

***Presidentialism, the 1978
Constitution and the Muslims***

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Presidentialism and the Muslims: Early Views

The nature of the 1978 Constitution was a foregone conclusion when the United National Party (UNP) won a 5/6th majority in the parliamentary election of 1977. The UNP's election manifesto proposed constitutional reforms including the promise to create an executive presidency.¹ Therefore the J.R. Jayewardene government elected in 1977 had a clear mandate to establish an executive presidency in Sri Lanka. Whether this mandate extended to the ultimate nature and form of the current constitution is an entirely different matter.² Even though a distinctive Muslim position on the institutional form of the executive is difficult to discern in the drafting process of the 1978 Constitution – whether for or against an executive presidency – it would hardly have mattered given the scale of the UNP mandate.³

A more prominent Muslim voice is present in the proceedings of the Constituent Assembly that drafted

¹ See quotation from the UNP manifesto in the letter by President J.R. Jayewardene to Sirimavo R.D. Bandaranaike MP of 23rd May 1978, reproduced as Annexure IV in the Report from the Select Committee of the National State Assembly appointed to consider the Revision of the Constitution, Parliamentary Series No.14 of the Second National State Assembly, 22nd June 1978: p.170. [Hereinafter PSC Report (1978)]

² See e.g., Statement in the National State Assembly by Sirimavo R.D. Bandaranaike MP in the debate on the Second Amendment to the [1972] Constitution Bill, 4th October 1977: Official Report of the National State Assembly Debates, Vol.23, No.1: Cols.1293-1314; the Memorandum of the Sri Lanka Freedom Party to the Select Committee on the Revision of the Constitution, reproduced as Annexure II in the PSC Report (1978): pp.165-8. For other contemporaneous criticisms of the 1978 Constitution from the Left, see the chapter by Jayampathy Wickramaratne in this book and A.J. Wilson (1980) *The Gaullist System in Asia: The Constitution of Sri Lanka* (1978) (London: Macmillan): pp.38-40.

³ There were some Muslim representations to the Select Committee on the Revision of the Constitution, but these entirely concerned minute aspects of the electoral system. See evidence of the All Ceylon Muslim League in PSC Report (1978): pp.257-62.

and enacted the previous 1972 Constitution. It is well known that J.R. Jayewardene was allowed by the UNP to propose an amendment in the Constituent Assembly in support of a presidential executive, a motion that was seconded by R. Premadasa, but crucially, without the support of the then UNP leader, Dudley Senanayake, who was trenchantly opposed to presidentialism.⁴ What is less well known, is that the senior Muslim UNP politician A.C.S. Hameed, who went on to become Jayewardene's long-standing Minister of Foreign Affairs after 1977, also opposed presidentialism when it was proposed in the Constituent Assembly by Jayewardene.

In the Constituent Assembly debates, Hameed cited three main reasons for his rejection of the executive presidential system. First, he argued that it placed too much power in the chief executive, for example, by enabling the president to dismiss members of the Cabinet at will. His second reason, connected to the first, was that a fixed-term presidency would be less accountable to the people than a parliamentary system where the Prime Minister must command the confidence of the House continuously. Thirdly, Hameed argued that there would be a hostile relationship and even competition between the President and Parliament, as they would both enjoy sovereign power emanating from their respective direct elections, with the President the stronger player in this relationship.⁵

M.M. Mustafa, a UNP MP from the east (Nintavur), was more ambivalent, but he too was not unequivocally in support of an executive presidency.⁶ Although one cannot claim that Hameed's and Mustafa's positions and perceptions reflected a

⁴ See the chapter by Rohan Edrisinha in this book for a discussion of this issue.

⁵ A.C.S. Hameed, Official Report of the Constituent Assembly Debates (1970-2): pp. 2650-2723.

⁶ M.M. Mustapha, *ibid*: pp. 2696-2701.

‘Muslim perspective’ as such, one can yet infer that they had the numerically smaller communities’ interests at heart. So one of the first insights we can gather from constitutional debates in recent history is that Muslim politicians were not exactly keen on executive presidentialism, and in some cases, were even stoutly opposed to it on broader grounds of constitutional principle that went beyond the Muslim community’s own interests. In other words, in the Constituent Assembly, Muslim representatives’ concerns were more about the effects of presidentialism on democratic government than about how it would or would not affect Muslims. Hameed’s central argument in the Constituent Assembly was very clear: that it is not proper for a system of governance to be entrusted to a person or an individual institution. In hindsight, this was prophetic.

