

Ethnic Conflict, the State and Tsunami Disaster in Sri Lanka

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Developments in Sri Lanka after the Tsunami disaster of December 26, 2004 have intensified the country's prolonged political crisis. This deepening crisis is exemplified in the continuing debate concerning the inconclusive efforts being made by the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) to find a framework of cooperation to obtain and utilise international assistance for post-Tsunami rebuilding.¹ The two sides, main protagonists to the ethnic conflict, have competing approaches to the idea of cooperation. Their differences are grounded on the specific conditions of Sri Lanka's protracted civil war. In a situation where an ethnic separatist insurgency has challenged the sovereignty of the state, the government views itself as the undisputed representative of the nation-state of Sri Lanka. In this official perspective, the state should be the primary agency of the post-tsunami recovery process covering the entire country, including the areas held by the LTTE. The LTTE on the other hand considers itself the 'sole representative' of the Tamil nation and the political-military-administrative embodiment of the emerging regional Tamil ethnic state. The fact that people living in the coastal areas that are under LTTE's control have suffered almost equally as in the areas under government control has added to the LTTE's claim that it should be treated as an equal partner with the government in the post-Tsunami recovery and reconstruction process. The dispute arising out of these two perspectives runs deep into Sri Lanka's ethnic conflict. It has in fact delayed the flow of international assistance to Sri Lanka, hampered the cooperation between the government and the LTTE, intensified the politicisation of the post-tsunami recovery efforts and even threatened the continuity of the United People's Freedom Alliance (UPFA) regime.²

One proposal being considered by the government and the LTTE to overcome this stalemate is the setting up of what has been called a 'joint mechanism' to receive and disburse international assistance and implement reconstruction programs. The Norwegian government, which had earlier facilitated a cease-fire agreement and peace talks, has been

¹ The LTTE is Sri Lanka's main Tamil nationalist movement. It has been engaged in a prolonged armed struggle against the state with the objective of establishing a Tamil ethnic state in Sri Lanka's Northern and Eastern provinces. Since early 2002, the LTTE has been engaged in a peace process with the state. A cease-fire agreement signed by the government and LTTE in February 2002 regulates their mutual relations.

² The crisis has become intensified with the reports that President Kumaratunga and the LTTE were likely to sign an agreement on a Joint Mechanism' before the end of the month of April. Mrs. Christina Rocca, the US Deputy Secretary of State urged in Colombo while on an official visit that the government and the LTTE soon agree on a "joint mechanism for tsunami relief, to ensure that assistance finds its way to people who need it, wherever they are in Sri Lanka." (*Daily Mirror*, April 20, 2005). Meanwhile, the *Janatha Vimukthi Peramuna* (JVP), an influential constituent party of the UPFA coalition, has threatened to pull out of the government if the President signed the proposed agreement with the LTTE. According to the JVP, the proposed joint mechanism will endanger the territorial integrity of the country and further erode national sovereignty, because under the proposed mechanism the government will "share its supreme power to handle finances with the Tigers [LTTE]".

assisting the Sri Lankan government and the LTTE in their informal negotiations concerning the nature, powers and functions of the proposed joint mechanism. Spread over a period of three months, these efforts failed to produce a compromise between the two sides until the end of April. Against this backdrop, the actual disbursement of massive official international assistance pledged immediately after the Tsunami have been slow to reach Sri Lanka. President Chandrika Kumaratunga claimed in late March that not even ‘five cents’ of promised official money had reached Treasury. Sri Lanka’s Foreign and Finance Ministry officials have begun to appeal to the international community to turn their pledges into checks and cash without further delay. Yet, the post-tsunami reconstruction process in Sri Lanka appears to be contingent on the progress that the government and the LTTE make with regard to the proposed joint institutional mechanism. The logic of international reluctance to transform pledges into cash emanates from the fact that the international community views Sri Lanka’s post-tsunami recovery process as integrally linked to the resumption of negotiation and re-launching of the peace process.

In this paper I examine how the Tsunami of December 26 re-defined some key dimensions of Sri Lanka’s ethnic conflict and peace processes. I first show how the contending perspectives on the post-tsunami recovery strategies had brought back to the centre of political debate issues of power sharing, regional autonomy, and national sovereignty. I argue that the post-tsunami recovery process has been intensely politicised in a context of the unresolved ethnic conflict and an incomplete, stalled peace process. I conclude with two arguments. Firstly, Sri Lanka’s post-tsunami recovery process necessitates new ways for constructive handling of the ethnic conflict as well as the peace process in what I term as ‘a conflict and peace sensitive’ recovery framework. Secondly, a sustainable recovery process can productively be linked to a program of state reform conceived in a framework of ‘deep federalisation.’ .

