

APPENDICES

APPENDIX I

Editor's Note: Following is the Liberation Tigers of Tamil Tigers (LTTE) proposals for the establishment of an Interim Self-Governing Authority (ISGA) published on 31st October 2003. This was the first time that the LTTE had published its proposals on constitutional reform. The proposals are discussed in Chapter XII.

THE PROPOSAL BY THE LIBERATION TIGERS OF TAMIL EELAM ON BEHALF OF THE TAMIL PEOPLE FOR AN AGREEMENT TO ESTABLISH AN INTERIM SELF-GOVERNING AUTHORITY FOR THE NORTHEAST OF THE ISLAND OF SRI LANKA

- a) Consistent with the principles of the rule of law, the human rights and equality of all persons, and the right to self-determination of Peoples;
- b) Determined to bring lasting peace to all persons of the island of Sri Lanka;
- c) Acknowledging with appreciation the services of the Royal Norwegian Government, the Norwegian People, and the international community in attempting to bring peace to the island;
- d) Recognizing that a peaceful resolution is a real possibility, despite the challenging history of the peace process between the Tamil people and the Sinhala people;
- e) Determined to establish an interim self-governing authority for the North-East region and to provide for the urgent needs of the people of the North-East by formulating laws and policies and, effectively and expeditiously executing all resettlement, rehabilitation, reconstruction, and development in the North-East, while the process for reaching a final settlement remains ongoing;
- f) Being aware that the history of the relations between the Tamil People and the Sinhala People has been a process of broken

promises and unilateral abrogation, by successive governments of Sri Lanka, of pacts and agreements solemnly entered into between the government of Sri Lanka (GOSL) and the elected representatives of the Tamil People;

- g) Bearing in mind that successive Governments of Sri Lanka have perpetrated persecution, discrimination, State violence and State-orchestrated violence against the Tamil People;
- h) Noting that the Tamil people mandated their elected representatives to establish an independent sovereign, secular State for the Tamil people in the elections subsequent to the Vaddukoddai Resolution of 1976;
- i) Bearing in mind that the Tamil armed struggle as a measure of self-defense and as a means for the realisation of the Tamil right to self-determination arose only after more than four decades of non-violent and peaceful constitutional struggle proved to be futile and due to the absence of means to resolve the conflict peacefully;
- j) Recalling that the Liberation Tigers of Tamil Eelam (LTTE) first took measures towards peace by unilaterally declaring the ceasefire in December, 2000 and again in December, 2001, opening highways, facilitating trade and the free movement of people, and entering into peace negotiations in good faith in the hope of creating an environment conducive to the return of normalcy and a just resolution of the conflict; Taking Note of the political courage of the present GOSL in reciprocating to the 2001 cease-fire;
- k) Realizing that the war in the island of Sri Lanka was principally confined to the North-East, resulting in the destruction of the social, economic, administrative, and physical infrastructure of that area, and that the North-East still remains the region in the island of Sri Lanka affected by war;
- l) Recognising that the majority of the Tamil People in the North-East, by their actions in the general elections held in the year 2000, gave their mandate acknowledging the LTTE as their authentic representative;

- m) Knowing that the LTTE exercises effective control and jurisdiction over the majority of the North-East area of the island of Sri Lanka;
- n) Realising that reaching a final negotiated settlement and the implementation thereof is expected to be a long process;
- o) Affirming the necessity for the safe and free return of all refugees and displaced persons and their urgent need for unimpeded access to their homes and secure livelihoods at land and sea in the North-East;
- p) Mindful that institutions and services provided by the GOSL have proved to be inadequate to meet the urgent needs of the people of the North-East;
- q) Recognising the failure of the Sub-committee on Immediate Humanitarian and Rehabilitation Needs (SIHRN) and other Sub-Committees formed during the peace negotiations, which failure was due to the composition of such Sub-Committees, which repeatedly led to inaction;
- r) Acknowledging the recognition by the GOSL of the necessity for an Interim Authority, as mentioned in its 2000 election manifesto;
- s) Realising that maintenance of law and order is an essential pre-requisite for a just and free society;
- t) Recognising the need for raising revenue to meet the urgent needs for the Resettlement, Rehabilitation, Reconstruction and Development of the North-East region, which has been devastated by war, and for the carrying out of any function of Government, Recognising the importance of control over land in resettlement, rehabilitation, reconstruction and development;
- u) Mindful that the Tamils did not participate in the making of the 1972 and 1978 constitutions, which institutionalized discrimination and denied them an effective role in the decision-making process;
- v) Noting the practice in international relations over the last decade of solving conflicts between Peoples through agreement between the

parties to the conflict on terms of equality and through innovative and imaginative measures;

- w) Relying on international precedents for establishing interim governing arrangements in war-torn countries having the force of law based solely on pacts or agreements between the warring parties recognized by the international community;
- x) Noting that measures such as the Ceasefire Agreement, including the role of the Sri Lanka Monitoring Mission (SLMM), and, the establishment of the SIHRN and the North-East Reconstruction Fund (NERF) constitute valid precedents for making such arrangements,

Wherefore, the Parties, namely the Liberation Tigers of Tamil Eelam and the Government of Sri Lanka, hereby agree to the following provisions:

1. Interim Self-Governing Authority

An Interim Self-Governing Authority (ISGA) shall be established comprised of the eight districts namely: Amparai, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee and Vavuniya in the North-East, until a final negotiated settlement is reached and implemented.

Representatives of the Muslim community have the right to participate in formulation of their role in the ISGA.

2. Composition of the ISGA

- 2.1. The ISGA shall consist of such number of members as may be determined by the Parties to this Agreement.
- 2.2. The composition of the ISGA shall be:
 - 2.2.a. Members appointed by the LTTE,
 - 2.2.b. Members appointed by the GOSL, and
 - 2.2.c. Members appointed by the Muslim community in the North-East.
- 2.3. The number of members will be determined to ensure:
 - 2.3.a. An absolute majority of the LTTE appointees in the ISGA.

- 2.3.b. Subject to (a) above, the Muslim and Sinhala Communities in the North-East shall have representation in the ISGA.
- 2.4. The Chairperson shall be elected by a majority vote of the ISGA and shall serve as the Chief Executive of the ISGA.
- 2.5. The Chairperson shall appoint the Chief Administrator for the North-East and such other officers as may be required to assist in the performance of his/her duties. The Chairperson shall have the powers to suspend or terminate any such appointment.

