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SLFP proposals

The SLFP is not unmindful that it placed the Mahinda Chintanaya before the people at the last Presidential Election along with other parties that supported its candidate. The Mahinda Chintanaya states "it is my intention to critically examine the merits and demerits of the steps taken so far to deal with this complex problem and consider a fresh approach.

In doing so, the fundamental platform that I would base my initiative would be an undivided country, national consensus and an honourable peace. Where there appears to be disagreement, I shall endeavour to develop a national consensus.

In developing such a consensus, the sovereignty of Sri Lanka, the territorial integrity, the unitary structure of the State, the identities of the different communities, the need to ensure peaceful coexistence amongst such communities, would be preserved." It is in this spirit that these proposals are submitted to the APRC.

In keeping with the aspirations of our people, the SLFP as a responsible political party in Sri Lanka, wishes to place before the All Party Conference these set of proposals, through which a lasting and a honourable solution to the ethnic issue is to be realised.

These proposals are for public scrutiny and discussion. We sincerely hope that these proposals along with the proposals submitted by other political parties would pave the way for a lasting solution to this unfortunate conflict in this country.

The Sri Lanka Freedom Party firmly stands for a negotiated settlement based on a scheme of devolution of power.

State, sovereignty, people

Sri Lanka is a State, which is sovereign and independent. The State shall be obliged to safeguard the independence, sovereignty and territorial integrity of the Republic and to preserve and advance a Sri Lankan identity, recognising the multilingual, religious and cultural character of Sri Lankan society.

Buddhism

The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the right granted by Articles 10 and 14(1)(e) of the present Constitution.

Form of Government

The SLFP believes in the restoration of the Parliamentary model of Government. In the absence of the Executive Presidency, the Sri Lanka Freedom Party proposes a Cabinet System of Government led by a Prime Minister having given thought to the experiences and traditions of the past.

It would be an indigenous model of Government based on this principle. The SLFP would also seek a national consensus for the abolition of the Executive Presidency. In the absence of such a consensus, the Executive Presidential system would continue with appropriate Amendments.

Units of devolution

The units of devolutions shall be as follows: The Sri Lanka Freedom Party wishes to put forward a new set of proposals, based on an indigenous model, to establish a new unit of devolution with extensive devolution of power.

The Unit of devolution would be the district. Two districts could amalgamate and form one unit; however, the amalgamating units should be in the same geographical division and also be contiguous. Amalgamation will be implemented in consultation with the people of the relevant districts. In forming and amalgamating the district, due consideration would be given to minorities concentrated in those districts. The structure of the district unit will be as follows:

1.1: There would be a Chief Minister for each district and he would be the Chief Executive for the said district and in the amalgamated district. Each District Council would have three Executive Committees in-charge of the affairs of the district.

The Chief Minister shall head the Finance Committee. The District Chief Minister would be appointed by the President with the concurrence of the District Council; The Chief Minister shall be a member of the District Council.

Having assessed the experiences of the past, the SLFP is of the view that devolution of power becomes meaningful only if people are adequately empowered. In addition, the Sri Lanka Freedom Party is of the opinion that this scheme of devolution would ensure good governance and more power to the people. Pradeshiya Sabha/Municipal Council/Urban Council, Grama Sabhas.

The present process for Parliamentary and Presidential Elections to be preserved in the same form or in an amended form as determined by the Select Committee of Parliament on Electoral Reform. The Sri Lanka Freedom Party advocates the introduction of a mixed system of representation, combining the First Page, the Post-system and the system of Proportional Representation.

The demarcation of the Grama Sabha areas should be a matter for a Delimitation Commission and should be effected with due attention to the geographical and demographical data of the areas.

In devolving power to the aforesaid units, power should be devolved to the people. In that effort power should be granted to the People at grass roots levels, especially Grama Sabhas, to enable them to manage their own affairs, within their realm of capability and competence.

Among others, subjects such as Defence, National Security, Foreign Affairs and Citizenship, Immigration, Communication, National Transport, International Commerce and Trade, Maritime Zones, Harbours and Airports, Shipping, Navigation, Land, National Planning and all such aspects

which ensure the safeguard of the concept of Sovereignty, Territorial Integrity, Economic Unity and National Unity of Sri Lanka shall be reserved exclusively for Parliament.

