

# South Asia Analysis Group

Published on *South Asia Analysis Group* (<http://www.southasiaanalysis.org>)

[Home](#) > Sri Lanka: Quandary About NPC Polls & 13A Tampering

---

## Sri Lanka: Quandary About NPC Polls & 13A Tampering

Submitted by asiaadmin2 on Sun, 06/16/2013 - 06:12

Paper No. 5510

Dated 17-Jun-2013

Guest Coloumn: By Dr. Kumar David

The government successfully deflected attempts to move the Commonwealth Heads Meeting (CHOGM) scheduled for November out of Colombo, and secured promises of participation from UK's Cameron and India's Singh. This was a diplomatic success in the aftermath of the setback at the UN Human Rights meeting in Geneva in March.

CHOGM also earn President Rajapakse a two year stint as head of the Commonwealth which will show on his CV. But it has all turned into a curate's egg, creating more problems than benefits, and has regime sympathisers wondering whether it is worth the trouble.

To go through with the process, GoSL has to prove it is serious about the promises that it made in Geneva in respect of reconciliation and implementing 13A, (short for Thirteenth Amendment to the Constitution, enacted in 1987 under Indian pressure, which promised the Tamils in the north and east a degree of devolution, and separate or a merged provincial council). The problem is that the Rajapakses, Sinhala chauvinists, and indeed the majority of Sinhalese people, detest 13A because they see it as a concession to Tamils. The shocking fraud is that the other eight provinces in the country have provincial councils, but the Tamil north, whose concerns were the reason for 13A in the first place, ***has never had a provincial council***. War, and after that subterfuges of Sinhala governments, obstructed it for 35 years.

Now the floods have arrived at the ground floor and Rajapakse has little choice but hold elections for the Northern Provincial Council (NPC). He tried every trick to subvert it, but in addition to domestic pressures, the US, Delhi and the Commonwealth held him by the neck and forced his hand. It now seems NPC polls will be held in September, but there are still concerns as I explain later. A complicating factor is that apart from Rajapakse's own dislike for allowing the Tamils to have a provincial council, some of his coalition partners (Jathika Hela Urumaya, JHU, and its Minister Ranawaka, and another lightweight Minister called Weerawansa), as well as rabidly racial monks'

movements such as the BSS, are on the rampage. They demand NPC polls be cancelled and 13A be repealed. The regime finds itself in a fix; it cannot blatantly call-off the polls, but neither dare it defy the chauvinists.

### **Rajapakse's Options**

The government is in a quandary; there are options but also pitfalls. It will make a hash and blow things up (provoke a CHOGM boycott for example), but short-term damage control is difficult and long-term political, economic and social contradictions are multiplying making the regime weaker by the year. There are three options and combinations thereof.

- (a) Hold NPC elections in September 2013; blow hot air and make noises to please the extremists, but basically do nothing about repealing 13A. The hope is to placate the international community, cool the Tamils, SLMC (Muslim party) and LSSP-CP (left parties) and fool Sinhala-Buddhist extremists with promises of future bliss in nirvana.
- (b) Try a legal gimmick and postpone the elections claiming it is following a court order. The plan is to put up some agent to petition courts that, for this reason or that, NPC elections should be postponed. If the courts oblige, mutton heads in Delhi, Whitehall and Canberra will declare: "Oh well, the government has to respect the law". (Since when?).
- (c) This is the fallback option. Amend 13A, repealing up to four provisions. Delete references to (i) police and (ii) land powers; (iii) repeal the provision allowing two or more PCs to merge; (iv) prevent a PC from evading legislation that it opposes but other PCs accept. It seems only (iii) is feasible because of opposition within the ruling coalition (SLMC, LSSP, CP) to the other three.

I have excluded two suggestions; call-off the NPC elections explicitly, not by trickery as in (b); repeal 13A in its entirety. These are non starters though much loved by the monk and chauvinist brigades. They are not doable; CHOGM will be at risk, the US and UK won't be able to play dead any longer, and even spineless Delhi will have to react. If NPC elections are to be called off, the likely ploy is via the judiciary. But Rajapakse so outraged the Supreme Court in the Chief Justice impeachment affair that the court's subsequent majority mood remains untested.

### **A government at sixes and sevens**

If NPC elections are held without amendment to 13A at all, it will put the JHU in a very difficult position where it may consider leaving the government. The JHU is not a nonentity unlike the other chauvinist Minister Wimal Weerawansa. It has a political position pertaining to the place of Sinhala-Buddhism in Sri Lanka, which if seriously eroded would render its position in government difficult. Though its departure would cost Rajapakse only half a dozen MPs, the psychological impact would be huge. Desperate efforts are being made to thwart this. All this makes option (a) tough.

Justice Minister Rauf Hakeem's Muslim SLMC has, after some toing-and-froing, had to bend to pressure from its Eastern Province ranks and oppose amending 13A. The leftist LSSP Central Committee decided likewise and the Communist Party says the same. The third smaller left party in government, the DLF, though the most servile, has little choice but to follow the other two. Rumour has it some SLFP Ministers and the very small Liberal Party are also unhappy about messing around too much with 13A.

The JVP will not back amendments though it detests 13A because it detests the President more. The gist of all this is that amending 13A in a substantial way – option (c) - may fall short of the required two-thirds majority, and more seriously, attempting to do so and failing will impact adversely on the regime.

Whichever way he approaches the imbroglio, Rajapakse faces a difficult three months to September. The way out may be to bring a cosmetic amendment to 13A and somehow cobble together enough votes. For example, only remove the provision for provinces to merge. The Supreme Court under a former chauvinist and maverick Chief Justice struck down the merger of the Northern and Eastern Provinces, so it is moot whether merges are constitutional any longer.

### **Options before the Tamils**

What should the Tamils and the TNA do if NPC elections are held after deep amendments are made to 13A curtailing devolved powers? My position remains unchanged; contest nevertheless, but make the campaign a great deal more aggressive and rouse the people to rage at the injustice to Tamils yet again while the Sinhalese enjoyed provincial councils for 25 years. Discrimination that created Prabakaran and the LTTE are being repeated. But to properly conduct this campaign, perish any thought of boycott. The TNA must enter the fray and fight.

To accept the best option currently available is sensible. If the TNA refuses to contest it would be foolish and counterproductive. **This is the type of idiocy that Prabakaran and the LTTE indulged in and landed the Tamils in the worst misery they have suffered in their recorded history. Not again!**

### **Tags:**

[Sri Lanka](#) <sup>[1]</sup>

[TNA](#) <sup>[2]</sup>

13th Amendment <sup>[3]</sup>

NPC Elections <sup>[4]</sup>

**Category:**

Papers <sup>[5]</sup>

**Countries:**

Sri Lanka <sup>[6]</sup>

**Topics:**

Political <sup>[7]</sup>

Copyright ©2012. All Rights are Reserved.

```
(adsbygoogle = window.adsbygoogle || []).push({ google_ad_client: "ca-pub-2275491169696384", enable_page_level_ads: true });
```

---

**Source URL:** <http://www.southasiaanalysis.org/node/1293>

**Links**

[1] <http://www.southasiaanalysis.org/taxonomy/term/61>

[2] <http://www.southasiaanalysis.org/taxonomy/term/63>

[3] <http://www.southasiaanalysis.org/taxonomy/term/116>

[4] <http://www.southasiaanalysis.org/taxonomy/term/378>

[5] <http://www.southasiaanalysis.org/papers>

[6] <http://www.southasiaanalysis.org/sri-lanka>

[7] <http://www.southasiaanalysis.org/political>