

Sri Lanka: “Let us take a principled stand for the future of Sri Lanka!” – Lionel Bopage

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As we move towards Sri Lanka’s presidential election on January 8, 2015, two years ahead of schedule, we need to carefully consider what we are standing for.

To the credit of the Mahinda Rajapaksa regime, with the end of the war in 2009 there has been some widespread development of infrastructure. Despite this there are many disturbing aspects. The development of infrastructure has come at the cost of heavy indebtedness. The Colombo City “cleaning up” has displaced many long-time residents without adequate compensation. The service industry has grown, but there are serious breakdowns in the provision of basic services, notably health, education and law and order.

It is most worrying that political, economic and military powers are being steadily concentrated in the hands of the ruling Rajapaksa family. Loyalty to the country and the key to power and influence are equated to the complete allegiance to the ruling family. The process of governance has been increasingly militarised with the Defence Ministry acquiring development projects and severely interfering with civilian administration.

The presidency, the regime and the state have become a single unit under the centralised personal command of President Mahinda Rajapaksa. Such deviations from bourgeois democracy have weakened the authority and legitimacy of the state. The government has also become increasingly authoritarian. Dissent is treated with increasing intolerance, with the ruling family using a carrot and stick approach to cajole, co-opt and buy over dissenting elements. State of Emergency regulations have now become the norm, enabling the government to crackdown on dissent on the pretext of preventing a revival of the Liberation Tigers of Tamil Eelam (LTTE).

The interests of the first family take precedence over the enforcement of law and order. Those who are loyal to the family seem to have impunity from punishment, while those who disagree and dissent are punished severely.

The constitution of Sri Lanka grants absolute and unconditional immunity to the president, and is not subject to judicial review. This has encouraged and entrenched a culture of ongoing impunity, which directly works against good governance and the rule of law. Perpetrators of gross human rights abuses have not been held accountable even when the allegations were credible. The regime has provided immunity to some of those on both sides of the civil war, who had committed serious human rights violations. A backdrop of deeply entrenched impunity has emboldened the perpetrators by providing the potential confidence of continuously enjoying such impunity. The

regime has also maintained a deliberate lack of transparency even in the cases where serious abuses and crimes have been looked into.

Investigations related to many crimes such as — the disappearance of journalist Prageeth Ekneligoda in Colombo, disappearance of Frontline Socialist Party (FSP) activists Lalith and Kuhan in Jaffna, assassination of editor Lasantha Wickremetunge in Colombo, the massacre of 17 aid workers of Action Contre la Faim in Muttur, the massacre of five high school students in Trincomalee, and the assassination of arrested criminal suspects mostly in Colombo — have not led to any of the perpetrators being brought to justice.

Elections, though held regularly, are marred by violence, intimidation and flagrant violation of election laws mainly by the regime. Thus undermining opportunities for free and fair expression of the people's will. Harassment and intimidation of human rights activists, independent lawyers and journalists persist. Abolition of the 17th Amendment to the constitution and implementation of the 18th Amendment have contributed to the deterioration of law and order situation and proliferation of election malpractices.

The abolition of executive presidency and appointment of independent commissions are being given priority at this presidential election. Some may argue that these issues have nothing to do with the day to day problems affecting the lives of ordinary people in Sri Lanka, such as cost of living, employment opportunities, education and security. If we think deeply, we can see that the issues of governance are inextricably linked with the issues affecting our day to day lives. Let me cite a few examples to explain how they are linked to each other.

Free trade zones

The 14 free trade zones (FTZ) in Sri Lanka employ about 250,000 workers. Their minimum monthly salary is about \$55. About 80 per cent of these are female migrant workers. They are denied any right to industrial action against their employers. The factories in the FTZ zones have failed to respect basic labour rights leading to job insecurity, declining working conditions and downward pressure on wages.

Ansell Lanka is a factory in the Biyagama Export Processing Zone. In 1994, when thousands of Ansell workers demonstrated against the suppression of their union rights, one worker was killed in police shootings. The Bratex garment workers' strike in 2011 is another graphic example. About 1700 Bratex workers stopped work to demand a salary increase and opposed the suppression of their right to organise. The company responded by sacking 38 workers.

Ansell Lanka refused to accept the trade union of their employees as representing the workers in the factory. These workers went on strike again in October 2013. The company without any consultations with the workers or their trade union used strong-armed tactics to intimidate union leaders, and arbitrarily decided to raise production targets and cut incentive payments. As a result, workers' monthly productivity incentives were reduced by around \$40. The striking workers continued their industrial actions by setting up a camp at the bus stop outside the factory.