But as noted earlier, when the executive presidency became a *fait accompli* after the 1977 elections, with the general conformist tendency displayed by Muslims, they started looking into the advantages of the system, as did the other numerically smaller communities like the Tamils of recent Indian origin. These communities including the Muslims looked at ways and means of collectively contributing and ensuring the winner at presidential elections. This was possible in an environment of evenly challenged two-party contests. It enabled the Muslims to enjoy certain leverage in matters relating to their own communities or even in relation to national issues, in return for their electoral support.

The broad approach of the Muslim community towards constitutional reform can be characterised as preferring to arrive at reasonable accommodations with the majority Sinhalese, and to distance itself from the confrontational character to which the political relations between the Sinhalese and the

Tamils were deteriorating in the 1970s.⁷ It is relevant to recall here that the leaders who articulated the Muslim community's political opinion at the time were all from the western, southern or central regions of the island; in other words, the voice of the Muslims of the north and east was unrepresented in political and constitutional discourse before the 1980s.

Some have seen the Muslims' opposition to the Tamil demand for federalism, and the Muslims' emphasis on the intimacy of their relations with the Sinhalese, and their reliance on the latter's goodwill, as a form of appeasement. But it is important to recall that as a numerically smaller, territorially dispersed community, with a different history of social and cultural evolution from that of the Tamils and a different historical relationship with the Sinhalese, the Muslim leaders saw the community's political interests in different terms to that of the Tamil nationalists in particular.⁸ Consequently, they broadly supported centripetal policies and constitutional structures while attempting to emphasise the country's plural nature and the distinctiveness of Muslim identity.⁹

Therefore in 1977-8 when the current constitution was drafted and enacted, there was no discernible Muslim position as such, and if at all, it would have been the principled opposition to presidentialism A.C.S. Hammed had articulated in the Constituent Assembly a few years before. But by the time 1977

⁷ See F. Haniffa, 'Conflicted Solidarities? Muslims and the Constitution-making Process of 1970-72' in A. Welikala (ed.) (2012) *The Sri Lankan Republic at 40: Reflections on Constitutional History, Theory and Practice* (Colombo: CPA): Ch.5.

⁸ See esp. D.B. McGilvray (2011) *Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka* (Colombo: SSA): Ch.10.

⁹ See speech by M.H.M. Ashraff in the debate on the Constitution of the Republic of Sri Lanka Bill (2000), 3rd, 7th and 8th August 2000 reproduced in M. Somasundram (Ed.) (2000) *Constitution 2000: Parliamentary Debates* (Colombo: Ministry of Justice): pp.204-48 at pp.229-48.

election campaign got underway, the numerically smaller communities had been persuaded by the argument that the presidential system was beneficial for them. They would presumably have a more direct say in the election of the President than they would have in the election of the chief executive in a parliamentary executive system. In a predominantly two-party system where the Sinhala vote was quite evenly divided, the perception was that the winning candidate at a presidential election would have to rely on the minorities. In this context, the argument was that the numerically smaller communities would be able to maximise their bargaining power in obtaining concessions in exchange for vote blocks to presidential candidates. So therefore when the executive presidency came to stay, as it were, the Muslims tried to capitalise on the advantages it offered, and attempted to reposition themselves politically in the new institutional framework of electoral politics.

However, throughout the 1980s, there were to be dramatic developments that would alter the Muslims' relations with the two major communities, and heightened their need to articulate an independent political position to ensure their own interests and security. While the 1978 Constitution had introduced proportional representation, which benefited the Muslims as a numeric minority, no parliamentary elections were held under proportional representation until 1989. The UNP had controversially extended the life of the Parliament elected in 1977 under the first-past-the-post system, in which as noted above it had obtained an overwhelming 5/6th majority, by recourse to the referendum of 1982.

In the meantime, with the conflict between the government and Tamil militants reaching crisis proportions, the Indo-Lanka Accord was signed in

July 1987.¹⁰ Under the terms of this agreement between the governments of India and Sri Lanka, a system of devolution to newly established Provincial Councils was promulgated by the Thirteenth Amendment to the Constitution and other associated legislation.¹¹ It was also one of the terms of the Accord that the Northern and Eastern Provinces would be merged for the purpose of establishing a single Tamil-majority Province, the whole of which was claimed by Tamil nationalists as their traditional homeland. The merger of the two Provinces within which there were numerous Tamil-speaking Muslims contributed to the marginalisation of the Muslims in these areas. The Tamil militants did not like the Muslims asserting a distinctive identity notwithstanding the fact that they were Tamil-speakers, and hence treated Muslims with suspicion as not being wholly committed to the Tamil nationalist cause.¹² The provincial bureaucracy under the control of the Tamil nationalist administration of the North-Eastern Provincial Council also engaged in discriminatory practices against the Muslims.

