

THE JVP HAS TABLED THE 20A: THE ‘FINAL BATTLE’ FOR THE FUTURE OF SRI LANKA HAS BEGUN

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It has happened as was to have been foreseen. A morally, intellectually and financially bankrupt Government has played its last hand to try and stay in power beyond 2020. I have argued in previous articles that, the JVP with 4 members in Parliament will not even dream of bringing a constitutional amendment if they didn't have the backing of the UNP for it, and that means Ranil is ultimately behind the present venture.

I am annexing to this article a previous article of mine titled, ‘An Open Letter to Mr. Mahinda Rakapaksa re the JVP’s 20A,’ written in May 2018 and published on *lankaweb.com* on the eve of the JVP’s first attempt at tabling the 20A. It contains my arguments on what I consider to be the real reasons behind the 20A, what Ranil is ultimately trying to gain with this amendment, and how I think the Government will try to get MR and the JO to back it. So, I will not repeat those arguments here.

In this article, I will simply list what I think are the strengths and weaknesses of the *Sinhalayo* on the one hand who have to somehow or other defeat the 20A, and on the other the Sirisena-Wickremasinghe combine (i.e. the ‘Government’ and its assorted allies including especially India, the U.S., and the Tamil Diaspora) who will do their utmost to get the amendment passed, and make a few recommendations as to what the *Sinhalayo* can do to try and win this fight.

THE SINHALAYO

STRENGTHS

1. The *Sinhalayo* are exhausted, battered and bruised after three years of ‘yahapalanaya,’ but they are still standing, i.e. nothing irrevocable has happened yet. For instance a new Constitution generated by the ‘Constitutional Assembly’ set up under the Framework Resolution of March 2016 has not been passed. It should be noted that, around August – October last year there was a very real possibility that such a thing might happen.
2. The *Sinhalayo* have the support of overwhelming majority of the Buddhist clergy or *Maha Sangha*. This is a tremendous moral as well as political asset.
3. The *Sinhalayo* have good leaders. By this I don’t mean the politicians, but rather the group of men who led the war against the LTTE, leaders whose loyalty, commitment and love for the country are beyond question, and therefore have the personal credibility to command the respect and allegiance of the *Sinhalayo*.
4. The *Sinhalayo* still have an ‘Old Guard’ of intellectuals who have been writing, lecturing and in general agitating on behalf of the *Sinhalayo* for decades. They

know their 'enemy' very well, including most if not all his tricks, and can advise the *Sinhalayo* accordingly.

5. The *Sinhalayo* have China

WEAKNESSES

1. The *Sinhalayo* are divided. The grave danger is that in the coming days and weeks the discussion over the 20A will degenerate into a debate over the pros and cons of abolishing the Executive Presidency. The reality is that, in order to abolish the Presidency, a referendum is needed, and I'm no longer of the view that the Government is prepared to risk a referendum. So, abolishing the Presidency is not the real game here.

In my view, what the Government will do is have the Supreme Court rule that a referendum is needed, then either delete or amend the clauses that [court says] trigger the referendum, and pass the remainder with a 2/3 majority. Then, at the Committee Stage, following the tactic that was used in the Provincial Councils Elections Amendment Act, the Government will bring in an entirely different text, or a substantially different one from the one that was originally gazetted, one that perhaps even makes Sri Lanka into an 'orumiththa nadu,' and adopt it.

The *Sinhalayo* must understand very clearly why they must resist the 20A. The *Sinhalayo* must resist the 20A because it is a tactic being used by a corrupt and unaccountable government to bring in changes to the Constitution that will cause the interests of the *Sinhalayo* irrevocable harm. It has nothing to do with whether or not one likes the Executive Presidency. If the Executive Presidency is a problem, then it can be made a campaign issue at the next elections.

2. The *Sinhalayo* are poor compared to the Government and its foreign backers. So, in general the *Sinhalayo* cannot spend as much time and energy campaigning against the 20A, as their opponents will do in promoting it.
3. The *Sinhalayo* don't have the organizational capacity to mobilize for a referendum if one is needed. (As I mentioned earlier, I don't think the Government will risk going for a referendum, but if they decide to roll the dice and go for one, the *Sinhalayo* are in real trouble.)
4. The JO, which supposedly represents the *Sinhalayo* has proved itself thoroughly inefficient and incompetent in carrying out that trust, as for example shown by the JO's inability to capitalize on the results of the 10th February Local Government elections.
5. The *Sinhalayo* do not have an alternative to the 20A. One of the main challenges that the advocates of the 20A will throw at the *Sinhalayo* is that they (*Sinhalayo*) can only protest against things but cannot present anything positive or substantive

of their own in respect of constitutional reform. At present, the *Sinhalayo* have no reply to this challenge.