Management used contract workers to break the strike and obtained a court order to remove workers camped in front of the plant after making false complaints to police that the strikers attacked the contractors. The company later terminated nearly 300 workers, who were on strike for nearly two months over increased production line targets in a witch-hunt against the trade union. The Rajapaksa regime that is said to be protecting the workers interests in reality has been defending the company's interests.

In February 2012, more than 5000 fisherpeople including women and children protested in Chilaw against diesel and kerosene price increases as part of an International Monetary Fund (IMF) imposed austerity package. About 15,000 people were in a standoff with the police and army on the beach. The police imposed a curfew against the peaceful protestors and tear gassed them. Special Task Force (STF) officers fired at them with live bullets without any warning, killing one fisherman and wounding several others.

The shooting was a calculated attack, ordered by Rajapaksa's regime. The government was ordering these attacks while preparing to sign a new agreement with the IMF to obtain the final instalment of a previously agreed IMF loan totalling US\$800 million. The regime had promised to allow fishing anywhere in the sea after the war, but later prohibited fisherpeople from fishing even in nearby areas such as Kalpitiya. The region rich in biodiversity was instead earmarked for building hotels and adventure tourism.

In August 2013, the Sri Lankan army used force to disperse 5000 villagers in Rathupaswala, who demanded clean drinking water. The villagers attributed the contamination of ground water supply to the effluent dumped from a glove factory. Three people who were engaged in a peaceful demonstration against the factory were killed and about 50 others were seriously injured as a result of the calculated intervention of the army.

The army had launched coordinated attacks from three main points using assault rifles. Before the army turned its guns on the public, a senior military official commanding the troops delivered a stern message to the media crews covering the protest to leave. Journalists who refused to leave, had to flee later to save their lives. They were clearly singled out as evidenced by the fact that the soldiers took aim at them. The army confiscated their microchips and cameras were smashed. As usual, the regime's spokespersons alleged foreign involvement and political party sponsorship for the violence, and ascribed responsibility for the violence to the media.

Human rights

Despite international outcries and local outrage, the Rajapaksa regime used parliament and impeached the chief justice Dr. Shirani Bandaranayake. Rajapaksa removed her from office in January 2013. This case highlighted the regime's interference with the independence of the judiciary, and underlined the need to restore the independence of the Elections Commission, the National Human Rights Commission and the Police Commission.

Bandaranayake was not provided with an opportunity to present her case or defend herself without being subject to intimidation. Individuals and organisations close to the regime engaged in a virulent campaign against those who opposed the impeachment and even labelled them traitors, and branded their opposition as part of an international conspiracy. In the aftermath of the impeachment several prominent lawyers who were in the forefront defending the chief justice were subjected to death threats by a so-called Patriotic Force that Liberated the Country.

Founding editor of the Sunday Leader Lasantha Wickrematunge was brutally killed on January 8, 2009. The Memorial Vigil organised by SAMAGI (Force for Unity) in January 2014 (Courtesy: Passion Parade blogspot).

In May 2014, the police imposed a ban on media coverage of a defamation case filed by the secretary to the Ministry of Defence Gotabhaya Rajapaksa. The media was not allowed to cover the cross examination of Rajapaksa and was warned not to film his arrival or departure. High-ranking police officers threatened media personal with years of detention. Rajapaksa was giving evidence in

a case filed by him against the Sunday Leader newspaper regarding a series of articles published in 2008 alleging huge corruption involved in buying MIG fighter jets for the Sri Lankan Air Force. Banning media from covering the proceedings of such a vital case of public interest is a clear violation of our right to information.

In June 2014, the Ministry of Defence intervened in a workshop organised by Transparency International to train and encourage journalists to write investigative reports on the recommendations made by the Lessons Learnt and Reconciliation Committee (LLRC) to ensure good governance. The workshop could not be conducted due to the intimidation exerted on venue management by the Ministry of Defence.

Peace remains elusive

When we speak of factory workers, fisher folk or journalists, let us not forget that we are in fact talking about our fellow brothers and sisters who like us are trying to earn a living. They are only doing their job, and as you do, they also find it difficult to survive due to cost of living pressures and perform professionally. The price they pay is, being daily subject to intimidation and death threats. As you can see, these day to day issues are inextricably linked to the broader issues of the executive presidency, and its direct role in the island's lack of democracy, rule of law and good governance.

The problems of the non-Sinhala communities such as Tamils, Up Country Tamils and Muslims in Sri Lanka are also similar. They too consider issues such as cost of living, education and employment opportunities as important and suffer from military intimidation and interference that they face in their day to day lives.

