

# CRU Policy Brief

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Clingendael CONFLICT RESEARCH UNIT (CRU)

## Muddling the Peace Process

### *Post-tsunami Rehabilitation in War-torn Sri Lanka*

#### Summary

The tsunami of 26 December 2004 has killed over thirty thousand people in Sri Lanka and devastated human settlements and livelihoods all along the coast. The twenty-year-old conflict in the country has aggravated the impact of the tsunami and now hampers relief and rehabilitation efforts. Also, there is a severe risk that the disaster and the ensuing aid efforts will undermine Sri Lanka's fragile peace process. This policy brief outlines the challenges involved and offers recommendations to the government, the Liberation Tigers of Tamil Eelam (LTTE) and the donor community on dealing with humanitarian aid in a context of conflict.

Georg Frerks and  
Bart Klem

#### A tsunami *does* discriminate

In the face of the immense power of nature demonstrated by the havoc wreaked by the tsunami, it was tempting to think that an event such as the tsunami doesn't discriminate: all strata of society are affected. This, however, is a myth. Anyone can be killed, but the brunt of the suffering is borne by the weak.

Many of the victims belonged to marginalised communities living in crowded conditions on low-lying areas along the sea or the railway. They included squatters and displaced people. Overall levels of vulnerability and impoverishment made them easy prey for the tsunami, in terms of both the immediate death toll and the longer-term impact of the disaster.

The conflict that has swept Sri Lanka throughout the past two decades has made many people more vulnerable. Moreover, the effects of war have reduced Sri Lanka's capacities to respond and recover. This latest human suffering is thus not simply an inevitable evil produced by the rules of nature, but is also a consequence of the war. The impact of the tsunami would probably have been less, had the opposing parties been able to solve their conflict at an earlier stage. Similarly, future recovery will also be more difficult because of the conflict.

#### A blessing in disguise?

At first sight, the tsunami was a blessing in disguise for the peace process in Sri Lanka. The government and the LTTE started peace negotiations in 2002, but the process soon got stuck. In the absence of further talks, many feared a resumption of violence at the beginning of this year. The tsunami took these fears away, at least for the moment. In the current situation, neither party will initiate a military operation.

Instead, we even saw examples of solidarity, with people from different ethnic origins assisting one another at the local level. This caused the press to portray the tsunami as a window of opportunity for peace-building.

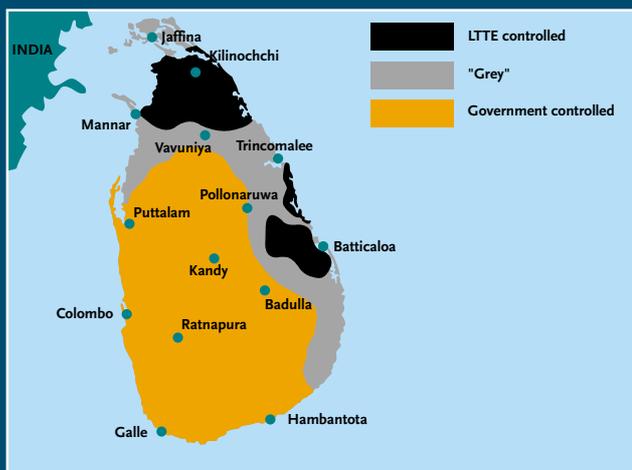
However, it seems that both the tsunami and the relief efforts will contribute to the conflict rather than to its resolution. International donors, non-governmental organisations (NGOs) and multilateral institutions will be confronted with a range of conflict-related restrictions and dilemmas for which they ought to prepare themselves. Before elaborating on these difficulties, we will sketch a brief overview of the conflict between the LTTE and the government of Sri Lanka.

## The Sri Lankan conflict

The government and the LTTE have been in overt armed conflict since 1983, but the historical, ethnic, political and socio-economic roots of the conflict date back to the colonial and post-independence era as a whole.

