

# NEWS ROUND UP

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## ***Judicious justice!***

In a landmark judgement, a seven-judge Bench of the Supreme Court yesterday unanimously ruled that the Gazette dissolving Parliament, issued by President Maithripala Sirisena on 9 November, was unconstitutional, and Parliament cannot be dissolved until four and a half out of its five year term is completed.

In the much-awaited judgment, running to 87 pages, the Supreme Court also quashed the Gazette notification.

The Bench comprising Chief Justice Nalin Perera and Justices Buwaneka Aluwihare, Sisira J. de Abrew, Priyantha Jayawardana, Prasanna Jayawardana, Vijith K. Malalgoda, and Murdu Fernando, also ruled that the said Proclamation is null and void and has no force or effect in law. Thirteen Fundamental Rights Petitions were filed against the dissolution of Parliament by the President, while eight Petitions were filed to oppose.

The Petitions were filed after the President moved to dissolve Parliament on 9 November, after he removed sitting Prime Minister Ranil Wickremesinghe on 26 October and appointed MP Mahinda Rajapaksa instead. Following litigation by MPs, political parties and civil society, a three-member Supreme Court Bench on 13 November issued a Stay Order against the Gazette dissolving Parliament.

Petitioners sought a declaration from the Court that the impugned Declaration of dissolution of Parliament by the President infringes fundamental rights.

They also asked a Declaration from the Court that the decisions and/or directions in the Proclamation are null and void ab initio (ineffective from the beginning) and of no force or effect in Law.

UNP Parliamentarians Kabir Hashim and Akila Viraj Kariyawasam, Lal Wijenayake of the United Left Front, CPA, Election Commission Member Prof. Ratnajeevan H. Hoole, Attorney-at-Law G.C.T. Perera, Sri Lanka Muslim Congress, All Ceylon Makkal Congress, and MP Mano Ganesan filed the Rights petitions.

K. Kanag-Iswaran PC, Tilak Marapana PC, Dr. Jayampathi Wickremaratne PC, M.A. Sumanthiran PC, Viran Corea, Ikram Muhamed PC, J.C. Weliamuna PC, Ronald Perera PC, Hejaaz Hizbullah, and Suren Fernando appeared for the petitioners.

Gamini Marapana PC with Navin Marapana, as well as Sanjeeva Jayawardana PC, M.U.M. Ali Sabry PC appeared for the Interventient-Petitioners.

Attorney General Jayantha Jayasinghe with Solicitor General Dappula de Livera, Senior Additional Solicitor General Sanjay Rajaratnam, Additional Solicitors General Demuni de Silva, and Farzana Jameel, as well as Deputy Solicitor General Nerin Pulle, Senior State Counsel Shaheeda Barrie, State Counsels Kanishka de Silva and Manohara Jayasinghe appeared for the Attorney General.

.(Daily FT)

## ***CICT to enhance Colombo Port's deep water capacity by March 2019***

Colombo International Container Terminals (CICT) yesterday announced a significant equipment addition that will enhance the terminal's deep water capacity and make Colombo one of the few ports in Asia capable of handling vessels of 22,000 + TEUs. The Company said the enhancement encompasses the addition of two new mega Quay Gantry Cranes (QGCs), six new Rubber-tyred Gantry Cranes (RTGs) and 12 Prime Movers, and is planned for completion by March 2019. CICT's existing QGCs are the biggest gantry cranes in the Indian Subcontinent region, and the addition of two even larger twin-lift QGCs from Zhenhua Port Machinery Company (ZPMC), a global leader in quayside container cranes, will further strengthen the Port of Colombo's hub status, the Company said.

The new QGCs will provide a lifting height of 54 metres above rail level and 18 metres below rail level with an outreach of 26 across and a lifting capacity of 65 tons, making it possible for the Colombo South container terminal managed by CICT to unload and load 22,000 + TEU vessels, the largest container carriers afloat.

To support the estimated 13% consequent increase in CICT's capacity, the Company has also announced plans to strengthen quayside and yard operations with the acquisition of the six new RTGs also manufactured by ZPMC, which can stack one container over six containers high and one container across six containers width, and to deploy an additional 12 Prime Movers as Terminal Tractors.

"This improvement of capacity and upgrade of facilities at a time of global economic uncertainty is an emphatic demonstration of our commitment to the Port of Colombo, and reflects how serious we are about continuing to be the major contributor to the port's bid to be a major transshipment hub," CICT CEO Jack Huang said.

"CICT has taken the initiative to boost the Port's deep water capacity within just five years of commencement of operations, at a time when other ports in the region are aggressively adding capacity. Demand for deep water facilities is increasing at a rapid pace and requires the quick response that only CICT is able to provide."