The war ended in 2009, but real peace remains elusive. The regime needs to be credited with settling most of the displaced, except for a few thousand who are still being held in detention, and child combatants have also been rehabilitated. But on the flipside military administration continues in the north and east, even six years after the military defeat of the LTTE. The military continue to occupy vast strips of productive land.

Despite the resettlement and rehabilitation efforts, many of the displaced people of the north and the east [Tamil areas] are still homeless, traumatised and unemployed. No serious effort has been made to develop a meaningful and lasting political solution to the national question. Thousands of LTTE suspects still languish in prison without trial. Furthermore, systematic sexual torture, rape and trafficking for sex slavery of women in north and east still persists. In fact, due to the heavy militarisation, an increase in sexual assaults and other abuses of women has been reported. There are hundreds of court cases filed by landowners who lost their land due to the policy of military acquisition of land adopted by the regime. The military's encroachment on civilian life and activities such as education, agriculture, and tourism continues.

Recommendations of the final report of the Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC) of November 2011 have been ignored. The Sri Lankan regime has avoided investigating allegations of war crimes against military personnel and government servants. While these may still remain as issues specific to the north and the east, such issues have now become to dominate the entire island.

A choice to make

Do you not think the situation in the country where we were born and bred requires concerted action to bring back the rule of law, democracy and good governance? Do we want to live freely as human beings or to be run like the inhabitants of an animal farm under the increasingly autocratic rule of the Rajapaksa regime? We have a choice to make. The Rajapaksa regime will never allow people in Sri Lanka to live as decent human beings and enjoy their freedoms and rights. Under the executive presidency, the exponential increase in the use of law enforcement agencies and the judiciary to do the regime's dirty political work, harassment, intimidation, violence, kidnapping, disappearance and extrajudicial killing of political opponents, journalists and human rights activists appear to be in the genes of this regime.

The regime has patronised religious extreme groups that have contributed to destroying the harmonious values of co-existence of peoples of different socio-cultural backgrounds. It has established a culture of fraud and corruption, and nepotism and crony capitalism to levels that had never been seen before. The political goons of the regime have become extravagantly rich, while the living standards of the ordinary people have grown worse day by day due to the pressures of the high cost of living.

All this needs to change.

On January 8, 2015, we need to remove from power this oppressive regime through the ballot, creating a democratic space for every individual and every community to live freely, fairly and as human beings and not in fear and subservience to the regime. Each and every vote needs to be utilised for this sacred purpose.

I strongly believe that the executive presidency needs to be abolished as it will otherwise underpin the future possibility of a sustained, autocratic and authoritarian regime. That is why I request that all of us support the common opposition candidate and ensure his victory despite our political differences. The program and policy positions proposed by the common opposition candidate are more inclined towards good governance.

It is in this light, I use this opportunity to appeal and urge all individuals, organisations, association and communities who value democratic rights, freedoms and consensual approach to constitutional reforms, who reject nepotism, family rule, fraud and corruption, who abhor autocratic rule, who believe in the urgent need to reverse the culture of impunity, who cherish equality before the law, who treasure equity of opportunity, who appreciate participatory democracy, who respect the identity of the other; and all those who want a thousand flowers to bloom in the equanimity of good governance — to come forward and support the common opposition candidate to assure his victory at this election. This is the last chance for peaceful change. If the current regime returns to power, some groups may not see the ballot as a useful tool for changing regimes.

Whatever the outcome of the presidential election on January 8, 2015, the struggle for good governance in Sri Lanka will continue. The results of a general election that could be held before May 2015 will also impact upon the effectiveness and power of the presidency.

Despite the reservations I have about the policy positions adopted by the common opposition candidate, I still believe that by assuring his victory, at least some small democratic gains can be reaped so that the civil society can exploit in its march towards building a fairer, more just society. There will be greater space for widespread discourse, awareness raising and advocacy campaigns.

Naturally, there is an inherent risk that the opposition, once elected may not stand by their pledges.

However, if we are able to keep the momentum for change, through maintaining the current dynamics of the peoples' desire for change, the opposition will have no option but to implement what they have pledged. Of course, we cannot expect solutions to all the socioeconomic and political woes of Sri Lanka from the regime we newly elect. I believe there will be better opportunities to do that if there is a change of government in the island. We need to be realists and work patiently.

I, therefore, encourage all individuals and groups who aspire for democracy and good governance in Sri Lanka to work towards electing a new regime to put an end to the steadily contracting democratic norms. I encourage all concerned to make use of this small window of opportunity creatively, imaginatively and non-violently.

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P.S.

*<http://links.org.au/node/4224>

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