

Ethnicity, Aid, and Peace in Fragile States: A Sri Lankan Case Study

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Abstract

This study examines the Sri Lankan ethnic conflict through a multi-layered analytical lens of ethnic, socio-economic, and political considerations. Residual colonial tensions, intensified by market liberalization and political competition, created an atmosphere conducive to ethnic scapegoating and civil war. Under the current Norwegian-brokered Ceasefire Agreement, and in the face of immediate need for relief in the North and East in a post-tsunami atmosphere, it is demonstrated that international humanitarian and monetary aid must be allocated in consideration of the resulting ethnic grievances if peace is desired. The Post-Tsunami Operational Management Structure (P-TOMS) is argued to have the potential to serve as a mechanism to achieve this end by its encompassing nature. The study concludes that, if proven to be effective not only as an aid distribution mechanism, but also as a catalyst for state reform and conflict resolution, the P-TOMS may be able to serve as a model for general aid distribution throughout the entire country, while simultaneously facilitating durable peace.

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List of Abbreviations

ADB	Asian Development Bank
BBC	British Broadcasting Corporation
CFA	Ceasefire Agreement
GEMs	Geo Economic Multilaterals
GoSL	Government of Sri Lanka
IMF	International Monetary Fund
JM	Joint Mechanism
JVP	Janatha Vimukthi Peramuna (People's Liberation Front)
LTTE	Liberation Tigers of Tamil Eelam
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
PA	People's Alliance
P-TOMS	Post-Tsunami Operational Management Structure
SAPs	Structural Adjustment Programs
SLFP	Sri Lanka Freedom Party
SLG	Sri Lankan Government
TDZ	Tsunami Disaster Zone
UNP	United National Party
UPFA	United People Freedom Alliance
WB	World Bank

POLITICAL MAP OF SRI LANKA

Figure 1.1.



(Source: University of Texas Perry-Castaneda Map Archive: Political Map of Sri Lanka: www.sarid.net)

Dissertation Question: 2 pronged: By analyzing and understanding the Sri Lankan ethnic conflict through a multi-layered analytical lens of ethnic, socio-economic, and political considerations, to what degree can the Post-Tsunami Operational Management Structure (P-TOMS) serve as a development, peace-building, and conflict resolution policy tool? Can P-TOMS facilitate/expedite the current peace process?

I. Introduction:

1.1. Introduction

Bosnia. Northern Ireland. Rwanda. Sri Lanka. The post-Cold War era has witnessed an emergence of nations that have come to be metaphors for communal violence. Although the civil strife that has plagued them is rooted in diverse and variable contexts of socio-economic, political, and cultural considerations, the international community has often failed to distinguish these in their efforts to address and assist them in making peaceful transitions. This is often due to two commonly assumed notions, which David Keen challenges in his work: first, that war is a contest between two sides, with each trying to win; and secondly, that war represents only “a breakdown or collapse rather than a creation of an alternative system of profit, power, and protection” (Keen 2000: 19). As Kenneth Bush lucidly claims, “Very nuanced and complex conflicts around the world have been strained through a simplistic lens to be reframed as one-dimensional confrontations between ‘terrorists’ and anti-terrorists, not unlike the dichotomization that was sustained in the earlier era of bi-polarity” (Bush 2003:3). Classifying these varied forms of societal unrest as characteristic of the “Third World,” the influential and powerful intervening nations impose directives upon them that are tainted by geo-strategic and economically self-advancing policies. This has impeded on international actors’ ability to successfully intervene in conflict-ridden nations with the required sincerity and political will.

Shedding light on these theoretically erroneous methods to conflict resolution by the international community, it is imprudent to overlook the national or internal dynamics that generate and sustain civil unrest. Galtung discusses ideas of violence and peace that are of relevance to this. Galtung defines violence as “avoidable insults to basic human needs, more generally to life, lowering the real level of need satisfaction below what is potentially possible” (Galtung 1996: 197). He suggests that violence comes in two forms: personal violence and structural violence. Personal violence requires an actor who directly harms another person, either mentally or physically, while structural violence is embedded in the “economic and political structure of society and shows up as social injustice. This is defined as an unequal distribution of power and resources, and consequently, unequal life chances” (Preti 2002: 100). Galtung extends this analysis by identifying two forms of peace: positive peace and negative peace. Negative peace is the absence of personal violence, and positive peace is the absence of both personal and structural violence. This study reveals the obvious, yet often forgotten fact that the factors causing violence and war are brewing and ignited in a time of peace. Hence, it is essential to have state institutions and peace agreements which foster a peace that incorporates justice across all of society.

1.2. Background

To illustrate this, a case study of the Sri Lankan ethnicized conflict will be analyzed. The on-going conflict in Sri Lanka has been commonly classified as an ethno-nationalist conflict by the media, academia, and non-governmental organizations both locally and internationally. It is a nation plagued by civil unrest spurred from the residuals of a colonial past and conflict between the Sri Lankan Government

(SLG) and the secessionist Liberation Tigers of Tamil Eelam (LTTE). The LTTE identifies itself as the sole representative of the minority Sri Lankan Tamil population and pursued an armed struggle after several failed peaceful demonstrations in response to the discriminative policies by the Government against the Tamils. After a series of futile peace negotiations, the LTTE and the SLG are currently facing a stalemate in the Norwegian-brokered ceasefire agreement (CFA) of 2002. Meanwhile, the humanitarian assistance and financial aid for relief, rehabilitation, and reconstruction to the Tamil-dominated, conflict-ridden North and East has been compromised until peace is formally established on the island.

To further complicate an already dire situation, on December 26, 2004, Sri Lanka was indiscriminately devastated by the world's deadliest tsunami, demolishing the few thriving cities of the North and East and greatly exacerbating the destruction of these war-ravaged regions. Large sums of humanitarian assistance and aid streamed into post-tsunami Sri Lanka in response to the devastation, but the North and East has seen a disproportionately miniscule amount of it. Observers have emphasized that political tensions have tainted aid efforts, and government bureaucracy and corruption obstruct the allocation and implementation of funds. In recognizing that this response was inhumane and unacceptable, the SLG and the LTTE signed the Post-Tsunami Operational Management Structure (P-TOMS). The P-TOMS, as a joint mechanism, is a group of Committees to be established for administrative purposes to ensure more efficient delivery of post-tsunami aid to the affected people of the North and East. The Aid issue is of incredible importance in this critical juncture in relation to the ethnic conflict. It has been widely accepted that the lack of aid, reconstruction, and rehabilitation of the war-affected areas,

exacerbated in the post-tsunami context, has been a central obstacle to peace. In this sense, the P-TOMS is considered a breakthrough albeit of a temporary nature.