This led to the emergence of the Sri Lanka Muslim Congress (SLMC) as a political party devoted principally to the espousal of the Muslim cause. Its rapid ascendancy amongst the Muslims evinced the Muslim polity's desire to assert its political independence from other communities. An important factor in the events leading to the Indo-Lanka Accord

¹⁰ K. Loganathan (1996) *Sri Lanka: Lost Opportunities* (Colombo: CEPRA): Ch.5.

¹¹ R. Edrisinha, M. Gomez, V.T. Thamilmaran & A. Welikala (Eds.) (2008) *Power-Sharing in Sri Lanka: Constitutional and Political Documents, 1926-2008* (Colombo: CPA): Ch.17.

¹² This tension has a long history. See D. McGilvray & M. Raheem, 'Origins of the Sri Lankan Muslims and Varieties of the Muslim Identity' in J.C. Holt (Ed.) (2011) *The Sri Lanka Reader: History, Culture, Politics* (Durham, NC: Duke UP): pp.410-9. See also M.I.M. Mohideen, 'Sri Lanka Peace Process and the Muslim Question' in K. Rupesinghe (Ed.) (2006) *Negotiating Peace in Sri Lanka: Efforts, Failures and Lessons*, Vol.2 (Colombo: FCE): Ch.12.

was the disregard displayed by President Jayewardene for the sentiments and concerns of the Muslim MPs within his own ruling UNP as to the adverse effects of the proposed settlement on the Muslims in the north and east. Even though the Muslims had supported Jayewardene and the UNP, and had contributed in large measure to his victory in the presidential election of 1982, he felt able to ignore their concerns at this critical juncture. This was the first of many subsequent manifestations of the negative side of the executive presidency from the perspective of Muslim interests.

The merger of the Northern and Eastern Provinces reduced the Muslims' proportion of votes from a substantial near-33% within the Eastern Province, to a mere 17% once the two provinces were merged, without any mitigatory safeguards being provided to protect Muslim interests after the merger. This was a clear case of a government sacrificing an unassertive Muslim community at the altar of expediency. This suppression of Muslim interests lent credence to the long-felt need of an independent Muslim political voice, as opposed to their voices being either subsumed within national parties like the UNP or the Sri Lankan Freedom Party (SLFP). Thus the ground was fertile for the SLMC to garner increasing support.

The SLMC was initially conceived in 1984 as a social movement. However, building on the tradition of Muslim representation developed by the Council of Muslims, (a group which represented Muslims at the All-Party Conferences of the 1980s), it transformed itself into a political movement after the Indo-Lanka Accord.¹³ Proportional representation gave an opportunity and impetus for smaller parties like the SLMC (and later, the Janatha Vimukthi Peramuna (JVP)) to gain ground.

¹³ Ashraff (2000): pp.228-9.

The interests of Tamil nationalists in parliamentary parties like the Tamil United Liberation Front (TULF) were different from that of the Muslims due to the fact that they had a Tamil constituency territorially concentrated in the north and most of the east; they were not especially interested in seeking election outside the north and east; and they were not seriously interested in any power at the centre. The SLMC, by contrast, was 'national' in conception and outlook and it had to represent a community that was territorially dispersed across the island, even though it did have a territorially concentrated constituency in the southern parts of the Eastern Province. The SLMC also had to contend with the violence and intolerance of the Liberation Tigers of Tamil Eelam (LTTE).

In fact the SLMC's electoral appeal was initially tested outside the north and east. It contested elections for the first time in the inaugural Western Provincial Council elections and returned with success. From then on the SLMC evolved in strength to the point where it could make or unmake a President. In at least two presidential elections – that of 1988 and 1994 – the SLMC played a decisive role in ensuring the victor. Thus the belief grew among the smaller parties that they could influence or wield leverage, not only at the presidential election, but also to ensure a clear majority in Parliament for the President through coalition politics. This explains their early support for the executive presidency. However, this should not be read as an endorsement of the view that smaller parties, particularly the SLMC, have been entirely successful in promoting the good of either their communities or the common weal through their leverage in electing and providing parliamentary support to the executive president.