In devolving power in this manner, the administration in respect of all Airports and Harbours shall be a matter for the Central Government. In devolving power, all of the aforesaid Units shall be given additional power on the guidelines set out above, with substantial power devolved to the Grama Sabhas.

However, in devolving power, the supremacy of Parliament, the Executive Powers and the powers of the Judiciary should be safeguarded. The Sri Lanka Freedom party strongly believes in the independence of the Judiciary.

At present, though there are 25 districts recognized by the present Constitution, the number of districts could be increased to 30 by a Delimitation Committees on the basis of geographical and demographical factors.

The President, may if he is satisfied that there is a failure in the administration of the District, assume control over the functioning of the administration of the District and Parliament may confer on the President the power to make statutes for the District until normally is restored.

There must be a parallel exercise of de-commissioning of arms in the hands of any group in the District other than the State Forces along with the implementation of a programme for demobilisation and re-integration of such armed persons into society.

The President's powers and powers relating of Public Security should remain.

Distribution of Power

Power should be divided into three lists, namely reserved, district and local. In addition, there will be powers conferred by statute to the Municipal Councils and the Urban Councils by necessary Amendments to those Acts.

The intention is to confer substantial devolution to the People and not necessarily the political authority so that the People at grassroots level can exercise power and have control over their own affairs.

Safeguard against secession

There should be built in mechanisms to discourage secessionist tendencies and to preserve the unity, sovereignty and territorial integrity of the State.

Municipal Councils and Urban Councils

The elections to Municipal Councils and Urban Councils shall be on the Ward system, subject to recommendations of the present Select Committee on Electoral Reforms.

It is advisable to consider giving Municipal and Urban Council status in the Eastern Province to areas where there are Muslim and Sinhala majorities, so that minority interest will be safeguarded.

Pradeshiya Sabhas

The Pradeshiya Sabhas to be maintained as at present. However, instead of holding Pradeshiya Sabha elections, the Pradeshiya Sabha will consist of members who are the Chairmen of Grama Sabhas.

Grama Sabhas

Grama Sabhas should be recognised by the Constitution as a tier of Government and given powers in the Constitution as set out in the local list. The Grama Sabhas will constitute an amalgamation of several Grama Seva Wasam on a geographical and demographic basis. Grama Sabhas would not have legislative powers but hold executive powers. They would however, have power to make by-laws.

Such an arrangement would help in the empowerment of the people in their own localities. Further, this would also enable localised ethnic communities to be in better control of their living and working environment, and its improvement.

It will also give an opportunity to the special interest groups or minority community groups living in an area where a majority community or a minority community constitutes a majority living in that area, enabling them to administer their own affairs.

This would permit Muslims and Sinhalese in the Eastern Province or Plantation workers living in majority Sinhala areas to have control over Grama Sabhas where they are a majority.

Grama Sabhas shall have members selected by process of election and the elected members will select a Chairman and a Vice Chairman. The Chairman by virtue of his office will be a member of the Pradeshiya Sabhas. From ancient times, our people have been used to self-governing village units and it is on this tradition that a concept of Grama Rajaya is proposed. Such a concept, we believe, would adequately empower the people at the grassroots level.

Fundamental rights

The Sri Lanka Freedom Party is firmly committed to the preservation and protection of Fundamental Rights. In the pursuit of the strengthening of Fundamental Rights, the Sri Lanka Freedom Party stands for its expansion. Any infringement of fundamental rights and violation of human rights could be filed in the Supreme Courts.

Human rights

The Sri Lanka Freedom Party firmly stands for the preservation and protection of Human Rights. It is committed to preserve and give effect to all international Covenant, Protocols and Conventions pertaining to Human Rights.

The existing Human Rights Commission will be strengthened with a view to introducing more and better safeguards for the protection of human rights. In addition, new constitutional and administrative safeguards would be recommended.

Second chamber

The Senate would be the second chamber. The SLFP advocates the introduction of a bi-cameral legislature with a Second Chamber. This would facilitate sharing of power at the center and it would also afford adequate representation to minorities and minority parties.

In constituting the Cabinet of Ministers, two Ministers should be appointed from the Senate. The suggestion is that there shall be a Senate consisting of 75 members, and 25 members would be appointed after a General Election by political parties on a scheme devised according to the aggregate polled by each party at the election with a possible cut-off point.

This would enable even parties with a low poll to appoint a member to the Senate. All District Chief Ministers would be ex-officio members of the Senate. The balance of the membership would be appointed by the President. Adequate representation would be accorded to women in the Senate.