The Political Context

The Tsunami disaster occurred in Sri Lanka in a context characterized by a range of complexities associated with the ethnic conflict. The three main ethnic communities of the island -- Sinhalese, Tamil and Muslim – are involved in this intractable conflict. After twenty years of intense civil war, Sri Lanka’s conflict has reached a delicate stage of transformation. A peace process facilitated and supported by the international community is the ‘engine’ that propels this process forward.³ However, when the Tsunami disaster occurred in Sri Lanka was in December 2004, negotiations between the LTTE and the government remained stalled. The peace process that began in early 2002 had two main components: the cease-fire agreement signed in February 2002, and direct negotiations between the two sides. Direct peace talks began in September 2002, and reached a stage of temporary suspension in early 2003. Attempts made by the international backers of Sri Lanka’s peace to revive negotiations failed. However, the Norwegian monitored cease-fire agreement continued even in the absence of peace talks, indicating that unilateral resumption of hostilities was not an option actively explored by either the government or the LTTE. However, in the Eastern province of Sri Lanka, which suffered heavily in the tsunami disaster, there were developments that

³ For the 2002-2003 peace process in Sri Lanka, see Jayadeva Uyangoda and Morina Perera (eds.), 2003, *Sri Lanka’s Peace Process 2002: Critical Perspectives*, Colombo: Social Scientists’ Association.

could have pushed the parties back to war. The sheer magnitude of the Tsunami's destructive impact in a way prevented the possibility of the government and the LTTE relapsing to what may be termed an 'unintended war.'⁴ The overall death toll of the tsunami, which lasted for about twenty minutes, was close to 35, 000, almost the same human cost of the twenty-year long civil war. The tsunami also wiped out cities, villages and communities and turned nearly a million people, most of them poor, homeless. The largest share of this destruction occurred in the Northern and Eastern provinces where the civil war had been concentrated for two decades.⁵

In order to capture the not-so-visible undercurrents of Sri Lanka's ethnic conflict at the time of the Tsunami disaster, a brief discussion on the political-military situation prevailed in the Northern and Eastern provinces by the end of the year 2004 is necessary. The Tsunami waves hit four coastal provinces of the island, Northern, Eastern, Southern and Western. The twenty-year long civil war had been concentrated mainly in two of them, the Northern and Eastern provinces. The civil war had already caused massive economic and social devastation for the people living there. Because of their geographical location, these two provinces were the first coastal areas of Sri Lanka to bear the brunt of the Tsunami waves that were originated in the west of Sumatra. The civil war had also produced a situation of dual political-military administration of these two provinces, the two powers being the Sri Lankan state and the LTTE. The LTTE controlled and administered most of the areas in the Northern province and some areas in the Eastern province. The Tsunami caused severe destruction in the Eastern and North-Eastern coastal belt of these LTTE-held areas. The Sri Lankan state did not have access to most of this coast situated in the so-called 'uncleared areas.' Having established its own armed forces, the police, the judicial and administrative system, and institutions of public service delivery, the LTTE maintained a parallel state structure in this region.

Meanwhile, the Eastern province, which bore the brunt of the Tsunami attack, had some distinct demographic, political and military characteristics. The demographic specificity of the Eastern province is that the population distribution there among the Sinhalese, Tamil and Muslim communities is almost equal, each community representing roughly one-third of the provinces population. However, there are districts and areas with majorities of each ethnic community. In the Tsunami disaster, the Muslim community was the worst ethnic group to suffer in the entire province. Despite the mixed ethnic composition of the population in the province, the LTTE has been claiming the province to be a part what the Sri Lankan Tamil nationalist discourse has termed as the 'traditional Tamil homeland.' The Sinhalese and Muslim communities had resisted this claim of the LTTE. During peace negotiations between the government and the LTTE in 2002, there had been much violence among Tamil and Muslim political groups in the province. The background to this violence was the feeling among the Muslims that the government and the LTTE were working on a 'peace deal' at the

⁴ The notion of 'unintended war' denotes in the Sri Lankan context that although returning to war may not be in the agenda either the government or the LTTE, continuing violence in the Eastern province and the increasing tension between the government soldiers and the LTTE cadres in specific local situations might generate a logic of war that the two sides would not self-consciously encourage.

