



Proposals for further constitutional reforms

10th May 2015

With reference to the Constitutional reform program presently undertaken by the government, as specified in the 19th Amendment and the proposed 20th Amendments to the Constitution, the President and government have indicated that further constitutional amendments to address the national question and advance reconciliation amongst all communities will be announced after the election due to be held shortly.

The Sri Lanka Reconciliation Forum, Sydney (SLRF), whose objective is to advance reconciliation amongst communities of Sri Lankan origin in Sydney, and more widely in Australia, is of the view that a few key measures could be considered to address the national question and advance reconciliation in Sri Lanka, which in turn will have a significant positive impact on the same objectives here in Australia. These measures are being proposed in principle, as it is not the intention of this Forum to go into details of these proposals. This we feel is a task for the government and people living in Sri Lanka.

The following were identified as matters that the SLRF would like to submit to the SL government and other stakeholders.

1. **Devolution of power-** Appointment of a wider Constitutional Forum consisting of eminent persons, representing all sections of the community, to consider and formulate a long lasting solution to the national question utilizing, among others the following;

- The Draft Constitution proposals of (1995, 2000) developed by the late Dr Neelan Tiruchelvam and Professor G L Pieris during the Presidency of Chandrika Kumaratunga.
- The All Party Representatives Committee (APRC) Proposals for reform of the Constitution submitted by its Chairman Professor Tissa Vitharana in 2007 during the Presidency of Mahinda Rajapakse.
- The 13th Amendment to the 1978 constitution.

2. **Second Chamber.** Introduce further constitutional measures to ensure power sharing. In this context, in addition to devolving power to the provinces, a second chamber is proposed at the national level, as a House of review for all national legislation. It is also proposed that the second chamber be so constituted that it acts as a buffer against the majority community imposing its will on a minority group, through the use of superior numbers in parliament. Further, the chamber should have representatives from sections of the community that cannot be represented in parliament through the electoral system.

3. Bill of Rights and legislative safeguards. Further strengthen the current human rights provisions in the constitution by introducing a Bill of Rights, which guarantees every citizen's basic human rights, the violation of which, whether by any other individual or entity or the State, will attract heavy punitive measures. In addition we recommend safeguards in the Constitution against legislation which allows discrimination based on ethnicity, religion and gender, in a manner similar to how it was addressed by the 'Soulbury constitution' of 1948. This should prevent any legislation and administrative measure by the government which discriminates any section of society on grounds of ethnicity, religion, caste or gender under any circumstances, except in the case of having to prevent further discrimination by a particular religious cultural or ethnic group. It is also proposed that a Constitutional Court be set up as the final arbiter of constitutional issues and challenges arising from any violation of the Bill of Rights or anti-discrimination legislation.

4. Women and minorities in government. Similar to the proposal to introduce a minimum representation of women in the executive arms of the government including the national and provincial cabinets and outer ministries - a measure which has already been proposed by numerous individuals and organizations as a positive anti-discrimination measure to advance equal rights for women - introduce a measure to include a minimum representation of minorities including Tamils and Muslims.

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