

NPC/CM/01/3837/2014

10.10.2014

His Excellency Mahinda Rajapakse
President of the Democratic Socialist Republic of Sri Lanka
Presidential Secretariat,
Colombo 1.

Your Excellency,

Special District Development Meeting – 2014
Jaffna/Mannar/Vavuniya/Mullaitivu/Kilinochchi

1. I refer to letter dated 23rd September 2014 under reference PCMD/1/6/DCC/2014 sent by Your Excellency's Chief of Staff Mr. Gamini S. Senarath, the entirety of which is reproduced below:

“Under the series of scheduled Special District Development meetings to be chaired by His Excellency the President, the Special Joint District Development meeting meant for districts of Jaffna/Mannar/ Vavuniya/ Mullaitivu/ Kilinochchi will be held on 13th October 2014 at 10.30 am. at Weerasingham Hall, Jaffna.

*The **progress of implementation of decisions reached at the progress review meetings at the district level in 2012** and the evaluation of progress in relation to the future development works to be launched in terms of the Medium Term Investment Plan 2014 – 2016 are expected to be discussed at this scheduled meeting.*

Your presence at this meeting is kindly requested.” (emphasis added)

2. The Northern Provincial Council (NPC) was neither consulted nor informed of the necessity or agenda of this curious meeting that purports to deal with issues addressed in 2012 after a lapse of two years. As Your Excellency is aware we have been conducting District Coordination Committee Meetings co-chaired by the Chief Minister, NPC and certain Central Government Ministers. The NPC, which was constituted after the Provincial Council elections in 2013, where the People of the Northern Province

overwhelmingly rejected the existing policy of the Government in the Northern Province and granted an unprecedented 30 out of 38 seats to the Tamil National Alliance (TNA), is puzzled and perturbed as to why Your Excellency is picking up the strings left in 2012 suddenly in October 2014, overlooking the matters discussed at the DCC Meetings that had the participation of the People's direct representatives. Clearly, the NPC is not viewed as a partner in addressing the concerns of the war-ravaged North. On the contrary, the will of an authoritarian regime is foisted on the NPC in opposition to the democratic will of the people.

3. In fact, we have been informed that on 12th instant Your Excellency is to hand over permits to lands in the Northern Province at Kilinochchie to almost 20,000 persons as follows:

- Kilinochchie - to 3886 persons
- Mullaitivu - to 3642 persons
- Mannar - to 7202 persons
- Vavuniya - to 4228 persons
- Jaffna - to 1001 persons

I am further told over 400 busloads have been arranged to bring people from far off places to Kilinochchie. If they are coming to receive the Permits to be distributed by Your Excellency it appears they have been kept for many months without being entrusted with their permits only to facilitate the creation of some political capital.

4. As the Minister in charge of Lands in the Northern Province I am unaware of the process undertaken by your Officers to select the recipients, the legal basis on which you have decided to be so lavish with the lands in the Northern Province, the criteria based on which allottees had been selected, when they had been selected, or whether persons who are not residents of the Northern Province have been also included in this list. I am, of course, aware that a Minister of your Government and an MP allied to Your Excellency's Party dispensed 1284 permits prior to February, 2013 based on their political needs in gross violation of principles of due process, transparency and accountability.
5. The grant of permits should, in the normal course, be carried out in accordance with the law and beneficiaries usually receive their permits as and when the process is completed. Assuming that persons to whom permits are being given have been selected in accordance with the law, the inordinate delay in issuing permits to them, is unconscionable and disappointingly similar to the measures taken to release around two hundred and fifty thousand people, who were unnecessarily incarcerated in inhuman conditions, just prior to the Presidential Election of 2010. The TNA's Manifesto during the election, according to which pledge we aspire to function, sets out the following relevant pertinent points on the issue of land use:

“Even four years after the end of the war the government still designates areas as High Security or Restricted Zones and prevents the inhabitants from re-settling in those areas. Large amounts of lands have been seized by the government from the owners without due process. No democratic government has the right to seize land without due process. The government will have to respect the rights of private property owners and restore such lands to the rightful owners. A significant proportion of those evicted from these lands are living in very harsh conditions. The government’s draconian regulations on land acquisition and re-occupation has deprived thousands of Tamils of rich agricultural lands and restrictions imposed on fishing has denied thousands of Tamil fishermen their livelihood.

There is an urgent need to address issues relating to the forcible acquisition of land and use by the State in the North-East. TNA is committed to the Provincial Administration retaining control over land in the North-East. TNA believes that there can be no reconciliation without the reform of the existing policies over land ownership, control and use that target the linguistic and cultural identity of the North-East.”

