



தமிழீழ விடுதலைப் புலிகள் **Liberation Tigers of Tamil Eelam**

LTTE Headquarters
Kilinochchi
21 May 2003

Mr Vidar Helgesen
Deputy Foreign Minister
Royal Norwegian Government
Oslo, Norway

Dear Mr Helgesen,

In accordance with the decision of the leadership I am advised to respond to a set of proposals submitted by you in connection with the request made by our leader Mr Pirapaharan to establish an interim administrative structure with adequate powers to undertake Northeastern reconstruction and development activities.

Your proposals are out-lined in three documents: a Draft Agreement (between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam), an informal paper on 'Elements of a Strengthened and Expanded Mechanism for Reconstruction and Development of the North and East', and finally, a letter suggesting the use of locally elected bodies as a basis for development activities. We have given considerable thought and reflection to your proposals. Before presenting our critical review of the contents of your proposals, I wish to clarify as to why the LTTE leadership was compelled to suggest the formation of an effective interim administrative structure for the Northeast at this stage.

Originally the idea of an interim administrative structure for the Northeast was mooted by the LTTE months before the last general elections. The UNP leadership endorsed the proposal and the Prime Minister Mr Ranil Wickremesinghe openly campaigned in support of an interim administrative structure with the active participation of the LTTE. As you are aware, the issue of interim administration was taken up for discussion at the inaugural session of the peace talks in Sattahip, Thailand. Responding to the proposal of the LTTE delegation, Prof. Pieris explained the legal and constitutional constraints involved in the formation of such an administrative body outside the parameters of the Sri Lanka constitution. To avoid political controversy in the early stages of the talks the negotiating parties decided to replace the idea of an administrative structure with the establishment of a 'Joint Task Force for Humanitarian and Reconstruction Activities' for the Northeast. At the second session of peace talks, the negotiating teams agreed to transform the 'Joint Task Force' into a Sub-committee on Immediate Humanitarian and Rehabilitation Needs (SIRHN). The role of this sub-committee was to identify humanitarian and reconstruction needs of the Northeast population and prioritise implementation of activities to meet these needs. The committee would give primacy 'to activities aimed at rehabilitation of Internally Displaced Persons (IDPs) and to

humanitarian mine action programmes and other activities supporting the return of IDPs to their original homes such as reconstruction of roads, production infrastructure, health facilities, schools and similar issues.’

You will appreciate that SIHRN was instituted on the basis of equal and joint partnership with the primary objective of restoring normalcy to the lives of Tamil people affected by prolonged war and to facilitate the speedy and unhindered return of the IDPs and refugees to their own homes and villages. The resettlement and rehabilitation of hundreds of thousands of up-rooted persons is of paramount importance in addressing the urgent existential problems of the Tamil speaking population of the Northeast. SIRHN was established to undertake this immense humanitarian task. Unfortunately SIRHN failed to function effectively and no progress has been made towards alleviating the hardships and suffering of the displaced population. Despite the goodwill and the fullest co-operation of the LTTE, SIRHN has not been able to deliver on the expectations of the people. This lack of performance and the failure to produce tangible results on urgent humanitarian issues has eroded all confidence of the Tamil people in SIRHN, the only single institution that was created through lengthy sessions of dialogue.

It was under these frustrating circumstances that Mr Pirapaharan, during his discussions with your Foreign Minister Mr Peterson, suggested a new innovative structure for the Northeast with adequate authority and legal status for the rapid implementation of humanitarian and development activities. This innovative new structure, in his view, should be efficient, transparent and accountable with definite functions and powers so that the peace dividends pledged to the people can be delivered to the people without delay, without corruption, without bureaucratic obstacles.

The LTTE leadership is of the view that a permanent political settlement to the Tamil national question can only be actualised in a supreme constitution instituting a radically new polity, an endeavour that cannot be realised under the current unstable political climate. Since a permanent political settlement is not feasible in the immediate future, the Tiger leadership proposes an interim administrative structure with greater participation of the LTTE in both decision making and delivery of the tasks of rebuilding the war damaged economy and restoring normalcy in the Tamil speaking homeland. In this context, we wish to point out that the Government of India proposed an interim administrative mechanism following the Indo-Sri Lanka Accord of 1987 providing LTTE with a dominate participatory role. Mr Pirapaharan envisages that the proposed interim administrative mechanism should supersede the multiplicity of existing structures, which work at cross-purposes and impede the efficient utilisation of development funds.

