
17 April 2019, Wednesday ✦ 10.30am – 11.45am

(Registration & Refreshment starts at 10.00am)

NUS Law (Bukit Timah Campus), Eu Tong Sen Building Level 1, Lee Sheridan Conference Room

THE 2018 SRI LANKAN CONSTITUTIONAL CRISIS IN SRI LANKA: A RINGSIDE VIEW

Speaker: Dr Asanga Welikala, Edinburgh Law School

Chairperson: Professor Kevin Tan, NUS Law

ABSTRACT

Sri Lanka was plunged into a major constitutional crisis when, on the night of 26 October 2018, President Maithripala Sirisena dismissed Ranil Wickremesinghe without warning and replaced him with Mahinda Rajapaksa, a former President, as Prime Minister. This was prima facie unconstitutional in that Wickremesinghe had not lost the confidence of Parliament, and hence could not be removed. After trying and failing to assemble a parliamentary majority for Rajapaksa, the President also purported to dissolve Parliament on 9 November, an act that was again prima facie unconstitutional given that it occurred during a period within which Parliament could not be dissolved except with resolution passed by a two-thirds majority. The crisis eventually ended in December when Parliament consistently refused to give confidence for Rajapaksa, both the Court of Appeal and the Supreme Court held the presidential acts to be unconstitutional, and Sirisena and Rajapaksa were forced to back down. An attempt at democratic backsliding therefore ended with a demonstration of institutional resilience, although deeper questions about political culture remain that militate against an over-sanguine assessment of the denouement of the crisis as an unvarnished triumph for constitutional democracy. This presentation will examine the institutional and cultural aspects of Sri Lanka's constitutional system, and especially the 'premier-presidential' institutional form of executive power after the significantly reformist Nineteenth Amendment to the Constitution passed by the Sirisena-Wickremesinghe national government in 2015, to outline some of the lessons from the crisis we can learn for comparative constitutional law and politics.

ABOUT THE SPEAKER



Dr Asanga Welikala is Lecturer in Public Law at the School of Law, University of Edinburgh, and the Director of the Edinburgh Centre for Constitutional Law. He is also a Research Associate of the Institute of Commonwealth Studies, University of London, and Research Fellow of the Centre for Policy Alternatives (CPA), Sri Lanka. Asanga's research interests lie in comparative constitutional law, applied constitutional theory, and Commonwealth constitutional history. He teaches and supervises across the public law field in Edinburgh, at Ordinary, Honours, Masters, and doctoral levels. Asanga has been involved on both sides of transnational influence on constitution-making: as a member of the Office of Constitutional Support, United Nations Assistance Mission for Iraq; in various international advisory capacities in other countries on constitutional and legal reform issues; and as an active civil society voice and an independent expert in the current constitution-making process in Sri Lanka.

REGISTRATION

There is no registration fee for this seminar, but seats are limited.

Light refreshment will be provided on a first-come, first-served basis.

To register, go to <https://nus.edu/21378ld> or scan the QR code. **Closing Date: Friday, 12 April 2019**

For enquiries, please contact Ms Alexandria Chan at rescle@nus.edu.sg