⁵ The data released by the Sri Lankan government on January 04, 2005 recorded 30, 527 deaths, 15,686 injured, 3,884 missing and 773,636 displaced people throughout the island. Source: <http://www.statistics.gov.lk/Tsunami>.

expense of Muslim interests. Meanwhile, there was another development that turned the Eastern province into the 'weakest link' of Sri Lanka's chain of peace – the break up of the LTTE when its military commander of the Eastern province staged a dissenting rebellion in March 2004. This split led to a wave of internecine violence between the two factions of the LTTE. Most of this violence was concentrated in the Eastern province. In the absence of direct negotiations between the government and the LTTE, the intra-LTTE violence was a recurring source of pressure on the cease-fire agreement. Raising the level of tension in the province, the LTTE leadership had also accused the government's military of providing assistance to the breakaway faction. It is indeed the increasing alteration of the military balance between the Sri Lankan state and the LTTE that posed a formidable threat of war. Sri Lanka's peace process which began in 2002 rested on a delicate military balance between the two sides. The tsunami disaster occurred in a context where this strategic equilibrium was undergoing a process of re-shaping in the Eastern province.

Other than the developments in the Eastern province, there were two other major issues that had made the relationship between the Sri Lankan state and the LTTE in this period particularly non-cooperative and tense. The first is the regime change occurred in April 2004 as a result of the parliamentary election held on April 02. The second is the impasse to which the peace negotiations between the government and the LTTE had reached. In the April parliamentary election, the United National Front (UNF) government, which signed the CFA with the LTTE and had engaged in peace negotiations was defeated. The new government of the United People's Freedom Alliance (UPFA) was less enthusiastic about continuing negotiations with the LTTE while being quite critical of the terms of the CFA, arguing that the CFA favoured the LTTE militarily at the expense of state sovereignty and security. Meanwhile, the impasse in negotiations had developed well before the April regime change, during the UNF regime. It occurred because of the failure of UNF regime and the LTTE to agree on a framework to set up an interim administration in the Northern and Eastern provinces. The idea of an interim administration was mooted in 2002 while the UNF was in power and in negotiations between the UNF-LTTE talks.⁶

But negotiations had remained suspended and all attempts made to revive the talks had failed. The regime change in April 2004 had further delayed resumption of peace talks. Against this backdrop, when the December Tsunami occurred, Sri Lanka was in an uncertain stage of no war-no peace. It became quite clear that the December 26 Tsunami, with its devastating impact on the country, on the North-East as well as the South, postponed any possibility of early resumption of hostilities between the government and the LTTE. However, events after the Tsunami indicated that even the responses to such a massive

⁶ "Interim administration" is one of the controversial concepts emerged in Sri Lanka's political discourse during the 2002-2003 peace process. It simply meant that before the state and the LTTE reached a final agreement of settlement, there should be a transitional administrative arrangement in the Northern and Eastern provinces in order carry out rehabilitation and reconstruction work. However, in the political debate it generated a great controversy because of the competing construction of the 'interim administration' by the LTTE, the government, and others involved in Sri Lanka's politics. While the LTTE conceptualised the interim administration in terms of consolidation of its administrative control over the entire Northern and Eastern provinces as a prelude to final negotiations, the Sri Lankan government was reluctant to accord such importance to an interim administrative arrangement.

human disaster had been fundamentally intertwined with some core issues of the ethnic conflict.

Did the Tsunami alter the existing strategic equilibrium in favour of the state? For weeks, this was one of the major themes in Sri Lanka's post-tsunami political debate. Rumours as well as media reports in the first few weeks of the Tsunami suggested the possibility that the LTTE's supreme leader, Vellupillai Prabhakaran, may have perished in Mullativu along with a large number of his elite personal security. Mullativu is a Northern coastal city where tsunami waves had travelled nearly two kilometres inland and according to government statistics, over 3000 people had died. Some media and defence analysts also argued that the LTTE's Sea Tiger naval wing had suffered severe damage, thereby creating a major setback to the LTTE's military and offensive capacity. These speculations had a significant bearing on the way in which a framework for government-LTTE cooperation would have evolved. The LTTE in its approach to post-tsunami cooperation with the government continued to rely on the argument of strategic parity. The LTTE's claim that it should receive direct international assistance and that it should be recognised by the government as well as the international community as the principal actor in the post-tsunami recovery process in most parts of the Northern and Eastern provinces was essentially based on this self-understanding of being in parity with the Sri Lankan state. On the other hand, from the point of view of the Sri Lankan government, political and humanitarian engagement in the new, post-tsunami phase with a militarily weakened LTTE required a strategic approach in which the Sri Lankan state's claims to exclusive sovereignty could have been re-established. One of the major undercurrents in the relationship between the UPFA government and the LTTE was the competing strategic assessments that the two sides had made about the military consequences of the Tsunami. While the LTTE maintained that tsunami made only a minor damage to its military capabilities, the government interpreted the LTTE's insistence on a joint mechanism for post-tsunami recovery process as an attempt to establish political parity in the face of a new strategic disparity. How did these competing constructions of the relative strength of the two principal protagonists of Sri Lanka's ethnic conflict work themselves out in the post-Tsunami process? The next section of this paper will explore this issue.