Every Bill passed by Parliament should be submitted to the Senate for scrutiny and consideration prior to becoming law.

The Senate will have the power to delay legislation by a period of three months (except money bills and matters affecting national security and emergency powers) or re-submit it to the Parliament for re-consideration with or without suitable suggestions.

The aforesaid powers be restricted to one or two occasions. The Senate will also be entitled to formulate and pass Bills and submit it to the Parliament for approval or disapproval.

Defence service and police

Security concerns

The armed forces and the police must have a more multi-ethnic composition. The police stations must have multi-ethnic character especially where there is a multi-ethnic local population. There must be officers who are bi-lingual in such places, which must be strictly enforced by the Police Commission.

Concerns of the minorities

Language

Provisions of Chapter IV of the present Constitution provides for the use of Sinhala and Tamil as the national languages of Sri Lanka and these provisions should be strictly complied with and properly and effectively implemented.

The Sinhala and Tamil languages should be the direct link between the two communities and the two languages should be taught in schools from the most appropriate point. The inadequacy of teaching staff would be a hindrance and will require rectification.

The State will encourage students to study English.

Land

No community should be discriminated in matters pertaining to land and provision should be made for the setting-up of a permanent Independent Land Commission which is vested with far-reaching powers over all aspects of policy relating to land - conservation and development of land and related resources, regulating ownership and tenurial relation and land utilisation.

Employment

Selections would be on merit to all State institutions.

The relationship between the Central Government and the District's A council of District Chief Ministers chaired by the President would be an effective coordinating mechanism. Such a Council should meet quarterly or more frequently if the need arises. The Cabinet Secretariat should service this Council.

Land and water commission

The establishment of two permanent Commissions for Land and Water must be included in the Constitution with appointments of permanent members thereto made by the Central Government with district members to be attached where aspects of land and water touches a district/s. There should be permanent members and district nominees in the two Commissions with the district members nominated by the district Council Chief Minister to enable members to act independently and be not subjected to political pressures.

Guarantees similar to those offered to Supreme Court Judges should be written into the Constitution for these Members. No nominees to these two Commissions could be from members of Parliament, District Councils or any elected political body. The preference could be given to retired Supreme Court or Appeal or High Court Judges.

The sittings for the two Commissions must also be held in the Districts to enable local representations to be made.

Land Commission

As conservation ecology, environment are becoming major concerns globally, the subject of forests to be placed under the purview of the Land Commission.

In constituting the Land Commission, due weightage should be given to the appointment of members from the minority communities.

Land should be alienated after formulating a land policy by the Commission with due consideration to the alleged disadvantages caused to any ethnic group with recommendations for rectifying the grievances, if any.

The distribution of State land can be undertaken by land Kacheheris under the supervision of the Central Government.

The grievances, if any and any remedies for such grievances, should be determined having the national interest and national policy rather than considering purely parochial interests. The Commissioner of Land should be ex-officio member of the Land Commission.

Water Commission

Most rivers commence in the District (Nuwara Eliya and Badulla) and flows through many districts before entering the sea and therefore water must be a subject under the Central Government as it could be a controversial issue in the future with resources becoming scarce.

Water would be considered a national resource. The sharing of water resources should not cause friction and disputes among districts. The Commission shall decide any dispute considering the

national interest. The decision of the Commission shall be final and conclusive. If the Commission so desires, it could obtain expert advice on the sharing of this resource.

Therefore the Commission requires experience and expertise together with adequate independence to formulate policies years ahead and should not be left totally in the hands of the District.

District Ethnic Ombudsman

An Ethnic Ombudsman to be appointed for each district by the Minister of Justice in consultation with the President.

In the event of any dispute or grievance based on or in respect of the ethnicity of a citizen, a complain would be made to the Ethnic Ombudsman who must be vested with powers to inquire and make recommendations for its settlement to the relevant authority.

This exercise is to enable effective and early settlement of issues that can otherwise reach dangerous proportions.

The Sri Lanka Freedom Party believes that people should adopt new measures and provisions to make a fresh start in the system of governance by considering the experiences of the past. New measures are a break from the past but they should echo sentiments that would reflect a new beginning in the life of our people.

In pursuance of this concept, the Sri Lanka Freedom Party recommends an indigenous model based on the idea of Grama Rajaya.