3. Elections

The provisions of Clauses 2.2 and 2.3 shall continue until elections for the ISGA are held. Such elections shall be held at the expiry of five years of the coming into force of this Agreement, if no final settlement has been reached and implemented by the end of the said period of five years. An independent Election Commission, appointed by the ISGA, shall conduct free and fair elections in accordance with international democratic principles and standards under international observation.

4. Human Rights

The people of the North-East shall be accorded all rights as are provided under international human rights law. Every law, regulation, rule, order or decision of the ISGA shall conform to internationally accepted standards of human rights protection. There shall be an independent Human Rights Commission, appointed by the ISGA, which shall ensure the compliance with all such human rights obligations. The Commission will seek the assistance of international human rights bodies to facilitate the rapid establishment of an effective regime for protecting human rights. The Commission shall be entitled to receive petitions from any individual person, award compensation to any such affected person, and ensure that such person's rights are restored.

5. Secularism

No religion shall be given the foremost place in the North-East.

6. Prohibition against Discrimination

The ISGA shall ensure that there is no discrimination on grounds of religion, race, caste, national or regional origin, age or gender in the North-East.

7. Prevention of Bribery and Corruption.

The ISGA shall ensure that no bribery or corruption is permitted in or under its administration.

8. Protection of All Communities

No law, regulation, rule, order or decision that confers a privilege or imposes a disability on any community, which is not conferred or imposed on any other community, shall be made concerning culture or religion.

9. Jurisdiction of the ISGA.

- 9.1. The ISGA shall have plenary power for the governance of the North-East including powers in relation to resettlement, rehabilitation, reconstruction, and development, including improvement and upgrading of existing services and facilities (hereinafter referred to as RRRD), raising revenue including imposition of taxes, revenue, levies and duties, law and order, and over land.

These powers shall include all powers and functions in relation to regional administration exercised by the GOSL in and for the North-East.

- 9.2. The detailed modalities for the exercise of such powers and the performance of such functions shall be subject to further discussion by the parties to this agreement.

10. Separation of Powers

Separate institutions for the administration of justice shall be established for the North-East, and judicial powers shall be vested in such institutions. The ISGA shall take appropriate measures to ensure the independence of the judges.

Subject to Clauses 4 (Human Rights) and 22 (Settlement of Disputes), of this Agreement, the institutions created under this clause shall have sole and exclusive jurisdiction to resolve all disputes concerning the interpretation and implementation of this agreement and any other disputes arising in or under this agreement or any provision thereof.

11. Finance

The ISGA shall prepare an annual budget.

There shall be a Financial Commission consisting of members appointed by the ISGA. The members should have distinguished themselves or held high office in the fields of finance, administration or business. This Commission shall make recommendations as to the amount out of the Consolidated Fund to be allocated to the NorthEast. The GOSL shall make its good faith efforts to implement the recommendation.

The ISGA will, giving due consideration to an equitable distribution, determine the use of funds placed at its disposal. These funds shall include the NorthEast General Fund, the NorthEast Reconstruction Fund (NERF) and the Special Fund.

The GOSL agrees that any and all of its expenditures in or for the NorthEast shall be subject to the control of the ISGA.

11.1. NorthEast General Fund

The NorthEast General Fund shall be under the control of ISGA and shall consist of:

- 11.1.a. The proceeds of all grants and loans made by the GOSL to the ISGA and the proceeds of all other loans made to the ISGA.

11.1.b. All allocations by the GOSL from agreements with states, institutions and/or other organizations earmarked in any such agreements for the North-East.

11.1.c. All other receipts of the ISGA, other than the funds specified below.

11.2. NorthEast Reconstruction Fund

The NERF shall continue to exist in its present form except that control over it will be transferred to the ISGA.

All grants given for the reconstruction of the NorthEast, will be received through the NERF. Utilization of resources from NERF will be directly determined and supervised by the ISGA.

11.3. Special Fund

All loans and any grants which cannot be channeled through the NERF for the specific purpose of RRRD will be received into the Special Fund. As in the case of other Funds, the ISGA shall control the Special Fund.

12. Powers to Borrow, Receive Aid and Trade

The ISGA shall have powers to borrow internally and externally, provide guarantees and indemnities, receive aid directly, and engage in or regulate internal and external trade.

13. Accounting and Auditing of Funds

13.1. The ISGA shall appoint an Auditor General.

13.2. All Funds referred to in this Agreement shall be operated, maintained and audited in accordance with internationally accepted accounting and auditing standards. The accounts will be audited by the Auditor General. The auditing of all moneys received from international sources shall be subjected to approval by an internationally-reputed firm appointed by the ISGA.

14. District Committees

- 14.1. In the effective exercise of its legislative and executive powers, the ISGA may create District Committees to carry out administration in the districts and delegate to such Committees, such powers as the ISGA may determine. The Chairpersons of such committees shall be appointed by the ISGA from amongst its members in order to serve as a liaison between the ISGA and the Committees.
- 14.2. The other members of the Committees shall also be appointed by the ISGA, which shall have the powers to suspend or terminate any such appointment. In appointing such members, due consideration shall be given to ensure representation of all communities.
- 14.3. The Committees will function directly under the ISGA.
- 14.4. The Chief Administrator of the ISGA shall appoint Principal Executive Officers in the districts, who shall also function as the Secretaries to the Committees. The Chief Administrator shall have the powers to suspend or terminate any such appointment.
- 14.5. All activities and functions of the Committees shall be coordinated through the respective Secretaries to the Committees.
- 14.6. Sub-committees may also be appointed to facilitate administration.

15. Administration

As part of the exercise of its executive powers the ISGA shall have direction and control over any and all administrative structures and personnel in the NorthEast pertaining to the powers set out in Clause 9 of this Agreement.

The ISGA may, at its discretion, create expert advisory committees in necessary areas. These areas will include but are not limited to Economic

Affairs, Financial Affairs, Judicial Affairs, Resettlement and Rehabilitation Affairs, Development of Infrastructure, and Essential Services.

16. Administration of Land

Since land is vital to the exercise of the powers set out in Clause 9 (jurisdiction of the ISGA), the ISGA shall have the power to alienate and determine the appropriate use of all land in the NorthEast that is not privately owned.

The ISGA shall appoint a Special Commission on Administration of Land to inquire into and report on the rights of dispossessed people over land and land subject to encroachment, notwithstanding the lapse of any time relating to prescription.