1.3. Objective

This study will examine how best to ensure that the international community can effectively assist in transitions from protracted conflict to more durable peace. One way is by gaining a broader and more accurate understanding of the root causes of conflict and the grievances/objectives of the different parties involved rather than limiting war to merely a contest between two homogenous sides striving to “win”. The structural and personal violence fostered by post-colonial Sri Lanka in the form of political and socio-economic injustices and the spurned ethnic tensions will be presented. This study advocates the need for a historical approach to understanding the roots of conflict in Sri Lanka that locates origins of the present crisis in colonialism and its evolution in contemporary processes of political, economic, and cultural globalization (Bandarage 2000). An understanding of these factors can facilitate more productive and useful negotiations that can result in an expedited peace agreement that addresses the grievances of all affected. The study then demonstrates that international humanitarian and monetary aid must be allocated and implemented in accordance with this new and more precise understanding of the conflict on the ground. Following this, an analysis of the P-TOMS will show that aid can be used as a tool to complement conflict resolution and alleviate the grievances that have contributed to the resort to violence and war. Finally, it is advocated that the joint distribution mechanism for tsunami aid, if successful, can be a stepping stone in establishing peace on the island and may also be used as a model for general humanitarian aid distribution in Sri Lanka and other conflict-ridden societies.

II. Literature Review:

2.1. A Multi-Layered Analytical Lens for Understanding Ethnic Conflict

In order to effectively address the grievances that ignite ethnicized violence and allow societal divides to persist, it is necessary to reflect on a nation's recent past, shedding light on the complex weaving of political and socio-economic considerations that significantly alter explanations of the causes and effects of protracted conflict. Rather than solely focusing on the inter-group relations between conflicting parties, which treats ethnic groups as homogenous entities or "solid masses moving at different speeds and on different trajectories, sometimes colliding¹," it is also necessary to understand the role of sub-groups in ethnic conflict or the intra-group relations within society (Bush:10). Bush emphasizes the need to 'read between the lines' as well as 'within the lines' of ethnic groups in conflict, that is, "to consider the internal structure and dynamics of groups to assess the ways in which these affect inter-ethnic group relations in conflict situations (Bush: 10). He follows this with the claim that it is changes in intra-group relations that precede an outbreak of inter-ethnic violence, rather than a deterioration of inter-group relations. These intra-group dynamics can have a variable impact on conflict by either exacerbating or alleviating it, and it is the acknowledgement of this idea by the international community that can strike the difference between an effective and strong peace process and a weak and futile one.

In this study, both intra-group and inter-group and their interaction will be taken into consideration in order to fully understand the complexity of Sri Lanka's population

¹ 'Billiard ball' model of ethnic conflict (Bush: 10)

composition. This will permit a better understanding of the intricacies involved in striking a durable peace process that engages the many parties involved. Because aid distribution and allocation, as part of the peace process, serves as both a platform for raising respective grievances as well as an opportunity for addressing them, this paper will also look at how the newly proposed joint aid mechanism can engage the various representatives of the many sub-groups of Sri Lanka in this endeavor in order to facilitate a more promising peace.

This analysis will incorporate Bush's multi-layered framework, which proposes that there is a set of mediating structures and processes which condition inter- and intra-group relations to make them more or less conflictual. This will allow a more profound understanding of the intricate web of actors and their objectives, shifting away from the conventional view of a two-sided conflict. The framework takes four factors into consideration:

- (i) the mobilization and politicization of group identity;
- (ii) the mobilization of and competition for resources within and between groups;
- (iii) the changing economic, social, and political context (opportunity structure);
- (iv) the variable role of state actors (Bush 17).

Under this unified analytical lens, a more functional understanding of the ethnicized conflict will be permitted that incorporates the interaction between intra-ethnic and inter-ethnic political arenas.

2.1.1. The Mobilization and Politicization of Group Identity

In attempting to understand the interactions within and between inter- and intra-group behavior, it is necessary to recognize that ethnic groups are internally heterogeneous. To take it further, even individual and group self-identification is situational, contextual, and non-fixed (Bush: 18). Here arises the ongoing debate of primordial versus instrumental theories of ethnicity, which is discussed in greater detail in the following section. In this argument, group identities are viewed as being neither primordial nor instrumental alone, but “contingent and contextual” (Bush: 18). Donald Horowitz succinctly claims:

“Group boundaries are made of neither stone nor putty. They are malleable within limits. The mutability of boundaries does not mean that ethnic affiliations are merely ‘strategic,’ that they can be called forth whenever it is convenient to do so in the quest for competitive advantage or can be willed into being in the service of economic interest...What is necessary therefore is a sense of the mutability of the group boundaries and yet their dependence on antecedent affinities that are not easily manipulated. To overemphasize one is to mistake the bases of conflict. To overemphasize the other is to miss opportunities for policy innovation” (Horowitz 1985:66).

From this excerpt, it is evident that mediators to the conflict must understand the grievances that can influence the constructs of identity. This can permit the successful and effective use of aid and other mechanisms as tools for long-lasting peace.

2.1.2. The Mobilization of Resources

Charles Tilly points out that “entire ethnic groups almost never mobilize or act collectively, but ethnic groups serve as bases for mobilization and collective action when the actions of outsiders either threaten to exclude them from shared and collectively controlled opportunities or open up new niches of collective competition” (Tilly 1984: 5). Sub-groups have a tendency to compete, not only between each other, but amongst each other as well. In Sri Lanka, this has often lent to unexpected, and often referred to as ‘unholy,’ alliances across groups to achieve a common aim. To illustrate this, Bush presents the example of the coalition formed between the late Sri Lankan President Premadasa and the LTTE in 1991, where he had been responsible for supplying weapons and materials to these so-called arch-rivals, but in an indirect effort to apply pressure to mutual enemies and stamp out the escalating challenges within his own ethnic constituency (Bush:24). This is a crucial example of a Tamil subgroup extracting resources from the other side of the inter-ethnic divide for use within the intra-group arena².

2.1.3. Opportunity Structures

Sidney Tarrow accurately discusses opportunity structures as they apply to the way in which the Tamils and Sinhalese, as ethnic groups, were pit against each other by the political elite of Sri Lanka in order to take advantage of political and economic gains:

“Political opportunity structures provide groups with resources that increase the effectiveness of their protest-for example, a sympathetic press, or political parties seeking electoral advantage, or ‘conscience constituents’ who bring outside

² These same supplies are now being used by the LTTE against the Sri Lankan Army and pro-government Tamil paramilitaries.

resources and legitimacy to the movement. It encourages unrepresented groups to protest in the belief that the costs of insurgency have been lowered-as when a sympathetic political party comes to power and makes it clear that it will not support repression. Political opportunities cannot make the poor conscious of grievances of which they were formerly unaware, but it can help them to detect where and how the system is most vulnerable, enabling them to overcome their habitual disunity and lack of information” (Tarrow 1989: 36).

The immediate post-colonial era in Sri Lanka was a critical juncture in the evolution of the socio-economic and political forces that gave rise to the ethnicized conflict. For the success of colonial rule, some groups were marginalized while others benefited from the virtues that arose from foreign rule. Consequently, the ethnic groups of Sri Lanka were, in effect, transformed into competing interest groups on an intra- as well as inter-group level (Turton:6). In addition, Sri Lanka experienced rapid trade and market liberalization that had dramatically detrimental consequences for concentrated groups, which invoked the grievances that were played upon by those aspiring for seats of power. Accordingly, advisors, particularly external ones, must take these into consideration when understanding the root causes for conflict. Then only are they able to formulate and encourage aid mechanisms such as the P-TOMS that are in accordance with a more accurately targeted peace initiative.

