

Country/entity	Sri Lanka
Region	Asia and Pacific
Agreement name	Government of Sri Lanka's Proposal to the LTTE Regarding a Provisional Administrative Council
Date	20 Jul 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	Government of Sri Lanka; Liberation Tigers of Tamil Eelam
Third parties	-
Description	Framework for the establishment of a Provisional Administrative Council for the LTTE, drafted by the government at the request of the LTTE.

Agreement document	LK_030720_Sri Lanka Proposal for Interim Administration.pdf (opens in new tab) Download PDF
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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→Rhetorical

Page 1, Introduction, 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.

Groups→Racial/ethnic/national group→Substantive

Page 1, 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.

... 3. The number of members will be determined to ensure:

... b. Subject to (a) above, the Muslim and Sinhala Communities will have weighted representation.

Page 2, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion,

Provisional Administrative Council,

... 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.

Page 4, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion,

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

... 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.

Religious groups	<p>Groups→Religious groups→Rhetorical</p> <p>Page 1, Introduction</p> <p>... 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:</p> <ul style="list-style-type: none"> - 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. <p>Groups→Religious groups→Substantive</p> <p>Page 1, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion, Provisional Administrative Council,</p> <p>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.</p> <p>... 2. The composition of the Council shall consist of the following:</p> <p>... c. Members nominated by Sri Lanka Muslim Congress (SLMC)</p> <p>3. The number of members will be determined to ensure:</p> <p>... b. Subject to (a) above, the Muslim and Sinhala Communities will have weighted representation.</p>
	<p>Page 2, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion, Provisional Administrative Council,</p> <p>... 4. Chairperson</p> <p>Two alternatives are presented concerning chairpersons for the Council:</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> 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.
	<p>Indigenous people No specific mention.</p>
	<p>Other groups No specific mention.</p>
Refugees/displaced persons	<p>No specific mention.</p>
Social class	<p>No specific mention.</p>

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) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

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.

**Political
institutions (new or
reformed)**

Governance→Political institutions (new or reformed)→Temporary new institutions
Page 1, 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.

Page 1, Introduction, 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.

Page 1, Provisional Administrative Structure for the Northern and Eastern Province -
Proposal for Discussion,

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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.

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Page 2, Provisional Administrative Structure for the Northern and Eastern Province -
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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

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	<p>Page 3, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion, Finances</p> <p>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:</p> <ul style="list-style-type: none"> 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.
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	No specific mention.

Power sharing

Political power sharing

Power sharing→Political power sharing→General
Sub-state level

Page 1, Introduction

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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
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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

Territorial power sharing	No specific mention.
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Economic power sharing	No specific mention.
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Military power sharing	No specific mention.
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Human rights and equality

Human rights/RoL general	No specific mention.
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Bill of rights/similar	No specific mention.
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Treaty incorporation	No specific mention.
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Civil and political rights	No specific mention.
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Socio-economic rights	No specific mention.
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Rights related issues

Citizenship	No specific mention.
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Democracy	No specific mention.
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Detention procedures	No specific mention.
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Media and communication	No specific mention.
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Mobility/access	No specific mention.
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Protection measures	No specific mention.
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Other	No specific mention.
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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.

Development or socio-economic reconstruction

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

Page 1, 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.

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Page 3, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion,

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.

Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction

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resettlement

National economic plan No specific mention.

Natural resources No specific mention.

International funds Page 3, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion, Finances

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Page 3, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion, Finances

... 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.

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 Page 2, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion,
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Ceasefire No specific mention.

Police Page 2, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion,
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Armed forces No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces Page 1, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion,
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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 Page 3, Provisional Administrative Structure for the Northern and Eastern Province - Proposal for Discussion, Finances
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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	http://tamilnation.co/conflictresolution/tamileelam/cnfZU06/factsheets/factsheet5.html Edrisinha, Gomez, Thamilmaran, Welikala (Eds.) (2008), 'Power-sharing in Sri Lanka: Constitutional and Political Documents, 1926-2008' (Colombo: Centre for Policy Alternatives), pp. 654-657.