Turning Against Presidentialism

The Muslim position on presidentialism has become more sceptical over the years, albeit incrementally. As time passed the existing democratic structures and governance systems began to feel the brunt of the impact of an ‘over-mighty’ executive president.¹⁴ This is the primary cause for the SLMC shifting its position, and it is important to stress the deeper concerns with the undermining of democratic principles in addition to the community’s interests. These deeper concerns related to the concentration and abuse of power by the presidency, and in particular, they centred on presidential immunity from suit, the absence of independent checks on presidential power, and the lack of presidential accountability to Parliament. Together they make the office of the President virtually unaccountable. Not only the SLMC; many other political parties and civil society organisations have articulated these problems at various points in time.

Under the current constitution, the absolute nature of the President’s legal immunity is such that he or she is always above the law, rendering the office totally unaccountable. With the passage of the Eighteenth Amendment in 2010, and the impeachment of the Chief Justice in 2013, the limited judicial and bureaucratic independence Sri Lanka enjoyed was significantly weakened. Thus a powerful and important check on presidential power was dismantled.

The President has arbitrary powers to dissolve Parliament and to appoint and dismiss Cabinet Ministers. Such an overly powerful office was also debilitating for independent bodies: bureaucrats and other independent organs were losing their independence, interested only in placating the

¹⁴ See the chapter by Chandra R. de Silva in this book.

President. These developments led to significant discontent, which was not necessarily felt by the SLMC or smaller parties alone. Major opposition parties began to express their dissatisfaction. Public opinion too started to build against the executive presidency, and the most virulent exponent of presidentialism in the history of the 1978 Constitution was eventually defeated in the presidential election of January 2015 by the candidate promising the abolition, or at least the substantial reduction of the powers of the presidency.

Previously too, promises had been made to abolish the executive presidency. The SLMC played a role in the formulation of the 2000 Constitution Bill and the debate on it in Parliament. In this debate Muslim interests were represented by the SLMC. The late M.H.M. Ashraff, the founder leader of the SLMC, continuously participated in these deliberations. In relation to the debate on the abolition of the executive presidency, Ashraff, on behalf of the SLMC, stated that, “as a party we feel that the executive presidency must remain.” But he stressed that “there are some bad features in the system.” Nonetheless, the SLMC’s commitment to the executive presidency was not fundamental: they were willing to support its abolition as “a commitment has been given to the People [*sic*] by Her Excellency [President Kumaratunga] and the PA [People’s Alliance].”¹⁵

After the 2000 Constitution Bill failed, the SLMC played a critical role in the enactment of the Seventeenth Amendment to the Constitution in 2001. Even though the SLMC had participated in the All Party Representative Committee (APRC), and advocated the abolition of the executive presidency prior to 2009, paradoxically and regrettably, the SLMC played an equal or even more critical role in the Seventeenth Amendment being rolled back

¹⁵ Ashraff (2000).

completely by supporting the enactment of the Eighteenth Amendment in 2010. This was a critical blow to the little democracy that was left by then, and the grave experience of the Muslims subsequently under the Rajapaksa regime diminished support within the community for presidentialism.

Thus smaller parties like the SLMC have made a paradigm shift in their position *vis-à-vis* the Executive Presidency. They all have virtually come full circle. From a firm rejection of the executive presidency in the Constituent Assembly in 1970-72, to a *fait accompli* situation in 1977-78, to whole-hearted support in the early 1980s, to supporting a reformed presidency in the years thereafter, and post-2010 to a complete abolition of it.

The Critique of the 1978 Constitution

According to many constitutional analysts, the 1978 Constitution established the most powerful executive presidency on earth. Every incumbent, except perhaps one who became President by default, has attempted to increase the institution's power. In doing so, the executive presidency has ensured that the legislature has gradually lost its lustre and its salience within the constitutional and political system. For all intents and purposes, the legislature does not legislate, but laws are made by the executive only to be rubberstamped by the legislature.