2.1.4. State Actors

State actors play various roles in the structuring of ethnic relations on both an inter- and intra-group level. Through nationalist campaigns, ideologies, access to information, and the ability to mobilize groups, these individuals are capable of drawing and re-drawing ethnic lines in ways most advantageous to their own

interests. This leads to the second point of this section. The ethnicized conflict must also be analyzed as a case of the failure of state formation in post-independence of Sri Lanka, which is a multi-dimensional phenomenon—the failure of institutions, failure of public policies, and failure in the identity of the state (Bastian 1999: 3). This has disabled different identities to co-exist peacefully within one nation. It also reflects a fundamental failure of the political elite or bourgeoisie, who inherited power from the British to form a nation-state, to take responsibility for such a crucial task. As a result, the conflict that has erupted from this failure has cost Sri Lanka enormously. The P-TOMS proposal within the current cease-fire agreement is the first opportune moment to correct this historical error. Although this task is of unfathomable immensity, this critical juncture in the evolution of a peace process must be taken advantage of by the able actors.

2.2. *Ethnicity³: Fixed or Fluid? Innate or Induced?*

“Ethnic differences, even substantial differences, do not set a society inexorably on a path toward war” (Woodward 1995: 18).

At the dawn of the 21st century, ethnic violence has come to characterize many parts of the underdeveloped world, ranging mainly in the African and Asian nations. David Turton highlights the observation that this geographic spread reflects two major characteristics of war in the contemporary world. First, the majority of wars take place within, rather than between states, and second, that these take place in the “South” rather than in the “North” (Turton 1997: 2). Klaus Jurgen Gantzel continues this strain of thought and contends that from the ‘New World Disorder’ that followed

³ For the purpose of this paper, ethnicity will broadly refer to the ‘subjective, symbolic, or emblematic use by a group of people of any aspect of culture in order to create internal cohesion and differentiate themselves from other groups’ (Brass 1991: 19).

the end of the Cold War, internal wars are likely to be more intractable than inter-state wars because the international community does not have well developed procedures and mechanisms for settling them (Gantzel as cited in Turton: 2). Nor do they succeed in analyzing and understanding the dynamics of these conflicts through the necessary multi-layered analytical lens, which would allow them to initiate and engage in effective measures that contribute to a pragmatic peace process.

At the outbreak of civil wars, academics, the media, and the international community tend to identify ethnic tensions and ancient political feuds as the catalyst and culprit disrupting the “peace”. However, authors like Turton and Paul Collier argue to the contrary, rightfully claiming that civil wars are rarely best explained by ancient ethnic hatreds and distant history (Turton 1997, Collier 2003: 1). Ethnic identity is a collective identity that is self-proclaimed. It is a “self-conscious and vocalized identity that substantializes and naturalizes one or more attributes (skin color, language, religion, and territorial occupation) and attaches them to collectivities as their innate possession and their mytho-historical legacy” (Tambiah 1997: 20). Stanley Tambiah refers to this as the primordialist claim, which entails ideas of ancestry, descent, territory of origin, the sharing of kinship, or any collectivity that is believed to be “bounded, self-producing, and enduring through time” (Tambiah: 20). This clear-cut definition of ethnicity differs from the instrumental perspective, in which ethnicity is extensively dynamic in nature and can serve as a tool to achieve political or economic ends. Here, ethnicity is a more fluid association that permits change of identity, incorporation and assimilation of other members, and fluctuating criteria for collective identity, which is often dependent on changing contextual considerations.

The concept of 'ethnicity' can be seen as an enigma. Conflicts and the atrocities that follow them are justified by the perpetrators in terms of a "deep and ineradicable difference between 'us' and 'them' (Turton: 3). Although ethnic sentiments can undeniably motivate individuals to commit unfathomable atrocities against those whom they classify as the 'other,' there is no empirical evidence that suggests that it is the initial catalyst for conflict. Rather, Gantzel suggests that 'in many cases rivals for power make use of ethnic differences as a political resource, but the differences themselves are not responsible for war' (Turton: 3). Ethnicity is also a relational concept in that it 'refers to the way cultural differences are communicated and is therefore created and maintained by contact, not by isolation' (Barth 1969; Eriksen 1993: 34-5). Often, as in the case of Sri Lanka, much of these come into play in formerly colonized nations as a relatively immediate effect upon gaining independence.

2.3. Colonialism, Neo-colonialism, and Ethnicity: A Distorted Political Economy

There is extensive evidence revealing the relatively peaceful coexistence of various ethnic groups within pluralistic nations prior to their colonization by Western entities. To facilitate colonization, the popular practice of "divide and rule" was often implemented by British, Belgian, and Portuguese representatives of empire. Existing power structures were either terminated or transformed, and political power was often concentrated at the state's center. These shifts in the power structures of nations often had detrimental political and social consequences on its populations and ignited ethnic tensions that were nonexistent prior to colonization. As Bandarage astutely articulates it, "In Sri Lanka, as elsewhere in the European colonies, economic exploitation, import of plantation labor, the transformation of

geographic patterns, the divide-and-conquer policies favoring minorities, and the privileges assigned to the English language and the Christian religion, among other policies, contributed to the uneven and unequal development across regions, social classes, and ethnic and religious groups. Moreover, political structures inherited at independence, including an over-centralized state and an electoral system built on division and conflict, set the stage for continuous competition for power amongst elites within and across ethnic communities” (Bandarage 2000). The result was “a transition from a non-competitive to a competitive form of ethnicity or ‘political tribalism’” (Turton: 6). New forms of political and economic organization by colonizers and local elite lead to the creation of “territorially discrete administrative sub-divisions which made local ethnicities more fixed and less permeable than before; the unequal distribution of the economic, educational, and other benefits of modernization meant that some groups were favored while others marginalized” (Turton: 6). In Sri Lanka, not only were the colonialists directly involved in defining lines between ethnic groups, but the very presence of an imperial European power created a stratification, whereby ethnicities also measured themselves against a European, racialized, standard of merit.

The socio-economic domain of formerly colonized nations has often been further complicated by a form of neo-colonialism that has pervaded the less developed world. Left in a state of desperation for financial liquidity, many less developed nations have had to turn to Bretton Woods institutions or the GEMS, namely the International Monetary Fund (IMF) and the World Bank (WB), which have further stunted the growth of developing countries through their imposition of conditionalities entailing bad economic policy dominated by the neo-liberal agenda of rapid trade

liberalization and privatization, free capital mobility, and unfair terms of trade. The primary tool used by the GEMS has taken the form of Structural Adjustment Programs (SAPs), which grant access to loans and grants in exchange for market and state reform. In Sri Lanka, the effects of shifting from an economy dominated by national policy to an open economy in addition to externally funded economic change with flows extremely large in relation to the size of the domestic economy, were so disruptive, that the term 'IMF riot' was coined to define the mass protests that were spurred in response to the resultant insecurity and deprivation (Herring: 142). Economic liberalization greatly deepened poverty and intensified ethnic as well as religious antagonisms. Ethnic scapegoating in such times of economic trouble is not uncommon, and in Sri Lanka, a combination of international pressures for liberalization and a wholesale destruction of the welfare state in the midst of political instability permitted an exacerbation of societal-cum-ethnic grievances. In response to this, Bandarage claims, "Just as we need to ask how militarism contributes to poverty by draining resources from social development, we need also to see how poverty contributes to militarism: indeed, they reinforce each other" (Bandarage 2000). Taking this discordant combination of factors into consideration, alongside Sri Lanka's prior development strategy, which will be discussed in the latter part of this study, the institution of aid distribution and implementation has become a topic of utmost importance under the current ceasefire. The structure of the P-TOMS encompasses reforms that attempt to transform the current nature of aid distributing mechanisms in such a manner that will ameliorate, rather than aggravate such grievances.

