

International Seminar: Envisioning New Trajectories for Peace in Sri Lanka

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Fact Sheet 5

Sri Lanka Proposal for Interim Administration

20 July 2003

Discussion Document

Introduction

Based on a request from the Liberation Tigers of Tamil Eelam the Government of Sri Lanka (GOSL) has developed the below framework for establishing a provisional administrative arrangement which will enable the LTTE to participate significantly in decision making and delivery related to administration, and rebuilding of the war damage infrastructure and economy, in the Northern and Eastern Provinces.

The objective of establishing such an arrangement is to ensure rapid improvement in the life of the population in the eight districts in the north and east, while LTTE and GOSL at the same time are actively engaged in a dialog to arrive at a negotiated settlement based on the agreement reached during the third session of the negotiations in Oslo in December 2002.

Therefore - being an integral part of the process towards a negotiated settlement of the ethnic conflict - the establishment and continued operation of this interim administrative arrangement will depend on a continued dialogue between the parties both in the context of this administrative structure as well in the negotiations towards a final solution of the conflict.

Given the importance attached to a continued dialogue at all levels the proposal for an administrative arrangement is presented as framework - not a final document - which in it self must be subject for dialogue between the parties.

Given the understanding between the Parties during plenary sessions of negotiations that a Muslim delegation should be accommodated when issues of concern to the Muslim population is being deliberated, it is the view of GOSL that:

- A Muslim delegation must participate in the discussions relating to establishment of a provisional administrative structure for the Northern and Eastern Provinces; and
- That it should be open to the SLMC to submit separate proposal pertaining to the establishment of the above mentioned structure.

Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion

Provisional Administrative Council

It is proposed that a body called the Provisional Administrative Council for the Northern and Eastern Provinces (Council) will be set up for the administration of this region.

- 1) The Council shall consist of such number of members as many be determined by the parties.
- 2) The composition of the Council shall consist of the following:
 - a. Members nominated by GOSL, which will include the nominees of the Peoples Alliance.
 - b. Members nominated by the LTTE.
 - c. Members nominated by Sri Lanka Muslim Congress (SLMC)
- 3) The number of members will be determined to ensure:
 - a. A majority of the LTTE in the Council
 - b. Subject to (a) above, the Muslim and Sinhala Communities will have weighted representation.
- 4) Chairperson

Two alternatives are presented concerning chairpersons for the Council:

Alt. 1 There shall be two chairpersons, one representing the LTTE and the other the GOSL elected by, and from amongst the members of the Council. Each chairperson shall have the right to veto any proposal brought before the Council.

Alt. 2 There shall be one Chairperson elected from amongst the members of the Council. If alternative 2 is selected the following para shall be included concerning decisions of the Council.

Any decision of the Council, which affects either the Muslim, or the Sinhala Community, can only be made valid if the decision is supported by:

- a. A majority of the Members of the Council, and
- b. A majority of the representatives of the Muslim or the Sinhala communities as the case may be.

Powers and Functions of the Provisional Administrative Council

- 1) It is proposed that the powers and functions of the Council will extend to: Adequate arrangements to enable the Council to participate effectively in the exercise and performance of such powers and functions as are at present being exercised and performed by the Government in respect of regional administration - **except the area of police and security; land; and revenue** - but **including rehabilitation,**

reconstruction, and resettlement.

2) The participation mentioned above shall include policy making, implementation and monitoring.

3) The detailed modalities required to give effect to the above 1) and 2) shall be subject for discussion between the parties.

The Special Commissioner

It is further proposed that:

- 1) A "Special Commissioner" is appointed with the authority to utilize the State machinery for the implementation of the decisions of the Council;
- 2) The Special Commissioner will be appointed by the GOSL with the consent of the majority of the Council;
- 3) The Special commissioner will be a non-voting member of the Council, and accountable to this body;
- 4) The Council may designate another person or an organization to co-ordinate rehabilitation or development work implemented by non-State agencies and organisations.

Finances

1) The Council will - giving due consideration to an equitable distribution - determine the use of funds placed at its disposal. The Council will further identify such utilization by State agencies, NGOs, international agencies, private sector agencies for administration, rehabilitation reconstruction and development in the North-East region. The funds made available to the work of the Council will include - but not necessarily be limited to - such funds as:

- a. received from Donors to the North East Reconstruction Fund (NERF)
- b. allocated by GOSL to NERF; and
- c. such resources as are received for rehabilitation and reconstruction of the Northern and Eastern Provinces other than through NERF.

2) North East Reconstruction and Rehabilitation Fund (NERRF)

It is recognised that NERF was established to cater for meeting the immediate needs of the population in the north and east. In order to enlarge the scope of this fund it is suggested that the funds should be modified to deal with both rehabilitation and reconstruction as well as cover medium term requirements. It is therefore suggested that the NERF is renamed NERRF.

It is further proposed that the GOSL and the LTTE shall actively encourage contributions to NERRF. The Government will provide funding through NERRF wherever practical. Utilization of resources from NERRF will as mentioned above be directly determined and supervised by the Council.

3) The Special Fund

A "Special Fund" is proposed instituted as an information, accounting and monitoring device for resources from donors or the Government that is not channelled through NERRF. The purpose of this mechanism is to enable the Council to be aware, and become responsible for effective utilization of resources to the north and east including loans and other finances that cannot be channelled through NERRF.

The District Committees

It is also proposed to institute a District Committee for each of the eight Districts in the Northern and Eastern Provinces.

1) Chairperson, Composition and Relationship to the Council

- a. The Chairperson of the District Committee will be appointed by and from amongst the members of the Council in order to serve as a link between the Council and the District Committee.
- b. The other members will also be appointed by the Council. In appointing such members, due consideration will be given to ensure adequate representation of the ethnic composition of the District in question.
- c. The District Committee will function directly under the Council and will be charged with carrying out the decisions of the Council.
- d. The District Secretary will be the Secretary and the Chief Executive Officer of the District Committee.
- e. All activities within the District relating to the powers and functions of the Council will be co-ordinated through the Secretary to the District Committee.

2) Functions of the District Committee It is proposed that the functions of the District Committee will consist of:

- a. Implementation of the decisions of the Council;
- b. Co-ordination of all development activities within the district; and
- c. Formulation of proposal for consideration by the Council.

3) Powers of the District Committee

- a. Each District Committee will function as a delegate of the Council and ensure the effective implementation of the decisions of Council.
- b. For all purposes a district Committee will be responsible for the district for which it is established and will function as an administrative mechanism at district level.
- c. A District Committee may - with the concurrence of the Council, obtain the assistance of individual or body of persons for the effective discharge of its functions.

District Sub-Committee

It is proposed that each District Committee may establish such number of District Sub-Committees as may be necessary for such sub-divisions in the district in order to ensure effective implementation of the decisions of the Council and the District Committees at local level. The members of the District Sub-Committee will be nominated by the District Committee with the concurrence of the Council.

Committees of the Provisional Administrative Council

1) It is further viewed as advantageous for the Council to establish the following special committees to strengthen its work:

- a. An Economic Affairs Committee
- b. An Infrastructure Committee
- c. An Essential Services Committee

2) Each Committee should consist of not more than four members of the Council, and such persons - including experts and officers - as may be determined by the parties.

3) The Chairman of the Committee should be a member of the Council.

4) Each committee will function under the direction of the council.

Period of Operation

It is proposed that the contemplated arrangement will be in operation for a limited period as agreed upon by the parties, however, subject to the arrangement being reviewed by the parties every six months.