

Sri Lanka: Reconvene Parliament, extend its tenure & Form a Multi Party Cabinet

Submitted by asiaadmin2 on Sun, 05/03/2020 - 05:58

Paper No. 6570 **Dated 3-May-2020**

By Kumar David

This is Sri Lanka's gravest national emergency of recent times. At such times countries form national administrations. Best known is Churchill's War Cabinet which included Atlee, Beaverbrook, Anthony Eden, Earnest Bevan and some transient figures; it averaged about seven persons. All the others, that is the "normal" cabinet, continued with other tasks. Conservatives, Labour, Liberals and National did not sink policy differences (Churchill lost to Labour in a huge landslide in 1945) but all held together to win the war. True, none of Lanka's current crop of leaders has the acumen, stature or selflessness of a Churchill or an Atlee, but circumstances may compel them to cooperate since this virus scourge shows no sign of flattening. It would be wise for President Gota to make a start by putting together an all-party team. Not just advisors to talk shop, but a team with real powers and functions to get on with allotted jobs. Doctors, IGP and army boss are functionaries and there to execute orders; strategic direction must come from a unified political leadership.

Our party leaders at the moment are busy counting their electoral prospects and fantasising about the decisions of the Election Committee (EC), but if forced to work together they will gird up their loins. Actually, they are not quite as bone-useless as I sometimes cuss in irritation. Gotabhaya, Mahinda, Sajith, Ranil, Sampanthan, a Muslim leader and Anura Kumara, if they put their shoulders to the plough can pull as a team. If it's premature to form a National Govt then a national leadership ('war-cabinet') is what President Gota needs to set up if Sri Lanka is to lick Covid-19. I don't mean a consultative body but a "Sajith you take over this"; "Sampanthan go to Jaffna and the East and take charge of that"; "Anura-JVP for mass mobilisation and education" etc. That is to take charge of Covid related stuff like Churchill's War Cabinet did. I don't know what to call it; Virus Combat Apex, VCA? The rest of government can go on with business as usual. No! Nobody is listening, just my daydreams!

But there is a looming problem; immanent constitutional deadlock. Dr Nuhal Jayawickreme, Prof Ratnajeevan Hoole, the EC, columnists, Editors are all on my reading list, but in the end its as Omar Khayyam said.

*Myself when young did eagerly frequent
Doctor and saint, and heard great argument
About it and about: but evermore
Came out by the same door as in I went.*

- Some say that if a new parliament is not elected and seated by 2 June the proclamation of dissolution stands annulled and the old parliament springs back to life.
- Others say that if a new parliament is not elected and seated by 2 June the constitution stands violated - but by whom, Gotabaya, the EC or God Almighty?
- Some ask if Gota is in dereliction of duty since knowing that it is impossible to seat a new parliament by 2 June, he has not revoked his 2 March Gazette and recalled parliament?
- Still others say that after 30 April the government had no right to spend money. What's going on now is theft. Those who are spending monies not voted by parliament should be locked up.

- A conundrum: If a new parliament can't be seated by 2 June (or if elections cannot be held on June 20) and if Gotabaya refuses to revoke his proclamation, then we will be in uncharted waters sailing in a ship called de facto dictatorship – President ruling without Parliament!
- The ultimate deadlock: What if, for whatever reason, a new parliament cannot be seated by 2 September and if Gotabaya refuses to relent (“I have dissolved parliament once; I will not reconvene it again and dissolve it later”). Then, after that, it will be Presidential absolutism without a Parliament. In the worst-case this could be perpetual!

The last two points may seem farfetched but I urge you not to push anything out of your mind. We live in strange times and we are dealing with people who are determined not to let their grip on power slip away again (perish Mahinda's January 2015 defeat!). These are not simply interesting times; they are very, very interesting times as Confucius or some such chap will extrapolate.

There will always be argument and that's what advocacy and judgement is about, but in the present instance there is more muddle and confusion than just two or three contending views. This is why seeking a determination from the Supreme Court will be an advantage. Though many may not approve of the judgement all will have to abide by it, and that will bring closure to the matter.

'Virus Administration' is made worse by factions and conflicts of interest pulling this way and that. The police announced that curfew in Colombo, Gampaha, Kalutara and Puttalam would be lifted on the 27-th. The President's Office promptly rebutted it and ordered continuation for an extra week. There has been a sharp increase in new cases since 20 April (about 400) despite a draconian lockdown and

a soul-destroying curfew. Unsurprisingly the biggest increases are in districts that are locked down and curfewed! Instead of learning from countries that flattened the curve and then squashed it, our authorities use a blunderbuss approach, not targeted-testing, small-group self-quarantining, and intelligent social-distancing.

