

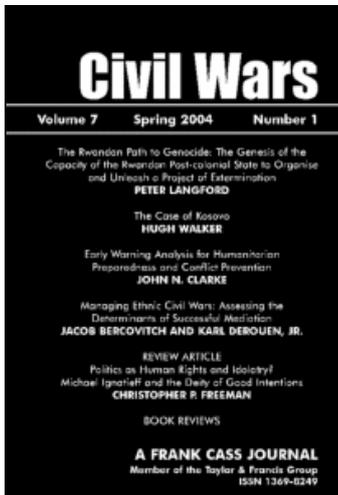
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A Marriage of Inconvenience: Tsunami Aid and the Unraveling of the LTTE and the GoSL's Complex Dependency

ZACHARIAH MAMPILLY

Scholars have shown how transnational forces can influence the behavior of belligerents in a civil war, dramatically altering the trajectory of the conflict. The breakdown of the peace process in Sri Lanka, less than a year after the Asian tsunami, has led many to question the relationship between the disaster and the return to war. In this paper, I explore the complex relationship between Liberation Tigers of Tamil Eelam (LTTE) governance structures and the international community, arguing that post-tsunami relief efforts closed the door to a negotiated settlement by contributing to the insurgency's failed play for autonomy from the Sri Lankan state upon which it had long been reliant for assistance in governing the civilian population in the northern and eastern provinces of Sri Lanka. Through a detailed case study of the micro-level impacts of a massive spike in foreign aid on the organization of a long-running insurgency, the paper is able to assess the merit of the 'substitution effect' posited by scholars that argues that foreign aid can allow rebels to ignore civilian concerns in favor of a purely military focus. While generally supportive of this argument, the paper complicates the picture, demonstrating the importance of understanding local contexts for the international relief apparatus that continues to serve as the primary response to disasters, both natural and man-made.

INTRODUCTION

The guns in Sri Lanka have been silenced for now. In the final phase of the conflict, the government removed the metaphorical gloves, engaging in brutal battles that delivered striking blows to the once impregnable insurgent organization. Both the rebels and the government openly targeted civilians, and casualty reports still coming out of Sri Lanka attest to the increased ferocity as the government crushed the Tamil rebellion for good. After the 2004 Tsunami that leveled much of the coastline of this Indian Ocean island, many hoped that the disaster might lead to improved prospects for peace between the two warring factions. Instead, the situation in Sri Lanka continually deteriorated, and as of mid-2009, the descent into the worst ever round of bloodletting between the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka (GoSL) is complete, with the death

of almost every top insurgent commander. How can we understand this final descent into violence, and what role, if any, did the international community play?

A number of studies, both quantitative and qualitative, have demonstrated the importance of external phenomena in shaping the behavior of belligerents during ongoing conflicts around the world.¹ However, many of these studies often fail to illuminate the complex micro-dynamics that link transnational actors and networks with processes and structures operating at the local level. In this paper, I assess the direct impact of the massive spike in foreign aid flows on the conflict in Sri Lanka following the tsunami. Specifically, I analyze the effects of international disaster relief efforts on the structure of a rebel organization through a focus on the primary insurgent interface with the civilian population, i.e. the rebel civil administration.

Research for this paper was conducted during two field visits to insurgent-controlled territory in Sri Lanka in early 2004 and again in early 2005, i.e. before and after the Asian tsunami. Interviews were conducted with civilians, rebel and government administrators, academics, as well as personnel from domestic and international non-governmental organizations (NGOs and INGOs) and international agencies. This approach allows me to connect the effects of an external aid intervention with the actual actors and structures with which it interacted on the ground. The paper makes two contributions to the literature on the effects of transnational actors on civil wars. First, having conducted research both before and after the tsunami provided me with a real-time window to the micro-level transformations of the conflict wrought by the influx of foreign aid. What I attempt to do in this paper is to document how the sudden deluge of foreign aid affected the behavior of the main two belligerents involved in South Asia's longest running civil war: the Sinhala-dominated Sri Lankan state and the LTTE, the dominant representative of the minority Tamil movement. By analyzing these processes at the local level, I am able to provide a detailed case study of the precise impacts of international disaster relief on an ostensibly domestic dispute. Second, the paper provides a more nuanced understanding of the overlapping relationships between the state, the insurgents and the international community by identifying the competing and interactive motives that drove the behavior of each following the disaster.

In short, I argue that the impact of the tsunami in Sri Lanka was to transform the conflict through the influx of foreign aid from transnational sources, particularly money from multi-national agencies, international relief organizations, and various donor nations. I demonstrate how the LTTE responded to an increased aid flow by fundamentally shifting its governance strategy away from reliance on the government of Sri Lanka to a strategy dependent on aid flows from abroad. The impact of this shift, I argue, affected the dynamics of the conflict in direct ways, ultimately leading to the dramatic battlefield reversals the insurgents have experienced over the past five years. International actors failed to recognize how their actions were likely to be perceived by both the insurgents and the state, and hence unwittingly altered the dynamics of the conflict away from a negotiated settlement towards a more violent outcome.

While many insurgencies have used transnational aid resources to support the civilian populations trapped within their territory,² the Sri Lankan case is distinctive

due to the presence of a convoluted arrangement, established prior to the tsunami, between the government and the rebels to allow the continued operation of government service provision agencies within rebel-controlled territory. Disaster relief efforts provided the rebels with a false sense of bravado emerging out of their successful partnership with international efforts to bring aid to affected communities. Once the existing symbiotic relationship that tethered the insurgents to the government was altered by the promise of foreign relief aid, the insurgents sought to delink themselves from the state apparatus. Thus, the injection of foreign disaster aid into the conflict in Sri Lanka was to upset the existing dependency between the two sides, thereby undermining the potential for a cooperative solution. By failing to take into consideration the broader peace process in their attempts to provide aid to the tsunami-affected areas, the behavior of relief organizations and international agencies reflected the ad hoc and schizophrenic approach that characterizes the international community's engagement with violent insurgencies, with highly deleterious consequences for the Tamil population caught within the renewed fighting.

