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July 17, 2023

His Excellency Shri Narendra Modi
Prime Minister of India.

Your Excellency,

**THE VISIT OF HE RANIL WICKREMASINGHE TO NEW DELHI**

I write to you as the leader of the largest parliamentary group of the Tamil Parties in Sri Lanka.

The Tamil People have consistently given us a mandate to work towards a political solution to the Tamil National Question by means of a federal arrangement in the North-East, which was recognized as the ‘historical habitation’ of the Tamil speaking people in the Indo-Lanka Accord that was signed on the 29th of July 1987 provided for a measure of devolution to the provinces, including land and police powers.

The Government of India has actively engaged in this pursuit for the past 40 years and we are grateful for the firm commitment expressed by India to find a just and lasting solution that satisfies the legitimate aspirations of the Tamil speaking peoples to live with dignity, self-respect, peace and security. We remain committed to a political solution based on a federal structure that recognizes our legitimate aspirations. The Tamil speaking peoples have always been the majority in the North and East of Sri Lanka.

The Thirteenth Amendment to the Sri Lankan Constitution was introduced after the Indo-Lanka Accord, establishing a provincial council system that envisaged devolution of powers to the provinces. But the Amendment was introduced into a Unitary Constitution making the exercise one of decentralization instead of devolution, to which I along with my leaders, Messrs. Amirthalingam and Sivasithamparam responded by writing to the Prime Minister at that time, Shri. Rajiv Gandhi. We pointed out several flaws in the proposed amendment and consequently the Government of India obtained an assurance from President J R Jayawardena that those will be rectified. It is against this background that every effort made thereafter moved in the direction of surpassing the Thirteenth Amendment towards a federal structure.

First, in 1993, the Mangala Moonesinghe Select Committee during President R. Premadasa’s tenure recommended devolution based on the Indian model. It suggested that the Concurrent List be either abolished or that most of the subjects in it be transferred to the Provincial List. It further proposed an Apex Council linking the Northern and Eastern Provincial Councils.

Second, the government proposals for constitutional reforms in 1995 and 1997 under President Chandrika Bandaranaike Kumaratunga, and the Constitutional Bill of 2000, all proposed extensive devolution of power, and abandoned the unitary state structure.

Third, in December 2002, talks were held between the Government of Sri Lanka and the LTTE in Oslo. At these talks, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The Sri Lankan government delegation was led by Prof. G.L. Peiris, who after reaching this agreement, said the following at a press conference:

Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking people, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution had to be acceptable to all communities…And the parties agreed to, on that basis, discuss matters further.

Fourth, in 2006, President Mahinda Rajapaksa appointed an All Party Representative Committee (APRC), and a committee of experts to formulate proposals for a new constitution. At its inaugural meeting, President Rajapaksa outlined their task in the following words:

We must explore past attempts from the Bandaranaike-Chelvanayakam Pact onwards…People in their own localities must take charge of their destiny and control their politico-economic environment. Central decision-making that allocates disproportionate resources has been an issue for a considerable time. In addition, it is axiomatic that devolution also needs to address issues relating to identity as well as security and socio-economic advancement, without overreliance on the centre. In this regard, it is also important to address the question of regional minorities…There are many examples from around the world that we may study as we evolve a truly Sri Lankan constitutional framework including our immediate neighbour, India…

Any solution must be seen as one that stretches to the maximum possible devolution without sacrificing the sovereignty of the country given the background to the conflict.

The multi-ethnic expert committee involved in the APRC process, in their main report, proposed an extensive power-sharing arrangement similar to the Constitution Bill of August 2000. The final APRC report meanwhile suggested important improvements to the Thirteenth Amendment including the abolition of the concurrent list.

Finally, following the conclusion of the armed conflict in 2009, the government made certain pledges to implement and build on the Thirteenth Amendment.