The ISGA shall determine the term of competencies of the Special Commission.

17. Resettlement of Occupied Lands

The occupation of land by the armed forces of the GOSL, and the denial to the rightful civilian owners of unfettered access to such land, is a violation of the norms of international law. Such land must be immediately vacated and restored to the possession of the previous owners. The GOSL must also compensate the owners for the past dispossession of their land.

The ISGA shall be responsible for the resettlement and rehabilitation of displaced civilians and refugees in such lands.

18. Marine and off-shore resources

The ISGA shall have control over the marine and offshore resources of the adjacent seas and the power to regulate access thereto.

19. Natural Resources

The ISGA will have control over the natural resources in the NorthEast region. Existing agreements relating to any such natural resources will continue in force. The GOSL shall ensure that all monies due under such agreements are paid to the ISGA. Any future changes to such existing

agreements should be made with the concurrence of the ISGA. Future agreements shall be entered into with the ISGA.

20. Water Use

Upper riparian users of river systems have a duty to ensure that there is a fair, equitable and reasonable use of water resources by lower riparian users. The GOSL and the ISGA shall ensure that this internationally recognized principle is followed in the use of water resources.

21. Agreements and contracts

All future agreements concerning matters under the jurisdiction of the ISGA shall be made with the ISGA. Existing agreements will continue, but the GOSL shall ensure that all proceeds under such agreements are paid to the ISGA. Any changes to such existing agreements should be made with the concurrence of the ISGA.

22. Settlement of Disputes

Where a dispute arises between the Parties to this Agreement as to its interpretation or implementation, and it cannot be resolved by any other means acceptable to the Parties including conciliation by the Royal Norwegian Government, there shall be an arbitration before a tribunal consisting of three members, two of whom shall be appointed by each Party. The third member, who shall be the Chairperson of the tribunal, shall be appointed jointly by the Parties concerned. In the event of any disagreement over the appointment of the Chairperson, the Parties shall ask the President of the International Court of Justice to appoint the Chairperson.

In the determination of any dispute the arbitrators shall ensure the parity of status of the LTTE and the GOSL and shall resolve disputes by reference only to the provisions of this Agreement.

The decision of the arbitrators shall be final and conclusive and it shall be binding on the Parties to the dispute.

23. Operational Period

This Agreement shall continue until a new Government for the NorthEast, pursuant to a permanent negotiated settlement, is established. The Parties will negotiate in good faith to reach such a settlement as early as possible.

Provided, however, that at the end of four years if no final agreement has been reached between the Parties to this agreement, both Parties shall engage in negotiations in good faith for the purpose of adding, clarifying, and strengthening the terms of this Agreement.

APPENDIX II

Editor's Note: The following is the statement issued on behalf of the parties by the Royal Norwegian Government at the conclusion of the third round of peace talks at Oslo on 5th December 2002. It is one of the most significant joint statements issued by the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) on the broad substantive contours of a constitutional settlement to Sri Lanka's conflict.

PARTIES HAVE DECIDED TO EXPLORE A POLITICAL SOLUTION FOUNDED ON INTERNAL SELF-DETERMINATION BASED ON A FEDERAL STRUCTURE WITHIN A UNITED SRI LANKA



Statement of the Royal Norwegian Government Oslo, 5 December 2002

The third session of peace talks between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) was held in Oslo, Norway on 2 to 5 December 2002. In a frank, open and constructive manner, the parties focused on three major areas:

- Consolidation of the ceasefire
- Humanitarian and rehabilitation action
- Political matters

The parties agreed on a working outline defining the objective as well as a number of substantive political issues for negotiation.

Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities.

Guided by this objective, the parties agreed to initiate discussions on substantive political issues such as, but not limited to:

- Power-sharing between the centre and the region, as well as within the centre
- Geographical region
- Human Rights protection
- Political and administrative mechanism
- Public finance
- Law and order

The parties recognised that progress on political issues must be supported by the continued consolidation of the Ceasefire Agreement. New concrete measures will be taken to facilitate further de-escalation and to improve normalcy:

- The GOSL will shortly return one of the hotels in Jaffna to its original use
- The LTTE will ensure that all future transportation of area commanders will take place under the supervision of the Sri Lanka Monitoring Mission (SLMM)
- The LTTE will accept the right of political groups to carry out political work, including in the Jaffna peninsula and the islands, provided that they are unarmed, as stipulated by the Ceasefire Agreement
- The GOSL will, in consultation with all relevant parties and groups, evolve a solution to the problems arising from recent developments in the Delft island
- The parties will facilitate restoration and rehabilitation of places of worship in the north and the east belonging to all religious communities.

On the basis of their firm conviction that the maintenance of law and order in the north and east is of paramount importance, the parties agreed to

request the Sub-Committee on De-escalation and Normalization to propose a common approach to settling cases involving the disputed use of private property, where such use has been impeded by the conflict. Furthermore, the LTTE will ensure that the activities of their law and order mechanisms will not be extended beyond the areas dominated by the LTTE.

The parties strongly underlined the need to move rapidly on humanitarian and rehabilitation efforts in the north and east. For this purpose, the early establishment of the North-East Reconstruction Fund will be critical. The parties agreed that the custodian of the fund should be selected and modalities for its operation agreed at the next meeting of the Sub-Committee on Immediate Humanitarian and Rehabilitation Needs. The parties expressed their appreciation of the strong support extended by several governments to the peace process at the Sri Lanka Support Meeting held in Oslo on 25 November, and urged these governments to rapidly release funds needed for humanitarian and rehabilitation efforts.

The parties acknowledged the need to ensure that the priorities and needs of women are taken into account in all aspects of the peace process. To this effect, they agreed to establish a permanent advisory committee which will, on a regular basis, submit proposals relating to women's interests to the sessions of negotiations and to the sub-committees of the peace process. The committee will consist of four representatives of each party.

As a priority area identified by the parties for humanitarian action, the parties stressed the need to improve the situation for children affected by armed conflict. Inspired by the international norms protecting the rights of the child, the parties underlined that children belong with their families or other custodians and not in the workplace, whether civilian or military. The LTTE will engage in a partnership with the United Nations Children's Fund (UNICEF) to draw up an action plan for restoring normalcy to the lives of children, and the parties called on the international community to provide financial support for such an action plan.