III. Case Study: Sri Lanka- Part I:

3.1. An Overview of Sri Lanka

Sri Lanka is an island nation situated in the Indian Ocean just off the south-eastern tip of India. Its history is tainted with hundreds of years of colonization by the Dutch, the Portuguese, and finally the British from whom they gained independence in 1948. Sri Lanka has a rich, heterogeneous population of 18 million comprised of 74% Sinhalese (predominantly Buddhist), 12.6% Sri Lankan Tamils (predominantly Hindu), 5.6% Plantation Tamils (Hindu), 7% Moors (Tamil speaking, but of Muslim faith), and Christians from both Sinhalese and Tamil communities. Other groups include Burghers, Malays, and Veddas, and the majority of the population lives in rural areas (78%) (Goodhand 2001:23). Despite this multi-faceted character of Sri Lankan society even under colonization, the British believed that the population was made up of only the three primary ethnic groups, which they referred to as 'races': the Sinhalese, the Tamils, and the Moors (Rogers 1993: 108). The British considered these three basic racial groups to be "fixed entities," with inherent, natural, quasi-biological differences that could be discerned in appearance, aptitude, and character as well as culture (Rogers 1993: 101). British racial theory de-emphasized religion and caste, which had been more important in pre-British times. Language, however, was seen as an indicator of racial distinctiveness, particularly after it was recognized that Sinhala and Tamil came from different language families (Winslow & Woost: 4). Intra-group as well as inter-group considerations for religious, cultural, and geographic exceptions were completely disregarded, rendering a vast majority of the population under-represented and the resulting political implications deemed irrelevant.

3.2. An Overview of the Conflict

In July 1983, the worst communal riots of Sri Lanka's history erupted, steeping the nation into militarized violence and marking the initiation of protracted conflict primarily between the Sinhalese-dominated Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE). The pogroms primarily against the Tamil population claimed at least 2,000 lives, 18,000 homes, and 5,000 shops with property damage estimated to be 300 million dollars (Herring:140). With the pogroms, the conflict became an ethnicized one, and as in most ethnic conflicts, the stakes became multidimensional: they included material advantage, territoriality, cultural validation, and political power (Herring: 140). The conflict has claimed an additional estimated 66,000 lives in inter-group violence. The LTTE seeks the right to Tamil self-determination in their own Tamil homeland, referred to as Tamil Eelam, to be located in the northern and eastern regions (see figure 3.1.), where Sri Lankan Tamils have predominated for centuries (Winslow & Woost 2004: 6). In contrast, the large Sinhalese majority lives primarily in the central, western, and southern parts of the island. These geographical ties are linked to the ancient Sinhalese and Tamil kingdoms that pre-dated colonialism in Sri Lanka at a time when the diverse ethnic groups co-existed harmoniously (see figure 3.2.). Despite geographic generalizations, it is still necessary to keep in mind the fluidity of geographic partitioning. For instance, many Tamils have lived outside the "homeland" areas, and the Moors, who also speak Tamil but identify themselves on the basis of religion rather than language, are found in the urban areas of the west and southwest, as well as on the east coast where they live alongside Tamils. Finally, the Indian or Estate Tamils live on or near the central highland tea estates, within the Sinhalese regions.

Figure 3.1

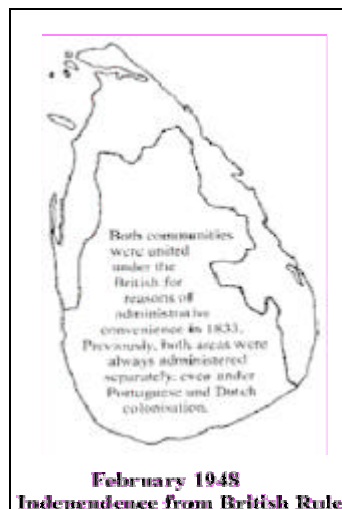


Figure 3.2



(Source: <http://www.tamiltigers.net/features/eelammaps.html>)

3.2.1. Ignition of War and Violence

The war can be seen as an escalation of communal violence that has broken out intermittently since independence in 1948, but with some roots attributed to responses to crystallized structural violence in the pre-independence, colonial period. Under colonization, the British and Portuguese introduced several Western mechanisms for public order including the registration of title to land, which further partitioned the distinct ethnic groups to specific regions of the island. Economic developments during this period occurred in the central and western areas, which left the Tamil population in a disadvantaged position. In order to gain access to the same opportunities, they moved in large numbers to employment in state services and professional fields in the private sector. This process was greatly facilitated by a major investment in educational facilities in English in the Tamil regions, causing the British to employ a slightly larger proportion of Tamils in government professions. The Sinhalese professionals and the educated “petit-bourgeoisie” felt the amounting

pressures arising from the increased competition for employment as well as access to trade markets and foreign direct investment (Jayawardena 1987; Daniels 2001). This left parts of the Sinhalese population feeling threatened and vulnerable in the midst of such economic and political developments. When the British left the island after independence in 1948, the federalizing elements they recommended to ensure for the representation of minorities in any political system were for the most part ignored by the majority Sinhalese. Sinhalese politicians recognized the vulnerability of their populations and were able to assert a sense of national identity as the basis for winning political reforms which would guarantee their political power: "In asserting Sinhala identity and in legitimizing Sinhala control of the country's polity, the leaders of the Sinhala revivalist movement reconstructed an image of the Sinhala past using many elements of the 'origin' mythology" (Jayawardena 1987). Through the enactment of several discriminatory policies against the Tamil population in the name of preserving Sinhala national identity, the Tamil population was left with a sense of grievance, instigating the ongoing ethnic conflict in Sri Lanka today.

The most influential policy of the Sinhalese-dominated government of Sri Lanka was a linguistic one that was advocated by the winning party in the 1956 elections. The "Sinhala Only" campaign, which provoked serious tensions between the Sinhalese and Tamils, emerged not as an attack by the majority on the minority but as an electoral strategy for differentiating two political formations, both headed by elite Sinhala families (Herring: 141). The Sri Lankan Freedom Party (SLFP) or People's Alliance (PA) (currently in power under President Chandrika Kumaratunga) used Buddhist imagery and promotion of the Sinhala language to construct a claim to rule that separated it from the United National Party (UNP). Further constitutional

changes that continued to demote the Tamil population led to episodes of conflict in 1956, 1958, 1961, and 1977, but it was only after 1983 that Sri Lanka's ethnic competition escalated to civil war. The prior role of aid and external development flows is attributed to being one of the most influential factors contributing to this escalation.

