisis through constitutional means and have so far been reluctant to reach out to Prime Minister Rajapaksa, waiting until the dust settles. China, which had friendly relations with Rajapaksa when he was president, sent its ambassador to convey President Xi Jinping's congratulations.

Overall, it is a wait and see situation. Until Parliament reconvenes, the political situation will remain unstable, as both sides jockey to maintain their power.

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