The GOSL will, in order to arrive at the broadest possible consensus, establish an appropriate mechanism for consultation with all segments of opinion as part of the ongoing peace process.

APPENDIX III

Editor's Note: The following statement was issued by the Liberation Tigers of Tamil Eelam (LTTE) on the occasion of the fifth anniversary of the Ceasefire Agreement in February 2007. It is an interesting representation of the LTTE's argument for a separate state that takes into account the international law relating to the right to self-determination as well as other comparable settlements that have delivered autonomy arrangements to group claims such as those of the Tamils in Sri Lanka.

CEASEFIRE AGREEMENT COMPLETES ITS FIFTH YEAR STATEMENT BY LIBERATION TIGERS OF TAMIL EELAM 22 FEBRUARY 2007

On February 22, 2002, the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka (GOSL), entered into the Ceasefire Agreement (CFA) with facilitation by the Royal Norwegian Government. Five years have passed since the signing of this historic agreement by the leader of the Liberation Tigers of Tamil Eelam (LTTE), Vellupillai Pirapaharan, and the then Prime Minister of Sri Lanka, Ranil Wickremasinghe. Even though today it exists only on paper, it remains a unique document in the search for an end to the national conflict in the island Sri Lanka. Unprecedented in peace efforts in the island, the CFA was formulated with the full support of the international community, transcended the parameters of Sri Lanka's majoritarian constitution created by the Sinhala people for the Sinhala people which had effectively marginalized the other communities in the island. It recognized Tamil Eelam's de facto existence, with its unique characteristics: a distinct population; a government comprising a defense force, a police force, a judiciary, a civil administration and other institutions for effective governance of a people, and capability of entering into agreements with other governments with a line of control reflecting the ground reality of the existence of the Tamil homeland demarcated with recognized borders. The CFA recognized the balance of power between the GOSL and the LTTE and was premised on this balance of power.

Since the island gained independence from British colonial rule, the Tamil nation has been subjected to chauvinistic and oppressive rule by successive Sinhala governments. For the first three decades after independence, the Tamil nation's non-violent resistance to this oppression was met by state

violence. Thus, the Tamils' peaceful struggle was transformed into armed struggle. In all that time, leaders and representatives of the Tamil nation held numerous talks and even signed agreements and pacts with successive Sri Lankan governments. Due to the lack of a balance of power between the two sides and the absence of international participation, all such negotiations failed and the successive Sri Lankan governments unilaterally abrogated all agreements reached. Repeatedly the Tamil people were victims of state deception and duplicity.

It was in the context of the bitter history that the CFA came into being in 2002 with Norwegian facilitation. It was the strong support shown by the international community for this peace effort that gave the confidence to the Tamils in this process. But the international community's unhelpful engagement in the peace effort has had the effect of encouraging the Sri Lankan state to pursue a military solution to the national question. The international community's unwillingness to take concrete measures and exert pressure on the Sri Lankan government to abandon its aggression in its pursuit of the military option has contributed to rendering the CFA defunct.

Despite serious and provocative breaches by the Sri Lankan armed forces, the LTTE has exercised considerable patience. During this period of ceasefire, we lost hundreds of our cadres to Sri Lankan military attacks. Throughout the Tamil homeland and in the other parts of the island, civilians, including elected Tamil Parliamentarians, Tamil journalists, Members of

Tamil intelligentsia and community activists, are being murdered and have disappeared due to the activities of the State armed forces and state-backed paramilitary forces. In spite of this ground reality, the international community chose to unfairly take punitive measures against the LTTE, seriously undermining the LTTE's status as an equal party in the negotiation process and thereby weakening the peace process itself. This international bias against the LTTE further strengthened the government's intransigence and encouraged it to adopt even more hard line positions. The international community's failure to take concrete action against the Sri Lankan state to stop serious breaches of the CFA or its widespread and systematic human rights violations has contributed to war like conditions in the Tamil homeland.

The failure of the peace process despite the international participation deeply frustrated the Tamil people. To their bitter disappointment, the CFA

and the internationally facilitated peace process have, as in all previous peace efforts, failed again. Against this backdrop, over the past five years, the LTTE, heeding the requests of the international community to be patient and flexible, has remained restrained while repeatedly calling for the full implementation of the CFA. Six years ago, in December 2000, the LTTE declared a unilateral ceasefire. It was rejected by the state and the war continued. Five years ago, in December 2001, the LTTE again declared a unilateral ceasefire, which paved the way for the CFA after concerted efforts by the Royal Norwegian government.

The CFA's overarching purpose was to end the hostilities between the LTTE and the GOSL and to create a conducive atmosphere for peace negotiations by bringing about conditions of normalcy in the war-ravaged Tamil homeland. In every round of the peace talks we emphasized the urgent humanitarian needs of the Tamil people due to three decades of devastating war. We also repeatedly pointed out that the prevailing environment of military occupation and harassment was not conducive to holding talks on resolving the national conflict.

After the CFA came into being, the LTTE participated in several rounds of talks with sincerity and total dedication. In these talks, we urged the GOSL to implement the CFA fully and to jointly take steps to alleviate the humanitarian crisis in the Tamil homeland. It was pointed out, that improving the living conditions of the Tamil people and building confidence and trust should precede discussions on political issues. The CFA requires both parties to the conflict to take necessary steps towards normalizing the lives of people in the Tamil homeland. However,

GOSL has failed to comply with these provisions and indeed taken actions to make the situation worse. It continues to occupy the civilians' homes, schools, and places of worship, denying hundreds of thousands of people the right to return to their homes. These are not only the violations of the CFA but also violations of international humanitarian and human right laws.

At each round we raised the issue of a lack of normalcy in the Tamil homeland. The GOSL failed to live up to its pledge at the negotiating table by delaying the implementation and ignoring its obligations. Meanwhile there was no improvement in the humanitarian crisis of the Tamil people, but rather got worse.

Contribution to the deterioration of the situation was the continued support extended by GOSL to paramilitary groups. Article 1.8 of the CFA required GOSL to disarm all paramilitary groups within a specified period of the ceasefire coming into effect. The existence of paramilitary groups and they operating with the support and sponsorship of the Sri Lankan Government, have repeatedly been confirmed by the Sri Lanka Monitoring Mission (SLMM) and, recently, by several other sources, including reports issued last year by the US State Department. The UN Special Representative Alan Rock has also pointed out the collaboration between the state armed forces and paramilitary groups, even citing evidence of the former forcibly recruiting children as combatants for the latter.