6. The focus on the future development works to be launched in terms of the Medium Term Investment Plan **2014 – 2016** is also disturbing, as it seems to ignore the overwhelming democratic electoral mandate received by TNA, to address post war needs and priorities for the war affected Northern citizens. In this regard I refer to Your Excellency’s letter of 18th November 2013 and my opening remarks made at the First DCC meeting held on 21st April, 2014 wherein on behalf of the TNA led Northern Provincial Council I emphasized the need to respect the democratic electoral mandate and the need to review the Mahinda Chinthanaya in its application to the people of the Northern Province, as it had been rejected by the overwhelming majority of denizens of the Northern Province.
7. In the light of the above it is clear that the meetings called on Your Excellency’s behalf do not appear to be in furtherance of a legitimate objective, and are not transparent nor collaborative. The People of the Northern Province have not mandated their elected representatives to lend their support, however tacit it may be, to election gimmicks. As alluded to earlier, even if the allottees have been selected in accordance with the law, the inordinate delay in the issuance of their permits cannot be condoned by the NPC by its participation in a contrived ceremonial fanfare.
8. The above issues have to be viewed in context. On 2nd January 2014 Your Excellency very amiably undertook to do certain things beneficial to the smooth running of the NPC, which unfortunately did not materialise. I had sent a synopsis of what took place on the 2nd of January this year in a letter addressed to Your Excellency on 26th January 2014 (vide attachment), though no response has been received in relation thereto. The NPC was made to believe that the Military Governor would be replaced and kept waiting till July only to be disappointed again. On 26 July 2014 I reminded Your Excellency of the duty and responsibility to take necessary action to follow through on matters discussed and agreed upon on the 2nd of January this year, particularly in view of the Chief Ministers’ Meeting, which was then scheduled for late August 2014. In my communication, I raised

three important matters which related directly to the effective conduct of the civilian administration in the Northern Province, namely, the change of Governor and Chief Secretary, transfer of Presidential Task Force programmes to the NPC and the importance of a Multilateral Needs' Assessment of NP as per the precedent established in 2003 in the aftermath of the Cease Fire Agreement for the sustainable reconstruction and development of Northern Province. Please find attached my communication for your kind reference. I also place on record that to date I have not had a response from Your Excellency in that regard. In the letter I addressed to Your Excellency when I was invited to accompany Your Excellency to meet Prime Minister Modi, I reiterated the concerns we had and my unwillingness to portray a picture of co-operation when the ground reality was very different.

9. Having carefully discussed the proposed meeting with my Board of Ministers and Chairman of the Council and considering the foregoing, we have decided that it would be inappropriate for us to attend the 13th October Meeting as well as other politically motivated meetings in the Northern Province, particularly when in reality the NPC and the Tamil Speaking Peoples are continuing to be marginalized.

10. The fact that the NPC has been bypassed in this endeavour also highlights the practical impotency and hollowness of the 13th Amendment, as does the allocation and usage of funds to the NPC. Much government propaganda was employed to state that the NPC was the beneficiary of nearly 6 Billion Rupees for the year 2014 and that only a small portion of it had been utilised by the NPC, when in fact, the NPC was allocated only 1875 million while a sum of 3955 million is being used directly by the Central Government. Still further the NPC has responsibly and prudently utilised the amount allocated to it, with a very significant portion already committed, though not spent, on required projects. The extension of the tenure of the military governor, the continuation in service of an openly hostile and un-cooperative chief secretary in violation of the law, continued militarization and the marginalisation of the NPC in the governance of the Northern Province, including the dominance of the Central Government structures such as the Government Agent and District Secretary in respect of functions that should properly be administered by the Provincial Council, the surreptitious land grabbing permitted to take place within the territorial limits of the Northern Province all make the case for greater devolution far more eloquently than the Joint Statements issued by Your Excellency with the UN Secretary General in May 2009 and the Prime Minister of India in January 2010 to develop the Thirteenth Amendment beyond its current boundaries. At Your Excellency's more recent speech at the UN General Assembly in September 2014, Your Excellency asserted that democratic structures have been restored in the Northern Province. No doubt, Your Excellency is aware that democracy entails more than the holding of elections and requires elected

representatives to be allowed to function without interference, as mandated by their people with whom sovereignty rests.

11. It is imperative to state at this juncture, having been in office for an year, that it is established beyond any doubt that the Provincial Council System in the Northern Province and even in the Eastern Province within the current unitary constitutional architecture, especially in the post war context, in the absence of a sustainable political settlement are mere hollow structures devoid of authority to serve the needs and priorities of the war affected communities in Northern and Eastern Provinces.
12. Hence, it behoves me as Chief Minister, Northern Province to urge Your Excellency to take concrete steps to build on the scheme of the Thirteenth Amendment Plus that Your Excellency promised the International Community and the Prime Minister of India following the end of war without delay. I expect the Government of India as the Guarantor of Tamil Interests in North East Province at the time of signing of the Indo Lanka Accord in July 1987, which paved the way for the Thirteenth Amendment, to actively participate and contribute in the negotiation process to enable the Tamil Speaking Peoples in the North East of Sri Lanka to live with dignity, peace and security. We are no doubt aware of the limitations of a unitary constitution in this regard.
13. I am publicizing this letter to the people of the Northern Province, who reposed their trust in us at last year's Provincial Council Elections despite the Himalayan undemocratic attempts made by the government with the assistance of the military to subvert the electoral process. More so as a political alliance that has embraced democratic traditions since its inception, it is our conviction that our people have a 'Right to Know' about our consistent and determined efforts aimed at serving their needs and priorities by engaging with the Central Government in a spirit of mutual respect and cooperation since our election to office in September 2013.
14. Due to the intransigence and lack of political will and commitment on the part of the Executive and the Central Government, I am placing the minutes of our meeting held on 2 January 2014 and the communication dated 26 July 2014 in the public domain for scrutiny and judgment to demonstrate our commitment to engage with the Government of Sri Lanka based on principles of democracy and good governance.

Thanking Your Excellency,

Yours Sincerely

sigd

Justice C.V.Wigneswaran
Chief Minister
Northern Province