Rumour has it that the Government Medical Officers Association (a political party two-timing as a learned society) has a grip on the President by the short and curlies while other advisors and common-sense pull in different directions. In the prevailing atmosphere of no public discourse, authorities are treating the public like mushrooms ('keep them in the dark and feed them shit') hence the reservoir of confidence that has lasted forty-five days is melting. The longer curfew, partial curfew, lockdown and the psychology of lockdown stay, the harder it will be to get things up and running again. The economy is in dire straits with factories, garment makers and export-oriented industries closed. External finances are crippled but for the crutches handed out by the IMF and China. "It is not, nor it cannot come to good". (In modern English: 'It is not, nor can it come to good').

I am certainly no expert but there is a huge amount of information from the world's top experts out there on the web. The big sticker item is "flattening the curve"; that is, strive to slow down transmission, build up slowly, limit to a lower peak. The x-axis in illustrations on the web is number of days since the first case. If you get your protective measures right in about 30 days it is possible to reach a plateau, and then it begins to fall. Hong Kong, Taiwan, South Korea, New Zealand, Australia, China and Japan have crossed over into this happy nirvana.

Of course, there have to be controls and supervision. The measures frequently and aggressively recommended are (i) Personal: hygiene and safety measures, (ii) Community: social distancing and curbing large gatherings, (iii) Environmental: frequent cleaning of surfaces, spraying, (iv) State: targeted follow up of contacts. The approach behind this thinking is different from the blunderbuss approach adopted by Gota and his control corps. At the same time the diametrically opposite point of view, the neo-liberal approach of hoping to build herd immunity (in US), has also failed; the correct median is between lockdown and neoliberalism. A good source of information for laymen is the US National Institute of Health's website; <https://www.nih.gov/health-information/coronavirus> [1].

The way forward is to open wide public discussions instead of the prevailing secretiveness, and to reconvene parliament, reach an all-party consensus and make a broadly accepted (to secure the 2/3) amendment to the constitution. Why do I envisage an amendment? It has nothing to do with Gota's craving to repeal 19A and enact changes to grasp a full-powered executive presidency. No, no, perish that thought; nothing could be further from my mind. The fear in my mind is that it is possible that the virus will be still around for a while, making it infeasible to hold a democratic election even as late as mid-August. Then how to convene a new parliament by 2 September, that if five years since seating the previous parliament?

If for right and proper reasons a general election cannot be conducted at the latest by mid-August (after giving time for new nominations, house to house canvassing, meetings and propaganda) then it will have to be held after 2 September. This is ultra-vires, unless the constitution is amended to permit an extension just this one time for a few months. To get this done parliament has to be recalled, near all-

party consensus reached and an amendment enacted. I wish to repeat; to do this the March 2 Gazette has to be revoked by the president, parliament has to be recalled and it must legally amend the constitution. After that the EC can be given a clean green light on how to proceed.

Since it is sensible to be prepared for a worst-case scenario it is wise to recall parliament and make initial preparations for a constitutional amendment as indicated above. This can be done in the background. Legislation to meet public health needs and release monies from the Consolidated Fund will be in the foreground. However, it is my view that this is not enough to deal with a crisis that is likely to drag on for a long time and get very complicated. This is why I am calling for a multi-party inner-cabinet or VCA with division of duties along stipulated lines. Health, police and military activities on coronavirus related matters should be implemented under the direction of the VCA.

There is anxiety that Gotabaya would like to rule alone without hindrance from political opposition, parliament or courts; undeclared despotism. Forming a multi-party virus combat summit at Cabinet level will go some way to alleviating this fear. It will also be conducive to easing ethnic polarisation because Tamil and Muslim leaders will have a role to play in VCA.

Tags:

[Sri Lanka](#) [2]

Category:

[Papers](#) [3]

Countries:

[Sri Lanka](#) [4]

Topics:

[Political](#) [5]

[General](#) [6]

Copyright ©2012. All Rights are Reserved.

Source URL: <http://www.southasiaanalysis.org/node/2599>

Links

- [1] <https://www.nih.gov/health-information/coronavirus>
- [2] <http://www.southasiaanalysis.org/taxonomy/term/2102>
- [3] <http://www.southasiaanalysis.org/papers>
- [4] <http://www.southasiaanalysis.org/sri-lanka>
- [5] <http://www.southasiaanalysis.org/political>
- [6] <http://www.southasiaanalysis.org/general>