Dynamics of Government-LTTE Cooperation

One of the challenges emerged in the immediate aftermath of the tsunami disaster was the need for the government and the LTTE to cooperate in rescue operations and relief delivery. The impetus for cooperation gained strength by the reports that the members of the Sri Lankan army and the LTTE cadres had spontaneously joined forces on a voluntary basis to assist each other in rescue and relief work in the Northern and Eastern provinces. The challenge for the two sides was to transform this ground level, spontaneous collaboration into a formal framework of cooperation. It appears that the President had taken the initiative to suggest to the LTTE the need for such cooperation in a letter sent by her secretary to the head of the LTTE's political wing. The LTTE had also positively responded to this suggestion. The proposed cooperation between the two sides was wider in scope than providing mutual assistance in rescue and relief actions. In fact, rescue and relief work constituted the immediate needs during Phase I of the response to tsunami. A formal framework of

cooperation was required in the subsequent phases of the response process, to meet the medium and long-term challenges of the re-building and recovery efforts.

Tasks during these medium and long-term processes included mobilizing and receiving international assistance, providing help, particularly temporary shelter and other survival needs, to large numbers of families and individuals who were suddenly rendered homeless, repairing of roads, communication networks and other infrastructure, and rebuilding of towns, villages and communities. In the Northern and Eastern provinces, there was a dimension that was not present in the rest of the country. These were areas that had already been devastated by the civil war. There were internally displaced people still living in refugee camps waiting to be re-settled in their original villages or in alternative locations. The towns, villages and social infrastructure in most of the North and East had already been severely damaged by the war. The impact of tsunami in the Northern and Eastern provinces was much greater than in the Southern and western provinces. While the number of deaths in the Northern and Eastern provinces was nearly 22, 000, the population displaced due to tsunami came closer to half a million. There was also absolute poverty in these provinces, induced by the prolonged war. When the tsunami tragedy occurred, there were efforts made through an uneasy framework of cooperation between the Sri Lankan government, the LTTE and the international community, to re-build the war-torn Northern and Eastern provinces. But, due to the inability of the government and the LTTE to evolve an institutional framework to facilitate a joint re-building process, these efforts had not produced any tangible outcome.

The 'post-conflict' reconstruction efforts made prior to the Tsunami had also been mired in an unresolved dispute between the government and the LTTE about the necessary institutional arrangements. The LTTE, during the peace negotiations of 2002 had made a proposal to set up an interim administrative authority in the two provinces to undertake the normalisation process. The LTTE had in fact developed a framework for an Interim Self-Governing Authority (ISGA) which envisaged wide powers to the proposed structure within a framework of extensive regional autonomy. The Sri Lankan government had not agreed to these proposals. The government believed that the LTTE's ISGA proposal far exceeded what the government could envisage as an interim administrative arrangement. A key proposal that the LTTE had pressed for, and the government objected to, was about the autonomy that the LTTE sought in the ISGA in receiving international economic assistance for the North and East. The LTTE proposed a mechanism for receiving international aid directly from foreign governments and international donors, bypassing the parliamentary control at the central government level, on the argument that such a autonomous mechanism would expedite the flow and disbursement of foreign assistance without bureaucratic bottlenecks in Colombo. But the government saw this proposal as a move to bypass the authority of the state in an attempt towards institutionalising through subterfuge the LTTE's own agenda of creeping separatism. The only way to resolve this major dispute was for the two sides to return to the negotiation table. However, the resumption of talks did not occur, due to another major controversy between the UPFA government and the LTTE on the agenda for talks. While the LTTE held the view that talks when resumed should exclusively focus on their ISGA proposals, the UPFA government disagreed. The government wanted the talks to focus on a 'final solution', and not on an 'interim solution' as proposed by the LTTE. Efforts made by

the Norwegian facilitators to resolve this controversy and bring the two sides back to the negotiation table had repeatedly failed.