INTERNATIONAL ACTORS AND CIVIL WAR DYNAMICS

A number of outcomes are possible when an entrenched civil war is impacted by an externally inflicted exogenous shock. One possibility is that the conflict will be unaffected by this external influence, an approach characteristic of much work on civil wars that treats domestic conflicts as bounded within the borders of the affected nation-state. A milder version of this hypothesis states that while an external factor may amplify pre-existing social and political trajectories, it does not redirect the overall arc of the conflict.³ A third approach, and the one I adopt here, argues that external factors are likely to interact with country-specific factors, altering the conflict trajectory in complicated and often unpredictable ways.⁴

While many who study civil war continue to assume a limited role for transnational actors in shaping conflict dynamics, a number of scholars drawing on both empirically oriented analyses and case studies have argued that the impact of transnational factors on ostensibly civil wars can be determinative. Among others, Gleditsch has argued for a greater recognition of this transnational dimension, rejecting 'closed polity' analyses that focus solely on country-specific factors. Adopting the notion of 'bad neighborhoods,' Gleditsch shows how political, economic and cultural linkages between neighbors can increase the risk of conflict onset in addition to affecting the dynamics once the fighting actually begins.⁵ Other scholars have emphasized the effects of economic globalization and the rise in engagements between would-be insurgent leaders and transnational criminal networks that provide access to markets and resources that can sustain an insurgency, while transforming it at the same time.⁶ And others have looked closely at the role of diasporic networks in providing resources that sustain an insurgency over time.⁷

Most relevantly, scholars have documented the impact of disaster aid on an internal civil war. As has been discussed at length, the insertion of the international

aid apparatus into a conflict situation can adversely shift the behavior of the belligerent parties, often in unintended and unforeseen ways.⁸ Drawing on the experiences of Biafra as well as other prominent cases, de Waal shows how the external manipulation of an internal crisis (i.e. the specter of famine) triggered a massive torrent of foreign aid in response. The effect of this massive aid inflow was to extend the conflict by allowing Biafran secessionists to dig in their heels and fight for an additional 18 months.⁹ Anderson identifies this 'substitution effect' as follows:

To the extent that international aid agencies assume responsibility for civilian survival in war zones, the aid they provide can serve to free up whatever internal resources exist for the pursuit of warfare. Furthermore, this can also permit local authorities to define their own roles in terms of military control and, thus, to abdicate their own responsibility and accountability for civilian responsiveness.¹⁰

Thus, analyses of civil war dynamics have demonstrated the often determinative role of transnational actors and forces in shaping domestic disputes

Did the massive deluge of relief aid after the disaster affect the violent engagement between the Tamil insurgency and the incumbent state? If so, how? Generally, recent analyses of the final outbreak of violence have focused on a number of factors internal to the conflict itself. On the government side, the ascendance of a nationalist political party committed to ending the insurgency through violent means conjoined with the adoption of new technologies and strategies of warfare by the Sri Lankan military, providing a greater impetus to those within the government pushing for a military solution. For the insurgents, the effects of a devastating split between the rebellion and its main leader in the east – a division engineered and exploited by the state – cannot be underestimated. However, these analyses of the recent shifts in the conflict in Sri Lanka focus solely on domestic factors, paying little attention to the obvious elephant in the room, i.e. the extraordinary transformation of the situation following the devastating tsunami of December 2004.

While domestic factors are essential to understanding the present situation, and have been fruitfully dissected by scholars of the Sri Lankan conflict, they do not sufficiently address how international disaster aid interacted with the local conflict dynamics, an oversight I seek to address in this paper.¹¹ Part of this failure, I argue, has to do with the difficulty of identifying and disaggregating the relevant micro-level mechanisms and processes affected by transnational actors and forces. In the case of the LTTE, I focus on the rebel civil administration out of a basic conviction that it is this aspect of the insurgent organization that would be most directly affected by the insertion of the international relief apparatus into the region following the tsunami.

I begin by tracing the emergence of a parallel administrative structure within rebel-controlled territories in the north and east of Sri Lanka.¹² I show how structural conditions related to Sri Lanka's position in the global economy combined with

expectations from the Tamil population both in Sri Lanka and abroad, forcing both sides to compromise on service provision within rebel territory. The forced marriage between the belligerents reached its zenith following the cease-fire of 2002 – a period in which the rebel command began to further develop its civil administration in conjunction with the government – leading to a brief peaceful interlude wherein many knowledgeable observers hoped the conflict had finally turned a corner. Focusing on the rebel civil administration allows me to shift attention away from the military strategy to the actual component of the rebel organization that was directly impacted by the potential influx of foreign aid. More importantly, it allows me to shed light on the actual structures concerned with civilian welfare addressed by the ‘substitution effect’ posited by Anderson. Though I do find considerable support for the basic argument, the complexity of service provision in LTTE territories during the war challenges a basic assumption of the effect, i.e. that without foreign aid, insurgents would be forced to deal with civilian governance issues directly. In the case of Sri Lanka, the agreement between the insurgents and the government to share service provision within rebel-controlled territories complicated this picture considerably.

The effect of the tsunami was to alter the dependent relationship between the rebels and the state by raising the possibility of a financial boon for the insurgent leadership. By structuring the aid distribution process in a way that would shore up its own governance structures, the LTTE leadership sought to use the influx of aid to delink civilian welfare concerns away from a reliance on public goods provided by the state. By taking control of the aid distribution process independently of the state bureaucracy, rebel leaders hoped to strengthen the abilities of the civil administration to serve as the legitimate and internationally recognized political authority over the Tamil population. Among the political and military wings of the LTTE, aid from the disaster was viewed as the key to constructing an autonomous governmental apparatus within Sri Lanka, a goal that had long eluded the group due to its need to focus resources on the military effort and its reliance on the government to fill the void.¹³ In essence, disaster relief aid provided the insurgent command with a way to break the informal contract with the state regarding public welfare provision, thereby reducing the motivation to find common ground with the incumbent state to meet the demands of the Tamil population, a dynamic that had long shaped the state/insurgency relationship. The potential influx of foreign aid contributed to the rebel command’s ill-fated calculation that the time was ripe for what amounted to a unilateral declaration of independence – a position clearly untenable to the Sri Lankan state.