From 2002 to 2006, we were engaged in eight sessions of direct talks with the Sri Lankan state under the facilitation of the Royal Norwegian government. In order to address the significant humanitarian crisis of the people in the Tamil homeland, several proposals were put forward and administrative structures were suggested during the early peace talks. All these proposals were later rejected or abrogated by the GOSL. The initial request was for the establishment of an interim administration for the Northeast and it was rejected by GOSL, which cited Sri Lanka's majoritarian constitution. Subsequently, a purely humanitarian joint structure SIHRN (Subcommittee on Immediate Humanitarian and Rehabilitation in the North-East) was created, but was bureaucratically rendered dysfunctional by the GOSL.

Following the failure of the SIHRN, the LTTE submitted a proposal for the Interim Self Governing Authority (ISGA) to the Sri Lankan government in order to resolve the urgent humanitarian needs of our people and take the peace process forward. Unwilling to initiate peace talks based on the ISGA the then President, Chandrika Kumaratunga, dissolved the Parliament. In the subsequent parliamentary election, Tamil people overwhelmingly voted for 22 candidates from the Tamil homeland, who, accepting the LTTE as the authentic representatives of the Tamil nation, contested the election seeking a popular mandate for ISGA. Denying the democratic will of the Tamil people, the newly elected Sri Lankan government also refused to hold talks on ISGA.

Against this backdrop, the island suffered national calamity of unimaginable proportion when a Tsunami struck in December 2004. The majority of the victims were people in the Tamil homeland who had already endured the ravages of war. Thousands of Tamil people died and many more lost their

homes and all their possession and they were internally displaced. With no assistance forthcoming from the Sri Lankan state, the LTTE's military and civilian structures faced up to this humanitarian tragedy with the assistance of international and local NGOs, addressing the immediate evacuation and rehabilitation needs. Six months after the tsunami, with the facilitation of Norway and the insistence of international donor agencies, the LTTE signed an agreement with GOSL to share aid: the Post Tsunami Operational Management Structure (PTOMS). Yet, to the utter dismay of the Tamil people, the GOSL later nullified this purely humanitarian structure, again citing the Sri Lankan constitution. The international community, rather than providing an alternative framework to address the needs of the tsunami victims, simply walked away, leaving the Tamil tsunami victims in a dire situation. It was in this context that the current Sri Lankan President, Mahinda Rajapakse, assumed power in 2005. Immediately after his term in office began, the shadow war being waged against the LTTE and the Tamil people by Sri Lankan military intelligence wing using the paramilitary groups intensified. A dark phase has begun to unravel in the Tamil homeland; people are being terrorized by cold-blooded killings and 'disappearances.' Tamil parliamentarians who spoke out against the gross human rights violations of Sri Lankan armed forces were assassinated. Community representatives, journalists, students, academics, human rights activists are being murdered and 'disappeared'. In all parts of the Tamil homeland under Sri Lankan military occupation, all sense of normalcy has disappeared in a reign of military terror.

The situation in the Tamil homeland is deteriorating rapidly and the humanitarian and human rights crises are deepening. People in the Tamil homeland are living in traumatic conditions.

The continuing bombardments of densely populated civilian areas, including homes, hospitals and schools, are a violation of the Geneva Conventions 4, Article 147 and are thus war crimes. The Sri Lankan military has conducted unprovoked offensives against our forces and occupied our areas in violation of Article 1.3 of the CFA. Even under such grave circumstances we refrained from launching offensive operations and kept ourselves in defensive positions. Amid this deteriorating situation in the Tamil homeland, in early 2006, talks were held in Geneva concerning the full implementation of the CFA. At the talks, the GOSL promised to implement the CFA and disarm its paramilitary groups. Instead the Sri Lankan military and the paramilitaries intensified the killing of civilians and stepped up their terror campaign. Although a party to the International

Convention on Civil and Political Rights (ICCPR), the GOSL refuses to carry out independent, impartial and effective investigations into the killings and disappearances, despite pleas by former UN Secretary General Kofi Anan, and the UN High Commissioner for Human Rights, Louis Arbour who condemned these crimes. Amnesty International report of the Allaipiddy massacre in May 2006 cited credible evidence that the Sri Lankan navy was responsible. The continued failure of the international community, despite the volume of independently gathered evidence, to take effective steps to curb the state's abuses is turning the Tamil homeland into an Asian Darfur.

While crimes against humanity are taking place in the Tamil Nation, the LTTE, with immense patience, repeatedly reiterated the need for full implementation of the CFA. At this critical juncture, we accepted the international community's request and participated in a second round of talks with the GOSL in October 2006 under the auspices of the Royal Norwegian Government and hosted by Government of Switzerland. In this second round of talks in Geneva, we demonstrated utmost flexibility and in agreeing to hold talks on the core issues even while the humanitarian crisis of the Tamil people have not been improved.

We pointed out the suffering of the people and humanitarian crisis in Jaffna caused by the closure of A-9 highway, the only land route linking the peninsula with the rest of the island. The LTTE pointed out the closure of A-9 had set up a new 'Berlin Wall' behind which approximately 600,000 Tamil people were under the occupation of 60,000 Sri Lankan troops. The Sri Lankan government's adamant refusal to open the A9 highway under any circumstances led to the failure of the talks. The closure of the A9 is a standing breach of Clause 2.10 of the CFA. The deliberate withholding of food and medicine from the civilian population is also a grave breach of article 147 and also violates articles 55 and 59-63 of Geneva Convention IV.

At the talks the GOSL while refusing to discuss humanitarian plight of the Tamil people, it insisted on discussing the core issues relating to the national question. However when it was asked for its proposal, there was none, claiming that it had only recently signed the Memorandum of Understanding (MOU) between the two main parties in Colombo which it described as a "significant step" to find consensus in southern Sri Lanka. Today this much touted MOU has achieved nothing having been undermined by the GOSL itself.

Today the CFA completes its fifth year in existence. Article 2 of the CFA contains specific provisions barring the harassment of civilians and requiring civilian areas such as residential homes, schools, places of worship and public buildings returned to the people with the objective of normalizing the situation in the Tamil homeland. Yet, at present the Sri Lankan military occupies a third of the residential areas, leaving more than 300,000 people to suffer in IDP camps. This action breaches Article 46 of paragraph 2 of the Hague Convention on Land Warfare, which is considered the customary international law, prohibiting confiscation of private property. Guidance can also be drawn from article 17 of the second Additional Protocol II to the Geneva Convention, which prohibits the forcible movement of civilians. Moreover, in the current international context, no peace agreements whether it be in Kosovo, or Bosnia, or Brundi, or Georgia, or Macedonia deny the right to return of the people in the pretext of military security.