The Sri Lankan population consists primarily of Sinhalese (74%), Ceylon Tamils (12%) and Muslims (7%). The LTTE demand autonomy for the Tamil population in the north-east of the country. Throughout the war, the movement has formed a *de facto* state in the rural parts of the region, while the government forces maintain control in and around the towns of Jaffna, Mannar, Trincomalee and Batticaloa. Many Tamils see these forces as an army of occupation. With regard to the LTTE, some see them as terrorists, others as liberators.

### Government and LTTE control in Sri Lanka (approximate areas)



### The impact of war

- 70,000 people killed.
- 800,000 displaced (often repeatedly).
- Estimated 40–50% decline in current GDP
- Two-thirds of the costs incurred in the north and east. Region's share of GDP falls from 15% to 4%.
- Violations of human and civic rights.
- Gender-based violence and criminalisation of society.
- Thousands disabled and traumatised.
- Thousands of (former) child soldiers.
- Increase in female-headed households.
- Democratic freedoms curtailed under emergency law.
- Weakening of governance and service delivery.
- Economic embargoes in north and east.

Both the Tigers and the government have targeted and killed civilians. The Muslims living in the south-east often fear the LTTE because of the movement's track record of killing and robbing Muslims and expelling them from LTTE-controlled areas.

In early 2002, the Tigers and the government agreed a truce and started negotiations. Since the promising first rounds of talks, there has been no perceptible progress, however. This was due not only to the intransigence of the conflict parties, but also to internal political divisions among the Sinhalese majority and the instability of coalition governments with shaky majorities in Parliament. Recently, an eastern faction broke away from the LTTE, which reduced the movement's room for manoeuvre and its ability to compromise. In the meantime the Muslim population has become highly concerned and is now voicing its own demands. It was thus against a background of general vulnerability and political impasse that the tsunami hit Sri Lanka.

## Impact on the peace process

The tsunami will give rise to quarrels about distribution and to military instability, and will erode government legitimacy.

An effective structural and long-term approach necessitates relief and rehabilitation efforts that are designed from a developmentalist perspective. This is problematic owing to the absence of a peace accord and the fundamental dissent about the future political set up of the country. The influx of aid was allegedly accompanied by problems of access and biased patterns of distribution. The LTTE accused the government of blocking aid for needy Tamils, while favouring the Sinhalese. The President's refusal to allow UN Secretary-General Kofi Annan to visit Tamil-held areas only strengthened this conviction and reinforced deep-seated grievances and perceptions of discrimination. There is the risk that the Sinhalese in the south will see their longstanding suspicion confirmed that donors are pro-Tamil and send all their aid to the north and the east. The government in turn fears that the LTTE will abuse aid for publicity and political purposes. The LTTE, for their part, feel that the government may benefit from the presence of American and Indian (military) aid

workers, whom they regard as spies and government advisers. Finally, it is likely that the Muslims will feel left out, just as they have felt consistently ignored in the development and peace process so far. Irrespective whether those perceptions are grounded or not, they will lead to increasing tension, strain inter-ethnic relations and diminish the chances of a settlement.

Though difficult to assess at present, there will also be military consequences of the tsunami. Both the government forces and the LTTE may have incurred losses of personnel, material and infrastructure and yet may need to prioritise humanitarian expenditure. On the other hand, there are factors that could strengthen both parties; for example, the demolition of livelihoods and the presence of large numbers of adolescent orphans may soon provide a fertile recruitment base for both the government army and the LTTE.

Finally, the government itself allegedly has not done very much for the flooded regions so far. This will affect its legitimacy and may cause disgruntlement among the southern, Sinhalese electorate, thus narrowing the government's political room for manoeuvre. Making concessions at the peace talks will thus not be easy for the government. In the north-east, government shortcomings will reinforce the dominant feeling among Tamils that the government is unreliable, incapable and unwilling to help them. If the LTTE, on the other hand, manage to set up effective relief operations, this will boost their popularity at the expense of the government. If they fail, they will probably put the blame on government or international restrictions.