BACKGROUND TO THE CONFLICT

The history of the Tamil movement is a clear slide away from a policy of responsive cooperation led by an integrationist political party, to territorially defined autonomy demands, and finally, an all out secessionist war led by a violent insurgency. This history has been recounted in detail by a variety of knowledgeable authors,

but a few issues deserve mention here.¹⁴ At Independence, the majority of the Tamil population, as beneficiaries of colonial divide-and-rule policies, believed their future lay with the nascent Ceylonese nation.¹⁵ At the time, Ceylon had a competitive economy that exported tea, rubber, coconuts and other commercial crops. Under the populist rule of the Sinhala-dominated United National Party (UNP), the government committed itself to providing a wide range of public goods to the entire population including subsidized food, education, medical care, and transportation.¹⁶ However, as early as the 1950s, economic spending could not keep up with the welfare benefits on offer to the population. Instead of making the difficult decision to deal with the root causes of the economic crisis, politicians from both parties, the UNP and the Sri Lanka Freedom Party (SLFP), escalated their ethnic rhetoric to garner support for their respective parties.

These economic and political issues exacerbated tensions between the two communities, as nationalistic Sinhalese politicians sought to place blame for the economic crisis on the Tamil population brought from India as labor in the colonial economy. Though not initially unified, the consequence of this policy was to reify the idea of a single Tamil community, whose leaders began agitating for greater minority protections through efforts focused on the Sri Lankan parliament. By 1972, however, the Tamil community had faced a progressive marginalization of their social position through three decades of unconstrained Sinhala nationalism.¹⁷ The Tamil community took a more strident turn in 1976 with the Vadukkodai Resolution that called for a separate Tamil homeland, renaming their coalition the Tamil United Liberation Front (TULF) to reflect this new position. The hardening of the Tamil position reflected a similar stance within the Sinhala community, which in 1977 brought to power the nationalist government of Junius Jayewardene at the head of a rejuvenated UNP.

The polarization of ethnic identities coincided with a shift in Sri Lanka's position in the international economy as an economic crisis triggered by the rising cost of oil spread across the globe in the early 1970s. An offshoot of this was a loss of faith in state-driven development and a shift to neo-liberal economic policies. Derived from the work of Milton Friedman, these policies emphasized market solutions over state development, and first achieved prominence following the military coup of Augusto Pinochet in Chile. Following Margaret Thatcher's rise in England in 1979 and Ronald Reagan's in the United States in 1980, neo-liberal economics moved from a marginal theory to the official policy agenda of the stewards of the global economic system. Driven by the ideological fervor produced by the Cold War competition, advocates of neo-liberalism began searching for partners with which to test their theories. Having never resolved the persistent economic crisis, in Sri Lanka's Jayawardene they had found an ideal partner.¹⁸

Invested as they were in the success of this economic ideology, advocates of neo-liberalism transformed the International Financial Institutions (IFIs) such as the World Bank (WB) and International Monetary Fund (IMF) into patronage organs that could artificially provide support to governments willing to support liberalization,

ironically relying on subsidies to allied regimes despite neo-liberalism's professed faith in market solutions. Sri Lanka, as the first country in the key Cold War battleground of South Asia to liberalize its economy, was a preferred destination for the largesse of IFIs as well as allied institutions such as the Asian Development Bank (ADB), and donor nations such as Japan.¹⁹ This shift to international financing provided a lifeline to the economically strapped Sinhalese nationalist government, allowing the government to continue its basic public welfare programs. But it also constrained the government's behavior during the war in important ways, which, over time, came to shape the relationship between the state and the emergent rebel army. The most obvious manifestation of this was the inability of radical Sinhala nationalists to take power at the center despite a broad base of support among Sinhala constituencies. Instead, a more moderated nationalism proffered by both the UNP and SLFP competed for dominance over the island's politics obeying the preferences of the international community concerning the ways in which the Tamil insurgency could be engaged.

Unable to win political concessions from the government, a younger generation of Tamils began articulating a more aggressive Tamil nationalism and calling for a violent response to perceived Sinhala oppression. Under the leadership of Vellupillai Prabhakaran, a charismatic 18-year-old from a rural Tamil family in the north, the LTTE emerged as one of several militant insurgent groups jockeying for position to be at the front of the Tamil movement's violent turn.²⁰ The killing of 13 government soldiers by the insurgents triggered widespread rioting against the Tamil population. This led to the outbreak of Eelam War I which began with government forces engaging in fighting with the LTTE in the north of the country. In the south, where large numbers of Tamils had lived alongside the majority Sinhala community for generations, the riots led to a massive emigration of Tamils out of Sri Lanka to the west. Estimates put the size of the Sri Lankan Tamil diaspora at over 700,000 scattered in close-knit communities in North America, Europe and Australia.

As with many war-inflicted refugee flows, many of those who left Sri Lanka at the first signs of the conflict were professionals with resources to flee the country. This community has been financially successful in their adopted countries and they have continued to harbor deep-seated resentment at the suffering they faced in their home country.²¹ This anger motivates the wealthy and not-so-wealthy among the diaspora to contribute substantial resources for the LTTE's efforts, estimated at up to \$2 million a month at its peak.²² Throughout the life of the insurgency, it has received considerable financial and other support from the diaspora, which, according to one report, has contributed as much as 80 per cent of the group's revenues.²³ In addition, the insurgents initially received considerable support from the Tamil population in the neighboring Indian state of Tamil Nadu, who pressured the Indian government to provide support to their ethnic kin across the Palk Strait. Thus, from its earliest phases, the LTTE has relied on international sources for revenue, particularly for civilian welfare issues, one of many parallels between it and the incumbent state.²⁴

ONE TERRITORY, TWO SOVEREIGNS

Insurgents face a number of non-military issues in maintaining their challenge to the state authority. Premier among these is a need to retain support from the civilian population on whose behalf they purport to be fighting. From Mao Zedong to Hamas, insurgent leaders have long recognized that the most expedient way to win over civilian support, particularly in a protracted struggle, is to provide a measure of public goods that take over the functions of the state authority, a process generally referred to as rebel governance.²⁵ By providing a degree of security and a legal system within the territory they control, not to mention education, health and a food supply, insurgent leaders can ensure that the population that they seek to represent does not turn against them in favor of the established state authority or other violent actors. As I have argued elsewhere,²⁶ this is especially true in protracted conflicts where the goal of the insurgency is nothing less than secession, as with the war in Sri Lanka.