The worsening of the humanitarian and the human rights conditions despite the 5 years of the CFA has pushed the Tamil people to the brink. In these five years more than 1500 civilians have been killed and over 500 'disappeared' and approximately 300,000 people still live in the IDP camps and welfare centres. Another 210,000 people were displaced in Sri Lankan military operations last year. In this backdrop, only a neutral and constructive role by the international community can contribute to a just and lasting peace. Any involvement that is partial and attempts to marginalize or weaken one side will only lead to an irreversible process of deterioration. The parity of status and balance of forces between conflict parties in a negotiation process is essential for the survival of a peace agreement. In the case of CFA between the LTTE and GOSL, the need to maintain parity of status and balance of power was later ignored, leading to the CFA being undermined and, thereby, resulting in the disruption of the peace talks. Canada and the European Union, at the behest of the Sri Lankan Government, declared the LTTE, which was participating in the peace process as the authentic representative of the Tamil nation, as a terrorist outfit. These actions served to undermine the peace process, encouraging the Sri Lankan Government to take a hard line approach and to escalate its military offensives. Human rights violations on an unprecedented scale and military assaults and occupation have rendered the CFA meaningless.

The landslide victory of the Tamil National Alliance party, which contested the 2004 general election on the platform that LTTE was the sole representative of the Tamil nation, clearly demonstrated the democratic will

of the Tamil people. The LTTE is a national liberation movement, which has a long history of struggle for the Tamil people's right to self-determination. The will of the Tamil people is to determine their own political future. In contrast to current international practice with respect to national conflicts in other parts of the world, the international community's insistence on a solution that does not infringe on the territorial integrity and sovereignty of Sri Lanka is deeply frustrating for the Tamil people. The denial of the Tamil people's will is itself a breach of the law of self-determination. The international community has not rejected, for example, the South Sudan Machkös Protocol facilitated by US, UK, Norway and Italy on the basis it is affecting the sovereignty of Sudan.

Nor has the international community questioned the Serbia-Montenegro agreement and the recent proposal on the future of Kosovo on the basis these contravene Serbian sovereignty. The Papua New Guinea-Bougainville Agreement that was not opposed by the international community on the basis of safeguarding territorial integrity and sovereignty. In all these cases the peoples concerned have exercised their right to self-determination and sovereignty. The marginalisation of the 2002 CFA, which would have been a step towards just peace, has destroyed the confidence of the Tamil people and their expectations regarding future peace efforts. The Sri Lankan government's ongoing war of aggression, aimed at the subjugation of the Tamil people under the guise of 'war on Terrorism', will add to the bloodstained pages of the island's history. It has also compelled the Tamil people to resume their freedom struggle to realize their right to self-determination and to achieve statehood.

APPENDIX IV

Editor's Note: The UNP's 'special statement' is reproduced here for the reason that it marked a withdrawal from the commitment to the term 'federalism' the party had espoused since the Oslo Communiqué of 5th December 2002, when the government it controlled and the LTTE agreed on a formula for a constitutional settlement discussed at length elsewhere in this book. It was testimony to how the political dynamics in the South had changed since the defeat of the UNP government in the general elections of April 2004. With the rise of majoritarian nationalism in the South, the UNP ostensibly decided that a principled commitment to a federal solution was too much of a political and electoral burden to bear.

SPECIAL STATEMENT BY THE UNITED NATIONAL PARTY

28th September 2007

The United National Party believes that long lasting peace is possible only through a negotiated political solution based on a credible power sharing proposal acceptable to all communities. The Party's Annual Conventions of 2004 and 2006 reiterated this position. These policies were set out and further developed by Hon. Ranil Wickremesinghe - the Leader of the Party and Leader of the Opposition, when he delivered the J R Jayawardene commemoration lecture. He made the following observations:

1. * We must oppose separatism
- * Terrorism requires a military response
- * the causes leading to separatism requires a political solution

There must be contingency plans to deal with any breakdown in negotiations or when there are obstacles to a political solution. This should include both political and security components. We must take steps to obtain the support of all parties, and work wholeheartedly to ensure the success of the peace process.

2. A negotiated political solution based on:
 - i. renunciation of violence;
 - ii. human rights and
 - iii. democracy

It must also accommodate the legitimate aspirations of all communities. The political solution must address:

- i. the grievances of Tamils;
 - ii. the fears of Muslims in the North East regarding ethnic cleansing;
 - iii. The concerns of some sections of the Sinhalese that devolution will lead to separatism
3. The political solution must be acceptable to the Sinhalese, Tamils, Muslims, Burghers and other small ethnic communities. It must also have the support of the International Community.
 4. A political solution must safeguard the territorial integrity of Sri Lanka and the sovereignty of the people. It must also protect the rights of the minorities.
We must be innovative and evolve a new constitutional model reflecting our own experiences.
 5. The present system (the 13th Amendment) is based on the Provinces. Therefore we have to determine whether Provinces will be the unit of devolution for the future. If new units of devolution are being demarcated, it should be based on political, social and economic criteria.
 6. There must be credible power sharing between the national government Regional/Provincial Councils and Local Authorities. The Centre must retain the powers needed for the effective functioning of the national government. The other powers must be vested to the other two levels. People living in the North have expressed fears that powers vested in the Region/Province may be taken away by a future Parliament. People in the South have a concern that the Party in power at the Centre will take away the powers of the Regional/Provincial Councils controlled by Opposition Parties. Similarly, Local Authorities are worried that the Party in the power in the Region/Centre will take away their powers.

Therefore, it is necessary to have a system to safeguard the devolved powers. We have to give our attention not only to legal principles but also to practical problems.

7. These proposals must make provision for sharing of power at the Centre between the national government and the Regional/Provincial administrations.
8. The Co-Chairs and India be requested to arrange for cessation of hostilities and resumption of talks. In order to create an appropriate environment for talks it is essential,
 - i. that all parties agree to uphold human rights
 - ii. investigations be carried out into the abductions and disappearances and remove culture of impunity
 - iii. immediate resolution of outstanding humanitarian issues, and
 - iv. guarantee of all democratic rights.

