

His Excellency Maithripala Sirisena (President and Minister of Defence and Minister of Mahaweli Development and Environment).

Mr. Speaker, it gives me great joy to address this Assembly at the beginning of a new year, and to share a few key points on what Sri Lanka's present needs.

The topic of discussion today is the Constitution. In recent times, there has been much criticism levelled against the changes, amendments and interpretation that needs to be effected by it.

When we received sovereign franchise in 1931, no country in Asia or Africa was reported to have received it. Despite the advancement of knowledge, intelligence, maturity and literacy of our people in 1931 when the right to franchise was received, only a symbol had to be inscribed on the ballot paper when casting the vote. Due to minimal levels of literacy in countries using the ballot in the 1930s and the 1940s, voters were directed to pierce or make a hole in the ballot paper, instead of marking a sign on it.

Today, piercing ballot papers is a common practice, even in countries that enjoy high levels of development. The annals of Sri Lanka's history prove its greatness, eminence and acclaim. If one were to trace the Anuradhapura, Polonnaruwa, Dambadeniya, Athugalpura, Kotte and Kandy eras to the Colombo era, one would feel a sense of great pride due to the advancement of the arts, the sciences and technology in each of those eras. It is in an era in which men who have returned from outer space move forward in competing in this new age that embraces information technology, that we are talking about a Constitution. Many accept the need to effect certain changes in order to suit today's circumstances. When the 1978 Constitution, which is in effect today, was adopted by Parliament, the Sri Lanka Freedom Party opposed it on principled grounds. Since that day, the Sri Lanka Freedom Party was of the steadfast belief that the 1978 Constitution should be changed.

As I recall, in 1999, the Annual Convention of the United National Party passed a resolution for the first time, which held that changes should be effected in the Constitution to abolish or change the Executive Presidency. As we talk about a Constitution, we remember various political, economic and social phenomena that occurred in the last few decades, in alignment with the experiences that we have had.

It was not uncommon that school children studied the Constitution in order to gain knowledge and understanding of it, apart from great scholars and intellectuals.

As mentioned by the Prime Minister, with the passing of the Soulbury Constitution in 1946 as the first Constitution in Sri Lanka after independence, there was a general sentiment within Parliament at the beginning of the 1950s about the passing of a new Constitution, or amending the Soulbury Constitution.

At the same time, according to my knowledge, something that was very clear was the fact that none of the state leaders who came into power, nor Parliaments that were elected

from 1947 to 1970 got the required two thirds majority to create a new Constitution. It was for the very first time, in the 1950s that Parliament secured a two thirds majority to create a new Constitution. It was within this context that the the first Republican Constitution was created in 1972. There were many criticisms against that Republican Constitution. In the period of time between the Soulbury and Republican Constitutions many political, ethnic, cultural and religious problems erupted sporadically. The Sinhala-Muslim riots in the 1930s, and Sinhala-Tamil riots in 1940s and 1950s are still in our memories.

Further, the Bandaranayake-Chelvanayagam Pact, which was a result of extensive talks between Mr. S.W.R.D Bandaranayake and Mr. Chelvanayagam had to be withdrawn in the face of stiff resistance. The agreement reached between Mr. Dudley Senanayake and Mr. Chelvanayagam after 1965, was also vehemently opposed to. Mr. Dudley Senanayake was subject to much criticism for signing that agreement with various pro-Tamil slogans being thrown at him.

This issue gained traction as attempts to build co-operation and friendship among Sinhala, Tamil, Muslim, Buddhist, Catholic, Hindu, Malay and Burgher failed. Communities became increasingly polarized owing to the shortcomings and loopholes formed in the constitutional provisions promulgated in the country, triggered by the provisions contained in the Soulbury Constitution. This resulted in the creation of the terrorist known as 'Prabhakaran.' Regardless of what people may say, I am of the belief that if Bandaranayake-Chelvanayagam Pact had become a reality, we would not have witnessed the creation of terrorism.

The 'Black July' of 1983 plunged this country into a far graver crisis. The bitter experiences of the Black July of 1983 resulted in the birth of the Indo-Lanka accord. I am sure we can still remember the state of affairs prevalent at the time of the signing of the Indo-Lanka accord. The Bandaranayake-Chelvanayagam Pact was withdrawn to honour public opinion and the Dudley-Chelvanayagam Pact was withdrawn in the face of mounting opposition.

However, as the Indo-Lanka accord was met with increasing public protest, we remember how President J.R Jayawardena imposed curfews throughout the island and went ahead with the signing of the agreement. I too joined Mrs. Bandaranayake at the protest organised at the Fort bus stand to oppose the Indo-Lanka agreement.