However, constructing institutions that normalize civilian life behind rebel lines is an astonishingly onerous logistical task. And during numerous battles across the globe, insurgents have developed a variety of creative structures through which they are able to provide a modicum of political and social order. From the Sudan People's Liberation Movement's attempt to co-opt INGOs during the civil war in South Sudan to the RCD-Goma's appropriation of traditional authority structures in Congo, insurgent leaders continue to devise novel methods for constructing a governmental apparatus, with widely differing results.²⁷

Before the tsunami struck, LTTE leaders had also concocted their own method for providing services to the civilian population of the north and east.²⁸ The rebels first established a civilian administration during tripartite peace negotiations between the group and the Sri Lankan and Indian governments in 1987 that led to the introduction of the Indian Peace Keeping Force (IPKF) in the NorthEast. Prior to this a planning commission did exist within the political office, but did little. The process accelerated dramatically following the departure of the IPKF in 1990 in response to the political vacuum opened by its departure. Following the withdrawal of the Indian peacekeepers, rebel leaders were forced to organize the group to deal with three separate challenges. First, the group was suddenly left in control of much of the north of the country that had been occupied by the IPKF from 1987 to 1990, including the densely populated Jaffna Peninsula. Second, the group was forced to reorganize its internal operations without the patronage of the external state sponsor (India) that had guided the group from its origins. And third, the LTTE had to deal with a renewed outbreak of fighting known as Eelam War II with the rejuvenated forces of the Sri Lankan government, who had honed their counterinsurgent skills by brutally suppressing the violent revolt of the Sinhala nationalist Janatha Vimukthi Peramuna (JVP or People's Liberation Front).

These internal crises forced the rebel leadership to restructure and empower its political wing in order to compensate for the lack of support from India, and to develop a broader-based movement that could handle the rejuvenated GoSL forces.

Claiming the role of the protector of the Tamil people, the LTTE established a 'Tamil Eelam Secretariat' to replace the political office and to serve as the official political wing. The Secretariat gave the group control over 'hotels, transport, education, local bodies, cultural activities, media, and food distribution,'²⁹ while also providing a new source of revenue to offset the loss of Indian support.

However, coming into control of such an expansive territory and large population required the establishment of intricate governmental structures that would drain resources away from the insurgents' military agenda. Even the substantial diasporic resources could not close the gap between civilian needs and rebel resources. Instead, a complex arrangement with the government of Sri Lanka was struck that ensured a relatively high degree of service provision in Tiger-controlled territories, even during the worst days of the civil war. Like the conflict in Sri Lanka, the nature of the LTTE civil administration reflected the negatively symbiotic relationship between the Sinhalese and Tamils who share the island nation. Faced with demands from a Tamil population accustomed to substantial public goods, the insurgency had little choice but to work with the government to establish a joint mechanism that would ensure a continuity of services for the denizens of its territory. A hybrid administrative system that combined both government and insurgent civil and political institutions came to control the lives of civilians occupying the Tamil-dominated areas of the combined north and east province.

There are two obvious questions that come to mind. First, why would any government continue providing services to a population that has violently challenged its sovereignty? And second, why should it allow the insurgency any say in this process? The main reason for the government's approach was the fact that Sri Lanka's economic survival was tied to the generosity of the international donor community, which did not want to be seen as supporting a regime that allowed any embarrassing humanitarian disasters. As long as the Sri Lankan state ensured that the conflict did not affect the performance of the economy and continued to pursue the liberalizing policies promoted consistently by donors since 1977, the international community was content focusing on the economic foundation of the country.³⁰ The fact that the economic base of the country had long been centered in the western province around Colombo made this a surprisingly viable strategy. Thus, under the watchful gaze of the international donor community, which communicated its fear of any negative publicity directly to receptive government officials, the Sri Lankan state had a strong incentive to manage the conflict with the LTTE without allowing any great humanitarian catastrophes. The best way to do this was to ensure the material welfare of the civilian population in the NorthEast, even while engaging in combat with the Tamil insurgents.

Thus, for the first two decades of the conflict, the government was able to develop a viable and growing economy by extricating the conflict-affected areas from any relevance to the country's fiscal health. Essentially, two separate but dependent political and economic systems came into being. One, centered around Colombo, was the preferred face of the neo-liberal Sri Lankan state. The other, limited to the conflict-affected portions of the north and east provinces, was a hybrid

system that mixed together GoSL and LTTE institutions. Until the cease-fire in 2002, this precarious balance prevailed with only one major challenge in 2001 when the LTTE attacked the Colombo international airport, sending financial markets into a tailspin and posing a serious threat to the health of the Sri Lankan economy.³¹

A secondary answer, according to several interviews I conducted with government officials, was that even a tenuous link to the Tamil population that providing services allowed made it worth the effort. Had the government abdicated responsibility to provide services to the Tamil population to the insurgency, nothing would connect the people of the N&E province with the government that always claimed dominion over the entire Tamil community.³² Therefore, the government strategy was to wean the population away from the rebels by providing public goods, a classic counterinsurgency strategy. This approach did not go uncontested. A division existed between Prime Minister Chandrika Kumaratunga and forces within her government that pushed for the cutting off of financial support to areas under LTTE control. While these opposition forces did not have the political power to force her hand, they were able to undermine Kumaratunga's efforts, rendering service provision in the NorthEast less substantial than the other provinces.³³

Finally, the decision to give the group a say in governance questions reflected the recognition by the state that cutting off public goods to the NorthEast would force the rebels to move into more extensive provision of services, further burnishing the group's image as a Tamil government-in-waiting.³⁴ This is why for most of the conflict the government preferred to negotiate with the rebel leaders about service provision, as they feared the possibility that the LTTE could set up a comprehensive parallel administration as a testament to its secessionist credentials. Thus, for both sides, a compromise system that would allow pre-existing institutions to remain while granting the rebels a say in the nature of civilian administration was the only real option.