3.1.2 The National Economy

As nationalist actors of the Sri Lankan government adopted a state-centric development ideology that operated within a framework of nation-building that strengthened the majority Sinhalese, the expansion of the state in the economy also had extremely detrimental effects on minority interests, particularly those linked to import and export trade. With the expansion of state regulation of the economy, quotas, permits, and licenses were imposed in both the public and private sectors. Bastian claims that "political patronage and the influence of the state bureaucracy play a significant role in granting these licenses and permits. It is well known that in such circumstances, a variety of social linkages, of which ethnicity is one, play an important role in deciding who gets the benefit of these quotas and licenses" (Bastian: 9).

3.1.3. Carrots, Sticks, and Ethnicity

Sri Lanka's civil war cannot be properly understood without giving attention to the consequential external development flows. First, liberalization⁴ itself contributed to hostilities by providing both "new anger and new targets of envy—a niche for scapegoating" (Herring: 143). Second, the relatively large flows in per capita terms,

⁴ Referring to the "increasing allocative authority of markets and reducing political shelter from market forces" (Herring: 143).

also known as the carrots, intensified ethnic tensions through their effects on what Herring refers to as “patronage and ethnic territoriality” (Herring:143). Liberalization was ardently supported by international financial support within a politically sensitive arena in Sri Lanka, making donors indirect supporters of a process that fueled ethnic tensions. Although they expressed concern over human rights abuses, they were unable to act directly and unitarily to address them, continuing instead to support the regime at critical junctures (Herring: 143). At this present critical juncture in the evolution of Sri Lanka’s civil war, under the most enduring ceasefire thus far, alongside a common need to recover from the indiscriminate damage of the 2004 tsunami, the P-TOMS aid distributing mechanism poses as a potential stepping stone towards a more constructive model that intertwines peace-building and conflict resolution within humanitarian assistance processes.

IV. Case Study: Sri Lanka- Part II:

4.1. A Wave of Destruction in a Time of War

On December 26, 2004, Sri Lanka was hit by the deadliest tsunami in the history of the world, triggered by a massive earthquake of moment magnitude 9.0—the largest earthquake recorded worldwide in forty years (USGS 2005). Sri Lanka⁵ was one of the hardest hit countries among Sumatra, India, and Thailand. The damage stretched from Jaffna in the north down to the entire eastern and southern coasts, and finally reaching Colombo, the capital of the island located in the southwest. This calculates to over two-thirds of Sri Lanka's coast having been destroyed by the relentless tides of the tsunami with an overall death toll of 30,974 and thousands of others missing and displaced (see figures 4.1. and 4.2.). Its impact has greatly exacerbated the existing issues involved in a long and complicated process of relief, reconstruction, and rehabilitation of an already war-ravaged nation.

⁵ According to an assessment completed by the Asian Development Bank and the Sri Lankan Government, it is estimated that Sri Lanka will need about US\$1.5 billion to effectively implement a recovery and reconstruction strategy. This is seven percent of the country's annual domestic economic output (GDP) (World Bank: February 2005). A large proportion of losses are concentrated in housing, tourism, fisheries, and transportation: About 100,000 houses were damaged, of which more than 75,000 were completely destroyed, as were 150,000 vehicles (ADB: June 24, 2005).

Figure 4.1.

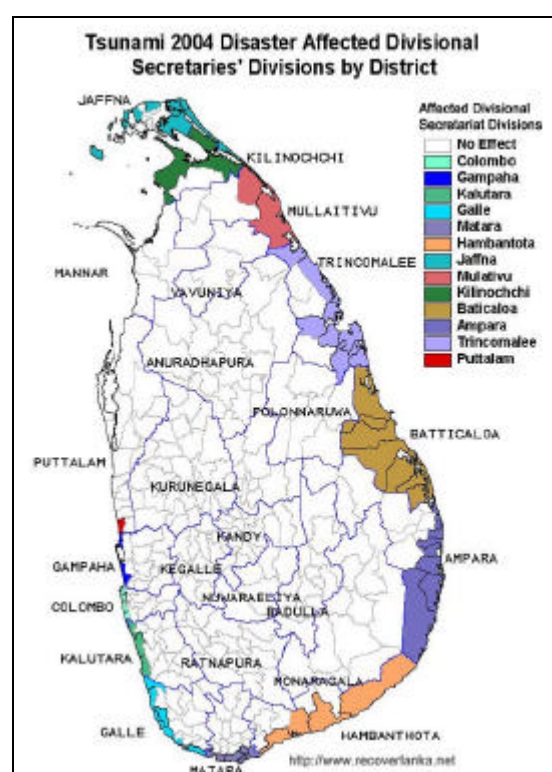
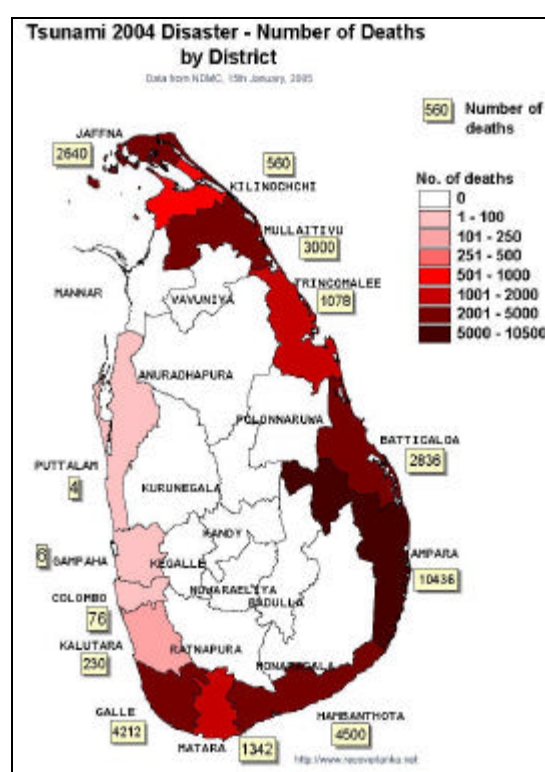


Figure 4.2.



4.2. Mapping Aid in Sri Lanka

Since the 1980s, international donors began providing humanitarian aid to the north and east to mitigate the impacts of conflict. Goodhand notes, however, that one of the defining characteristics of aid in Sri Lanka is its spatial division between relief and rehabilitation aid to the north east and development assistance to the south. A further defining feature is the dominant position in financial terms of three donors: 85% of development funding comes through the World Bank, ADB, and the Japanese external assistance program⁶ (Goodhand 1999: 10). He presents three types of aid in Sri Lanka:

⁶ In 1999, these three donors accounted for 92% of Sri Lanka's total debt stock, giving an indication of their importance and potential leverage (Goodhand 1999: 10). In February 2005, US \$500 million from the World Bank and Asian Development Bank, US \$300 million from the U.S. government, and US \$10 million credit extended by the Pakistani government was pledged towards Sri Lanka's development fund.

1. development aid to the government focusing on liberalization, structural adjustment, infrastructure development and a range of sectoral issues, including government reform, education, and poverty reduction.
2. development aid to civil society covering a range of issues, such as community development, human rights, reconciliation, the media, and electoral monitoring.
3. humanitarian aid to the north east (Goodhand 1999: 10-11).