THE GOVERNMENT

STRENGTHS

1. The Government has a 2/3 majority in Parliament.
2. The Government has the support of India and the United States, who want to prevent China from gaining a foothold in the island.
3. The Government has money to spend on political campaigns.
4. The Government has a well-oiled propaganda machine including NGO's capable of shaping public opinion.
5. The Government controls the media and so will control much of the public discourse on the 20A in the coming days and weeks. This, along with the matter in point '4' above will help the government shape public opinion in respect of the 20A in the coming days and weeks.

WEAKNESSES

1. Corruption, dishonesty, venality and incompetence of most if not all of the members of the government, which no amount of propaganda and other such things can gloss over.
2. Lack of a coherent vision or policy for the country other than slogans,
3. The fundamental lack of appeal to the *Sinhalayo*
4. The country is in a bad way. The economy is in shambles.
5. Fundamental illegitimacy of the 'National Government.'

The gravest danger at the moment is that, according to rumor, Mr. Mahinda Rajapaksa has been enticed into supporting the 20A in exchange for being made the Prime Minister at some time in the near future. I repeat, this is only rumor, but nevertheless something that the *Sinhalayo* must take seriously.

I hardly think MR will be so shortsighted as to fall for a 'deal' such as the above. For instance, who would be appointing him PM? Clearly, it would be Sirisena. Recall that, as recently as May 2018 if I'm not mistaken, Mr. Sirisena was bemoaning the fact that MR had been given a helicopter on the morning of 9th January 2015 in order to fly to

Tangalle after his defeat at the Presidential elections. And this is the same Sirisena who is now supposedly going to present MR with nothing less than the Premiership on a platter!

I need not mention that, Sirisena lured MNR with the ‘bait’ of the Premiership in the run-up to the 2015 general elections also, until he yanked it away at the last moment. I won’t waste time arguing about this matter anymore. Suffice it to say that, in my view, Sirisena is not interested in giving MR anything. Sirisena wants to *bury* MR once for all, and the sooner MR realizes it the better for everybody, especially the *Sinhalayo*. The *Sinhalayo*, and no one else, will make MR Prime Minister in 2020. He does not need Sirisena or Ranil, and far less the *Indians*, to become PM.

RECOMMENDATIONS

Just to be on the safe side, it is time the *Sinhalayo* registered another political party, to be kept in reserve in the event that they have to field their own candidate. The 10th February LG polls demonstrated that the *Sinhalayo* are no longer going to stick with parties and even individuals just for the sake of doing so, or simply because they may have traditionally or habitually done so. What is important is that the parties and individuals in question protect the interests of the *Sinhalayo*, and do it with actions rather than mere words. So, if the JO and the SLPP know that the *Sinhalayo* will not stand for any nonsense, I am quite sure they will think twice before cutting ‘deals’ on the 20A.

ANNEX

[Authors note: The following article was published on www.lankaweb.com on 29th May 2018]

AN OPEN LETTER TO MR. MAHINDA RAJAPAKSA, FORMER PRESIDENT OF SRI LANKA RE THE JVP’S 20A AND ALSO CONTINUING ATTEMPTS BY THE GOVERNMENT TO BRING A NEW CONSTITUTION

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Dear Mr. President: The newspapers report that the JVP has filed the 20A with the Speaker. Independently of this, there are reports that the Constitutional Steering Committee has requested its ‘experts’ to prepare a Final Report and Constitutional Proposal.¹ The Steering Committee filed its Interim Report in September 2017, and at least as far as is known to the public, debate on the said Report in Parliament was put off *indefinitely* in January 2018.

¹ I am relying for this on an article in the *Daily Mirror* of 26th May 2018, titled, ‘Constitution-making Experts’ Committee Asked to Submit Paper Within Two Weeks.’

