

GOVERNMENT OF SRI LANKA'S PROPOSAL TO THE LTTE
REGARDING CREATION OF AN APEX BODY (2003)

NOTE

Agreement between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) regarding administrative and financing Arrangement to Expedite Efficient Implementation of Programmes and projects relating to relief, rehabilitation and development in the North-East.

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.

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 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 scheme, 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.

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.

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.

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 channelled through the NERF and any Government Funds that are not channelled 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 channelled through the NERF.

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.
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 of the Funds and present proposals to the Apex Body.
9. The Special Commissioner shall have authority to supervise the implementation by any State Agency of the plans, programmes and projects that are agreed upon by the Apex Body. *(Such as those indicated in the Needs Assessment).*

The Special Commissioner shall be assisted by a Secretariat. The Secretariat shall comprise of specially selected persons with persons with proven skills in planning, management and execution of projects.

The Special Commissioner will secure the services of professional staff including Project Managers from both within and outside the public service including the recruitment of expatriates.

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)*

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.
12. Proposals for rehabilitation, reconstruction and development could be submitted by all stakeholder to the Apex Body. This would include in particular the Development Committees referred to in paragraph 13 below.
13. Representatives of the LTTE could also be represented at the District and Divisional level “Development committees” in the North-East.

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.

15. While the above proposals on structures and mechanisms relate to rehabilitation, reconstruction and development activities, the Parties agree that humanitarian relief and human rights protection activities remain a priority and need to be carried out in accordance with international norms.

(For Schematic representation of relationships described above, please refer to Appendix 2)

:sp 26/05/03

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.

Source: *the Official Website of the Government's Secretariat for Co-ordinating the Peace Process (SCOPP).*

<http://www.peaceinsrilanka.org/Downloads/Pmdocs/31May03%20-%20PM%20ltr%20Annex1%20GOSL-LTTE%26May03.doc>

in pp. 658-661, Rohan Edrisinha, Mario Gomez, V. T. Thamilmaran and Asanga Welikala (eds.) *Power-sharing in Sri Lanka: Constitutional and Political Documents 19226-2008*, Colombo, Centre for Policy Alternatives (CPA) and Berlin, Berghof Foundation for Peace Support (BPS), 2008