Huang added that besides enabling the port to attract larger vessels, this addition will generate more capacity and berthing space by turning ships around faster.

CICT is already the principal contributor to growth at the Port of Colombo, having achieved one million TEUs and two million TEUs respectively in its first two years of operation and generated a 14% growth for the port after four years of static growth. CICT has also set benchmark productivity levels for the region achieving 36 moves per hour and helping the Port of Colombo move from a rank 28th to 23rd among the world's best 30 ports, and from 18th to 13th for connectivity.

Besides its significant contributions to the growth of the Port of Colombo in volume terms, CICT is also responsible for several firsts in service innovation and eco-friendly operations. In early 2016, the company launched a \$ 10 million programme to convert its fleet of diesel operated rubber-tyred-gantry cranes to electricity driven rubber-tyred gantry cranes (E-RTGs) which have zero carbon emissions.

CICT was also the first terminal in the Port of Colombo to introduce electronic boat notes, breaking new ground in efforts to reduce paper in export documentation, as well as the first to launch a mobile app for the purpose of keeping track of containerised cargo at the terminal.

Recently adjudged the Best Container Terminal in Asia in the Under 4 million TEUs at the Asian Freight, Logistics and Supply Chain (AFLAS) Awards, CICT, which commenced operations in July 2013, manages the Colombo South Terminal of the Port of Colombo, the first and currently the only deep water terminal in South Asia equipped with facilities to handle the largest vessels afloat. The company is managed by CMPort, the world's second largest terminal operator, through which it has access to a wide network of 34 ports across the globe, none of which are in any form of competition with the Port of Colombo.

In its last four years of operation, CICT has brought some of the largest vessels plying the Asia-Europe routes to Colombo. Of these, Milan Maersk (20,568 TEU), MSC Maya (19,224 TEU), Mogens Maersk (18,300 TEU), MSC New York (16,652 TEU), CMA CGM Marco Polo (16,020 TEU), Edith Maersk and EMC Thalassa Hellas (each 14,000 plus TEUs) and their sister vessels are now regular callers at CICT.(Daily FT)

## ***Sri Lanka's UNF expects Wickremesinghe re-appointment, JVP wants 'coup' leaders punished***

Sri Lanka's United National Front expects appoint Ranil Wickremesinghe to be re-appointed Prime Minister while their opponents said a decision will be taken tonight after the Supreme Court reversed a sacking of parliament by President Maithripala Sirisena.

"Sri Lanka has a strong democratic traditions, illegitimate acts by the executive or or parliament cannot be sustained over a long period of time," Eran Wickremeratne, from the United National Party said.

"This is a victory for the people."

Wickremeratne said he expected the President to re-appoint Wickremesinghe and form a government.

Deputy UNP leader Sajith Premadasa said Sri Lanka's judiciary had shown its independence and served as an effective check on the executive.

President Maithripala Sirisena plunged Sri Lanka into a political and economic crisis appointing Mahinda Rajapaksa as Prime Minister on October 26, sacking Wickremesinghe and calling for fresh elections.

The Supreme Court ruled that President Sirisena had no power to dissolve parliament until the lapse of 4.5 years as set out in an amendment to Sri Lanka's constitution in 2015.

"The overall intention of the 19th amendment to reduce the power of the executive has been vindicated," Jayampathy Wickremeratne, constitutional lawyer and UNP legislator who helped draw up the amendment said.

Sri Lanka's Court of Appeal has barred Rajapaksa from acting as Prime Minister in a separate decision.

Rajapaksa's Sri Lanka Podujana Party, a breakaway faction of President Sirisena's Sri Lanka Freedom Party is pressing for general elections.

Rajapaksa's son Namal told reporters they did not agree with the Supreme Court verdict

"But there is no higher court for us to go to," he said. "We will take a decision as a group."

Another ally Dinesh Gunewardene, said Rajapaksa would take a decision on the future course of action tonight.

"The Supreme court gave a decision against us," he said. "In the end people will decide whether there is a parliament or not. Our democnary is that we need election, UNP's democracy is not to have elections.

"Mahinda Rajapaksa will decide tonight the way forward."

Sri Lanka's Marxist Janatha Vimukthi Peramuna said the current parliament had a limited life and it must take action to punish those involved in the coup.

Parliament must bring in a special law to punish those involved in this coup, he said. But enacting retrospective legislation is considered an illiberal act which is against natural justice.

At a late night meeting, President Sirisena had reportedly instisted again that he will not make Wickremesinghe Prime Minister and had also asked members of his United National People's Alliance not to join him. .(Economy Next)

## ***Euro slides as 'downbeat' ECB warns on economy***

The euro slipped on Thursday after the European Central Bank trimmed its growth forecast for the eurozone because of "mounting uncertainties" from within and outside the region.