The point is this. Having studied the tactics of Sirisena and Ranil ('Siri-Wiki') for nearly three years now, I am confident these latest attempts at amending the Constitution are their last ditch effort to postpone elections in 2020, and either stay in power till 2025 or beyond, or at any rate ensure that the 'Yahapalayana' agenda, so devastating to the interests of the Sinhalas as well as the country as a whole, continues beyond 2020.

You are the undisputed Leader of the Sinhalas. I am convinced that, what is now shaping up is the 'Final Battle' between Siri-Wiki and those backing them on the one hand, and the Sinhalas on the other. Your conduct will be the decisive factor in who ultimately wins this battle. The question is whether you take a rock-solid stance against these attempts to change the Constitution, or waver, hedge and equivocate? I would like to take a few moments to bring the following five matters to your attention:

- a) The Peril that the Sinhalas are facing
- b) Siri-Wiki's options at the moment
- c) Siri-Wiki's Plan
- d) The tactic they have used to trap you during these past three years, and what I think will be done this time also
- e) My appeal to you

1) The Peril of the Sinhalas

I'll confine myself to just the 20A because it is not yet clear how the Steering Committee will play its hand. The fact that the JVP with four seats in Parliament has even dreamt of bringing a constitutional amendment means that Ranil is behind this attempt.

If Ranil is behind it, then the UNP will back it. Also, if Ranil is behind it, it is a safe bet that Sirisena is behind it as well, or at any rate will provide his 45 SLFP'ers – I have called them 'sleazebags' in a previous article and that judgment still stands² – to help Ranil get a 2/3 majority and push the amendment/s through Parliament.

To digress a moment, at the 10th February 2018 LG polls, SLFP voters gave Sirisena a terrific body-blow, making it absolutely clear that he had no right to use his 45 'sleazebags' to carry on a 'National Government' with the UNP. However, Sirisena has managed to survive this setback because of the Joint Opposition's (JO's) debacle with the Vote of No Confidence against the PM. He has cleverly divided his forces, keeping about 10 with him, 'releasing' about 20 to the UNP, and sending 16 to you.

² An article in the *Daily Mirror* of 26th May 2018 titled, 'Yes, I Received 1M Cash Cheque,' details how a prominent member of this group of '16' has now admitted that he received a million rupee 'donation' from disgraced bond scammer Arjun Aloysius' Company. From what I understand, the position of the aforesaid member is in essence, 'Yes, I took the money, but I was not the only one. Other people took even more.' In short, 'Everyone is a crook, so no one is a crook!' I repeat, my judgment as to the 'sleazebags' remains.

It is my considered opinion that, Sirisena still has as firm a grip over the '45' as he ever did, and will use them to his advantage as and when he chooses. That leaves your 50 JO'ers. Of this, I think about 10 – 15 are shaky, i.e. they might back Sirisena under the right circumstances. That means you (along with the Sinhalas) are left with roughly 35 MP's on whom to rely in a crunch.

In short, if the 20A or any other constitutional amendment that Siri-Wiki table in Parliament goes to the wire, it will *pass*. That's the reality. I hope I am wrong in this, but it is better for the Sinhalas to mentally prepare for this nightmare scenario. It means that, the only safeguard left for the Sinhalas is the Referendum. Unfortunately, there's a huge problem with this as well, to which I will turn in a moment. But first, let's look at Siri-Wiki's options.

2) Siri-Wiki's Options

I take as a premise that, at the 2020 Parliamentary Elections, Siri-Wiki will suffer a crushing defeat. If Siri-Wiki lose in this fashion, a) they will have nothing to look forward to in their respective retirements but endless trips to courtrooms and/or jails in order to account for their actions during the past few years, and b) the Sinhalas will finally get a chance to put the country on the right track by *inter alia* bringing fundamental constitutional changes including the repeal of the 13A.

Needless to say, Siri-Wiki can't afford to let the above happen. More important, the Foreign Powers – the U. S., India and the U.K. along with the Tamil Diaspora, that, each for their own reasons helped bring Siri-Wiki to power – cannot afford to let it happen. They will therefore put their full weight behind Siri-Wiki to ensure that the latter continue in power beyond 2020, or at any rate the main *thrust* of the 'Yahapalanaya' agenda continues, albeit even with a change of faces at the top.

