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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))
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  Download
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Groups

Children/ youth	No specific mention.
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Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/national group	<p>Groups→Racial/ethnic/national group→Substantive Page 1, Policy Level</p> <p>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. ...</p> <p>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.</p> <p>... 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.</p>
Religious groups	<p>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. ...</p>
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
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. ...

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 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)
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.
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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.
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Regional or international human rights institutions	No specific mention.
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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 Page 11 of 15

7. There will be a legal obligation on the State agencies to implement

National economic plan	No specific mention.
Natural resources	No specific mention.
International funds	<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 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.</p>
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 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

13. Representatives of the LTTE could also be represented at the District and
Divisional level “Development committees” in the North-East.

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.