Because much of the development aid going to Sri Lanka is derived from bilateral donors, either directly or indirectly via the WB and the ADB (whose agendas are still largely influenced by the U.S. and other governments), its reaches are limited geographically and politically. LTTE-controlled regions, which coincidentally are the most war-ravaged areas in greatest need of relief, rehabilitation, and reconstruction, are greatly deprived due to domestically-oriented political discrimination in addition to foreign policy controls of major governments such as the United Kingdom and the United States⁷. Although US \$700 million is expected to flow into Sri Lanka in 2005 alone, some claim that the strategy of the SLG in collaboration with the donor powers⁸, is to use this opportunity to carry out the economic programs that international capital had been trying to introduce into Sri Lanka for many years (Mohideen 2005).

Both factors stifle the work of non-governmental organizations (NGOs) in Sri Lanka. Three months after the tsunami, the BBC reported, "For the fifteen or so international aid agencies who have been working in the area [LTTE-controlled] since the civil war, tsunami relief work means playing a careful balancing act between the

⁷ The LTTE was officially classified a terrorist organization by the U.S. government in 1997, followed by the U.K. government in 2001.

⁸ Namely, the U.S., Japan, International Monetary Fund, and the World Bank

representatives of the Sri Lankan Government and the Tamil Tigers” (BBC March 2005). Now, eight months after the deadly wave, political tensions continue to hamper aid distribution, particularly more so in the north east, rendering much of the affected population in inhumane conditions. It is perhaps for this reason that some in the World Bank rightfully claim that “it is perhaps a cruel irony that Sri Lanka’s North East—portions of which are controlled by the [LTTE]—was severely hit by the tsunami; it is this region where years of conflict have killed 65,000 people” (World Bank 2005a).

4.2.1. Development, Nation-Re-building, and Peace

Addressing ethnic conflict through development and rehabilitation efforts is a multifaceted and difficult task as the causes of ethnic politics are multiple, multidimensional, and context specific. Because the conflict in Sri Lanka is essentially a political crisis, it must be addressed through political and diplomatic instruments. Development aid, alone, cannot be viewed as a substitute for such interventions, however, the mechanisms by which aid is allocated and implemented provides a critical space of opportunity for addressing the grievances that have permeated all sectors of all levels of society. Although aid has primarily been channeled through the Sri Lankan government or at least through its approval of allocation, the most war-ravaged parts of the island, which are coincidentally predominated by Tamils, remain the most under-developed. The government has left a legacy of corruption, favoritism, victimization, and often unrighteous behavior that has lent to aid as a misused political instrument.

Sunil Bastian discusses three dimensions of the failure of state formation in Sri Lanka that contributes to this behavior. First, he claims that Sri Lanka does not have a structure which allows political power-sharing between ethnic groups, pointing blame to the failure of institutions. Secondly, there are failures in a number of areas of public policy, which we have seen through the “Sinhala Only” bill. Finally, the identity of the Sri Lankan state is dominated by the identity of the majority Sinhala-Buddhist community (Bastian 1999: 4-5). Many of the constructs of the P-TOMS aid mechanism seem to address all three of these failures of the state to some degree, and attempts to incorporate practices that address the ethnic grievances that continue to prolong the current stalemate and encourage a continuation on a road towards peace.

4.3. *Post-Tsunami Operational Management Structure (P-TOMS)*

The Post-Tsunami Operational Management Structure, more popularly referred to as P-TOMS or the Joint Mechanism (JM) was signed in June 2005 by the Sri Lankan Government (SLG) and the Liberation Tigers of Tamil Eelam (LTTE). Given the nature of the civil conflict and the ethnicized politics of the nation, P-TOMS can be considered a breakthrough and major achievement in its bringing the LTTE to work within a system under Sri Lankan sovereignty (BBC 2005). It can also be highly praised for incorporating representatives of the other Sri Lankan ethnic groups, encouraging cooperation and coordination that can facilitate the creation of a multi-ethnic platform for reaching a common aim. As Uyangoda notes, “A key problem with contemporary Sri Lanka is the absence of strong defenses against ethnic exclusivity in politics. Rebuilding these defenses involves building a new political culture that can accept and yet transcend ethnicity in politics” (Uyangoda :167).

Since Sri Lanka's independence in 1948, there has been an absence of an overarching sense of national identity. In not identifying themselves as Sri Lankan, but only as Sinhalese, Tamils, or Muslims, which was emphasized and manipulated by power-greedy politicians, ethnicized politics and conflict that has claimed the lives of almost 60,000 civilians were inevitable.

Prior to the tsunami, approaches to addressing the conflict were hardly multi-ethnic and continued to be dominated by the rigid and ethnically-influenced demands of either the Sri Lankan Government or the LTTE, rendering other groups of the island voiceless. When the tsunami devastated Sri Lanka in an arbitrary manner, claiming 30,000 Sinhalese, Tamil, and Muslim lives in one blow, the mindset of the populace was altered in a way that the tsunami, although widely regarded as a major devastation, was also seen as an occasion for hope. President Kumaratunga articulated this unlikely optimism when she declared that Sri Lanka was “incredibly humbled by the waves, which had dealt death and destruction to all ethnic groups indiscriminately...Nature does not differentiate in the treatment of peoples,” as she urged Sri Lankans to follow nature's example (Gourevitch 2005: 56). The P-TOMS provides a unique opportunity to take up this challenge and gradually move away from ethnicized politics to real national politics by eradicating the asymmetrical power relationships between the conflicting parties. It also serves as a potential model for allocating future humanitarian assistance in response to the civil war in a more effective manner. Finally, engaging in such a mechanism is a stepping stone in creating a more durable peace that eliminates both personal and structural

violence⁹ and shifts away from a crystallization of unjust socio-economic and political conditions against any citizen in any viable peace agreement.

4.3.1. Joint Mechanism: Structure, Composition, and Functions

The Memorandum of Understand (MOU) for the establishment of the P-TOMS emphasizes three preambular clauses that formulate the rationale for the mechanism:

- the urgent humanitarian need to effectively deliver relief, rehabilitation, and reconstruction to the Sinhala, Tamil, and Muslim communities affected by the tsunami;
- the need for the Sinhala, Tamil, and Muslim communities to work together to accomplish this task; and
- the need for an equitable allocation of post-tsunami funds to all tsunami-affected areas of Sri Lanka, based on accepted needs assessments (*Tamil Times*: June 2005).

4.3.2. Premises: Geographic Scope, Non-Discrimination, and Period of Operation

The joint mechanism is restricted in its area of operation to the land area affected by the tsunami that is within two kilometers of the coastline. The MOU prohibits discrimination against any person on the basis of ethnic origin, language, or religion. Finally, the MOU states that the joint mechanism will operate only for one year, unless both parties mutually agree to extend it.

(Please refer to Appendix A. for P-TOMS Structure for following analysis.)

⁹ In reference to Johan Galtung's definition of 'personal' violence requiring an actor who directly harms another person, either physically or mentally, and 'structural' violence as embedded in 'the economic and political structure of society and shows up as social injustice, defined as an unequal distribution of power and resources' and, consequently, unequal life chances.