Against this complex political backdrop, cooperation between the Sri Lankan government and the LTTE presupposed a difficult agenda. At the centre of it was the need to combine the so-called 'post-conflict' reconstruction and rebuilding with the 'post-tsunami' recovery and re-building process. It required a formal framework negotiated between the two parties, because the cease-fire agreement, the only formal agreement that defined the military relations between them, was not adequate to govern the nature and trajectories of this cooperation. It indeed required a new instrument, a new agreement. Civil society groups in Colombo proposed that a general framework of such an agreement should be guided by the notion of 'conflict and peace sensitivity.'⁷ This approach, as proposed by civil society groups, was to be based on the following set of principles:

(i). The tsunami disaster occurred in Sri Lanka in a crucial phase of Sri Lanka's ethnic conflict and peace processes in which the cease-fire agreement was under threat and peace negotiations were in continuing stalemate. Therefore, the December 26 tsunami should not be viewed as a mere natural disaster. In all stages of responding to the tsunami disaster, dimensions of the ethnic conflict and the peace process should be brought into consideration. All communities – Sinhalese, Tamil and Muslim – should be treated on the principle of equity and fairness.

(ii). The Northern and Eastern provinces have suffered by the tsunami more than the other provinces. Therefore government and international assistance in the recovery and rebuilding efforts should be guided by the principle of equity to ensure the people in these two provinces, including those in areas held by the LTTE, would receive a fair share of such assistance.

(iii). The government and the international community should not ignore the role of LTTE in the post-tsunami process in the Northern and Eastern provinces. Rather, they should establish a partnership with the LTTE.

(iv). In the Northern and Eastern provinces, the post-tsunami recovery efforts should be combined with the immediate rehabilitation and reconstruction work in the war-affected communities that remained inconclusive.

(v). Both the government and the LTTE should use the post-tsunami space to begin a new process of political engagement. They should immediately work towards a formal agreement on humanitarian engagement parallel to the cease-fire agreement. This new process of humanitarian engagement should also utilized to renew the stalled peace process.

⁷ For example, see *Polity* (special issue on the Tsunami), January 2005, vol. 2, no.3, Colombo: Social Scientists' Association. The 'Civil Society Message to G8' specifically outlined principles for peace sensitive, multi-partial and consultative recovery process.

While the local civil society organisations as well as international donors argued for linking the post-tsunami recovery process with the peace process, in a rare agreement of approaches, the UPFA government and the LTTE argued that the two processes should be de-linked.

Post-Tsunami Reponses: Limits of State Capacity

The way in which the Sri Lankan state and the LTTE responded to the tsunami disaster laid bare some key issues relevant to Sri Lanka's current debate on state reforms.

Sri Lanka at present has a dual state structure, which is an outcome of the ethnic conflict and the protracted civil war. A parallel Tamil ethnic state exists side by side with the formal Sri Lankan state. Run by the LTTE, this parallel state is confined to some areas in the Northern and Eastern provinces covering the entire Mullaitivu districts and parts of the Jaffna, Vavuniya, Mannar, Trincomalee, Batticaloa and Amparai districts. The response of these two entities to the tsunami disaster revealed different capacities they possessed in managing sudden and complex humanitarian disasters.

The Sri Lankan state, as all the reports indicate, was quite slow to react to the event and as a result the opportunities to reduce the human cost of the tsunami disaster were also lost. Two examples illustrate the unpreparedness as well as the incapacity of the state to respond rapidly. The first is the total inability of the state institutions to warn the people in the coastal areas even after the tsunami waves reached the Eastern coastal belt of the island. Personnel at the Trincomalee Harbour where Sri Lankan state's main naval base is located had also experienced the Tsunami waves, but there has been no reaction from the naval headquarters to warn the country about the impending disaster. The personnel at the Seismic Research Centre in Pallekelle had received the tsunami warning soon after the undersea earthquake had occurred in Sumatra, yet there were no personnel available at the Centre to make use of that information to alert the government and the people. The second example is the train disaster that occurred in the Galle District of the Southern province, which killed over 2500 passengers trapped in the train when the giant tsunami waves hit the Southern coastal belt. According to reports appeared in the media, the engine driver and the personnel operating this passenger train carrying a very large number of commuters on a holiday had sought instructions from the railway operations room in Colombo when they saw the first round of tsunami waves. The instructions they received were to proceed further with passengers, instead of asking people to rush to safety. The train proceeded in its journey and in less than half an hour was trapped amidst the waves, with only a handful of passengers able to save their lives. The fact that Sri Lanka had not experienced a tsunami for centuries, although it is an island, partially explains the total unpreparedness of the state, state institutions and the people as to how to respond to the event when it was occurring. Yet, the unpreparedness was the beginning of a whole process which may be termed 'state failure' in disaster response.