Hon. Dinesh Gunawardena

His Excellency the President, Pettah

The Hon. Maithripala Sirisena

Yes, we took part in that Satyagraha in Pettah that day. When Mrs. Sirimawo Bandaranayake became a victim of tear-gas by the government, we put her into a jeep with the greatest difficulty and left the place. We cannot forget that past. We are all aware

of the fact that given the political and other problems that engulfed the country over generations, there was a great public outcry for constitutional amendments.

Hon. Speaker, there is one thing we must keep in mind in drafting a Constitution. When we consider the Constitutions of our history, particularly from the Soulbury Constitution to the current Constitution, it becomes obvious that these Constitutions had not been created to facilitate a consensus among those who speak different languages and follow different religions, by the clear strengthening of national reconciliation and harmony among ethnic groups. It is essential for us to pay attention to and study comprehensively, the Constitutions of the most developed countries in the world, such as those of America, Britain, France, India etc. They have not been partial in formulating those Constitutions. In other words, they lack any biased conditions for certain ethnic groups or any one political party or religion. It is a known fact that all people living in those countries live in harmony and peace as a result.

Hon. Speaker, I believe a Constitution does not have to be immutable. Societies change. People change. Thoughts and aspirations undergo change. The world changes with technology. It is not the man of today who will exist tomorrow. Therefore, the Constitution of a country should always change in line with the thoughts and aspirations of its people in each era, in line with the cultural conditions created with the advancement of technology. I firmly believe that the Constitution of any country in the world needs a transformation, as called for by each era.

Hon. Speaker, it is clear that with the passing of the Nineteenth Amendment to the Constitution many things were able to be subject to change, as a result of the 1978 Constitution. Today, I salute and thank all those Honourable Members of Parliament who extended their fullest support to the pass the Nineteenth Amendment to the Constitution, by casting 215 out of the 225 votes in this House in its favour. We recollect with much respect that you, the Honourable Members, fulfilled that task of meeting a need of that era. At the same time, bear in mind, we must believe that irrespective of the manner in which the law or the Constitution has been laid down, their optimum enforcement depends on the qualities of the individuals tasked with enforcing them.

Whether a politician, a Head of an Institution or a Public Officer, it is through the powers they hold and their qualities, characteristics and personality that we are able to witness their differences. It is a possibility that owing to the manner in which I have conducted business in the office of Executive President during the last year some people sometimes say, "What is the problem with retaining the Executive Presidency? There is no problem now?" However, I believe the said power is exercised according to the vision held by the person in that office, as well that person's attitudes towards society. Another argument in favour of Executive Presidency is that "It was possible to win a 26-year war thanks to the Executive Presidency."

Hon. Speaker, it is here that I would like to ask the question "Are we are anticipating a war in the future?" as this is what is implied by the expectation to continue with the Executive Presidency based on the idea that the war could be concluded as a result of the Executive Presidency. Thus, I firmly believe that what should be done by us is not to

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continue with the Executive Presidency anticipating a war in future but rather, to revise such concepts and bring about the changes and transformations required by this country, in order to come to a place where a war is unlikely to occur.

We have to consider our long term experiences in relation to uniting the people of the North and the South. Pertaining to issues on Constitutions and governing systems, we know that the people of the South fear the word "Federal" while the people of the North fear the word "Unitary". We are well aware of this situation. As a consequence, extremist groups in the North and the South exploit these situations. We have to consider the bloodshed that occurred in this country, owing to the actions implemented by extremist groups of the North and the South during the past few decades. Similarly, we must ask as to how many Tamil youths in the North and Sinhalese youths in the South lost their lives in the war which prevailed 26 years. In the same way, the lives of hundreds of thousands of people in the North and the South were lost. It is necessary that as a country, we seriously consider the number of lives that were lost in the North and the South during these 26 years, not only the assassinations of war heroes of the three armed forces, but also owing to the incidents of bomb attacks and hacking to death. Therefore, when we pay attention to this matter we have to act with a broad understanding of it. During the past few days we saw how the media discussed a Constitutional change. The Mahanayaka Theros of the Reverend Clergy expressed the idea that "We will find that Buddhism will lose its place due to the forming of a new Constitution," and questioned me on that matter. Similarly, they further questioned, "The government is going to reorganize the defense forces as per the directives of a foreign country, and isn't that a threat to national security?"

Hon. Speaker, I need to state very clearly that when we express our views on the Constitution we should not create a constitutional scare monger before the country. My view is that doing so is a serious national sin and a tragedy. At this moment I would specially like to state in this House that what we wish to do is to bring forth an appealing constitution which will be instrumental in creating a modern Sri Lankan state, in a manner that befits a country in the twenty-first century.