On 26th May 2009, President Rajapaksa issued a joint communique with the visiting UN Secretary General Ban Ki- Moon stating:

President Rajapaksa expressed his firm resolve to proceed with the implementation of the 13th Amendment, as well as to begin a broader dialogue with all parties, including the Tamil parties in the new circumstances, to further enhance this process and to bring about lasting peace and development in Sri Lanka.

The very next day, on 27th May 2009, the UN Human Rights Council adopted a resolution in which the aforesaid commitment by President Rajapaksa was incorporated in the following words:

Welcoming also the recent assurance given by the President of Sri Lanka that he does not regard a military solution as a final solution, as well as his commitment to a political solution with the implementation of the thirteenth amendment to bring about lasting peace and reconciliation in Sri Lanka.

In June 2010, Dr. Manmohan Singh, the former Prime Minister of India made a statement with regard to Sri Lanka. He stated:

The Prime Minister emphasised that a meaningful devolution package, building upon the 13th Amendment, would create the necessary conditions for a lasting political settlement. The President of Sri Lanka reiterated his determination to evolve a political settlement acceptable to all communities that would act as a catalyst to create the necessary conditions in which all the people of Sri Lanka could lead their lives in an atmosphere of peace, justice and dignity, consistent with democracy, pluralism, equal opportunity and respect for human rights. Towards this end, the President expressed his resolve to continue to implement in particular the relevant provisions of the Constitution designed to strengthen national amity and reconciliation through empowerment. In this context, he shared his ideas on conducting a broader dialogue with all parties involved. The Prime Minister of India expressed India's constructive support for efforts that build peace and reconciliation among all communities in Sri Lanka.

This commitment was then repeated in May 2011 when External Affairs Minister G.L. Peiris visited New Delhi. A joint press statement with the Minister of External Affairs of India stated:

The External Affairs Minister of Sri Lanka affirmed his government's commitment to ensuring expeditious and concrete progress in the ongoing dialogue between the government of Sri Lanka and representatives of Tamil parties. A devolution package, building upon the 13th Amendment, would contribute towards creating the necessary conditions for such reconciliation.

This commitment was reiterated once again in Colombo in January 2012. After meeting President Rajapaksa, visiting Indian Minister for External Affairs, Hon. S. M. Krishna speaking at a joint press conference with Minister G. L. Peiris, stated:

The Government of Sri Lanka has on many occasions conveyed to us its commitment to move towards a political settlement based on the full implementation of the 13th Amendment to the Sri Lankan Constitution, and building on it, so as to achieve meaningful devolution of powers. We look forward to an expeditious and constructive approach to the dialogue process.

Most notably thereafter, on 13th March 2015, Your Excellency spoke in the Sri Lankan Parliament and stated:

Today, my top priority is to make the States in India stronger. I am a firm believer in cooperative federalism. So, we are devolving more power and more resources to the States. And we are making them formal partners in national decision-making process.

However, in total disregard of the pious promises and repeated assurances on its part, the Sri Lankan State has not only failed to fulfil its commitments, but has also attempted to abort the implementation of the Thirteenth Amendment to the Constitution by resisting brazenly the continuous demands for the devolution of land and police powers and by misappropriating powers already enjoyed by the provinces by legislative manipulations.

This has led to a crisis of confidence in regard to the willingness on the part of the Sri Lankan state in honouring its obligations under the Indo-Lanka Accord in the resolution of the National Question.

We firmly believe that the Tamil People’s safety, security, identity and existence as a Nation is inseparable from the national security of India especially in its southern neighbourhood. Sadly, the twin purposes for which the Accord was signed, namely, the safety and security of the Tamil People and the security of India, remain elusive even after the lapse of 36 years.

In this background we respectfully urge Your Excellency to prevail upon the President of Sri Lanka when he visits New Delhi around the 21st of July 2023, to fulfil the commitments made to India with regard to sharing powers of governance with the Tamil People of the North-East in Sri Lanka without any further delay.

Yours sincerely,