Parallel to the administrative incapacity of the Sri Lankan state was the political incapacity to immediately respond to the tsunami disaster. On December 26, 2004, Sri Lanka's President was not in the country. She was in England on vacation. Some of the key ministers were also abroad on vacation. Among the senior political leaders in Colombo was the Prime Minister

and he immediately organised an official team to coordinate rescue and relief operations at his office. Four days after the tsunami, President Kumaratunga returned to Colombo, dismantled the machinery that the Prime Minister had set up, and established a new entity under her direct control. Called Centre for National Operations (CNO), it was headed by one of President Kumaratunga's trusted advisors. Prime Minister or any other cabinet Minister was not included in the CNO. It was a centralised bureaucratic entity, with no representation from the cabinet or the legislature. The over-centralisation of the immediate government response to the tsunami disaster was largely the result of an intense power struggle that existed at that time between the President and the Prime Minister.⁸

The setting up of CNO as a centralised structure to manage the immediate government response to tsunami in a way reflected the very nature of Sri Lanka's centralised state administrative structure. Sri Lanka has a system of political and administrative devolution of power called Provincial Councils. Except in the Northern and Eastern provinces, elected provincial councils have been in office. In the system of provincial governance, there are institutions of local government that function below the provincial councils. Provincial councils, established in Sri Lanka in 1988, have power and authority derived from the Constitution. Although the constitution grants the councils considerable measure of administrative autonomy, the entire system of devolution is politically centralised and controlled by the central government. In the provincial council system, there have been three impulses for centralisation. The political leadership who control the national government have always been reluctant to devolve powers to the periphery, even though extensive devolution of political power is constitutionally mandated. The bureaucracy in Colombo has also seen devolution of power to provincial councils as resulting in the erosion of their power and authority and successfully resisting the strengthening of provincial councils. Similarly, the elected provincial councils themselves have not been demanding that the powers constitutionally due to them should be devolved. In a political context where the political party system is also nationally centralised and there are no regional political parties, the elected officials of provincial councils have been reluctant to challenge the central government by asserting the constitutionally guaranteed rights and powers of the councils. While creating a centralised structure to manage the post-tsunami process, the government also disregarded the institutions of local government. There was major political-cultural reason for this disregard of institutions of local governance. Many politicians as well as officials who run the central government in Colombo view the institutions of governance in the periphery as inefficient and corrupt. Instead of building the capacities of local institutions, the political-official elite who managed the Sri Lankan state at the centre have a tendency for imposing their decisions and on the periphery, thereby making the institutions of provincial and local government mere agencies of the central government. Against this backdrop, the Sri Lankan government's response to the great natural disaster of tsunami

⁸ The basis of this power struggle was the issue of succession when President Kumaratunga completed her second term as the President at the end of 2005. According to Sri Lanka's constitution, no person can hold the office of the President after the end of two consecutive terms in office. While President Kumaratunga's second term comes to an end in December 2005, the issue of who should succeed her as the party leader remains unresolved. Mrs. Kumaratunga's inclination is to prevent Mr. Mahinda Rajapaksha, the present Prime Minister, from becoming the party leader. It appears that by concentrating the entire machinery of post-tsunami response in her office, President Kumaratunga sought to prevent the Prime Minister from using the post-tsunami process in his campaign to succeed her.

underlined the essentially centralising impulses of the country's political-bureaucratic elites. It in fact highlighted the incapacity of the centralised structure to provide immediate assistance to the affected communities.

This relative incapacity of the state to rapidly respond to the tsunami disaster became immediately evident when the individual citizens, voluntary social groups and non-governmental organisations began to provide essential services to the effected communities within hours of the catastrophe. While the government's administrative machinery remained almost dysfunctional, individual citizens and citizen groups provided the survivors with food, clothes and shelter, organised rescue operations, began to clear the debris, searched for survivors as well as the dead and even initiate international private philanthropic support. In the Western and Southern provinces where the state should have had direct and rapid response to the immediate needs of the affected people, the state machinery took in most instances five to seven days to reach the affected communities. In interviews I conducted in Wadduea and Kalutara in the Western Province and Balapitiya in the Southern province, people reported that even the village level government officials did not visit the affected communities for almost a week. The explanation of the delay made by village officials whom I interviewed is that they did not receive 'instructions' from senior officials or 'from Colombo.'⁹ Local officials also complained that there was no guidance from local political leaders either. The reluctance of village and local level government officials to assist the tsunami affected communities immediately was also due to the fact that they did not know how to respond to a massive humanitarian emergency without official or political guidance. Those officials who later on organised relief delivery operations on behalf of the government had no training whatsoever to manage post-disaster operations. As revealed in my interviews, they were extremely reluctant to take any initiative on their own, because of the fear of making mistakes that could bring them public anger as well as official punishment.