From its initiation then, the insurgents' civil administrative structure was constituted based on an intricate relationship with the state with which they engaged in battle. On security issues, the LTTE developed its own judicial and policing mechanisms that provided a degree of stability and regularized dispute resolution among civilians. And on public welfare issues such as the provision of education and health, the LTTE relied on assistance from the Sri Lankan government, which continued to provide funds for infrastructure and materials, as well as to pay salaries to government employees working in rebel areas. These employees were vetted and monitored by the insurgents who developed a complex governance apparatus precisely for this purpose.³⁵

This relationship produced both positive and negative outcomes for the insurgency. On one hand, it provided the group with the ability to take care of the Tamil population – a key diasporic demand – without diverting resources from the military operation. On the other hand, it left the condition of civilian livelihoods in LTTE territory open to manipulation by government forces. The most direct tool at the government's disposal was sanctions selectively deployed to demonstrate the state's control over the insurgents, and more importantly, over the territory and

population under rebel dominion. Following the withdrawal of the IPKF and the resumption of fighting between the government and the rebels in 1990, the NorthEast was subjected to an economic embargo encompassing over 60 items including basic consumer, medicinal and other daily goods such as fertilizer.³⁶ This continued until the ceasefire in 2002, and was reinitiated after fighting recommenced in 2006. The embargo had a profound impact on life in LTTE territory, especially in the provision of adequate health care, which required many of the items deemed by the government as having dual purposes, and hence, prohibited by the sanctions.³⁷

With the advent of Norwegian-led peace talks in February 2002, LTTE leaders felt that the time had arrived for a comprehensive solution to the conflict that would, at the minimum, ensure a high degree of autonomy for the areas under their control. But this initial period of détente was followed by an unprecedented spike in violence and the final defeat of the Tamil insurgency by the current government of Mahinda Rajapaksa. In the next section, I examine this stunning turn of events that saw the LTTE, once in control of over a third of Sri Lankan territory, go from the verge of autonomy to non-existence.

THE EVOLUTION OF REBEL STRUCTURES DURING THE CEASE-FIRE

In late 2001, the ascension of Ranil Wickremasinghe running on a pro-peace platform at the head of the United National Front (UNF) led to the declaration of a cease-fire between the insurgents and the government. The cease-fire brought an influx of international agencies and NGOs to the insurgents' vast territorial enclave that they were ill-prepared to deal with. In its earlier manifestations, a secretariat for foreign aid organizations existed within the rebel political office to coordinate humanitarian efforts, but it had a limited scope that reflected the relative paucity of such organizations in wartime Sri Lanka. This was largely attributable to the relatively solid service provision that characterized life in the province before and during the conflict, not to mention the LTTE's suspicion of – and general aversion to – INGOs operating in their territory. Thus, prior to the early 1990s when the fall of the Soviet Union brought about an influx of western money geared directly towards the promotion of so-called 'civil society' initiatives, there were few NGOs in Tiger territory, save for those that came out of the churches or other big charitable organizations.³⁸

Even when INGOs first began trickling into the region in the early 1990s, the vast majority of service provision remained under the shared control of the insurgents and the government.³⁹ The cease-fire, at least in its first and second years, led to hopes by many that Sri Lanka had turned a corner and was deserving of large aid projects to encourage the nascent peace process. A torrent of developmental organizations with money from international agencies such as the World Bank and the Asian Development Bank poured into LTTE-controlled areas of the NorthEast searching for a partner with whom they could implement their development and relief projects.⁴⁰ The perceived need for a rebel 'interim administration' to carry out relief and rehabilitation for the province spurred the development of new structures within

the rebel civil administration as the rebels sought to assert control over the reconstruction process.⁴¹ In effect, the cease-fire initiated the evolution of the LTTE political office into an even more complex structure as the leadership sought to adjust the civil administration in response to the rapid changes affecting the NorthEast.

Supported by the donor community, a detailed proposal to create an Interim Self Governing Authority (ISGA) had been prepared by insurgent leaders in late 2003. But this proposal – designed to give the LTTE a very high degree of autonomy – was never uniformly embraced by the government which was split between the more accommodationist Prime Minister Ranil Wickremasinghe and a more skeptical, now President Chandrika Kumaratunga of the United People's Freedom Alliance (UPFA) who shared power in an uneasy cohabitation arrangement. Instead, the rebel leadership, determined to be perceived as a reliable partner, established a Planning and Development Secretariat (PDS) in January 2004 to coordinate NGO activity within LTTE territory.⁴² According to Maran, an insurgent commander and the managing director of the PDS, whom I spoke with in July 2004, the role of the PDS was to formulate a general development agenda for the province, set standards for any work done, and to guide actors on where and how to set up projects. The PDS required that NGOs be registered, submit their plans for approval, and find a local partner organization, which the LTTE hoped would promote capacity building among their Tamil constituency.⁴³

In early 2003, frustrated with the pace and tenor of the negotiations, the LTTE pulled out of the peace process. Insurgent leaders were concerned that the internationalization of the negotiations was undermining their insistence that the group be viewed as co-equals of the Sri Lankan state. Reconstruction, in their view, needed to address the governance issue and recognize the LTTE as the sovereign actor within the territories that it controlled in the NorthEast.⁴⁴ Still, though rebel leaders had concerns about the peace negotiations, there was a widespread perception that they had no intention to go back to war, preferring instead to focus on an expansion of the organization's governance capacity while continuing to seek a political solution to the conflict. The Nordic monitors remained on the ground, indicating their confidence that neither side was likely to unilaterally take up arms. And at a donor conference in Tokyo in June 2003, over \$4 billion for reconstruction efforts was conditionally pledged, dependent on progress in the peace talks – an incentive that the donor nations hoped would force the two sides back to the negotiating table.⁴⁵ Perhaps most significantly, even the victory of the hard-line UPFA-led coalition in April 2004 did not immediately trigger a resumption of fighting, demonstrating to some degree that the insurgents felt that their best, and perhaps only, option was to remain involved in a political process, no matter how flawed.⁴⁶