4.4. An Analysis of the P-TOMS

Under the Ceasefire Agreement (CFA) of 2002, the LTTE and its interim government was granted an unusual de facto control over areas controlled by them; however, this was considered highly controversial by Sinhalese nationalists. The tsunami thrust this issue into national debate, and it was made obvious that the tsunami damage could not be repaired without the active involvement of the LTTE. It is of utmost relevance to recognize their crucial role in providing accurate targeting and needs assessments of the North and East. The principle rationale for creating a joint mechanism that engages the LTTE is to ensure the effective delivery by the government of assistance to the tsunami-affected population. The alternative to the P-TOMS, according to some, is the abolition of the CFA and a return to war.

Another direct incentive for the government to take part in such a mechanism is to gain credibility from international donors due to its engagement within a transparent and accountable process of governance. Although it is unfair to deny that the Sri Lankan government is cooperating in the joint mechanism for the well-being of the Tamil population in conjunction with the rest of the nation, it has declared many indirect incentives for its cooperation that imply ulterior objectives. For instance, the SLG realizes that in lieu of a mechanism such as the P-TOMS, bilateral donors will be more likely to work with the LTTE directly, circumventing government agencies in order to deliver effective and immediate relief in response to the tsunami. According to the Government, the LTTE and its front organizations are likely to lobby for direct and indirect funding from the donor community on the pretext that the Government is discriminating against the tsunami-affected population in the North and East (Tamil Nation 2005). This, in turn, would exclude the SLG from the decision-making

process for national reconstruction. Furthermore, such a move would shatter the credibility of the government among Tamils, Muslims, and the entire international community. Hence, aside from genuine concerns for reaching a peaceful solution to the ethnicized strife in Sri Lanka, the Government's need for the P-TOMS places it in a position with limited room for compromise.

According to Bastian, the grievances that have been articulated by the Tamil community have spurned from the nature and structure of the Sri Lankan state, the impact of Sinhala nationalism in various public policies which covered the fields of socio-economics, language, culture, and finally, the question of their security as an ethnic group. The emergence of the LTTE as the dominant representative group of the Tamil people, in addition to their political and military capacity to engage with various governments within and without Colombo, has led to their acceptance to engage in direct discussion with the LTTE in seeking out a long-term solution to the strife that has plagued the nation. Furthermore, pressure for a political answer to the conflict has resulted in consideration of power sharing and institutional reforms of the state (Bastian: 40). In this case, the P-TOMS is a political and military breakthrough in that it incorporates what the state has failed to do for so long despite its intention to be a multi-ethnic entity—to act in concert with able representatives of all tsunami-affected ethnic groups.

4.4.1. Who Counts?

The incorporation of the Muslim ethnic group in the joint mechanism is another unique step towards creating an institution of aid that can address further societal and ethnic grievances. This step reveals the recognition on the part of the

government, the LTTE, and the international community that the injustices borne by the other Sri Lankan ethnic groups must also be addressed at this critical juncture in the ceasefire in order to facilitate a more legitimate peace process. Many observers, however, claim that the P-TOMS will only serve the interests of the LTTE, creating further grievances among other ethnic communities. On the contrary, Professor Robert Oberst of Nebraska Wesleyan University claims that, "Although the way in which the P-TOMS was created is an insult to the Muslim community, the actual document appears to enhance their power" (TamilNet June 2005). The Muslims of the North and East have been largely ignored repeatedly by the Sri Lankan government, and their exclusion from the P-TOMS negotiation process was not completely unexpected by observers. The evident apathy of the Sri Lankan government towards their needs, alongside the LTTE's primary responsibility to address the needs of the Sri Lankan Tamil community does not offer the Muslim's much hope; hence, their direct inclusion into the mechanism is necessary.

4.4.2. Checks and Balances and Other Safeguards

The P-TOMS appears to have been created in a way which seems to protect the interests of the affected ethnic groups. The High Level Committee or organized to give each party a veto power over the decisions of the committee. This allows representatives from any ethnic group to prevent actions which may be detrimental to their community. The regional committees have been allocated to provide the LTTE with five representatives while the Muslims receive three and the government two members. The result is the need for the representatives of any community to seek support from one of the other groups in order to receive at least 50 percent of the votes (TamilNet June 2005). Thus, the Muslims will be the balance of power

between the LTTE and the Sri Lankan Government. Another unique feature of the regional committee is the need for a super majority to reject proposals from the district development committees. This effectively creates a situation where the Muslims will have no less power than they currently have in the development process, indicating the weight and seriousness of the incorporation of the Muslim community into the mechanism.

Because the international community is aware of the past discriminatory practices of the SLG in distributing development funds to the North and East, which is one of the main reasons for the birth of Tamil separatism and the growth of the LTTE, the donor community has opted to take precautionary measures. Rather than granting the SLG the decision-making power on how to spend their monetary aid, they chose to require the SLG and the LTTE to jointly create the MOU as a commonly recognized guideline as to how it should be distributed within the Tsunami Disaster Zone (TDZ). To monitor the effectiveness of this agreement, multilateral and bilateral donor communities will have one observer each attend meetings of the High-Level Committee. In addition, the Regional Fund will be created with a multilateral agency acceptable to both parties acting as the custodian of the Fund. This will guarantee the P-TOMS's intended transparent and accountable functioning (SAAG June 2005).

4.5. *P-TOMS for Peace*

P-TOMS theoretically proves to be a potential catalyst for more promising negotiations and processes of conflict resolution. Firstly, the agreement offers the opportunity for the government and the LTTE to work together against a common enemy and towards a common aim. The resultant contact and interaction between

the two will likely lend to the development of an invaluable mutual trust. This may have a very long-lasting and positive impact on the future of the peace process. Second, the P-TOMS provides a remarkable opportunity for the LTTE to demonstrate that they do not pose a threat to Sinhalese nationalists, who currently present the greatest opposition to the group. It allows the LTTE to also demonstrate its willingness and capability to work with both Sinhalese and Muslim communities in a responsible manner. According to Oberst, "If the LTTE acts cooperatively and responsibly, the high visibility that the P-TOMS will have in Sinhalese society will help to force the Sinhalese nationalists to deal with the apparent contradiction between the reality of the process and their own predictions of doom if the LTTE is given a role in the reconstruction process" (TamilNet June 2005). Third, the P-TOMS creates an administrative structure to address tsunami-related development issues, and there is a strong probability that the structure can serve as a model for future development efforts. Fourth, the LTTE has been renowned for its efficiency, corruption-free projects, and results-driven efforts. Their approach to development may actually serve to influence the current methods of the government's development efforts, inevitably encouraging communication and engagement between the entities. Fifth, if the P-TOMS can demonstrate its success as an administrative structure, it will facilitate the fair allocation of development resources between the three affected communities. Finally, if the political battle in the governing alliance causes a weakening of the forces opposed to peace, Sri Lanka, as a nation, can greatly benefit (TamilNet June 2005).

The Sri Lankan Government presented its commitment to peace via engagement in the P-TOMS mechanism to the Sri Lankan House of Representatives prior to its

signing. This valuable statement was highly praised by observers from all sides, with the exception of the extremist JVP party, as it displayed the government's sincerity and efforts to cooperate within a peacebuilding framework while addressing the rehabilitation needs of the LTTE-controlled areas. Within the statement, the government expressed its appreciation of ensured protection of all communities' interests within the framework of the joint mechanism, emphasizing additional praise for its incorporation of groups of different political persuasions within the Tamil community other than the LTTE. This can facilitate the process of addressing intra-group as well as inter-group grievances related to the tsunami, which in turn, can be set up as a model for addressing issues within these two groups on a broader level of general humanitarian assistance and peace.