There was a picture of sharp contrast in the interventions made by voluntary citizen's groups and NGOs in providing immediate relief to the tsunami affected communities. Their decision-making as well as interventions had a strong element of flexibility that the state sector did not possess. Many of them could deploy their staff members as well as volunteer citizens within a few hours, without being constrained by the bureaucratic rules – written 'instructions' and 'orders' – as in the state sector. They could also easily tap individual voluntarism and private philanthropy of the fellow citizens. This flexibility of action associated with the NGOs also contributed to government and media criticism. Critics argued that individual and NGO action led to corruption, uncoordinated and unplanned interventions, imbalance in relief delivery without sensitivity to priorities and even endangering national security because of the suspicion that the LTTE could have transported military and war-related equipment in the guise relief goods.

The LTTE's response to the tsunami and its aftermath was conditioned by the specificity of the political and military situation that existed in the areas under the movement's administration. The LTTE has been functioning as a parallel state in parts of the Northern and Eastern provinces. In the areas under the LTTE control, there was no presence of the Sri Lankan state. Because of its military and administrative efficiency, the LTTE could

⁹ Interviews conducted by the author on January 15 and 16, and January 28, 2005.

immediately deploy its cadres and volunteers in the rescue and relief operations. The LTTE also possessed a machinery that has been experienced in managing humanitarian emergencies during the war in previous years. For the relief operations, the LTTE set up, within two-to-three days of the tsunami, district and divisional coordinating committees with representatives from the LTTE, the government's administrative machinery and the local NGOs. Compared with the delayed and inefficient response of the Sri Lankan state, the LTTE's management of the tsunami response presented a picture of total contrast. The LTTE's relief operations were organised by the Tamil Rehabilitation Organisation (TRO) that had been engaged in relief and rehabilitation activities for about twenty years in the war-torn areas.

The LTTE's efficacy and the Sri Lankan state's ineffectiveness in immediately responding to the Tsunami disaster had an identical source: the centralization of decision-making. While the LTTE responded to the emergency with military precision, the government suffered the usual political and administrative delays. However, the centralisation of decision-making relation to both the government and the LTTE was anchored on the assumption of 'humanitarian intervention from above.' This approach has counter-democratic implications, because it is essentially state-centric and it views the affected people, however large their numbers may be, as passive recipients of humanitarian assistance from above. One instance where the arbitrariness of this approach became evident was when the government as well as the LTTE decided, without consulting the affected communities, to ban rebuilding houses within a coastal buffer zone. While the government declared this buffer zone to be 100 meters, the LTTE went several steps ahead with a 300-meter prohibition zone. Paved with good intentions, the buffer zone policy however created panic and fear among people who have already lost their coastal livelihoods. The government's argument that there had already been a coastal buffer zone law and it was merely implementing an existing law exposed the un-human underbelly of the arbitrary and bureaucratic policy regimes in humanitarian reconstruction.¹⁰ What appeared in this instance is that the Sri Lankan government or the emerging regional political entity of the Tamil community did not possess a concept, a mechanism or structures for popular consultation in policy-making.

Specificities in the North and East

The immediate, medium and long-term recovery process in the Northern and Eastern provinces faced major complexities. Overcoming them required from the LTTE a framework to work in cooperation with the Sri Lankan state. Foremost among them, as we have already noted, was the fact that the tsunami devastated a large segment of a society that has been trying to emerge out of destructive consequences of a prolonged war. Almost all the coastal areas that were destroyed by the tsunami waves had already been subjected to social,

¹⁰ In my field visits to affected coastal areas, I spoke to many survivors who had been thoroughly traumatised by the government decision that they would not be allowed to re-build their houses within the buffer zone. For many families, the government's buffer zone policy was a second shock. They had lost everything in the tsunami and what survived was the little piece of land which many of them had occupied, as the government claimed, without ownership or legal rights. But, dealing with human beings in conditions of disaster and trauma requires more than bureaucratic correctness.

economic and humanitarian devastation by the war. The Northern and Eastern provinces also had suffered generalised destruction and the challenge of the recovery from tsunami was a new and massive burden to a society that did not have adequate material, human and technical resources to meet such a gigantic challenge. That assistance had to come from external sources and it required cooperation with the government, because no official external assistance could reach the LTTE directly due to legal and political restrictions.¹¹ This necessitated a framework of collaboration with the Sri Lankan government. This largely explains the LTTE's keenness to negotiate a joint mechanism with the government.