The Ceasefire Agreement must be amended taken into account the present situation in the North – East and the experiences of last few years. The environment today is far different from that of 2002 when the CFA was signed.

A Muslim delegation must participate at the peace talks as agreed.

9. We have to structure the entire peace process: Talks with the LTTE; Talks with all other parties and group.

During this period we must also maintain a close relationship with India and the International Community.

10. A political solution must be acceptable to all communities. Thereafter, it must be accepted by the people at a Referendum. Once a negotiated political solution is accepted at a Referendum, a Constitutional amendment incorporating a political solution will be passed by Parliament. This Constitutional amendment will have to be approved by the people at a second Referendum.

APPENDIX V

Editor's Note: The decision handed down by the Supreme Court of Canada, the Reference Re Secession of Quebec, concluded that Quebec did not have a unilateral right to secede under Canadian Law nor International Law. The decision under Canadian Law was accompanied by four fundamental principles which the Court asserted are the foundation of Canadian society and which further serve as tools to resolve conflicts in the multi-ethnic society of the country. Federalism, namely the decentralisation and devolution of powers, the court stated was necessitated by the very existence of a multi-ethnic society and the constitutional mechanism to achieve unity through diversity. The second principle, Democracy, was seen as supporting the principle of federalism and was mainly concerned with the Canadian Electoral System. Constitutionalism and the Rule of Law, the third principle, insures the existence of an ordered society that protects citizens from arbitrary state action. The final principle, Protection and Respect for Minorities was stated as an irrefutable part of the identity of the multi-ethnic society of Canada. However the Court went on to express what can be described as a fifth and overarching principle, a duty to negotiate if there was a clear majority vote in Quebec, on a clear question in favour of secession. The Supreme Court's decision that Quebec did not have a right under International Law to secede was based on the recognition that the people of Quebec have the right to self-determination within an existing state.

EXTRACTS FROM REFERENCE RE SECESSION OF QUEBEC [1998] 2 S. C. R. 217 JUDGMENT OF THE SUPREME COURT OF CANADA AUGUST 1998

Extracts

134. A number of commentators have further asserted that the right to self-determination may ground a right to unilateral secession in a third circumstance. Although this third circumstance has been described in several ways, the underlying proposition is that, when a people is blocked from the meaningful exercise of its right to self-determination internally, it is entitled, as a last resort, to exercise it by secession. The Vienna Declaration requirement that governments represent "the whole people belonging to the territory without distinction of any kind" adds credence to

the assertion that such a complete blockage may potentially give rise to a right of secession.

135. Clearly, such a circumstance parallels the other two recognized situations in that the ability of a people to exercise its right to self-determination internally is somehow being totally frustrated. While it remains unclear whether this third proposition actually reflects an established international law standard, it is unnecessary for present purposes to make that determination. Even assuming that the third circumstance is sufficient to create a right to unilateral secession under international law, the current Quebec context cannot be said to approach such a threshold. As stated by the *amicus curiae*, Addendum to the *factum* of the *amicus curiae*, at paras. 15-16:

[Translation] 15. The Quebec people is not the victim of attacks on its physical existence or integrity, or of a massive violation of its fundamental rights. The Quebec people is manifestly not, in the opinion of the *amicus curiae*, an oppressed people.

136. For close to 40 of the last 50 years, the Prime Minister of Canada has been a Quebecer. During this period, Quebecers have held from time to time all the most important positions in the federal Cabinet. During the 8 years prior to June 1997, the Prime Minister and the Leader of the Official Opposition in the House of Commons were both Quebecers. At present, the Prime Minister of Canada, the Right Honourable Chief Justice and two other members of the Court, the Chief of Staff of the Canadian Armed Forces and the Canadian ambassador to the United States, not to mention the Deputy Secretary-General of the United Nations, are all Quebecers. The international achievements of Quebecers in most fields of human endeavour are too numerous to list. Since the dynamism of the Quebec people has been directed toward the business sector, it has been clearly successful in Quebec, the rest of Canada and abroad.

136. The population of Quebec cannot plausibly be said to be denied access to government. Quebecers occupy prominent positions within the government of Canada. Residents of the province freely make political choices and pursue economic, social and cultural development within Quebec, across Canada, and throughout the world. The population of Quebec is equitably represented in legislative, executive and judicial institutions. In short, to reflect the phraseology of the international documents that address the right to self-determination of peoples, Canada is

a "sovereign and independent state conducting itself in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction".

137. The continuing failure to reach agreement on amendments to the Constitution, while a matter of concern, does not amount to a denial of self-determination. In the absence of amendments to the Canadian Constitution, we must look at the constitutional arrangements presently in effect, and we cannot conclude under current circumstances that those arrangements place Quebecers in a disadvantaged position within the scope of the international law rule.

138. In summary, the international law right to self-determination only generates, at best, a right to external self-determination in situations of former colonies; where a people is oppressed, as for example under foreign military occupation; or where a definable group is denied meaningful access to government to pursue their political, economic, social and cultural development. In all three situations, the people in question are entitled to a right to external self-determination because they have been denied the ability to exert internally their right to self-determination. Such exceptional circumstances are manifestly inapplicable to Quebec under existing conditions. Accordingly, neither the population of the province of Quebec, even if characterized in terms of "people" or "peoples", nor its representative institutions, the National Assembly, the legislature or government of Quebec, possess a right, under international law, to secede unilaterally from Canada.

APPENDIX VI

Editor's Note: The following is the document entitled 'Summary of Discussion Paper for the APRC' prepared by the chairman of the All Party Representative Committee, Minister Tissa Vitharana, in January 2007. It was a response to the conflicting reports published by the two sub-committees of the Experts Panel of the APRC.

MAIN PROPOSALS TO FORM THE BASIS OF A FUTURE CONSTITUTION

1. The State – “The Republic of Sri Lanka; to be one, free, sovereign and independent State composed of the Sinhala, Sri Lankan Tamil, Muslim, Indian Tamil and other constituent peoples of Sri Lanka”
2. Form of Government – Parliamentary form of Government with a Prime Minister directly elected by the people at the end of the current term of office of the President.
3. Electoral System – based on the report of the Select Committee on Electoral Reforms of the present Parliament.
4. Supremacy of the Constitution to be recognized, and protected by a Constitutional Court, which would be part of the existing court structure but separate from the Supreme Court.
5. Safeguards against secession – Emergency Powers including the deployment of the Army can be resorted to by the President when action by the Provincial Government presents a clear and present danger to the unity and sovereignty of the Republic, and he can dissolve the provincial legislature if necessary.
6. Power Sharing
 - a) At the Centre
 - i. A Senate composed of elected representative from the provincial legislatures. The number in the Senate to be 1/3 of that in the House of Representatives (which is the main Parliament). Bills passed by the Parliament need to be approved by the Senate. The Senate can initiate legislation, other than Money Bills.