## The donor dilemma

Until recently, donors took a tough stance towards aid disbursements in Sri Lanka, with the slogan: 'if you don't settle the conflict, we will not give aid'. More specifically, at the 'Tokyo Conference' on 9 and 10 June 2003, the international donor community pledged US\$ 4 billion to support Sri Lanka's post-conflict reconstruction, but Article 18 of the Tokyo Declaration links donor assistance to "substantial and parallel progress in the peace process", to be demonstrated by compliance with the ceasefire agreement, respect for human rights, demilitarisation and reaching a 'final settlement'.

## Code of Conduct Principles I–IV

- I. The humanitarian imperative comes first.
- II. Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind.  
Aid priorities are calculated on the basis of need alone.
- III. Aid will not be used to further a particular political or religious standpoint.
- IV. We shall endeavour not to act as instruments of government foreign policy.

Faced with the terrible tsunami disaster, it is hard to maintain that position. Referring to the 'Code of Conduct of the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief', humanitarian agencies will argue that any linking of tsunami aid with political objectives contravenes humanitarian principles, if not international humanitarian law.

The rationales of the (political) Tokyo process and the (humanitarian) Code of Conduct are clearly incompatible with each other. The resulting dilemma will probably undermine any remaining leverage that the Tokyo process might have offered donors. Also, diverging donor opinions on how to proceed with the Tokyo 'conditionalities' will threaten the fragile alliance among international donors in Sri Lanka that has existed up to now.

## Do no harm

Just like donors, operational agencies will be confronted with a range of conflict-related dilemmas. Cooperation with both the LTTE and the government will be required and aid may feed suspicion and enmity among the two parties and among the various communities. All ethnic groups rely on infrastructure, fisheries, irrigation schemes and land ownership. Optimists view this as an opportunity for 'environmental peace-building', but the reality may be less positive and activities in these fields may easily give rise to communal tensions. Humanitarian values (helping the most needy) may not be conducive to ethnic harmony, either.

The Muslims in the east, for example, are often richer than their Tamil neighbours and they will certainly demand a piece of the pie. Aid agencies that fail to take these sensitivities into account will probably do more harm than good.

*The views expressed here are those of the authors and are not necessarily those of the Clingendael Institute or its staff members.*

## Recommendations

- Post-disaster rehabilitation aid should be based on independent and professional need assessments carried out in both government- and LTTE-controlled areas.
- The government and the LTTE should allow international access by UN leadership and staff to all parts of the country and provide humanitarian space to aid agencies.
- International donors should make their funding available for relief and rehabilitation in the tsunami-struck areas. Aid that is not directly related to the tsunami – other reconstruction efforts, regular bilateral support, debt relief – should be channelled under the arrangements and conditions spelled out in the Tokyo process or an updated variant of it.
- The government and the LTTE should resume political dialogue while rehabilitation gets under way.
- To avoid a stand-off on humanitarian aid issues, the government and the LTTE should revive defunct mutual consultation mechanisms. Donors should insist on the use of these mechanisms and operational aid agencies should use them to co-ordinate their efforts. Local multi-ethnic consultation and implementation committees may help to promote cross-ethnic confidence and co-operation.
- Donor, governmental and LTTE aid performance must be transparent and open to public scrutiny by the introduction of accountability structures and compliance reporting on both donor and recipient sides. This will reduce mutual accusations and public apprehension about unfair distribution.
- Rehabilitation aid needs to be given in a ‘conflict-sensitive’ manner. Aid should ‘connect’ rather than ‘divide’ groups. An assessment of the relative costs and benefits for the various population groups should be a standard component of rehabilitation planning.

## ABOUT...

### The Clingendael Conflict Research Unit

The Netherlands Institute of International Relations ‘Clingendael’ conducts training and research on international affairs. The Conflict Research Unit (CRU) focuses on conflict-related issues in developing countries.



#### The Authors

Georg Frerks is Professor of Disaster Studies at Wageningen University and Professor of Conflict Prevention and Conflict Management at Utrecht University, The Netherlands.



Bart Klem is a researcher at Clingendael’s Conflict Research Unit. Much of his work focuses on conflict in Sri Lanka.

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