



# Paths To Peace

A monthly newsletter from the National Peace Council

## NPC Examines Provincial Council System

NPC Governing Council member Raja Senanayake and Executive Director Jehan Perera visited the north to examine how the Provincial Council system is working. They met government officials and civil society members. NPC will present its findings in April to the Parliamentary Select Committee set up to find a solution to the ethnic question. NPC met the PSC on February 18 for the initial presentation.

The 13<sup>th</sup> Amendment to Sri Lanka's Constitution was passed in 1987. It provided for devolution of power to Provincial Councils. The subjects and functions devolved to the Provincial Councils were set out in List 1.

According to 13<sup>th</sup> amendment, the Governor can exercise his Executive powers on the advice of the elected Chief Minister and the Provincial Council, except where under the Constitution he is required to act in his discretion.

However, the Provincial Councils Act No 42 of 1987 gave power to the Governor to act in his discretion, and not only in respect of his reserve power where the Constitution is violated by the Chief Minister and the Provincial Council. This Act has undermined the Provincial Council system by making the Governor the equivalent of the Executive President.

*In 1987, Indo-Sri Lanka Accord was signed between Indian Prime Minister Rajiv Gandhi and Sri Lankan President J.R. Jayewardene, which stated that there would be a devolution of power to the provinces. The Parliament passed the 13th Amendment to the 1978 Constitution and the Provincial Councils Act No 42 of 1987 to establish Provincial Councils.*

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Towards a Shared Future

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The appointment transfer and disciplinary control of the officials that was earlier vested in the Provincial Public Service Commission is now vested with the Governor with the 18<sup>th</sup> Amendment to the Constitution in 2010, which did away with the independent Commissions. The Governor has full control over the Provincial Council officials while the Chief Minister of the Provincial Council does not have any control over the officials although they do its work.

Although a Provincial Land Commissioner was appointed to the Provincial Councils under the Provincial Land Ordinance of 1993 to overlook the land administration, decisions regarding all land matters are referred to the Land Commissioner General in the central government for his approval. A National Land Commission provided for in the 13<sup>th</sup> Amendment has not been appointed to oversee land matters. When the central government requires State land, it has to consult the Provincial Council and vice versa for the Provincial Council. The allegation is made that the central government is using the land given to government departments not for the purposes of the Department but to settle Sinhalese people from the South and to set up Army camps.

Presently the Provincial Councils are run by officers of the Sri Lanka Administrative Service on secondment for a specified period of two years. This goes against good administration, for these officers have no permanent stake in their jobs working for the Provincial Councils.

***A successful devolution of power requires a major reform of the administrative structures. There cannot be a dual administration where the Divisional Secretary exercises powers given to the Provincial Council while remaining an official of the centre. This is a violation of the principle of unity of command and undermines good administration and accountability of the officials for the work they do on behalf of the Provincial Council. The Provincial Council staff although under the Provincial Council and paid for by the Provincial Council, work under the Divisional Secretary in his office. This arrangement undermines provincial administration and the exercise of power by the Provincial Council.***

## NPC Maps Out Strategic Plan for 2014-16

The management and staff of NPC, under the auspices of USAID, are formulating a strategic plan covering the coming three years with a series of workshops and discussions.



Four major themes were chosen as strategic priorities - plural

society/reconciliation, trust building, addressing short term needs and institutional development of NPC.

The writing process will be finalised by June. Donors and partners were also invited to take part in the process. Here are some of the conclusions:

- To work towards a plural society and reconciliation, there would have to be consensus among communities for a political solution and support for the building of a pluralistic society. This would involve engagement with provincial level politicians and the creation of a comprehensive coexistence model/system/approach between different communities.
- For trust building, the south should participate in peace and reconciliation and the diaspora should be linked with peace building in Sri Lanka. There should be bridge building to bring about trust among communities. One way would be to recall historical linkages between them.
- Short term needs could be addressed by providing access to justice for victims of conflict through mechanisms such as tribunals and panels. Specific rights (land, religion, etc.) should be promoted to manage future conflicts. Second and third tier peace building efforts should be strengthened.
- NPC should be institutionally developed to be a local and international resource team on peace and conflict management. NPC's experiences should be shared through systematic documentations.

***NPC should:***

***Keep its main objective of building peace constantly in view and plan out a balanced network to work towards shaping a movement for peace.***

***Rebuild democratic institutions that have collapsed like the rule of law, judicial independence and freedom of media.***

***Create an opinion among the masses to bring back the independent commissions of the 17th Amendment to the constitution.***

***Continue to keep doors open to engage with the Sri Lankan state, influential politicians, religious leaders and other opinion makers.***

***Make more use of the media to bring about more awareness on human rights, rule of law, and minority concerns.***

**Views of Stakeholders**

## News From The Field

As part of its project on Reconciling Inter-religious and Inter-ethnic Differences, NPC conducted a workshop on early warning and mediation for members of District Inter Religious Committees (DIRCs) so that DIRCs could function as a community watch group at district level.