The separation of powers and the system of checks and balances is totally undermined. Hence the supremacy of Parliament, which the legislature likes to think exists, is a misnomer, although it is conveniently used by the executive for different motives. Three recent cases in particular come to mind. First, the infamous impeachment of the Chief

Justice in early 2013.¹⁶ Second, the parliamentary resolution condemning the resolution adopted by United Nations Human Rights Council against Sri Lanka's human rights abuses. Whereas the executive's decision on the matter had already been officially declared, to hoodwink the public, the legislature was used to rubberstamp the decision. Third, the Rajapaksa regime's insistence that 'an overall solution to the ethnic issues and constitutional changes have ultimately to be decided upon by the Parliament Select Committee', tried to posit that it was Parliament that had the authority to evolve a political solution to the ethnic conflict. The truth was very far from that in reality.

Not only the survival of government parliamentarians but Parliament's life itself depends on the executive President. He or she can dissolve Parliament at will with very little limitations to this enormous power. Further there is no check on ministerial appointments: under the Rajapaksa regime, 109 of Parliament's 225 members were ministers. That is, the executive controls 48% of the legislature as ministers serve at the President's pleasure and are bound by collective responsibility. Furthermore, effective governance becomes difficult during times of cohabitation. There is little clarity of responsibilities, and thus accountability is thwarted, as was seen in 2001-4 when the people's mandate was split between the UNP, which controlled the legislature, and the President, who was from the PA.

Moreover, the executive presidency was not introduced as a stand-alone reform; it was introduced together with an electoral system that replaced the hitherto practiced first-past-the-post-system with district level proportional representation. Proportional representation was to ensure a fair representation of

¹⁶ N. Anketell & A. Welikala (2013) *A Systemic Crisis in Context: The Impeachment of the Chief Justice, the Independence of the Judiciary and the Rule of Law in Sri Lanka* (Colombo: CPA).

Members of Parliament from all parties proportionate to the overall votes polled, and also to facilitate coalition politics. In other words, the aim was to increase the representation of smaller parties while enabling stable government.

With the introduction of proportional representation, the size of Sri Lanka's electorates increased significantly. Candidates seeking parliamentary office now have to seek their mandate across an entire district, rather than focus on their own electorate. Although proportional representation is in principle better than the first-past-the-post system in a pluralistic society, there are several shortcomings in both the system and the practice of proportional representation system in Sri Lanka.¹⁷

One of the criticisms against proportional representation is that it undermines the individuality and the freedom of conscience of a Member of Parliament. But even there we have seen the converse in practice in Sri Lanka, courtesy of the executive presidency. Political parties have not been able to take disciplinary action against their members who crossover to the President's party in Parliament due to the protection afforded by the executive presidency. This means that Sri Lanka has the worst of both worlds: it lacks the benefits of constituency representation and it does not genuinely provide the benefits of proportional representation. Parties – and thus the collective interests that proportional representation is meant to protect – are undermined by individual MPs crossing over at will.¹⁸ And it makes a mockery of the principle of the freedom of conscience of MPs when crossovers are often if not

¹⁷ See R. Edrisinha & A. Welikala (Eds.) (2008) *The Electoral Reform Debate in Sri Lanka* (Colombo: CPA).

¹⁸ See S. Rajakaruna (2010) *Changing Party Allegiance and Termination of Parliamentary Mandate: Analysis of Checks and Balances in Expulsion of MPs in Sri Lanka* (Colombo: Stamford Lake).

always facilitated by corrupt motives and inducements.

Proportional representation is said to promote coalition politics. But what we have found is that parties are breaking up and coalitions are being built around the executive president by individual Members of Parliament, often against the collective wish of parties. Thus, and this applies to the smaller parties in particular, we have seen a trend where parties are poached upon or split due to the overbearing interference of the executive presidency. Executive presidents have been able to draw or poach members from other parties at will to boost up numbers in Parliament. This is a travesty, as it defies the democratic mandate, where parties are selected first in elections, and only then candidates. In practice, the composition of Parliament does not reflect the democratic will – it is beholden to elite bargaining.

As noted before, undermining the separation of powers and in particular the subjugation of the independence of the judiciary has eroded public confidence in institutions to its nadir and sent governance down a precipice. Not a single expulsion of a Member of Parliament by the party from which such member was voted into Parliament has been upheld by the Supreme Court.¹⁹

Is there a unique Muslim perspective on the Executive Presidency?

A few years ago, there would have been no difficulty to talk about a ‘Muslim perspective’ on the executive presidency. But now it is debatable as to whether a single perspective could be advanced as *the* Muslim perspective. There are or can be more than one perspective amongst the island’s Muslims and that any perspective ought to be considered in that backdrop.

¹⁹ See the discussion of the case law in *ibid*.