4.5.1. International Precedents

The Sri Lankan Government's new found confidence in such a mechanism that encourages cooperation with their most unrelenting foe can be derived, not only from their need for international recognition in addressing such strife, but also by the international precedents that have established mechanisms such as the proposed P-TOMS. They have referred to examples from throughout the world, where sovereign governments have entered into agreements with rebel groups for urgent humanitarian purposes despite the absence of progress in negotiations for a permanent settlement to an ethnic conflict. While not directly addressing the core issues of the conflict, such agreements can have a positive impact on the prospects for lasting peace in the relevant country (Tamil Nation June 2005):

- In the absence of formal peace talks, the Government of Indonesia and the Free Aceh Movement entered into a Humanitarian Pause Agreement to

cooperate on humanitarian issues, and set up a two-tiered structure consisting of representatives from both the Government and rebel group (2000)(Tamil Nation: 4).

- The Government of Guatemala and the Unidad Nacional Revolucionara entered into a Comprehensive Human Rights Agreement (1994) prior to an agreement on a final peace settlement. Establishment of the CHRA permitted an expansion of the agenda to incorporate broader issues pertinent to the ongoing civil war. This culminated in a firm and lasting peace agreement signed two years later (Tamil Nation: 4).

These examples which the Government has presented to the House of Representatives demonstrate the potentially positive and broader impact that the P-TOMS can have on the peace process.

A joint aid distributive mechanism can serve as an invaluable policy and development instrument if the framework in which it is utilized fosters sustained and concerted political attention. This has the potential to significantly affect the calculations and incentive systems of the parties to the conflict, presenting the pursuit for constructive peace as a more appealing alternative to war and violence. The P-TOMS, as such a mechanism, can establish a synergy between different policy objectives within development and conflict resolution.

V. Conclusion

As this study is being completed, the Janatha Vimukthi Peramuna (JVP, People's Liberation Front), the Marxist and extremist Sinhala nationalist party, has been successful in delaying the adoption of the P-TOMS within a legal framework. Its island-wide campaign against the joint mechanism initiated when it withdrew its support from President Kumaratunga's United People Freedom Alliance (UPFA) coalition government and left it with a minority in Parliament. Since then, the JVP's resistance has only intensified. This was made evident in its move to challenge the legality of the aid deal by filing cases against the P-TOMS with the Sri Lankan Supreme Court in attempts to make the agreement null and void. The Court has currently suspended the agreement over four points of contention that involve fund management, location of a Regional Committee in Kilinochchi, project approval, and implementation issues in Regional Committees (TamilNet July 2005). Eight months after the devastation of the tsunami, relief efforts have been thwarted by politically and racially tainted sentiments and resistance that is detrimental to the well-being and development of the entire nation and all of its people, regardless of religion, ethnicity, and creed. It is with the hope that the protests of a few should not undermine the will and the benefit of the majority of the people that this study is being conducted.

If the P-TOMS can overcome the chauvinistic forces attempting to stifle its implementation, it can serve as a binding force that brings the three predominant ethnic groups of Sri Lanka to cooperate and coordinate in common relief efforts. This is a breakthrough in itself, given the nature of the ethnicized conflict. Although the P-TOMS seems to further polarize ethnic communities, it can also be seen as a

temporary means to a final end and is a stepping stone towards addressing all ethnic groups and their specific needs within the nation. To ensure its effectiveness, the mechanism will require constant monitoring by objective, non-partisan actors. It will also require international attention and support to sustain its intended transparent and accountable nature.

The P-TOMS should not be understood to be an end in itself; rather, it is one of many possible means to a desirable and peaceful end. Adoption of the agreement will not necessarily indicate that automatic rebuilding will occur. However, without the agreement, possibilities for reconstruction, rehabilitation and relief would be limited, and a return to war would be likely given the increased grievances in a post-tsunami atmosphere. If proven to be effective not only as an aid distributing mechanism, but also as a catalyst for state reform and conflict resolution, the P-TOMS may be able to serve as a model for further aid distribution throughout the entire country while simultaneously facilitating durable peace.

Appendix A.

P-TOMS Structure

Tier 1: High-Level Committee

P-TOMS consists of three tiers headed by a High-Level Committee comprising three members—one government nominee, one nominee by Muslim parties, and one LTTE nominee. The three tiers consist of a high level committee for the tsunami-affected areas of Sri Lanka; a regional committee for the six districts in the Northern and Eastern provinces affected by the tsunami (Ampara, Batticaloa, Jaffna, Kilinochchi, Mullaitivu, and Trincomalee); and district committees for each of the six districts. The High-Level Committee's primary function will be to formulate policies regarding the allocation and disbursement of donor funds for the tsunami-affected area. It will also have an advisory and monitoring role to ensure that the policies are being applied. In addition to the three comprising members, two nominees from the international donor community will attend the meetings as observers. In order to safeguard and protect minority interests, consensus among the three members is required before any decision is made. If consensus cannot be reached, upon fourteen days' notice, any member can suspend their cooperation in the High-Level Committee (*Tamil Times* June 2005:15).

Tier 2: Regional Committee

The Regional Committee will be responsible for prioritizing, approving, managing, and monitoring the implementation of projects. It will be comprised of ten members: two nominees from the GOSL, three nominees by Muslim parties, and five nominees by the LTTE. The MOU states that the Committee should also have a proper gender balance. In addition to the 10 members, two nominees from the international donor

community will again attend meetings as observers. In order to safeguard and protect minority interests within this tier of the P-TOMS, if at least two members of the Regional Committee were to have an adverse effect on a minority group, then approval of that decision will require seven members of the Committee. This provision protects the Muslim and Sinhala communities from any proposal that is, in their opinion, harmful to their interests. Subject to this protection, two members of the Committee may request redress when a proposal submitted to them by a District Committee is rejected; consequently, rejection of that proposal will require seven members of the Regional Committee. This provision allows proposals put forward by the District Committees (which may have a greater representation of a particular ethnic group than the Regional Committee) to be passed by the Regional Committee without the necessary consent of the LTTE nominees (*Tamil Times* June 2005:15).

Tier 3: District Committees

The District Committees will identify needs, receive and generate project proposals, and monitor the progress of project implementation. The District Committees that are currently established and functioning in the Six Districts will be used to serve this role. However, the composition of the Committees will be altered to ensure adequate Muslim representation and a proper gender balance (*Tamil Times* June 2005: 15-16).

The Fund

In handling the funds from the international donor community, the P-TOMS agreement claims that “the function of actually allocating and disbursing the donor funds will be retained by the Treasury; the High-Level Committee only formulates the

policies regarding these. In addition, the Regional Fund administered by the multilateral agency will be set up by an agreement between the multilateral agency and the Government of Sri Lanka. The LTTE, as a non-state entity, cannot be party to such an agreement" (*Tamil Times*: June 2005). Meanwhile, normal government-financed development in the Northern and Eastern provinces will continue as before, including in the Six Districts, in addition to what the joint mechanism engages in.

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