Why is there so much uproar when we speak about a Constitution? Why is there agitation? At this point Hon. Speaker, I would like to gently remind you that each and every one of us must act with virtues such as intellect, knowledge, understanding, experience and maturity. Hon. Speaker, in the task of building our country let us not forget the fact that this supreme assembly is the only body that will bear the main duties and responsibilities which must be fulfilled by us today, as well as tomorrow for the sake of the future of our country. Therefore, it is my belief that all of us need to act with sound understanding regarding this matter.

At the same time, it is my opinion that we have squandered many opportunities that were available to us to build our country. In 1970, there was the possibility of using two thirds majority to create a constitution that strengthened reconciliation. Similarly, one party had two thirds majority according to election results of 1977 too. There was also a possibility in 1977 to exercise two thirds majority power and perform this task in a manner that

strengthened national reconciliation. Furthermore, in 2009 with the calm conditions and peaceful situation that dawned after the end of war, a two thirds majority in this supreme assembly could have been exercised in order to fulfil the tasks needed to be completed in the 'post-war Sri Lanka.' However, I am of the opinion that what was needed was not done. The 2010 election victory secured us the two thirds majority power. Many Ministers and MPs present in this House, including myself, as well as many others who are not here today, worked with much dedication to win that power in the year 2010. If my memory serves me well, although a two thirds majority power was secured in 2010, that majority power was exercised only for making the 18th amendment to the Constitution. However, that two thirds majority power could have been used to investigate the reasons that caused a war in the country and to prevent such situations from arising in our country again. That power could have been wielded to fulfil the need to create a modern Sri Lanka.

Apart from these Constitution-related scenarios, there was an instance in 2004 when the whole country united with the striking of the tsunami disaster. With the tsunami, tears united the people of our country regardless of their political affiliations, religious differences, caste differences and racial differences. Nonetheless, I believe that we did not make use of that opportunity as well. Similarly, there were many tasks which needed to be completed with the collaboration of everyone in this country after defeating terrorism on 19 May 2009. Yet, I am of the opinion that we did not fulfil the tasks needed to build our nation. It is my belief that today, every one of us must learn from the bitter experiences of the past to build the future of the country and overcome future challenges.

As politicians representing different political parties, we hold different views and have different ideologies. However, we should think of whether we are going to be so ignorant as not to work in unison through discussion and consensus for the sake of the well-being of the country. I would like to remind you of the fact that, if we do not finish today's work today itself, tomorrow will be lamentable. Therefore, it is the duty and responsibility of every one of us to make the necessary judgements and decisions in this regard and take action accordingly.

Mr. Speaker, we should clearly understand the tasks we have to perform having taken into consideration the views of the public of this country while rejecting the extremism prevailing in the North and in the South. I would like to draw attention to the fact that we should ponder as to what kind of experiences we have gained through the situation that was created in 1956, what kind of experiences we have gained through the situation that resulted after the signing of Bandaranayake - Chelvanayagam pact, what kind of experiences we have learnt from the Dudley - Chelvanayagam pact, whether we have learnt lessons from the incidents that took place in Black July in 1983, whether we have learnt lessons through the incidents that took place with the signing of the Indo - Lanka Accord, whether we have learnt lessons from the 1971 insurgency, whether we have learnt lessons from the incidents that took place during 1988 - 89 and the resultant situation, and particularly whether we have learnt lessons from the report of the LLRC that was appointed after 2009. Most often we tend to confine our actions to making criticism.

We have to take these circumstances into foremost consideration.

I witnessed certain people making media statements to the effect that a constitution is to be formulated according to foreign advice. Let me be plain here and emphasize this fact. To my knowledge, no foreign country advised me or Hon. Prime minister on the model of the constitution. No influence whatsoever, by any foreign country, for that matter. But we should accept the reality, the truth. We should accept the help we need. We have received any proposals or pressure from a foreign country. We all know the facts. So what is important is that the scholars, intellectuals, constitutional experts of our country, along with this supreme House take the necessary steps to making the required amendments.

Today, we marked the commencement of a very important event. So I would like to make an appeal, that no one create unrest in this country, in any form. I also respectfully ask that false information is not promulgated. It is evident that certain people are trying to spread false information to inconvenience the government and to create an unrest in the country. Hon. Speaker, we have experienced such unrest created, whenever there was a move to make constitutional amendments.

Such unrest is not created by intellectuals, scholars or the moderate people who love this country but by extremists.

So we have to take this state of affairs into consideration, and have to perform the duties and the responsibilities we owe to the country and the motherland, upholding the identity of the country, strengthening the economy of the country, eradicating poverty, creating a prosperous economy, strengthening national reconciliation and creating unity among the people of all faiths, enabling racial amity.

Concluding my speech, I humbly request that we all work together to shoulder the task of creating a modern Sri Lanka and a fitting state for the twenty-first century. Thank you.