The training workshop held in Colombo over two days in March was for DIRC members engaged in the conflict resolving process in the grass root level. There were 50 members from eight districts - Jaffna, Mannar, Kandy, Nuwara Eliya, Puttalam, Galle, Ampara and Batticaloa. The members belonged to all ethnicities and religions.

The training workshop focused on developing skills and knowledge of the DIRC members on early warning and mediation, sharing experiences among DIRC members and stressing the importance of documenting, through presentations, activities and group discussions.

The topics discussed included conflict and its development and early warning, conflict analysis and conflict tree, stakeholder analysis, mediation and maintaining the issue register.



***“The workshop was planned well in an organised and effective manner. Translations were excellent so we were able to understand properly in our mother tongue. The methodology of the workshop was very good with a multimedia presentation, group discussion, games, conceptual drawing and focus group discussion. Teaching aids were used properly. We learnt a lot in two days.”***

**Mrs.J.Uthayakumar**

**Jaffna**



## NPC To Promote Healing of Survivors

Torture is a longstanding problem in Sri Lanka despite Constitutional protection against torture and adoption of the Convention Against Torture. There are many cases in which the Supreme Court has ruled against the state on account of the actions of state officials.

The government's Lessons Learnt and Reconciliation Commission contains key provisions related to combatting impunity against torture.

NPC has begun a new EU-funded project to strengthen survivors of torture by preventing torture. The Asian Justice and Rights, an NGO based in Indonesia, has selected NPC to be its partner in Sri Lanka for the project together with partners in Myanmar and Timor-Leste. NPC will implement the project in Sri Lanka within the next two years with the help of selected local partners who specialise in the field of supporting torture victims.



*The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations Convention against Torture) is an international human rights instrument, under the review of the United Nations, that aims to prevent torture and cruel, inhuman degrading treatment or punishment around the world.*

*The Convention requires states to take effective measures to prevent torture within their borders, and forbids states to transport people to any country where there is reason to believe they will be tortured.*

### Peace Award Winner Donates Prize Money to NPC

NPC's 2012 Citizens Peace Award winner, J.C. Weliamuna, has donated his prize money to be used for the betterment of other deserving peace workers. NPC thanks Mr Weliamuna, an internationally renowned human rights lawyer and activist, for his generous contribution.

*Our Vision: A just and peaceful Sri Lanka, in which the freedom, human rights and democratic rights of all peoples are assured.*

*Our Mission: To work in partnership with different target groups with an aim to educate, mobilize and advocate the building of a rights conscious society of people that work towards a political solution to the ethnic conflict, reconciliation and equal*

## NPC Under Fire

On March 16, the police arrested prominent human rights activists Ruki Fernando and Father Praveen Mahesan in Kilinochchi under the Prevention of Terrorism Act. They were taken to Colombo, questioned by the Terrorism Investigation Division and released two days later. NPC condemned their arrest and stood by them as human rights workers acting within the law who were not persons who have violated the criminal law or sought to create disaffection against communities.



Unfortunately, NPC's defense of Ruki Fernando and Father Praveen Mahesan brought it unwelcome attention in the form of a Daily News lead front page story on March 18 that claimed, "National Peace Council Tiger Links Bared" because of its association with the two activists. NPC categorically refuted this malicious accusation. "We are distressed that the premier English language daily newspaper of the Government of Sri Lanka should engage in such misinformation and lead its readership astray," it said in a media release.

"NPC has a mission to promote peace and reconciliation by engaging with all parties to the national conflict. We believe in non-violent conflict resolution and that the roots of conflict should be dealt with through political dialogue and reform. We have always promoted the unity of the country nationally and internationally. We have engaged and cooperated with the state and its authorities where and when needed. We operate within the law and are committed to a united Sri Lanka," NPC stated.

### RELEASE OF HUMAN RIGHTS DEFENDERS IS A STEP IN RIGHT DIRECTION

*"The National Peace Council welcomes the government's release of Ruki Fernando and Father Praveen Mahesan who were arrested earlier this week under the Prevention of Terrorism Act. We are pleased to note that they were released unconditionally and speedily as the allegations on which they were detained were devoid of substance. We recognize that the government was willing to reassess their arrest in the face of the local and international pressure and appeals made to secure their release. ..."*

**Read the full press release at [www.peace-srilanka.org](http://www.peace-srilanka.org)**

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