THE IMPACT OF THE TSUNAMI

Although Sri Lankan government officials were uncomfortable with the rebel organization highlighting its aid and governance structures as evidence of an

emerging Tamil state prior to the tsunami, they tended to treat these structures pragmatically, as little more than a supplementary aid distribution mechanism rather than as an embryonic state.⁴⁷ Immediately following the disaster, the role of the PDS increased significantly as the region witnessed an almost unimaginable influx of foreign NGOs into the region. Deaths in the province were estimated at over 22,000 and the number displaced was put at over half a million. When the tsunami hit, PDS had only one office in Kilinochchi. The disaster triggered an expansion of the PDS, and district offices were opened across rebel territory to handle the newly arrived aid agencies.⁴⁸ The stated goal of the LTTE following the tsunami, according to a presentation prepared by PDS following the disaster, was to ensure that donors viewed rebel aid distribution structures as the speediest means for implementing policies.⁴⁹ Having already established their capacity prior to the tsunami, the PDS was quickly embraced by a number of international technical agencies including the World Bank, which immediately sent representatives to meet with rebel leaders.⁵⁰

Unsurprisingly, considering their history of cooperation, distribution of tsunami aid brought the newly created LTTE aid distribution structures together with their government counterparts. During the war, the Conflict Affected Areas Program (CAAP) was primarily funded by government allocations and international organizations had little role. However, the Tsunami Affected Areas Program (TAAP) was primarily supported through external funds, leading both sides (GoSL and LTTE) to recognize the importance of working together to maintain control over the process of aid distribution.⁵¹ Initially, a consortium was established comprising representatives from the government, the rebels and INGOs, designed to give all three a voice in regulating the behavior of aid organizations involved in tsunami reconstruction efforts.⁵² All sides viewed it as an opportunity to bring the LTTE into the mainstream, and the rebellion initially earned plaudits for its effective reconstruction programs.⁵³ Negotiations began to establish a joint mechanism that would ensure the participation of the insurgents in the distribution of the substantial financial resources flowing into the country following the tsunami.

Close to three billion dollars was pledged by various donors for disaster relief, but unlike the earlier pledge for reconstruction, the tsunami relief aid was not contingent on any progress in the stalled peace negotiations. This fatal flaw in the negotiations over tsunami aid was due to the resistance by both the insurgency and the government to link tsunami reconstruction with the broader peace process, as advocated by several civil society actors.⁵⁴ Due to the sheer scale of the tragedy and the desire for an expedient response, the international community acquiesced to this demand. For the LTTE leaders, effective partnerships with international organizations during the cease-fire led them to believe that they would be eligible for direct international assistance as the sole actor capable of distributing aid efficiently in the NorthEast. The insurgents' claims regarding its capacity to expediently distribute aid were not mere artifice, but reflective of realities on the ground. Aid workers in the NorthEast whom I spoke with shortly after the tsunami praised the rebel relief operation as far more efficient and transparent than its government counterpart. The government has long been criticized for its

centralizing impulses that seek to transfer to Colombo most of the country's bureaucratic apparatus, rendering it inefficient and incapable of providing relief not only to the NorthEast province, but in the Sinhala majority provinces as well, where relief was held up by political and administrative delays.⁵⁵

Thus, in the immediate aftermath of the tsunami, rebel leaders, fueled by the considerable recognition accorded them by international actors, believed that the political environment had swung in their favor, bringing them to the cusp of gaining recognition as *the* sovereign political authority over the Tamil populations of the NorthEast. They hoped to position the group as co-equals of the GoSL itself, and hence worthy of an equal share of the substantial resources on offer from the international community. This led the government to become wary of the joint mechanism being perceived as support for a rebel governing authority. In particular, the government was uncomfortable with the insurgents' insistence that funds from the donor community be remitted directly to the PDS. Government officials adamantly stated their view that the mechanism should exist solely to facilitate post-tsunami reconstruction with any rebel aid initiatives subordinated to existing government structures. However, inadvertently, the government was also recognizing that LTTE structures were indeed capable of addressing civilian needs, contradicting its desire to also portray the rebellion as antagonistic to civilian welfare. In an interview in early 2005, the late Lakshman Kadirgamar, Sri Lanka's Foreign Minister and the government's highest ranking Tamil minister, demonstrated the ambivalence and ambiguity of the government's position:

The policy of the government and the policy of the international donors has been that funds cannot be remitted directly to the LTTE ... As the scenario unfolds and you come across problems of implementation of projects on the ground, you are going to come across a situation where the line between the allocation of funds on paper and the use of those funds on the ground is not going to be easy to draw in terms of who handles the funds. So the question of whether funds can go directly to the LTTE may become somewhat blurred in the sense that a route may have to be established through which the funds come officially to *the* government and are then given to various organizations operating in the LTTE-controlled areas ... Obviously given the present situation – which has prevailed for some years – the government itself cannot go in and implement those projects on the ground. That is a reality one has to accept, so I see signs of the government, the LTTE and the donors getting their act together, of balancing the two concepts – that funds cannot be given outright to the LTTE for the reason that it is not a state entity, and we do not know what their accounting procedures are and so on – as against the necessity for the LTTE, in its areas, to have a significant hand in the implementation of projects of the government.⁵⁶

Eventually, the LTTE's claim to parity in the aid distribution process was seen as an attempt by the insurgency to undermine the sovereign prerogative of the Sri Lankan state. By attempting to structure the aid distribution process in a way that would

strengthen the rebel civil administration by allowing it to substitute government support with foreign aid, the insurgents were rightly perceived as weakening the limited claim that the government had over the people in the NorthEast province. In July 2005, a month after agreement was reached on a joint mechanism (referred to as the Post-Tsunami Operational Management Structure or P-TOMS) that would have provided the insurgents with a voice in the reconstruction process, its implementation was blocked by the High Court of Sri Lanka. Anti-LTTE forces began to voice opposition to any settlement that further empowered the insurgents. As the government came under fire for the joint mechanism from these internal Sinhala forces, it chose to renege on any prior agreements with the insurgents, arguing successfully that the international community should not legitimize a group it had labeled to be illegitimate. Sinhalese media propounded the idea that the LTTE's maneuvers were an attempt by the insurgency to institutionalize 'through subterfuge the LTTE's own agenda of creeping separatism,'⁵⁷ particularly as the idea received considerable credence from powerful international actors who began visiting the rebel 'capital' in Kilinochchi to meet with the political wing. Radical Sinhalese parties challenged the ruling regime, claiming that by negotiating the joint mechanism, it had been compromised by the international community, thereby empowering the LTTE and undermining the Sri Lankan government's sovereign prerogative.

