

Country/entity	Sri Lanka
Region	Asia and Pacific
Agreement name	Government of Sri Lanka's Proposal to the LTTE Regarding Creation of an Apex Body
Date	27 May 2003
Agreement status	Unilateral document
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Sri Lankan Civil War (1983 - 2009)

The roots of the Sri Lanka conflict lay in British colonial policy which controlled the island from 1802 until 1948. During the early 1800s, the British brought Tamils from mainland India to work on the various plantations for tea, coffee and rubber, changing Sri Lanka's the demographic make-up. Upon independence, Sinhalese nationalism dominated the political sphere and introduced discriminatory policies against the Tamil minority straining relations and sparking protests. Armed Tamil resistance first came in the form of assassinations of moderate Tamils and opposition politicians in the mid-1970s. However, it was the Liberation Tigers of Tamil Eelam's (LTTE) attack on checkpoint Four Four Bravo, which marked the turning point, sparking pogroms against Tamils in Sinhalese majority areas. This incident, known as Black July, is widely considered to the beginning of the civil war.

The first round of peace talks were backed by India, which had deployed the Indian Peace Keeping Force (IPKF) in 1987, and led to the 1987 Indo-Sri Lanka Accord. The Accord was successful in persuading the majority of insurgency groups to lay down arms. However, the strongest Tamil insurgency group, the LTTE, was not party to the talks and refused to disarm, sparking direct conflict between the IPKF and the LTTE until IPKF withdrawal 1990. Following the withdrawal, the LTTE consolidated their power in the North and East sparking another intense and bloody war with the central government that lasted until 2002 when another peace process was launched under the auspices of Norwegian negotiators. The second round of peace talks, however, only continued until April 2003 and in March 2004, a large faction of LTTE cadres split from the main organization damaging LTTE unity. The LTTE were defeated militarily by a large-scale government assault in 2009, however, the conditions for peace remain uncertain.

Close
Sri Lankan Civil War (1983 - 2009)

Stage	Pre-negotiation/process
Conflict nature	Government/territory
Peace process	Sri Lanka LTTE 2002 onward process

Parties	Liberation Tigers of Tamil Eelam; Government of Sri Lanka
Third parties	-
Description	Short agreement outlining the creation and responsibilities of an Apex Body which is tasked to coordinate reconstruction, rehabilitation and development efforts in the North-East.
Agreement document	LK_030527_GOSL Proposal to the LTTE Regarding Creation of an Apex Body.pdf (opens in new tab) Download PDF

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group Groups→Racial/ethnic/national group→Substantive
Page 1, Policy Level
1. ... The Apex Body shall be an interim measure pending negotiations and final agreement as per the principles for a political settlement reach in Oslo in December 2002, which provides for internal self-determination in areas of historical habitation of the Tamil speaking people based on a federal structure within a united Sri Lanka on the basis that the solution is acceptable to all communities and ensuring the legitimate rights and interests of the ethnic groups constituting the north-east. ...

Page 1, 2. The Apex Body shall be constituted in a manner that it reflects the ethnic composition in the North-East and comprises members who are truly representative of the ethnic groups constituting the north-east. In doing so, provisions will be included to safeguard the legitimate interests of the Muslims and Sinhalese of the North-East.
... The Apex Body shall ensure the appropriate distribution of resources, having regard to ethnic representation in the North-East to adequately safeguard the legitimate concerns of the Muslims and the Sinhalese in the North-East. Procedures, including the function of decision making of the Apex Body will be worked out by the Parties in consultation with other stakeholders.

Religious groups Groups→Religious groups→Substantive
Page 1, 2. The Apex Body shall be constituted in a manner that it reflects the ethnic composition in the North-East and comprises members who are truly representative of the ethnic groups constituting the north-east. In doing so, provisions will be included to safeguard the legitimate interests of the Muslims and Sinhalese of the North-East. ...

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) Page 1, Policy Level
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State configuration Page 1, Policy Level
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Self determination Page 1, Policy Level
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Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society

Page 1, 2. ... The functions and powers of the Apex Body would include appropriate authority for the formulation and approval of plans, schemes, programmes and projects for reconstruction and development of the North-East and progress review. It shall examine such plans and schemes, allocate funds and release funds for the implementation of the same to State agencies, non-governmental organisations including Tamil Relief Organisations and the private sector. ...

Page 1, 3. The Apex Body will direct the use of all funds derived from the Government and the Donors would be utilised by the State Agencies, NGOs (including TRO) international agencies and the private sector for undertaking rehabilitation, reconstruction and development projects, schemes and programmes.

Page 3, Operational Level

11. The implementing agencies for rehabilitation, reconstruction and development work will be State Agencies, Local Authorities, TRO/TRO Agencies, NGOs and the Private Sector and where appropriate, International Agencies. The organisational structures set-up by the North East Community Organisation Restoration and Development (NECORD), North-East Irrigated Agriculture Project (NEIAP), North-East Emergency Reconstruction Project (NEERP) and “triple R” would also come under the purview of the Special Commissioner. Local level agencies of the State would be provided with the requisite delegated authority to carry out their assigned tasks.

