

## Citizens Collective for a New Sri Lankan Constitution

**Date:** 08/Dec/2015

**Time:** 3.00 to 5.30 PM

**Venue:** Hector Kobbekaduwa Agrarian Research and Training Centre

**Convened by:** Centre for Policy Alternatives



### **Introduction**

The conversation regarding architecting a new Sri Lankan constitution is extremely important and is one that would shape the future of Sri Lanka for the years to come. To this end, a group of representatives from Sri Lankan civil society organizations met at the Hector Kobbekaduwa Agrarian and Research Institute to explore the possibility of advocating together for constitutional reform.

## Objectives

-To examine & discuss the synthesis document of proposals for constitutional reform submitted by civil society representatives and the general public.

-To finalize the content of the pamphlet which would be used to educate the general public on the Sri Lankan constitution, its evolution and the need for reform.

-Welcoming all those present, Senior Researcher at the Centre for Policy Alternatives, Mr. Lionel Guruge said that two key matters were discussed at the previous meeting which took place on the 1<sup>st</sup> of December 2015.

- 1) The need to educate the public on constitutional reform.
- 2) 4 key areas that should be covered by the constitution.

As such, Mr. S.G. PUNCHIHEWA was invited give an update on the progress of the Logistics Committee.

Mr. PUNCHIHEWA said that a simple, easy to read pamphlet should be produced to educate the public on the need for a new constitution.



He explained, in detail the following points.

- 1) Why do we need a constitution?
- 2) What is a constitution?
- 3) What should be included in a constitution?
- 4) How should the public give input to a new constitution?
- 5) Why does Sri Lanka need a new constitution?

Following Mr. PUNCHIHEWA's detailed comment some civil society representatives present made the following observations.

- 1) **Mr. Nandana Weeraratne:** We need to deal with the gaps in the current constitution head on. It is these gaps that dragged the country to a 30 year long war. Furthermore, he added that there needs to be provisions to empower people with disabilities and older persons through the new constitution as this is a major challenge facing Sri Lanka.
- 2) **Ms. Priyadarshini Ariyaratne** said that Mr. S.G. PUNCHIHEWA's comments did not deal with the role of a citizen and the civic responsibilities of all Sri Lankans. She said that this too needs to be addressed.

- 3) **Mr. Kaushalya Kumarasinghe:** When architecting a new constitution, would ethnicity become a problem in the context of power-sharing? He added that it is important to deal with this issue as well.
- 4) **Mr. Rohana Hettiarachchi:** Is there a process to obtain citizen input for the new constitution? It is important to have in place a comprehensive process to obtain input. He added that electoral reform is an important aspect that needs to be addressed. Mr. Hettiarachchi said that PAFFREL is currently collecting citizen input on electoral reform.
- 5) **Mr. Mahinda Ratnayake:** The Government is preparing to appoint a Citizen's Committee to collect input on 10 key thematic areas. This process would begin in January and go on for a period of 6 months. The time period allocated to collect citizen input is 3 weeks and this is not sufficient. We must act to extend this window. He proposed that the Executive Director of CPA Dr. Saravanamuttu should be appointed to this committee.
- 6) **Mr. Muditha Karunamuni:** The constitution should be written in simple, easy to understand language.

As such, comments were expressed on the pamphlet that is to be produced to educate the wider public on constitutional reform. It was reiterated by many of those in attendance that even the existing constitution has certain progressive provisions but there is a gap in the implementation of these provisions.

Next, the participants went on to discuss the proposals received from civil society organizations and the public for constitutional reform.

- 7) **Dr. Saravanamuttu** pointed out that there are proposals which are contradictory to each other in the document that was compiled. This was because it encompasses proposals from a wide range of groups and individuals with different views. It is important to bear in mind that all these proposals cannot be added to the constitution and one needs to be pragmatic when making proposals. For instance, one of the suggestions is to ban all racist political parties. However, Dr. Saravanamuttu questioned how one could determine if a party is racist or not. He pointed out that there are already many parties in Sri Lanka based on ethnicity.



- 8) **Mr. Elmo Perera** made many proposals to be considered for the new constitution. Mr. Lionel Guruge said that these proposals should be translated to Sinhala as well.

9) **Mr. Mahinda Ratnayake** said The Attorney Generals Department's conduct is questionable and it is important that the new constitution ensures that such a situation would arise again.



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10) **Mr. S.G. Punchihewa:** responded to statement made by Mr. Ratnayake and said that the Attorney General's Department has a tendency to withdraw cases and this is against customary practice.

11) **Ms. Priyadarshani Ariyaratne:** added that it is important to have two different commissions for women and children as opposed to one single commission.

12) **Mr. Mahinda Ratnayake:** all proposals received should not be included. Only those complementary to each other should be compiled together.



Mr. Lionel Guruge requested all those present to send in their proposals for constitutional reform to CPA Sri Lanka before the 18<sup>th</sup> of December. Dr. Saravanamuttu said that if many proposals are received, a committee should be formed to examine them.

Mr. Lionel Guruge said that a translation of the article by Mr. Elmo Perera would be shared with all present.

The following committee was formed to examined the legality of the proposals received

- 1) Mr. Elmo Perera
- 2) Mr. S.G. Punchihewa
- 3) Mr. Luwie Niranjan
- 4) Mr. Dumindu Madushan

It was decided that the proposals received would be considered by the committee from the 18<sup>th</sup> to the 22<sup>nd</sup> of December. If an individual is interested in joining this committee this could be facilitated.

It was decided to continue this discussion on the 22<sup>nd</sup> of December- when a one-day workshop would be held on constitutional reform. It was decided to hold a joint press briefing on the 22<sup>nd</sup> on obtaining citizen input for constitutional reform. The meeting ended at 5.30 P.M

## The list of participants



- 1) Mahinda Ratnayake
- 2) Christene Perera
- 3) Priyadarshani Artiyarathne
- 4) Nanadana Weeraratne
- 5) S.G. Punchihewa
- 6) Muditha Karunamuni
- 7) Sasha De Mel
- 8) Surani Sumanasekara
- 9) Rohana Hettiarachchi
- 10) Kaushalya Kumarashinghe
- 11) Ravi Kandage
- 12) Elmo Perera
- 13) Y.M.W. Dissanayake
- 14) Dr. Pakyasothi Saravanamuttu
- 15) Lionel Guruge
- 16) Dumindu Madushan
- 17) Diego Samson