There are only two ways to prevent the aforesaid crushing defeat of 2020: a) to somehow or other *postpone* the 2020 Elections, or b) have those Elections held *earlier* than 2020, that is, when the Sinhalas have not yet fully mobilized, and also when they have not yet fully formulated their post-elections plans including constitutional changes. Siri-Wiki can achieve either of these goals by pursuing a constitutional amendment such as the 20A followed by a Referendum. In my view, they have three options, as follows:

a) Go for a referendum and win.

Siri-Wiki have a good chance of winning a referendum if they can marshal the same coalition that got Sirisena elected, plus, rig the referendum just to be on the same side. If they win the referendum, they can claim that the people have renewed the 'January 8th Mandate' or some other such excuse and postpone the 2020 Elections, for instance by way of another referendum, the tactic J.R. used in 1980.

b) Go for a referendum and lose, and hold early elections.

If Siri-Wiki lose the referendum, they'll have to dissolve Parliament and go for elections. But, this is not such a bad idea at the moment, if one looks at it from their point of view. The simple fact is that, your Party the SLPP is not in a position to win a national election at the moment. One would have thought they were, but the No Confidence Vote fiasco proved otherwise.

If the UNP fields a strong team, and also has the support of the minorities, it will probably come out on top. This is especially so if Sirisena's 'sleazebags' contest under the SLPP banner. The simple fact is that, most voters simply can't stand the sight of these 'sleazebags.' I can't speak for others, but I for one will not vote for the SLPP if a single 'sleazebag' of Sirisena's contests under the Party's list. At the very least, they should sit out a term as penance for their 'sins.'

The point is that, if the elections were held today, the SLPP will not crush Siri-Wiki, which is what the Sinhala need, and what Siri-Wiki want to avoid at any cost.

c) Cut a deal with the JO that if they support the 20A there will be early elections.

This is the deal that was dangled in front of the JO a few weeks ago, and if I'm not mistaken a JO'er had even said they might be interested in it. That was before you shut it down. Anyway, this option leads to the same results as point 'b' above. I will now turn to the trap that I think they will lay for you in order to get you to take one of the above routes, preferably 'A' because that is the best one from their point of view.

3) Siri-Wiki's Plan

The trick for Siri-Wiki is to get you to support the 20A (or whatever other amendment they bring) or at any rate to be *lukewarm* in your opposition to it, so that it sails through Parliament with a 2/3 majority and even a number of JO'ers will vote for it. This will set up the referendum, which is where Siri-Wiki plan to bury you.

Siri-Wiki hope to confuse, divide and demoralize the Sinhala in the run-up to the referendum, while they (i.e. Siri-Wiki) along with the minorities and the NGO's with their unlimited funds from foreign backers mount a focused campaign. For the Sinhala, imagine the following scenario at any given JO rally in the run-up to the referendum:

On the same stage, the 16 'rebels,' many of whom were *rejected* by the voters in 2015, (as I said earlier many voters can't even stand the sight of these 'sleazebags'), a good number of JO stalwarts, who made complete asses of themselves in the No Confidence Vote against the PM, and finally, the Left 'intellectuals' all braying at the top of their lungs against the 20A, or whatever other amendments Siri-Wiki put on the table. Who will believe this lot? It'll be a complete circus. This is *exactly* what Siri Wiki want.

On the other hand, if you fight the amendment in Parliament, it'll give the Sinhala time to mobilize, and also, more important, set out from the very start the main points on which the amendments in question must be rejected. That way the arguments that will be made in the course of the campaign are clear from the very start. The line that divides the 'For' camp from the 'Against' camp is absolutely clear from the very start. Siri-Wiki can't afford to let this happen. This is where the trap comes in.

4) The Trap

In order to understand the trap, I must briefly review the tactic that they have used to trap you on at least 3 key occasions in the past three years, to wit: a) get you to contest the 2015 General Elections under the UPFA banner with Sirisena's blessing, b) to get the JO to sign on to the Framework Resolution that established the 'Constitutional Assembly' on 9th March 2016 so that the resolution could be adopted unanimously, and c) get the JO to file a No Confidence Motion against the PM.