Broadly, there are two main approaches to governance within the Muslim community. The differing responses to the 'Grease Yakas', and then the 'Bodu Bala Sena' (BBS) illustrate the difference between them. There is a significant segment which would like to safeguard their material interests and physical wellbeing, thus adapting a more flexible or appeasing approach. This leads to them seeking or giving into patronage. This approach is antithetical to the other approach. Those who espouse the second approach want to deal with issues that confront them through a more institutional or rights-based approach. They seek the establishment of sound and robust structures and systems that would fairly and impartially implement the laws of the land, thus offering long-term systemic protection.

As for the SLMC, as said earlier, after careful review and the benefit of experience, it has developed its assessment of the executive presidency further. Its submission to the APRC during 2006 to 2009 was for the executive presidency's abolition. This remains the party's position today. The SLMC supports the return to a parliamentary form of government, where the Prime Minister and the executive (the Cabinet of Ministers) will be accountable to the representatives of the sovereign people through their Members of Parliament.

There are two options for constitutional reform: changing the entire system or reforming existing structures. As a comprehensive change is unlikely, the SLMC would also like to focus on two other major reforms. First, implementing existing power-sharing structures and developing new ones, especially those relating to the devolution of power. Second, reinforce systemic checks and balances. A vital component is of course establishing the independence of the judiciary and the civil service, but improving Parliament's ability to hold the executive accountable is important

too.

Another important aspect is what would be the electoral system in place if the executive presidency gets abolished. We have gone through, in the recent past, select committees looking at electoral reforms. There is some consensus on the need to move from the current system of proportional representation to a mixed system incorporating both first-past-the-post and proportional representation elements. How 'mixed' it should be needs to be agreed upon. The SLMC has indicated that it would support a 50-50 mix. Even in a mixed system it could be salutary to find a way to reduce the size of an electorate or constituency for otherwise the larger constituencies would inherently promote money-power and corruption.

Seen this way, the ideal form of executive power for the Muslim community is power that is checked and held accountable by strong and independent institutions, and by an effective and well-represented legislature. An independent judiciary can play an important role, as it should, in preventing the trampling of the liberties and rights of all citizens, while an effective and well-represented legislature will ensure that the interests and aspirations of all communities are included in decision-making.

Strengthening Constitutional Democracy and Protecting Pluralism

Underlying this approach are three key democratic principles: rights, representation, and participation. Democratic rights, especially those relating to equality, are critical for the preservation, health and sustainability of a democratic society. An independent and strong judiciary goes a long way in ensuring the preservation of these rights. Second, representation

and participation in decision-making, scrutiny and debate, especially legislative decision-making, is critical for the health of a democracy. A democracy that excludes or limits the voice and interests of a community violates the principles of autonomy and free agency that form critical constitutive elements of democracy.

The executive President is often able to infringe upon the rights of citizens, and there are limited legal checks on his or her ability to do so. An independent judiciary, modelled along the lines of India or the United States, could help ensure that the executive's power over citizens is limited. In the context of Sri Lanka's majoritarian ethno-politics, this is particularly relevant to numerically smaller communities.

Independent bureaucratic institutions are also critical. The rights of numerically smaller communities' have often been infringed due to the politicisation of the bureaucracy. The civil service, police, and elections commissioner all need to be free from political appointment or interference, and appointments and promotions must be meritocratic.

Parliamentary oversight of the executive is extremely important and can help ensure that the executive does not become over-mighty. Therefore, Parliament must be effective in its scrutiny of the executive and be effective in passing legislation to prevent too much power from being vested in the executive through secondary legislation. This requires a strengthening of the committee system, parliamentary conventions, and limitation of the number of MPs that can be part of the executive.

However, ensuring representation is also vital. Reform of the electoral system, for the reasons outlined above, is critical. In order to maintain the voice of the Muslim community, while ensuring the responsiveness of legislators to their constituencies, the SLMC would support the mixed member model.

However, even if there is a representative electoral system, the voice of smaller communities is often simply drowned by virtue of their lesser number. Therefore, in order to ensure effective representation in decision-making and debate, we feel that a second chamber based on the APRC proposals is necessary.

In summary, the SLMC advocates a return to a parliamentary form of government that is part of a governance system that includes independent judicial and bureaucratic institutions, a representative and effective legislature that is well equipped to check executive power and includes an upper house, a mixed electoral system and the maximum devolution of power consistent with the unity of Sri Lanka.