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

Page 2-3, Operational Level

10. Administration of the North-East is the responsibility both of the North-East Provincial Council and the Central Government. Therefore a Board to coordinate the administration of the North-East will be set-up. This Board will act as an interface with the Apex Body. The Board will be a support mechanism to ensure the effective management and speedy implementation of the decisions of the Apex Body. It will have the power to issue directions to all State agencies in order to expedite work and effect efficient delivery of services and programmes. The Board will also ensure capacity building of the administrative agencies in the North-East, and their ability to function effectively to implement the approved plans and programmes of the Apex Body. The Special Commissioner will be the Chief Administrative Office of the Board. The powers of the Board will be delegated to the Special Commissioner, when required. (See Appendix 1 for further details of composition and functions of the Board)

Page 3, Appendix 1

The Board will consist of the following members selected by the Prime Minister:

- Chairman
- Three Public Officers, at the level of Secretary/Senior Public Officer chosen for their efficiency.
- Chief Secretary of the NEPC (Ex Officio)
- The Special Commissioner (Chief Administrative Office)
- Three other persons with proven skills in planning and project management.

The appointment will be made in consultation with the LTTE.

Constitution

No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing Power sharing→Territorial power sharing→Autonomous regions
Page 2-3, Operational Level
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Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development

Page 1, Policy Level

1. There shall be a representative Apex Body (Council) for decision making in regard to all immediate and medium term rehabilitation, reconstruction and development work in the North-East and advising on policy development.

The Apex Body shall be an interim measure pending negotiations and final agreement as per the principles for a political settlement reach in Oslo in December 2002, which provides for internal self-determination in areas of historical habitation of the Tamil speaking people based on a federal structure within a united Sri Lanka on the basis that the solution is acceptable to all communities and ensuring the legitimate rights and interests of the ethnic groups constituting the north-east.

The Apex Body shall be a policy advisory and review board and carry responsibility for planning, prioritising and monitoring of the implementation of Programmes and Projects undertaken in the North-East.

(The terms “rehabilitation, reconstruction and development” will include relief, rehabilitation, resettlement, reconciliation, humanitarian mine action, and development activities such as reconstruction of roads, production infrastructure, health facilities, schools and similar matters supporting the return of IDPs)

The Apex Body shall ensure that various implementing agencies do not work at cross-purposes and impede and efficient utilization of relief and development funds.

Page 1, 2. ... The functions and powers of the Apex Body would include appropriate authority for the formulation and approval of plans, schemes, programmes and projects for reconstruction and development of the North-East and progress review. It shall examine such plans and schemes, allocate funds and release funds for the implementation of the same to State agencies, non-governmental organisations including Tamil Relief Organisations and the private sector. The Apex Body shall ensure the appropriate distribution of resources, having regard to ethnic representation in the North-East to adequately safeguard the legitimate concerns of the Muslims and the Sinhalese in the North-East. Procedures, including the function of decision making of the Apex Body will be worked out by the Parties in consultation with other stakeholders.

Page 2, 5. Special Fund

There shall be created a Special Fund for the North-East, dedicated for North-East reconstruction, rehabilitation and development in respect of aid, principally loans but also grants. The Special Fund will be an accounting mechanism to monitor all resources for the North-East that are not channeled through the NERF and any Government Funds that are not channeled through the NERF. This accounting mechanism will monitor resource allocated by the Government of Sri Lanka and resources from the Donors other than those given to NERF. The purpose of the Special Fund will be to ensure that the Apex Body can direct and supervise the utilization of all resources to the North-East, including loans and other funds which cannot be channeled through the NERF.

Page 2, Operational Level

7. There will be a legal obligation on the State agencies to implement relevant development scheme approved by the Apex Body in accordance with applicable criteria.

Page 2, Operational Level

8. The GOSL in consultation with the LTTE shall appoint a Special Commissioner. The Special Commissioner will be constituted with adequate authority and legal status to ensure rapid implementation by the State agencies of all development activities that are approved by the Apex Body. The Special Commissioner will be a non-voting member of the Apex Body who will report and be responsible to the Apex Body on the implementation of its decisions, clarify issues, prepare and provide reports on the status

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 2, 4. North-East Rehabilitation Fund (NERF)
The Government of Sri Lanka, the LTTE and the Facilitator will actively encourage all Donors to contribute through the NERF. The Government will provide funding through the NERF whenever practical. Utilization of resource from the NERF will be directly determined and supervised by the Apex Body.

Page 3, Operational Level

14. Donor Coordination

Subject to the agreement of the Donor Community there would be a Consultative Committee of Donors (CCD) which will meet on a quarterly basis to review progress on implementation and utilisation, including the distribution of such utilisation according to communities.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police	No specific mention.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	<p>Page 2, 4. North-East Rehabilitation Fund (NERF) The Government of Sri Lanka, the LTTE and the Facilitator will actively encourage all Donors to contribute through the NERF. The Government will provide funding through the NERF whenever practical. Utilization of resource from the NERF will be directly determined and supervised by the Apex Body.</p> <p>Page 3, Operational Level 13. Representatives of the LTTE could also be represented at the District and Divisional level “Development committees” in the North-East.</p>
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.

Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Edrisinha, Gomez, Thamilmaran, Welikala (Eds.) (2008), 'Power-sharing in Sri Lanka: Constitutional and Political Documents, 1926-2008' (Colombo: Centre for Policy Alternatives), pp. 658-661.