Finally, in view of the upcoming Donors Conference in Japan, the LTTE leadership is of the view that an efficient, radically new administrative mechanism should be instituted immediately, without delay, with wide powers to expedite the resettlement, rehabilitation and reconstruction works in the Northeast. We are of the view that SIRHN, with its limited functions and powers, cannot undertake such monumental tasks.

Now let us scrutinize critically the set of ideas and proposals outlined in your communications addressed to Vanni leadership and to me in London. The two-paged Draft Agreement, worked out by you with the consultation of the Government of Sri

Lanka, was submitted to Mr Tamilselvan on Saturday, 17 May 2003. Constructed as a joint agreement between the GOSL and the LTTE, your draft briefly mentions the proposed North East Development and Reconstruction Council (DRC) as an expanded version of SIRHN. The functions, powers and mechanism of the proposed structure, according to your draft, have to be established through negotiations between the parties 'following consultations with the donor community at the Tokyo donor conference.' The DRC is not presented as a concrete proposal but as a notion or rather as a concept that has to be worked out into a framework subjected to the 'guidance' and endorsement of the international community. This draft on the DRC falls short of Mr Pirapaharan's expectations of a concrete framework for an interim administrative set-up. Instead the draft paper attempts to situate the DRC within an overall package of binding commitments to various issues including an abstractly formulated 'road map' of an envisaged federal solution.

The other brief draft paper entitled 'Elements of a Strengthened and Expanded Mechanism for Reconstruction and Development of the North and East' is an interesting document with some detailed input into the structure of the 'Development and Reconstruction Council' (DRC). This draft offers an expanded mechanism of SIHRN transforming it into three-layered structure consisting of a policy board, project committee and an administrative body, deriving its sole authority from the Prime Minister's office. The draft suggests that the LTTE can enjoy equal representation at the decision-making bodies (in the policy board and project committee) but 'the administration should primarily employ Tamils living in the North and East.' This means the LTTE's political representatives cannot play any role in the administrative structure. Essentially the document is brief and fails to provide clear definitions of the powers and functions of the decision making bodies and the question of the legal status of the DRC is not properly defined, but eventually subjected to legislation by Parliament. Finally, and most importantly the donor community is given the final determination over the establishment of the DRC. We do not know whether this draft is your own formulation or a set of proposals worked out by the government. The Colombo media has already given wide publicity to the proposal claiming that the government has decided to set-up a 'central co-ordinating mechanism' with wide powers to implement reconstruction and rehabilitation works. Though the proposals have new elements they have limitations in addressing the central proposal made by the LTTE leader calling for the establishment of an effective interim administration structure for the Northeast with significant participation of the LTTE.

Finally, your letter suggests a model of utilizing locally elected bodies (local government institutions) as a means to 'run development and reconstruction related affairs of the Northeast.' While I appreciate your innovative initiatives, I should say that the powers and functions vested with the local government bodies are extremely limited and confined only to particular subjects and therefore cannot be an effective administrative mechanism to undertake the immense tasks of rehabilitation and reconstruction. Furthermore, we will be ridiculed by the Tamil masses for having fought a liberation war for political independence and statehood and finally end up with village committees devoid of any authority.

While expressing our gratitude for your indefatigable endeavour in seeking solutions to break through the current impasse in the peace process we kindly request you to urge the Prime Minister Mr Ranil Wickremesinghe to officially respond to our leader Mr Pirapaharan's proposals for an interim administrative set-up. A positive and

constructive response from the Prime Minister setting out his ideas and proposals in clear and concrete terms will certainly help our leadership to take a crucial decision on the resumption of peace talks and participation at the Donor Conference in Japan.

Thanking you.

With best wishes,

(Anton Balasingham)
Chief Negotiator
Liberation Tigers of Tamil Eelam