The increasing alienation of the Muslim community in the post-Tsunami recovery process has highlighted the centrality of conflict sensitivity. In areas of the Amparai district in the Eastern province where the Muslim community has suffered massive losses, the state intervention in providing relief and other immediate needs has been minimal. This has been due to two main reasons. The first is the inefficiency of the state machinery in the province. The second reason is the weakness of the deeply divided Muslim political leadership there. However, the affected Muslim communities have begun to interpret the state inaction as deliberate discrimination against the Muslim community. The fact that state agencies had provided assistance to Sinhalese communities and the LTTE's relief agencies have been working primarily with the affected Tamil communities has further reinforced the belief that the plight of the Eastern province Muslim people has been ignored. Meanwhile, the non-inclusion of Muslim political leadership in the negotiations for a government-LTTE joint mechanism has exacerbated the Muslim feelings of exclusion.¹² Although Muslim representatives are likely to be included in the bodies that would be set up under the arrangements of the joint mechanism for post-tsunami reconstruction, the point that the Muslim leaders have made is that they have been excluded from the negotiations. This intensification of Muslim political grievances on the question of the process of joint mechanism has a background. During the peace negotiations in 2002-2003, the Muslim political parties demanded separate representation in negotiations. The position they advocated was that although the civil war had been between the state and the LTTE, any solution to the conflict should be tripartite in character that includes the Muslim community as an equal partner in peace negotiations. However, both the Sri Lankan government and the LTTE have been reluctant to provide Muslim political leaders separate representation at the negotiation table. This backdrop provides the context for the increasing anger in the Muslim community against the non-inclusion of Muslim political leaders in the government-LTTE negotiations on the proposed 'joint mechanism.'

¹¹ After the LTTE was banned in the UK and placed in the terrorist list in the USA, many countries have been reluctant to deal directly with the LTTE. Financial assistance to the LTTE areas for the post-tsunami rebuilding could have come through the TRO, LTTE's humanitarian assistance agency, but the amounts would have been much less than any official assistance to the LTTE that could have come via the Sri Lankan government.

¹² The negotiations for a 'joint mechanism' had primarily been restricted to the government and the LTTE, although these talks were facilitated by the Norwegian government. Even the partners of the government's coalition have not been consulted in these talks. Obviously, this is a wrong process for conflict management. While the controversy on the joint mechanism was raging, Rauff Hakeem, leader of the Sri Lanka Muslim Congress, said that his party would "reject the joint mechanism if the Muslim community was given fair representation." (*Daily Mirror*, April 20, 2005).

Political and Policy Options

There are two crucial issues that have come up in the complexities and controversies that Sri Lanka has confronted in the post-tsunami recovery process. The first is that the responses to Tsunami disaster and the advancement of the stalled peace process are closely interwoven and that they cannot be de-linked. Secondly, effective and sustainable responses to the tsunami disaster require consensus-building across political and ethnic cleavages as well as carrying out state-administrative reforms in the direction of greater federalism and decentralisation.

Concerning the link between the peace process and post-tsunami recovery, however much the Sri Lankan government and the LTTE wish to de-link the two processes for pragmatic reasons, the two processes are integrally linked. Sri Lanka's raging political debate on an institutional mechanism for post-tsunami rebuilding has brought to the centre of attention issues that go far beyond a mere administrative response to tsunami. As this paper pointed out, issues of state sovereignty, power-sharing, regional autonomy as well as inter-ethnic relations are inseparable from that institutional process. Particularly in the Northern and Eastern provinces, post-civil war recovery and post-tsunami recovery are interwoven. Since the two processes are so closely linked, the effective progress in Sri Lanka's overall recovery process requires consensus building across ethnic and political boundaries. Without such a broad political consensus, implementation of any agreement between the government and the LTTE will be enormously difficult, because every step towards implementation would be challenged and contested.

Political-administrative reforms are necessary to ensure popular participation as well as widest possible political involvement in the reconstruction process. Otherwise, the present approach of 'reconstruction from above' will generate popular resistance. Already, affected communities in the areas devastated by tsunami have begun to protest against official and bureaucratic ineffectiveness in the provision of relief. The post-tsunami reconstruction in Sri Lanka is not about constructing buildings, roads and economic infrastructure. It involves rebuilding communities, community lives and livelihoods and enabling nearly a million of people who suddenly found themselves in absolute poverty and destitution. Neither the government nor the LTTE should approach this process, as they appear to do now, from a state-centric perspective. Unless the affected communities are active participants in the exercise of re-building their lives, livelihoods and communities, the rebuilding process will be thoroughly undemocratic. To ensure popular participation as well as of all actors in the political process in post-tsunami re-building, involvement and strengthening of the institutions of local governance is a better and workable option. Re-building local autonomy in the South as well in the North and East will also link the peace process with the tsunami recovery process. Regional autonomy with local autonomy, or 'deep federalisation' of the state in which local autonomy is guaranteed within a framework of regional autonomy, will provide better space for democratising Sri Lanka's twin transition, from civil war to peace and from tsunami disaster to post-tsunami rebuilding.