I have discussed the tactic used in 'a' and 'b' above in an article titled, 'The Constitutional Deathtrap,' published on *lankaweb.com* on 23rd August 2016, and refer you to that for more details, but in brief, the tactic has 6 steps, as follows:

- i. By way of an interview or an article, a mole (usually an 'intellectual') working in cahoots with Siri-Wiki puts out the desired goal: for instance, that the best thing for MR to do is to contest under the UPFA, that [the aftermath of the 10th February 2018 LG Polls] is the perfect chance to get rid of Ranil, etc.
- ii. Then, a faction within the JO also takes up the aforesaid position.
- iii. Then, a group of Sirisena's men make a pretense of quarrelling with him over the matter in 'ii' above. They subsequently leave Sirisena and go over to the JO, to pursue 'ii'.
- iv. Many rounds of 'discussions' between the 'rebels' and the JO follow, until finally the 'rebels' also embrace the JO's position in 'ii,' with a few minor changes.
- v. The JO adopts the position in 'ii' and acts on it, the result being that Siri-Wiki get exactly what they wanted all along.
- vi. After a few days, the 'rebels' go back to Sirisena.

I invite you to consider how the JO came to file a Vote of No Confidence on the PM. First, recall that SLPP voters – who were in effect UPFA and SLFP voters of 2015 – never called for Ranil's head either going into the LG polls or immediately afterwards. I was a Pohottuwa voter, and I couldn't care less if Ranil continued as PM. My concern was that Sirisena had no right to continue with the 'National Government' because his 45 'sleazebags' did not have a mandate from their voters to engage in such action.

So, the idea that Ranil should be got rid of, rather than the ‘National Government,’ was *put* to the people: it was *planted* in a very clever way. Next, a number of JO stalwarts began to make a hullabaloo calling for Ranil’s head. It seemed as if, all of a sudden, these JO’ers couldn’t live a single second if Ranil remained PM.

Then, predictably, a number of Sirisena’s men also started calling for Ranil’s head. To make a long story short, the JO’ers filed the No Confidence Motion thinking that Sirisena’s men were firmly behind them, which they were not. No doubt the JO’ers were also assured (by Sirisena’s men) that a significant number of UNP’ers would join the plot at the right moment. And so the JO filed the motion. Sirisena’s men left them holding the bag. The promised UNP defections didn’t happen. And it was a disaster.

The result: Sirisena lived to fight another day. I won’t belabor the point. Now, Sirisena has moved his men into place gain, and is poised to strike again.

I predict the following. In the coming days and weeks, there will be a steady barrage of articles and interviews by various pundits suggesting that the 20A is the perfect chance to get rid of the Government. All that needs to be done is to go for a referendum that [we will be told] the Government will surely lose.

Next, there will be a group of JO stalwarts who start saying the same thing. And then, Sirisen’as ‘16’ will join the chorus as well. Then, the JO stalwarts and Sirisena’s 16 will start having ‘discussions.’ And so, the farce will go...until the 20A or whatever other amendment Siri-Wiki want sails through Parliament with the JO’s tacit backing!

5) My Appeal

My appeal to you is, ‘Please do not fall into the aforesaid trap!’ Instead take an unequivocal stance against the 20A or whatever other constitutional amendment Siri-Wiki or their agents put on the table. This will:

- a) Keep the ‘shaky’ JO’ers within your ranks.
- b) Perhaps get Sirisena’s ‘Sleazebags’ to vote against the amendment/s in Parliament, which will deprive Siri-Wiki of a 2/3 majority for once, and end the amendment/s in Parliament itself. This is the optimal result for the Sinhallas.
- c) Most important, give the Sinhallas time to mobilize.

Some people might say, “But, isn’t it a good idea to at least *discuss* the pros and cons of abolishing the Executive presidency, devolving more power to the Provinces, etc.?’ I reply, ‘Certainly, but not at the moment.’ The Sinhallas can discuss all those questions and more when they have a Government of their own.

The only question right now is whether it is in the interests of the Sinhalese to trust a Government as corrupt, dishonest and scheming as the present one to meddle with the Constitution. As far as I'm concerned any person who thinks the aforesaid is a good idea is either an idiot, a glutton for punishment, or in on it with Siri-Wiki.

Those then are some of my thoughts on the related issues, Mr. President. I apologize for asking so much of your time. I trust this finds you well.