

Sri Lankan Ethnic Conflict: Is the 13th amendment the only solution?



Deebachelvan, Sri Lankan poet and journalist. For contact: deebachelvan@gmail.com

The British Tamils Forum, functioning as a notable organization working for the Tamil diaspora, recently invited Annamalai, Tamil Nadu BJP president, to an event. Speaking at the event, he said, “The 13th amendment to the Constitution must again be implemented and that will be the permanent solution to the Sri Lankan Tamils’ issue.”

His remark has sparked a widespread discourse. Even in the past when he visited Eelam and on several occasions, he said he had hoped that the Sri Lankan government would fully implement the 13th amendment.

It is puzzling why the leader of a state’s unit of national part that is ruling India, is still emphasizing the 13th amendment. All the more puzzling why the Indian leaders have no proper understanding of the status of this amendment.

Long-time expectation

Both India and Eelam have long had a cultural and economic relationship. Not only between the Eelam and Tamil Nadu governments but also between the Indian and Sinhalese governments there has long been a cordial relationship.

Against this background, when the Eelam Tamils were oppressed in the independent country of Ceylon and when the country was reconstructed as Sri Lanka, a country of racial sovereignty in the 1970s, the Eelam Tamils looked forward to support from India and Tamil Nadu.

It was then that the struggle for a separate country blossomed in Eelam following a realization that it was no more possible to co-exist with the Sri Lankan government and the establishment's main goal was nothing but to indulge in Tamil genocide.

When the Sri Lankan government brought in a separate Sinhalese law in 1956, the Sinhalese leaders of the day, stressed that "in order to avert the Eelam Tamils' separation, they must be given a solution in the form of a federal rule."

The fighters of Tamil Eelam had taken this proposal only as their second option.

Status of the 13th amendment

The India-Sri Lanka agreement was signed in 1987. The 13th amendment was then put forward as a solution to the Sri Lankan ethnic crisis through the agreement signed by the then Indian Prime Minister Rajiv Gandhi and the Sri Lankan President Jayawardene.

As far as the Sri Lankan government is concerned, the 13th amendment has since been in vogue. There are nine governors for the nine provinces of Sri Lanka. In Sri Lanka which has a unitary

state constitutionally, the status of the 13th amendment cannot be otherwise than what it is now.

Therefore, the Eelam Tamils back in the day opposed the 13th amendment tooth and nail. Some have criticized the LTTE, saying, “The Tigers must have accepted the 13th amendment. Their rejection of the amendment was politically a tactless move.”

But now, nearly 15 years on after the 2009 Mullivaikal massacre, we must take note of the present condition of the 13th amendment.

What Sri Lankan govt did

When the LTTE activists held several parts of Eelam under their control, the Sri Lankan government launched a war in violation of the peace treaty in the Eastern Province in 2006. After bringing the war to an end in 2008, the government held provincial elections and seized control of the Eastern Province. Saying that it would hold a similar provincial election in the Northern Province after obliterating the Liberation Tigers, it walked the talk, holding the election only in 2013, that is, four years after the 2009 end-stage war.

After the Northern Province council’s rule came to an end in 2018, no provincial elections have since been conducted. The council has been mainly used only to fulfil the needs of the Sri Lankan government and let loose a reign of terror against the Tamils. The provincial council has served just as a venue for sharing of ideas and opinions as its powers have already been usurped by the central government.

Expectation and ground reality

It is said that if the police and land-based powers are given to the Eelam Tamils, the 13th amendment will fully be implemented. That is what the Indian Prime Minister Narendra Modi and Tamil Nadu BJP leader Annamalai have been saying all along.

But the Sri Lankan government and advocates of the Sinhalese racial sovereignty have been refusing to grant the police and land-based powers to the Eelam Tamils who have hardly been given any power at all.

Then how will it be possible that the Eelam Tamils will have trust in the 13th amendment?

Besides, the Eelam genocide was perpetrated when the 13th amendment was in force in the past. Today too when the 13th amendment is still in force, lands and temples in the Eelam are being encroached on. It is more appropriate to say that the present witnesses much more than the past did rather than to say that the past still continues in the present. Then, is it not true that the 13th amendment has not proved beneficial to the Eelam Tamils.

It is a bitter truth that just as the North-Eastern Provinces, linked together as per the India-Sri Lanka pact, fell apart through a court case in 2006 and just as the police and land-based powers were denied to the Eelam Tamils, so the provisions in the 13th amendment still remain on paper, hardly enforced. Therefore, through the past elections and through the people's uprisings, the Eelam Tamil have been demanding federal rule with autonomy.

In the past, the Eelam Tamils resorted to struggles with a vociferous demand for a separate nation, provoked as they were by the separate Sinhalese law engendering linguistic hatred, Tamil genocide, land encroachments, and denial of job opportunities and equality. Now they have been pushed into a situation wherein they, armed with just cause and self-righteousness, engage with the global community for recognition of their separate homeland demand.

This situation has been created by none other than the Sri Lankan government. No separate nation; no federal rule; and no 13th amendment... then no option for the Eelam Tamils but to take up

again the separate nation goal. If you fight for separate nation, there will be racial genocide; and even if you don't fight, there will be only the genocide and no solution at all. If this is so, then what solution will the Eelam Tamils go for?

In fact, it will be more meaningful for India to think beyond the 13th amendment about the solution to the Eelam Tamils. When the 13th amendment was in force, the Chinese envoy, who had landed in Mannar, asked, "How many kilometres is India away from here?"

So, it is very crystal-clear that the 13th amendment will neither be beneficial to the Eelam Tamils nor will it give security to India.

Translated by V. Mariappan.