In short, tsunami-related aid produced an irresolvable tension between the aspirations of the insurgency and the domestic concerns of the government. Following the disaster, the LTTE's expansion of its governance capacity brought it greater international respect and financial resources, convincing rebel leaders that operationally, *de facto* secession was viable. Sensing that their political moment might be fleeting, the rebel leadership seized the opportunity to break free from the handcuffs that tied the organization to the state, particularly on questions of civilian governance. In essence, what the tsunami did was to break the delicate financial dependency of the insurgents on the Sri Lankan state. Untethered to the bureaucratic support of the government, the LTTE made a push for autonomy, calculating that whatever support the government had provided in the past would be substituted by the incoming relief money directed straight to insurgent coffers as per the Joint Agreement. By raising the stakes of the debate considerably, the international community unwittingly undermined the potential for a political solution.

As has become clear, the LTTE's push for autonomy from the Sri Lankan state has been a failure. With the breakdown in the implementation of the joint mechanism combined with an increasingly challenging international environment, the insurgents had little chance of realizing their aspirations for access to a flow of resources directly from the international donor community. Burned by their attempts, rebel leaders decided to pull out of the political process altogether, boycotting the November 2005 election despite the moderate Wickremasinghe's attempt to reclaim power. This decision cleared the way for the radical Sinhalese nationalist Mahinda Rajapakse to come to power on a platform of crushing the Tamil insurgency by any means, an escalation that caused a vicious increase in the

number of civilian casualties in the NorthEast.⁵⁸ But the end of the LTTE is unlikely to spell the end of the conflict between the Tamils and Sinhalese that share an island home. Losing the LTTE as a partner in peace negotiations will likely shift the conflict to a new terrain, unencumbered by the concern for international opinion that the insurgency, particularly in its post-cease-fire phase, demonstrated. Sadly, even if we are witnessing the end of the LTTE, it is likely to be replaced by a new, more erratic form of fighting that few would dare to predict.

CONCLUSION

This paper has sought to demonstrate what happens when a prolonged civil war is affected by a dramatic shift in the relationship between foreign donors and the belligerents involved, in this case triggered by the devastating Indian Ocean tsunami of 2004. By focusing on the micro-level impacts of the influx of foreign aid on the calculations of all sides in the conflict in Sri Lanka, I demonstrate the influential and unintended consequences of this particular intervention on the behavior of both the government and the rebels. Adding support to the theory that transnational factors can shape civil war outcomes, I demonstrate that foreign aid interacted with local dynamics in ways that support, yet complicate, the standard understanding of the 'substitution effect' attributed to such aid inflows.

So what responsibility does the international donor community bear for Sri Lanka's current situation, particularly the suffering of Tamil civilians caught up in the escalation of fighting? On one hand, the LTTE's costly gamble on international aid flowing unimpeded based on humanitarian rather than political considerations displayed a surprising amount of naivety for a group that clearly earned a place among the more sophisticated insurgent operations of all time. International norms that govern relations with Non-State Armed Groups (NSAGs) have long dictated that any overt challengers to a legitimate state sovereign warrant only grudging recognition from the international community, generating confusion in those moments where humanitarian and political imperatives conflict, as was the case in Sri Lanka after the tsunami. Perhaps it should not have been a surprise to the leadership that the promised international money could never be released directly to the group. However, from my interviews with top rebel brass, the group seemed desperate to put its best foot forward with hopes of capturing the significant resources that ultimately eluded them.

On the other hand, it is important to recognize that by negotiating directly with insurgent leaders, the international community falsely fostered the belief within the rebel command that they could delink their governance apparatus from the Sri Lankan state, thus nurturing the doomed play for autonomy. It is fair to debate whether a policy of engagement should have been pursued at all, but the reality is that international agencies frequently need to interact with NSAGs, particularly around humanitarian issues. In general, two countervailing tendencies existed. One, humanitarian NGOs and technical agencies flush with funds from prominent donors such as the World Bank and the Asian Development Bank sought partnership with

LTTE institutions on the ground. Such high level engagement led the rebel leadership to believe that it had finally crossed the threshold for international legitimacy. But such recognition could not overcome the opposing tendency, epitomized by the United Nations,⁵⁹ which began to question the merit of working with a group characterized as terrorists by more than one of its member nations, including the United States government and other states dealing with their own internal insurgencies.

There are two important lessons to take from the Sri Lankan experience. First, while making deals with insurgents in the aftermath of disasters – either natural or man-made – in order to provide relief to civilian populations may be a necessity, it is essential to delimit the specific parameters for such engagements so as not to fundamentally affect the broader conflict dynamics. Ad hoc engagements with no clear sense of the long-term impacts can produce perverse outcomes, as appears to be the case in the aftermath of the tsunami in Sri Lanka. And second, any attempt to deal with insurgents following a disaster must take into consideration the broader political and historical context of the conflict itself. Attempting to detach emergency relief operations from the war dynamics has proven a costly mistake that international agencies continue to make with painful consequences to the intended beneficiaries of the relief programs.