ECB chief Mario Draghi said risks facing the area were now "moving to the downside," although that did not stop the bank from pulling the plug on its massive crisis-fighting economic stimulus known as quantitative easing, or QE.

"While Mario Draghi was boxed in by previous announcements about QE, his press conference revealed two stark truths -- he remains deeply concerned at the fragility of eurozone growth and reserves the right to administer further monetary stimulus," said JR Zhou, market analyst at online trading platform Infinox.

David Madden of CMC Markets, said "downbeat Draghi" weighed on the single currency.

Under its quantitative easing program, the ECB pumped 2.6 trillion euros (\$3.0 trillion) into the eurozone economy in order to stoke growth and inflation.

Europe's major stock markets, meanwhile, held mostly steady, with "dealers still hopeful that Beijing and Washington DC are on the road to striking a deal" on trade, Madden said.

In New York, Wall Street had an indecisive day and the major indices eked out a split finish after bouncing between the black and the red -- continuing a streak of volatility sparked by the US-China trade war and geopolitical turmoil.

The Dow rose 0.3 percent but the tech-heavy Nasdaq fell 0.4 percent.

General Motors also sank 1.6 percent after US President Donald Trump again lashed out at the company and its CEO Mary Barra, renewing criticism of plans to cut jobs and close US manufacturing plants.

Elsewhere, the pound pushed higher, a day after British Prime Minister Theresa May won a vital confidence vote amid widespread discontent at her Brexit deal.

"Our view is that a 'no-deal' Brexit remains quite unlikely, despite all the recent political upheaval," Capital Economics said.

"With this in mind, we think that the risks are skewed to the upside for sterling."

Asian equities posted more gains as investors were cheered by conciliatory noises from China and the United States on trade.

While the tariffs row between Beijing and Washington is far from being resolved, there is a lot more optimism on trading floors that the world's top two economies can make headway in talks during their three-month truce.

Dealers mulled a report that Beijing was considering replacing its "Made in China 2025" program that aims to boost its technology sector, a key point for Washington.

That followed news China had agreed to resume importing soybeans -- a major boost for US farmers -- as well as remove a levy on US autos imposed earlier this year in response to Donald Trump's initial tariffs.

But US officials vow they will remain tough in the negotiations, and will "trust but verify."

- Key figures around 2130 GMT -

New York - Dow: UP 0.3 percent at 24,597.38 (close)

New York - FLAT at 2,650.54 (close)

New York - DOWN 0.4 percent at 7,070.33 (close)

London - FTSE 100: FLAT at 6,877.50 points (close)

Frankfurt - DAX 30: FLAT at 10,924.70 (close)

Paris - CAC 40: DOWN 0.3 percent at 4,896.92 (close)

EURO STOXX 50: UP 0.1 percent at 3,112.17 (close)

Tokyo - Nikkei 225: UP 1.0 percent at 21,816.19 (close)

Hong Kong - Hang Seng: UP 1.3 percent at 26,524.35 (close)

Shanghai - Composite: UP 1.2 percent at 2,634.09 (close)

Pound/dollar: UP at \$1.2660 from \$1.2629 at 2200 GMT

Euro/dollar: DOWN at \$1.1361 from \$1.1369

Dollar/yen: UP at 113.61 yen from 113.29 yen

Oil - Brent Crude: UP \$1.30 at \$61.45 per barrel

Oil - West Texas Intermediate UP \$1.43 cents at \$52.58.(Economy Next)

### ***Motion filed on controversial Sri Lanka judge, expanded bench sought***

Sri Lanka's ousted Prime Minister Ranil Wickremesinghe has sought an expanded bench to hear an appeal by Mahinda Rajapaksa after courts barred him from acting as Prime Minister in an interim order and raised concerns on a controversial judge.

Sri Lanka was plunged into a political crisis after President Maithripala Sirisena on October 26, worsening economic instability that began in the first half of the year with a rate cut and money printing by the central bank.

A three judge bench made up of justices Eva Wanasundera, justice Buvenaka Aluvihare and Vijith Kumara Malalgodha is to take up the appeal on Friday.

Lawyers for the United National Party of Ranil Wickremesinghe have also filed a motion on controversial Justice Eva Wanasundera.

Justice Wanasundera has been quoted in a newspaper in 2014 saying that she has a close friendship with Rajapaksa.

On Thursday, a 7-judge bench decided that President Sirisena had violated the constitution in dissolving parliament after Rajapaksa failed to secure a majority support in the assembly.(Economy Next)