- ii. There shall be two Vice Presidents elected by Parliament and they shall belong to two different communities distinct to that of the President. The term of office of each Vice President to be 3 years and one of them to be the Chairman of the Senate while the other will be the Chairman of the Higher Appointments Commission, which will play an advisory role to the President.
 - iii. The APRC is to consider the desirability of introducing the Executive Committee System into Parliament, possibly for a limited period of time.
- b) In the Provinces – representation of local minorities in the Provincial Board of Ministers on a proportional basis would help to increase their confidence. An Executive Committee System would enable effective minority participation.
- 7. Unit of Devolution – This will be the existing 9 Provinces. The issue of the merger of the North and East will be deferred to be taken up at the Peace negotiations in the presence of the relevant stakeholders including the Muslims.
- 8. Distribution of Powers – Powers and functions, together with the necessary legislative powers, should be either in the National List or the Provincial List as far as possible with the Concurrent List as small as possible. Subjects that are necessary to ensure the sovereignty, territorial integrity and economic unity such as Defence, National Security, Foreign Affairs, Citizenship, Immigration, Communication, National Transportation, International Commerce/Trade, Maritime Zones, Harbours, Ports and Airports (other than Fisheries Harbours without international transportation) and Shipping and Navigation shall be reserved for the Centre in the National List. Drawn from the Provincial List, there shall be a separate list of subjects whose implementation shall be a matter for the Local Government Institution and another list for the Gam Sabhas and the Urban Ward Sabhas. Thus the distribution of powers to the four tiers will be clearly defined in the Constitution.

9. Judiciary – There will be the Supreme Court in Colombo and High Courts in the Provinces with the Court of Appeal sitting in both Colombo and the Provinces. The Judicial Service Commission, which is nominated by the Higher Appointments Commission, will appoint the Judges.
10. Distribution of Funds – this is by the Finance Commission appointed by the President on the recommendation of the Higher Appointments Commission. The Finance Commission must ensure that the funds required by each tier of Government are provided. Mediation of Centre – Province fiscal relations will be done at the Finance Ministers (National and Provincial) Forum.
11. Defence and National Security - shall be the preserve of the Central Government. For maintenance of Law and Order there will be the National Police Service and Provincial Police Services. There will be separate Police Commissions and the recruitment will reflect the ethnic ratios at national and provincial levels.
12. Centre - Province Relations – Besides the role of the Senate in enabling the Provinces to participate in the legislative and executive decision making at the Centre, there will be a Council of Chief Ministers chaired by the President and a separate Conference of the Chief Secretaries, chaired by the Secretary to the President.
13. Indian Tamil Aspirations – to overcome the neglect of this community there shall be a Cabinet Minister incharge of Indian Tamil Affairs, a Provincial Minister incharge of Indian Tamil Affairs in the Central, Uva and Sabaragamuwa Provinces. These Ministers shall be given powers in respect of subjects such as Tamil medium schools, Health, Vocational Education, Agricultural Development, Animal Husbandry and Cultural Affairs relating to that community. There shall be an Indian Tamil Cultural Council appointed by the President to act as a consultative body.
14. Local Government - about 100/200 families will form a Ward in the Gam Sabha/ Urban Ward Sabha and they will elect one representative. The Chairman will represent the Gam Sabha/Urban Ward Sabha in the Pradeshiya Sabha/Urban Council. The Divisional Secretariat will serve the Pradeshiya Sabha. The 100/200 families will form the Jana Sabha that will propose the needs of the people and the village, and

also monitor the work done by the Gam Sabha/Urban Ward Sabha. Each Gam Sabha/Urban Ward Sabha will have a Secretariat.

15. Public Service – There will be a National Public Service and Provincial Public Services. The cadres will be determined by the National Public Service Commission and the Provincial Public Service Commissions and the former will handle appointments, transfers, promotion, dismissals and disciplinary control, but these functions can be delegated to the Provincial PSC. Higher appointments will be by the President or the Governor of the Province. There will be an All Island Service e.g. doctors, teachers etc. who can be employed for shorter or longer periods in the National or Provincial Public Service.
16. Individual and Group Rights – Constitution shall have a comprehensive Bill of Rights that guarantees not only civil and political rights but also group, social, economic, cultural and children's rights. There shall be adequate machinery for enforcement at National and Provincial levels.
17. Language – Sinhala and Tamil shall be official languages and languages of administration, while Sinhala, Tamil and English will be the National languages. Maintenance of Public records will be in Sinhala in all Provinces other than the North and the East where Tamil shall be so used. But in any Division in which more than one – eighth of the population speak the other language this too will be used. Both languages will be used in National Ministries and Institutions. A person can deal with any state institution in any part of Sri Lanka in any of the National languages.
18. Land and Water - There shall be a National Land and Water Commission with equal representation of the Central Government on the one hand and the Provinces on the other, ensuring that there will be equitable representation of all the major communities. The National Commission shall formulate national land use policy and make recommendations to the Central and Provincial Governments with regard to the protection of watersheds, the appropriate amount of forest cover in each Province, conservation of fauna and flora and the protection of the environment. The Commission shall monitor land use and compliance with policy and recommendations so formulated.

The Provincial Minister in charge of lands in the Province shall set up a Provincial Land and Water Commission with adequate representation of the various communities to ensure the proper distribution of land. Priority in land settlement schemes shall be accorded first to needy persons of the District and then to needy persons of the Province, paying attention to the needs of the minorities of the Province within the relevant division. Wherever possible priority within the district should be given to the relevant divisions. (this is a matter for discussion within the APRC).

19. The Resolution of Centre-Provincial and Inter-Provincial Issues –will be first by the Council of Chief Ministers chaired by the President, then an Arbitration Tribunal appointed by the Senate and finally the Constitutional Court.
20. Safeguards for Powers of the Provinces – These will be provided through the Constitution.