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NOTES

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3. Philip Le Billon and Arno Waizenegger, 'Peace in the Wake of Disaster? Secessionist Conflicts and the 2004 Indian Ocean Tsunami', *Transactions of the Institute of British Geographers* 32/3 (2007) p.412.
4. Charles Tilly, *The Politics of Collective Violence* (Cambridge: Cambridge UP 2003).
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7. Yossi Shain and Aharon Barth, 'Diasporas and International Relations Theory', *International Organization* 57 (2003) pp.449–79; Paul Collier, V. L. Elliott, Håvard Hegre, Anke Hoefler, Marta Reynal-Querol and Nicholas Sambanis, *Breaking the Conflict Trap: Civil War and Development Policy* (Washington, DC and New York: World Bank and Oxford UP 2003).
8. de Waal (note 1); Anderson (note 1); Peter Uvin, 'The Influence of Aid in Situations of Violent Conflict', Development Assistance Committee Informal Task Force on Conflict, Peace and Development Co-Operation, OECD, Paris, 1999; Thomas Weiss, 'Principles, Politics, and Humanitarian Action', *Ethics and International Affairs* 13 (1999) pp.1–20; Branch (note 1).
9. de Waal (note 1) pp.73–77.
10. Mary Anderson, *Reflection on the Practice of Outside Assistance: Can We Know What Good We Do* (Berlin: Berghoff Research Center 2001) p.4.
11. Scholars have examined the relationship between natural disasters and conflicts, but tend to assume that international actors have little role in shaping the eventual outcomes. See for example Le Billon and Arno Waizenegger (note 3).
12. Since the unification of the northern and eastern provinces in 1987, people refer to the combined region, home to the densest concentrations of Tamils in the country, as the NorthEast. In this text I use either 'N&E province,' 'NorthEast,' or 'northeastern' interchangeably to refer to the province. In 2006, the province was again separated into its two constituent parts.
13. Interview with S. Puleedevan, secretary general, LTTE Peace Secretariat, Kilinochchi, July 2004 and July 2005.
14. Stanley Tambiah, *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy* (Chicago: U of Chicago P 1986); Robert Rotberg (ed.), *Creating Peace In Sri Lanka: Civil War and Reconciliation* (Washington, DC: Brookings Institution Press 1999); Karthigesu Sivathamby, *Being Tamil and Sri Lankan* (Colombo: Aivakam 2005).
15. Interview with N. Ethirveersingam, Tamil diaspora activist, Lancaster, CA, October 2005 and Cerritos, CA, February 2006.
16. Donald Snodgrass, 'The Economic Development of Sri Lanka: A Tale of Missed Opportunities', in Rotberg (note 14).
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18. S. Bastian, 'Sri Lanka's International Straitjacket', *Himal South Asian* (December 2006) pp.37–39.
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24. Interview with D. Sivaram, Tamil journalist and activist, Marina Del Rey, December 2004.
25. See Z. Mampilly, *Stationary Bandits: Understanding Rebel Governance*, PhD thesis, UCLA (2007).
26. Ibid.
27. Branch and Mampilly (note 2).
28. During the first four years of the war (1983–87), the LTTE controlled little territory, instead operating alongside existing institutions and focusing mainly on wiping out its competitors. From 1983 to 1987, in areas the LTTE controlled, the administration of justice and the police force remained in the hands of the GoSL. Interview with Ethirveersingam (note 15).
29. Swamy (note 20) p.213.
30. Bastian (note 18).
31. In 1996 and 1997, the LTTE bombed Colombo's World Trade Center, but the attacks were timed to minimize any civilian casualties with only one person killed in both. The effects on the Sri Lankan economy were far less substantial.
32. This was probably a wise decision. After the first Gulf War, Saddam Hussein hoped to punish the northern Kurdish population by cutting off the region from supply lines in the south of the country. Instead of destroying the Kurdish population as he hoped, it triggered the development of an autonomous Kurdish government in the north that only solidified the Kurdish secessionary claims.
33. Interview with Ethirveersingam (note 15).
34. Interview with anonymous Asian Development Bank official, Colombo, June 2004.

35. K. Stokke, 'Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-controlled Areas in Sri Lanka', *Third World Quarterly* 27/6 (2006) pp.1021–40. Mampilly (note 25).
36. M. Sarvananthan, *An Introduction to the Conflict Time Economy of the North and East Province* (Colombo: Point Pedro Institute 2005).
37. Interview with anonymous provincial director of health services, Kilinochchi, July 2005.
38. J. Goodhand and N. Lewer, 'Sri Lanka: NGOs and Peace-Building in Complex Political Emergencies', *Third World Quarterly* 20/1 (1999) pp.69–87.
39. Estimates I heard in the region put the number of INGOs operating in LTTE areas around five or six including the Red Cross, Oxfam and Care. Interview with Nagendran, local resident, Kilinochchi, July 2005.
40. For example, in early 2003, representatives of the ADB met with LTTE leaders in Kilinochchi promising assistance for reconstruction and rehabilitation. See Asian Development Bank, 'ADB President Discusses Sri Lanka's Reconstruction Needs in Conflict Affected North and East', News Release No. 026/03, 2003, online at < www.adb.org/Documents/News/2003/nr2003026.asp > accessed 24 Aug. 2008.
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44. Ibid.; N. Shanmugaratnam and K. Stokke, 'Development as a Precursor to Conflict Resolution: A Critical Review of the Fifth Peace Process in Sri Lanka', in N. Shanmugaratnam (ed.) *Between War and Peace: Deprivation and Livelihood Revival in Sudan and Sri Lanka* (Oxford: James Currey 2008).
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46. One possible explanation for why the LTTE does not go back to war at this point is that its eastern command had split from the group in early 2004 triggering an internal crisis, and weakening the group's overall strength. However, it is important to note that despite widespread acknowledgment that Sri Lanka's security forces had played a role in engineering the split, the LTTE still did not choose to reignite its war with the Sri Lankan state, preferring instead to keep the door open to a political solution.
47. Jayadeva Uyangoda, 'Ethnic Conflict, the State and the Tsunami Disaster in Sri Lanka', *Inter-Asia Cultural Studies* 6/3 (September 2005) p.352 fn. 6.
48. Interview with Mathy (note 41).
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52. Interview with Puleedevan (note 13).
53. Interview with Sivananthan (note 51).
54. Personal interviews; Uyangoda (note 47) p.346.
55. Uyangoda (note 47) p.348.
56. V. S. Sambandan, 'For Equitable Allocation of Funds: Interview with Lakshman Kadirgamar', *Frontline* 22/4 (February 2005) pp.12–25.
57. Uyangoda (note 47) p.346.
58. Human Rights Watch, *Besieged, Displaced, and Detained: The Plight of Civilians in Sri Lanka's Vanni Region* (New York: Human Rights Watch 23 Dec. 2008).
59. For example, in early 2005 Kofi Annan chose to release a critique of the LTTE for using child soldiers through the secretary-general's fifth report on children and armed conflict, undermining the group's incremental progress towards international legitimacy and recognition.