

Thirteenth Amendment — non-implementation, 1987–present

The Thirteenth Amendment to the Constitution (1987), enacted under the Indo-Lanka Accord, established Provincial Councils with devolved powers including police and land. Police powers have never been devolved to the Northern Provincial Council. Land powers have been substantially withheld through parallel structures (Presidential Task Forces, military land occupation, Mahaweli Authority). The Amendment remains on the statute book and substantially unimplemented in its core devolved subjects.

The non-implementation of the Thirteenth Amendment is the longest-running framework rejection on the narrowing timeline. It is also the cleanest empirical anchor for the Trust-Decay Curve model: an instrument legislated, signed, and partially constituted, then withheld in its operational core for over thirty-five years. The case file uses this pattern not to demand 13A implementation as the political solution (Tamil constitutional opinion has long since moved beyond 13A as adequate) but to document the structural pattern of agreement-without-implementation.

§1 What was withheld

Police powers (List I item 11A) have never been devolved to the Northern Provincial Council since its 2013 election. Land powers (List I item 18, Appendix II) have been withheld through parallel structures: Presidential Task Forces, continued military occupation of private land, Mahaweli Authority jurisdiction over irrigation-development areas, Forest Department reclassification of land.

§2 Why it anchors the Trust-Decay Curve

An agreement that has been on the statute book for thirty-eight years and remains unimplemented in its core devolved subjects produces the empirical pattern the TDC model describes: each new framework arrives carrying the weight of the previous unimplemented frameworks. The model is descriptive, not predictive — it documents what has happened, not what must happen.

Sources

- Constitution of Sri Lanka, Thirteenth Amendment (1987), Lists I & II.
- Centre for Policy Alternatives — successive reports on land and devolution.
- ICG, Sri Lanka's North: The Long Road to Reconciliation (2012).

What this is not

- This article does not name serving police, military, or administrative officials.
- This article does not propose a specific devolved arrangement; it documents the implementation gap.